

**PLANNING STAFF REPORT  
ZONING TEXT AMENDMENT**

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**SUMMARY:**

**Hearing Date:** November 1, 2016 Planning Board (Initial Discussion)  
December 6, 2016 Planning Board (Potential Ordinance Recommendation)

**Applicant:** D. Logan

**Case Number:** ZTA 385-2016

**Text Amendment Proposal:**

D. Logan, applicant, is requesting the approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance. Specifically, the request is to amend Sections 4.7.3 RM: Residential Mixed and Section 4.8.1 PD: Planned Development District and add the definitions of Regional Employer and Retail Commercial Center to Appendix A, Definitions. The proposed amendment intends to adjust density calculations, add flexibility, and provide clear standards on how to obtain density bonuses for multi-family development.

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**RECOMMENDATION**

Staff has worked with the Applicant to conceptualize an amendment to the Unified Development Ordinance that creates an objective method of awarding bonus density for multi-family development in Pender County. The Administrator supports the concept of the Applicant's request, however believes as proposed it may allow too much flexibility to be supported by the current climate in Pender County. Some of these factors include the uncertainty on the completion of the Hampstead Bypass and various other areas of County service delivery such as utilities and school planning. For these reasons, Staff has proposed a similar amendment that may be more supportable under the current conditions and by various adopted plans.

Staff feels the concept of this amendment will provide clarity to the Unified Development Ordinance and may assist in providing enhanced customer service by facilitating a more efficient review process. The amendment appears to be consistent with other areas of the Pender County Unified Development Ordinance and with the 2010 Pender County Comprehensive Land Use Plan. The amendment appears to be supported by one (1) goal and three (3) policies in the 2010 Pender County Comprehensive Land Use Plan. There does not appear to be conflicts with any other approved plans. Staff is recommending a thorough review and discussion on this issue by the Planning Board in order to generate direction for staff to present a recommendation in December.

**AMENDMENT DESCRIPTION**

Currently Pender County allows multi-family development in two zoning districts and limits density to five (5) units per acre. Changes in the development climate, especially regarding the availability of water and wastewater, have facilitated a stronger interest in this type of development in Pender County. Under the current language staff and developers are left interpreting a number of vague standards. One example of this would be the provision for a density bonus for exceptional design in the RM, Residential Mixed zoning district. It is suggested in Section 4.7.3 that a density bonus is allowed, but there is no guidance on how to determine how much of an increase may be appropriate and for what exchange. It is also unclear if this potential density bonus applies to the PD, Planned Development zoning district as well. The proposed amendment aims to provide this clarification.

The Applicant asserts that the current requirements for density calculations are complicated and that the methods for obtaining bonus density is poorly defined. The Applicant researched language and policies from various counties regarding density requirements and provided that information in their narrative. The Applicant's method for density calculation simplifies the process into subtracting wetlands from the calculations and adding back in acreage for collector roads. The Staff version of the amendment is also recommending accommodating collector road acreage, but no additional changes. This is due to the consideration that the comprehensive planning process is currently underway and research associated with this process will likely lead to a comprehensive change in density policies in conjunction with the plan update.

Staff and the Applicant agree that the goal of the amendment is to provide a clear path for an applicant to have the ability to develop up to eight (8) units per acre. Eight (8) units per acre is the maximum density allowable under the 2010 Pender County Comprehensive Land Use Plan in Appendix D. Any request to exceed eight (8) units per acre would require an amendment to the 2010 Pender County Comprehensive Land Use Plan and recertification of the plan by the Coastal Resources Commission in order to fulfill Coastal Area Management Act (CAMA) requirements, and this is not being pursued at this time.

The amendment as proposed by the Applicant offers a vast cafeteria-style plan of options (there are 18) in Section 4.8.1 to earn density by accumulating up to five (5) of the options. The amendment proposed by staff offers the same clarity on how to obtain bonus density, however allows the density to be compounded by earning .0375 acres for each component included in the plan. Each bonus is added to the base five (5) units per acre as displayed on the following chart. Corresponding supporting policies are also displayed below.

	<b>Criteria</b>	<b>Density Credit - To be added to the base 5.0</b>	<b>Corresponding Plan Support for Superior Design &amp; Staff Notes</b>
1.	Workforce Housing	0.375	The Pender County Housing Study supports the need for military housing, rental units, housing for the elderly and low income housing. The 2010 Comprehensive Land Use Plan also supports this in the Housing & Community Development Section.
2.	LID Certification	0.375	Innovative design could be defined and measured through Low Impact Development certification. This is supported in the 2010 Comprehensive Plan.
3.	Pedestrian access within ¼ mile of grocery or pharmacy	0.375	Encourages walkable communities as supported in the 2010 Comprehensive Plan. Easier access to a wider variety of food choices and access to medical care is included in the Community Health Plan.
4.	More than double the parcel is open space	0/375	Encourages the use of cluster development as supported by the 2010 Comprehensive Plan Growth Management & Preferred Growth

			Patterns and Community Design and Appearance
5.	Dedication of land/public facility	0.375	For credit, Public Facilities would need to be included in an adopted plan – such as schools, parks and recreation, fire stations, etc.
6.	Project features a minor or major collector street	0.375	Public street dedication as supported in the 2016 Pender County Collector Street Plan
7.	Historic Restoration	0.375	Supported by 2010 Comprehensive Plan Growth Management and Natural Resources Protection Sections
8.	Proximity to regional employer	0.375	Supported by 2010 Comprehensive Plan Growth Management
9.	Innovative Stormwater Design	0.375	Potentially retaining additional water on site could generate credit for additional density.

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## EVALUATION

As prescribed in the Pender County Unified Development Ordinance Section 3.18.5, in evaluating any proposed Ordinance text amendment, the Planning Board and the County Commissioners shall consider the following:

- 1) The extent to which the proposed text amendment is consistent with the remainder of the Ordinance, including, specifically, any purpose and intent statements;
- 2) The extent to which the proposed text amendment represents a new idea not considered in the existing Ordinance, or represents a revision necessitated by changing circumstances over time;
- 3) Whether or not the proposed text amendment corrects an error in the Ordinance; and
- 4) Whether or not the proposed text amendment revises the Ordinance to comply with state or federal statutes or case law.

In deciding whether to adopt a proposed Ordinance text amendment, the central issue before the Planning Board and County Commissioners is whether the proposed amendment advances the public health, safety or welfare and is consistent with any adopted County Land Use Plan documents and the specific intent of this Ordinance.

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### 2010 Comprehensive Land Use Plan Compliance

There are no conflicting policies within any adopted land use documents for the proposed Zoning Text Amendment. This Zoning Text Amendment request is consistent with one (1) goal and three (3) policies of the 2010 Comprehensive Land Use Plan and conflicts with none.

The following goals and policies within the plan may be relevant to the proposed Zoning Text Amendment:

**Growth Management Goal 1A.1** Manage the physical growth and development of Pender County by promoting more intensive land uses in key locations identified for such growth while preserving and protecting the unique physical character and social assets of the predominant rural lifestyle and coastal environment that makes the County a unique place to live.

**Policy 1A.1.2** Encourage development in areas where the necessary infrastructure – roads, water, sewer, and schools - are available, planned or can be most cost effectively provided and extended to serve existing and future development.

**Policy 1A.1.4** The County should develop and utilize innovative and flexible land planning techniques that encourage developments to efficiently use land resources that result in more compact urban areas, infill development, redevelopment, and the adaptive re-use of existing buildings.

**Policy 3A.1.2** To the extent possible, incorporate more flexible zoning categories that establish performance standards and do not exclude uses as much as encourage compatible co-location of uses to encourage sustainable land use patterns.

There are no conflicting policies in the 2010 Comprehensive Land Use Plan.

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**RECOMMENDATION**

Staff feels the concept of this amendment will provide clarity to the Unified Development Ordinance and may assist in providing enhanced customer service by facilitating a more efficient review process. The amendment appears to be consistent with other areas of the Pender County Unified Development Ordinance and with the 2010 Pender County Comprehensive Land Use Plan. The amendment appears to be supported by one (1) goal and three (3) policies in the 2010 Pender County Comprehensive Land Use Plan. There does not appear to be conflicts with any other approved plans. Staff is recommending a thorough review of this issue by the Planning Board in order to generate direction for staff to present a recommendation in December.

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**BOARD ACTION FOR ZONING TEXT AMENDMENT**

**Motion:** \_\_\_\_\_ **Seconded:** \_\_\_\_\_

**Approved:** \_\_\_\_\_ **Denied:** \_\_\_\_\_ **Unanimous:** \_\_\_\_\_

Williams: \_\_\_ Fullerton: \_\_\_ Baker: \_\_\_ Edens: \_\_\_ McClammy: \_\_\_ Nalee: \_\_\_