

# Pender County Planning and Community Development

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## MEMORANDUM

**To:** Planning Board  
**From:** Planning Staff  
**Date:** December 6, 2016  
**RE:** Density Zoning Text Amendment

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### History

On September 16, 2016 Staff received a formal application to amend the density calculation as well as the maximum allowable density in the Pender County Unified Development Ordinance. The applicant asserts that the intent is to simplify the County's density calculations and increase the allowable units per acre within the RM, Residential Mixed and PD, Planned Development zoning district.

In subsequent weeks following the submitted application, staff worked with the applicant and their agents towards workable language to present to the Planning Board. At the November 1, 2016 Planning Board meeting, the Board decided that this issue would be best suited for further discussions of the Zoning Text Amendment Committee (Attachment 1). This subcommittee is tasked with further examining the proposed Ordinance language submitted and potential impacts this amendment could bring. The subcommittee met on November 18, 2016 to further discuss this issue. No decisions have been rendered regarding a recommendation at this time.

### Current Calculation

Density calculations are only used in the PD, Planned Development, and RM, Residential Mixed zoning districts under the current Unified Development Ordinance (Section 4.8.1.C Number of Dwelling Units). It is a "net" calculation:

Total tract acreage and subtract to get "developable area":

- Non Residential Areas
- Total Wetlands
- Rights of Way and Parking Areas
- Open Space (Active and Passive)

Divide number of units by "developable area" = Density

## 2010 Comprehensive Land Use Plan

Any zoning text amendment must be compliant with the Coastal Resources Commission certified 2010 Pender County Comprehensive Land Use Plan. Therefore, in analyzing the appropriateness and forming a recommendation of the proposed amendment it is imperative that a full review of the Comprehensive Land Use Plan is considered.

### *Future Land Use Designations*

Anywhere in Pender County designated as Mixed Use Future Land Use Classification could be rezoned to PD, Planned Development or RM, Residential mixed zoning districts as this classification supports higher densities (Attachment 2). Further examination of the Mixed Use Locations will be necessary to determine the appropriateness of the density limitations.

*Mixed Use land designation designates locations where a mixture of higher density/intensity uses is to be encouraged. Mixed Use areas should be characterized by physically and aesthetically unified developments containing a mixture of commercial, office, institutional, and high- and medium-density residential uses, arranged in a walkable, compact, pedestrian and transit friendly manner.*

*Mixed Use areas are intended to help reduce sprawl by concentrating a mix of uses in convenient locations; by promoting an efficient sustainable pattern of land uses, and by providing most of the goods and services needed by residents in a coordinated, concentrated manner. Mixed Use areas are intended to reduce the number and length of auto trips by placing higher-density housing close to shopping and employment center. They also should function to improve the quality of life for residents living in higher density housing by placing daily conveniences, shops, and employment within walking distance; the road network within Mixed Use areas should be designed to ensure that adjacent residential areas will have direct access to the non-residential portions of the mixed use center in lieu of entering and exiting through thoroughfares and/or collector streets. Developments should provide or contribute to a pedestrian and road network that connects nonresidential and existing residential uses (multi family and single-family) developments. Mixed Use areas are designated within the Coastal Pender and Rocky Point Small Area Plans.*

2010 Comprehensive Land Use Plan

### *Policies of Support*

There are numerous policies within the Comprehensive Land Use Plan which encourage clustering development and higher density (Attachment 3). Many of the density incentives recommended in the plan include innovative and compact mixed-use design, bonuses for public facilities, bonuses for workforce housing and the encouragement of clustering in neighborhoods. The density recommendation is to include higher density projects in the Scotts Hill area and the southeastern portion of Pender County, as well as, growth in and around the I-40 / US 117 and NC 210 intersections in Rocky Point.

The chart which identifies 8 as a maximum density may be seen in Attachment 4. The allowable density in the Unified Development Ordinance can be increased to 8, otherwise re-certification through the Coastal Resources Commission is required to achieve compliance.

Policies which are supporting the density bonus (more than the identified 5 units per acre) can be seen in Attachment 5. These are the same that were included in the Planning Board discussion for Case 385-2016.

## **Potential Changes**

1. Change the formula (calculation of density)
2. Change the maximum density from 5 to 8 du/acre
3. Add additional criteria in which could be used to obtain higher than 5 du/acre
4. Any combination of 1-3

There needs to be consensus regarding which changes or combination of changes are appealing to the Planning Board so that staff can generate a recommendation. At the subcommittee meeting on November 18, 2016, the group was leaning towards amending the formula for simplicity, as well as, including specific criteria to achieve more than 5 dwelling units per acre.

### *Potential Formula Changes*

1. Amend to a simple gross calculation: (total tract acreage/ number of units) = density
2. Amend to give credit (not subtract):
  - major or minor collector streets
  - non-residential areas
  - parking areas
  - wetlands

Therefore the only subtraction would be subtracting out the open space. Then divide acreage by number of units to calculate density.

### *Potential Additional Criteria for More than 5 Units Per Acre*

If additional credits or incentives are deemed appropriate by the Planning Board, a specific decision regarding how the density is calculated with these bonuses is imperative. Applicants and staff need to be clear on how the items provided interact with the earning potential of density bonuses associated with each. This could be additional densities given for a number out of the total (example: 3 items out of 15 on the list) in order to relay how much additional 'bonus' is given depending on what the developer does above and beyond. For example, if the developer donates park land, builds a school and clusters the development should they be allowed 8 units per acre or should it be a certain amount of credits per item above and beyond the regular density, for instance adding 0.5 dwelling units/acre for each item. These themes are included in Attachment 5 and seen below;

1. Workforce Housing
2. Low Impact Development
3. Pedestrian Access
4. Additional Open Spaces (more than double required)
5. Public Facilities
6. Major or Minor Collector Street
7. Historic Preservation
8. Proximity to a Major Employer
9. Innovative Stormwater Design

The applicant did submit additional items to the 9 listed above to total 18 different 'credits'. This comprehensive list can be seen in Attachment 6. As some may be combined, and all must be compliant with the 2010 Comprehensive Land Use Plan staff has recommended the 9 above for consideration.

**Attachments**

Attachment 1 Staff Report for Application (Case 385-2016)

Attachment 2 Comprehensive Land Use Plan Maps

Attachment 3 Density References in 2010 Comprehensive Land Use Plan

Attachment 4 Density Chart for Future Land Use Designations

Attachment 5 Criteria for Density Bonuses Supported by Comprehensive Land Use Plan

Attachment 6 Applicant's submittal for Criteria for Density Bonus