

REQUEST FOR BOARD ACTION / CONTRACT CONTROL FORM

Tracking Number: 23.

Date of Request: February 4, 2008

Date Request Received:

Board Meeting Date Requested: February 18, 2008

Board Meeting Date Assigned:

Short Title: Pender County, Applicant, Is Requesting A Review Of A Series Of Text Amendments To The Pender County Zoning And Subdivision Ordinances To Slow The Rate Of Growth In The County.

Request Status:

- Request is proceeding to Board of Commissioners
- More information is needed – see attached
- Request on hold – no further information needed
- Other:

Background: At the November 19, 2007 Board of Commissioners meeting, planning staff was instructed to research methods to slow the rate of growth in the county. Staff has researched certain methods that will require ordinance amendments and have submitted them for review.

(Administrative Use Only)

Specific Action Requested: The Board of Commissioners is requested to hold a public hearing for the referenced text amendments.

CONTRACT TYPE

Requested by: Planning Staff
Department: Planning Department
Title: Planning
Contact Phone: 910.259.1202
Contact Fax: 910.259.3735

- Renewal
- For Service(s)
- Intergovernmental – County as Grantee
 - Federal Grantor
 - State Grantor
 - Grantor
- County as Grantor
 - County Funds
 - Other Funds:
- Revision
- For Equipment

PURCHASING Budgeted Item: Yes No
Date Rec'd: Reviewed and Approved
 Comments on Reverse

Date Sent:

Signed:

ATTORNEY Reviewed and Approved
Date Rec'd: Legal Problem(s)
 Comments on Reverse

Date Sent:

Signed:

FINANCE Sufficient Funds Available
Date Rec'd: Not Available
 Budget Amendment Necessary
 Budgeted Amendment is Attached
 Comments on Reverse

Date Sent:

Signed:

CLERK Signature(s) Required:
 Board Chairman/County Manager
 Other:

Date Rec'd Approved by Board: Yes No
At meeting on

INTRODUCED BY: Planning Staff DATE: February 18, 2008

ITEM NO: 23.

Pender County Zoning Ordinance and Subdivision Ordinance Text Amendments

SUBJECT: Zoning and Subdivision Ordinance Text Amendments

ACTION REQUESTED: Consideration of a series of text amendments to the Pender County Zoning Ordinance and Subdivision Ordinance to slow the rate of growth in the county as instructed by the Pender County Board of Commissioners at the November 19, 2007 meeting.

HISTORY/BACKGROUND:

Description of Request: The request consists of amending the current Pender County Zoning Ordinance and Subdivision Ordinance in order to provide for increased staff and Board review periods, local traffic impact requirements, and lower densities in the Planned Development zone. At the November 19, 2007 meeting, the Pender County Board of Commissioners instructed planning staff to review methods to slow the rate of growth in Pender County. Staff has concluded that specific amendments are needed to accomplish these measures, and therefore have drafted a number of changes for consideration in addition to a summary of height limits in coastal areas. Specifically, the changes may affect the following ordinance sections:

Zoning Ordinance:

Section 3.5 A Public Hearings
Section 5.2 B Application
Section 5.4 Action by the Board of Commissioners
Section 9.14 Commercial (all non residential) Development Standards and Site Plan Review
Section 15.2 Application and Fees
Section 17.3 A (1) Applicant Action

Subdivision Ordinance:

Minor Subdivisions – Approval Requirements
Major Subdivisions – Submission Requirements and General Provisions, item 1
Final Plat – Submission Requirements and General Provisions, item 1

The document attached to this resolution contains the specific language that is proposed to be amended within the ordinances.

Staff has met with the NCDOT and the Wilmington Metropolitan Planning Organization (WMPO) to discuss how to amend the county ordinances to achieve the board's desires regarding Traffic Impact Analysis (TIA). It appears that the county can easily adopt a lower vehicle trip threshold that would trigger the requirement to conduct a TIA. However, the county would need a professional review of any TIA that is required outside the scope of the NCDOT requirements for a TIA. The WMPO has already agreed to review TIAs that fall within the MPO boundary. However, the county will need to contract with a transportation planning consultant to review TIAs that fall everywhere else within the county, outside of the WMPO boundary.

At the January 8, 2008 Planning Board meeting, both the Board and general public voiced concerns relating to the requirement for project applicants to hold their own public meetings. These concerns included the methods of notification, the geographic boundaries of residents to be notified, structure of the meeting, timing of meetings, and inclusion of certain groups to be notified. Staff recommends that if a public meeting requirement becomes adopted that the applicant would have to follow the same procedure as staff currently follows when notifying adjacent landowners of a public hearing. This process includes a mailing of the project's legal notice to the property owners who are directly abutting the subject property, advertising the proposal in the Pender Post and Topsail Voice, and placing a notification sign on the project site.

Zoning Ordinance

Section 3 – Administration

3.5 A Public Hearings

Any case involving an appeal or variance requires a public hearing to be held by the Board of Adjustment. Any case involving a change of zoning district classification, vested rights, or other zoning ordinance amendments, requires a public hearing before the Planning Board, which shall make recommendations to the Board of Commissioners.

The Planning Staff shall have a minimum of forty-five (45) days and a maximum of sixty (60) days to prepare any case for public hearing.

Section 5 – Changes and Amendments

5.2 B Application

An application for any change or amendment shall contain all the information deemed necessary by the Zoning Administrator, Planning Board or Board of County Commissioners and a description and/or statement of the present and proposed zoning regulation or district boundary, and the name(s) and address(es) of the owner(s) of the property involved as required by general statute. Such application shall be filed in the Planning Office no later than forty five (45) days prior to the meeting of the Planning Board at which the application is to be considered. The applicant shall be required to schedule a pre-submittal meeting with Planning staff no later than thirty (30) days prior to submission to discuss the request. In cases of zoning map amendments, the applicant shall be required to provide notification to adjacent landowners of the proposed map amendment and to provide verification of these notifications to planning staff upon submission of the application and materials.

The applicant shall provide an accurate legal description or a map drawn to scale showing the property boundaries that are to be rezoned, in sufficient detail for the rezoning to be located on the Official Zoning Map

5.4 Action by the Board of Commissioners

Before taking such lawful action as it may deem advisable, the Board of Commissioners shall consider the Planning Board's recommendations on each proposed zoning amendment. If no recommendation is received from the Planning Board within sixty (60) days of submission to the Planning Board, the proposed amendment shall be deemed to have been approved. The Board of Commissioners shall call its own public hearing, but in any case the decision must be rendered within one hundred twenty (120) days after the decision of the Planning Board. The proposed zoning amendment shall be placed on the Board of Commissioners meeting agenda no earlier than the month following the Planning Board decision. The applicant, the Planning Board, and the Zoning Administrator shall be given written copies of the board's decision and the reasons

therefore.

Section 9 – Supplementary District Regulations

9.14 Commercial (all non residential) Development Standards and Site Plan Review

All proposals for commercial development shall be submitted to staff, along with applicable items as described below, to staff for review. Planning Staff shall have at least thirty (30) days to review any commercial development proposal.

All commercial developments shall be designed and the site plans reviewed by the Zoning Administrator for compliance with the following development criteria.

Section 15 – Special Uses

15.2 Application and Fees

Applications for Special Use Permits, signed by the applicant, shall be addressed to the Board of Commissioners. A nonrefundable fee for such application shall be paid at the time of application according to Section 3 of this ordinance.

A completed application shall be submitted to the planning office no later than forty-five (45) days prior to the Board of Commissioners meeting at which the case is to be considered. The applicant shall be required to schedule a pre-submittal meeting with Planning Staff no later than thirty (30) days prior to submission to discuss the request.

Each application shall contain or be accompanied by such legal description maps, plans, and other information so as to completely describe the proposed use and existing conditions; and the following as stipulated by the Pender County Board of Commissioners and Zoning Administrator.

The applicant shall be required to provide notification to adjacent landowners of the proposed special use request and to provide verification of these notifications to planning staff upon submission of the application and materials.

Section 17 - PD Planned Development District Requirements

17.3 A 1) Applicant Action

The applicant shall have a pre-submission meeting with Planning Staff at least (60) days prior to the submission of a complete Master Land Use Plan to allow for a complete staff review and recommendations for necessary changes to the plan.

The applicant shall be required to provide notification to adjacent landowners of the proposed Master Land Use Plan and to provide verification of these notifications to planning staff upon submission of the application and materials.

The applicant shall submit the necessary copies of the Master Land Use Plan and supplementary materials to the Zoning Administrator at least (45) days before the regular meeting of the Planning Board at which the Master Land Use Plan is to be considered. The Zoning Administrator shall place the Master Land Use Plan on the agenda of the next regular meeting of the Planning Board and contact the Planning Board Chairman as to the receipt of the Master Land Use Plan and shall present the Planning Board with copies of said plan and materials.

If rezoning is a prerequisite of Planned Development approval, the Zoning Administrator will advertise for a public hearing and follow the standard zoning ordinance amendment requirements in accordance with Section 5, of the Pender County Zoning Ordinance. The rezoning process shall be fully completed prior to the submission of the Master Land Use Plan.

A file of all required information and any other pertinent material shall be kept in the Planning Office.

Subdivision Ordinance

MINOR SUBDIVISIONS (pg 20)

Approval Requirements:

Shall follow the same submission requirements and general provisions for major subdivisions.

MAJOR SUBDIVISIONS

Submission Requirements & General Provisions

1. Completed plats, application, fees and other required data must be submitted 45 days before a scheduled Planning Board meeting.

FINAL PLAT

Submission Requirements and General Provisions

1. The final plat shall be reviewed and approved or disapproved and notice of action taken provided to the applicant within 30 working days of completed submission. When the final plat is approved the signed original will be provided to the applicant and a signed copy placed in the Record File for subdivision.