

REQUEST FOR BOARD ACTION / CONTRACT CONTROL FORM

Tracking Number: 13

Date of Request: October 13, 2008

Date Request Received:

Board Meeting: October 20, 2008

Board Meeting: October 20, 2008

Date Requested:

Date Assigned:

Short Title: Discussion-Zoning Ordinance Revisions: Conduct A County-Wide Rezoning By Deleting Flood Hazard Area Zoning Districts, Rezoning Certain Parcels According To A Prescribed Method And Create A Flood Hazard Overlay District.

Request Status:

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

Background: During its October 7, 2008 meeting, the Planning Board developed a consensus to amend the zoning ordinance to include performing a County-wide rezoning by deleting the Flood Hazard Area District and rezoning certain affected parcels to a particular zoning district according to the attached methodology. A concurrent implementation of a Flood Hazard Area Overlay District is also included. Detailed explanations, examples, methodology and proposed ordinance amendments are attached.

(Administrative Use Only)

Specific Action Requested: Discuss proposed amendments and direct staff to schedule a public hearing for zoning ordinance and map amendments during the Planning Board's December 2nd meeting.

CONTRACT TYPE

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

Requested by: Patrick Davenport
Department: Planning Department
Title: Director
Contact Phone: 910.259.1529
Contact Fax: 910.259.1295

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

To: Pender County Board of County Commissioners
From: Patrick T. Davenport, Director
Date: October 8, 2008
RE: Discussion: Comprehensive Zoning Map revisions- FA and FA_Dash Districts

Several years ago the County implemented a new zoning district titled Flood Hazard Area (FA). This district mirrored the Flood Hazard Areas (FHAs) delineated on the (then) current Flood Insurance Rate Maps (FIRMs). Since then, the FHAs have been revised by the Federal Emergency Management Agency (FEMA) but the FA District lines did not get revised in concurrence. Some confusion and misunderstandings exist in the original intent of the FA District and how the district boundaries are to be revised when the FIRMs are revised. Additionally, it is an unusual and counterintuitive planning and zoning practice to establish a "stand alone" zoning district in which a federally approved flood hazard area determines the zoning district's boundaries. The County has a Flood Damage Prevention ordinance which ties its regulations to the current boundary and designations as shown on current FIRMS not the FA zoning district

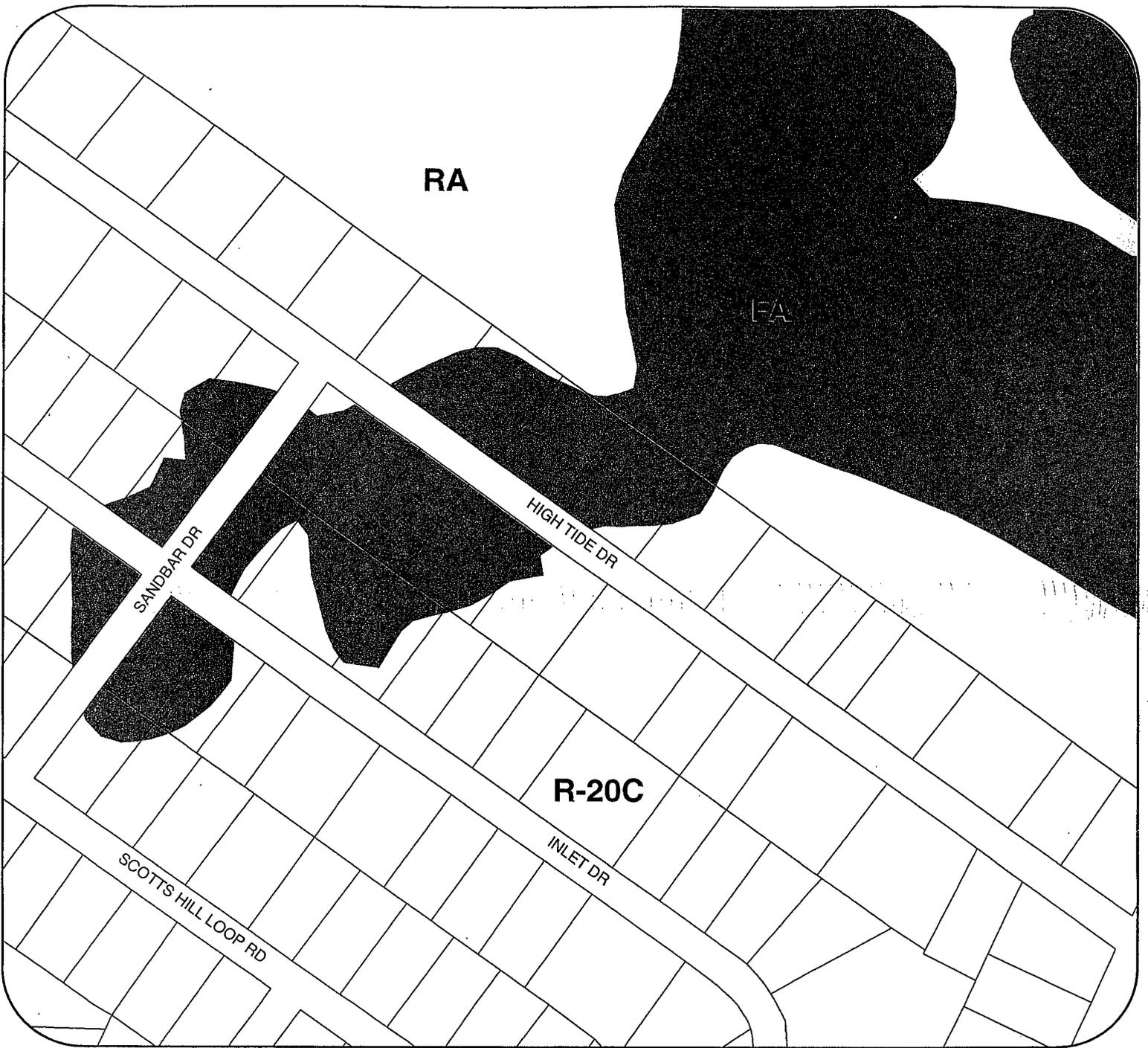
In many instances, several properties have had their property's removed from the FIRM flood hazard area designation due to recent revisions but they still have the Flood Hazard zoning district designation. At the current time, staff must still apply (usually more strict) FA district regulations to properties containing the designation even though the property's designation of a flood hazard area may have been removed from the federally designated FIRM.

Staff is proposing a comprehensive zoning map revision which will eliminate the FA and FA_Dash zoning district and rezone the affected parcels to the most appropriate district according to the attached methodology. Also, staff is proposing the attached ordinance amendment which establishes a Flood Hazard Overlay District to replace the FA and FA_Dash zoning districts. The Flood Hazard Overlay District would be revised concurrently when the FEMA FIRM's are revised. The Flood Damage Prevention ordinance is still in effect and would be referenced by the new Flood Hazard Overlay District.

Staff is requesting the County Commission discuss this matter during the October 20, 2008 meeting and direct the Planning Board to hold a public hearing for their December 2, 2008 meeting. Staff is available for questions, input and recommendations.

Methodology

1. Extraction of the existing FA and FA_dash attribute from the current zoning layer.
 - a. This represents approximately 182,062.14 acres or 34% of the county's total zoning area
 - b. Currently the FA and FA_dash include hydrologic and roadways
2. The current tax parcels were CLIPPED with the FA and FA_dash areas
 - a. This process produces the parcels that will be affected by the zoning update
 - b. 8,395 parcels will be affected, with 170,573.16 acres will have a zoning change
3. Each of the 8,395 parcels were assigned a new zoning classification with these variables used to assign the new classification
 - i. If a parcel intersected with 1 zoning classification- the parcel was assigned that classification (see example 1-a , 1-b)
 - ii. If no zoning existed in the area, then a down zone of RA was assigned to the parcel (see example 3-a, 3-b)
 - iii. In a few cases where the parcel was truly split 50-50, then the portion that was FA and FA_dash was down zoned to RA and the remainder of the split zone held the original zoning classification (see example 2-a, 2-b).
4. The newly assigned zoning classification does not include streets and hydrologic features
5. This only affects the **UNINCORPORATED** portions of Pender County.



1 inch equals 250 feet

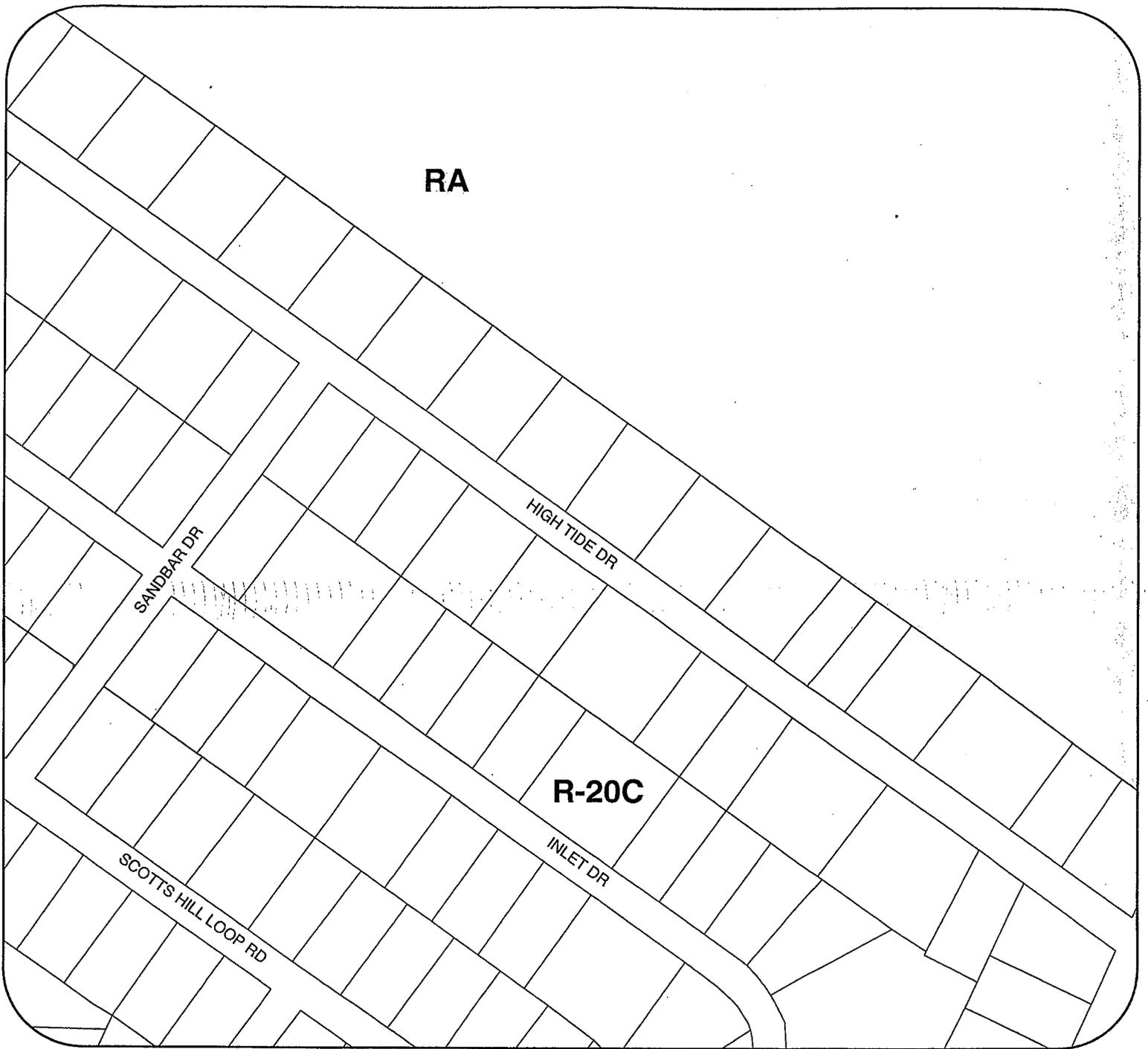


Flood Hazard Area Rezoning

Example 1-A

Legend

FA and FA_dash Areas	R-10
Zoning Classification	R-15
B-1	R-20
B-2	R-20C
B-3	RA
I-1	RT
I-2	WSCA
PD	WSPA



1 inch equals 250 feet

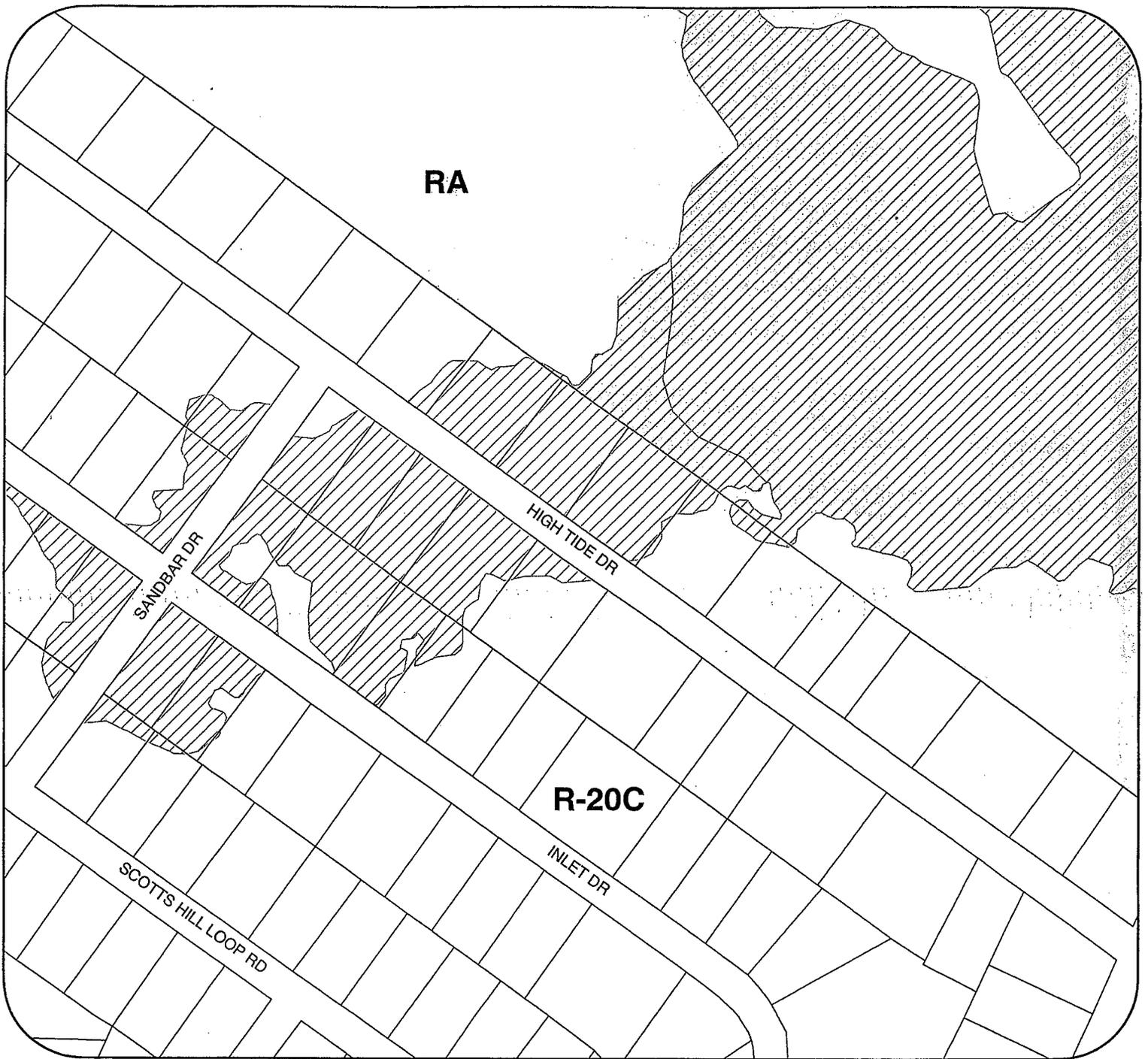


Flood Hazard Area Rezoning

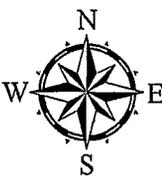
Example 1-B

Legend

Zoning Classification	
 B-1	R-15
 B-2	R-20
 B-3	R-20C
 I-1	RA
 I-2	 RT
 PD	 WSCA
 R-10	 WSPA



1 inch equals 250 feet

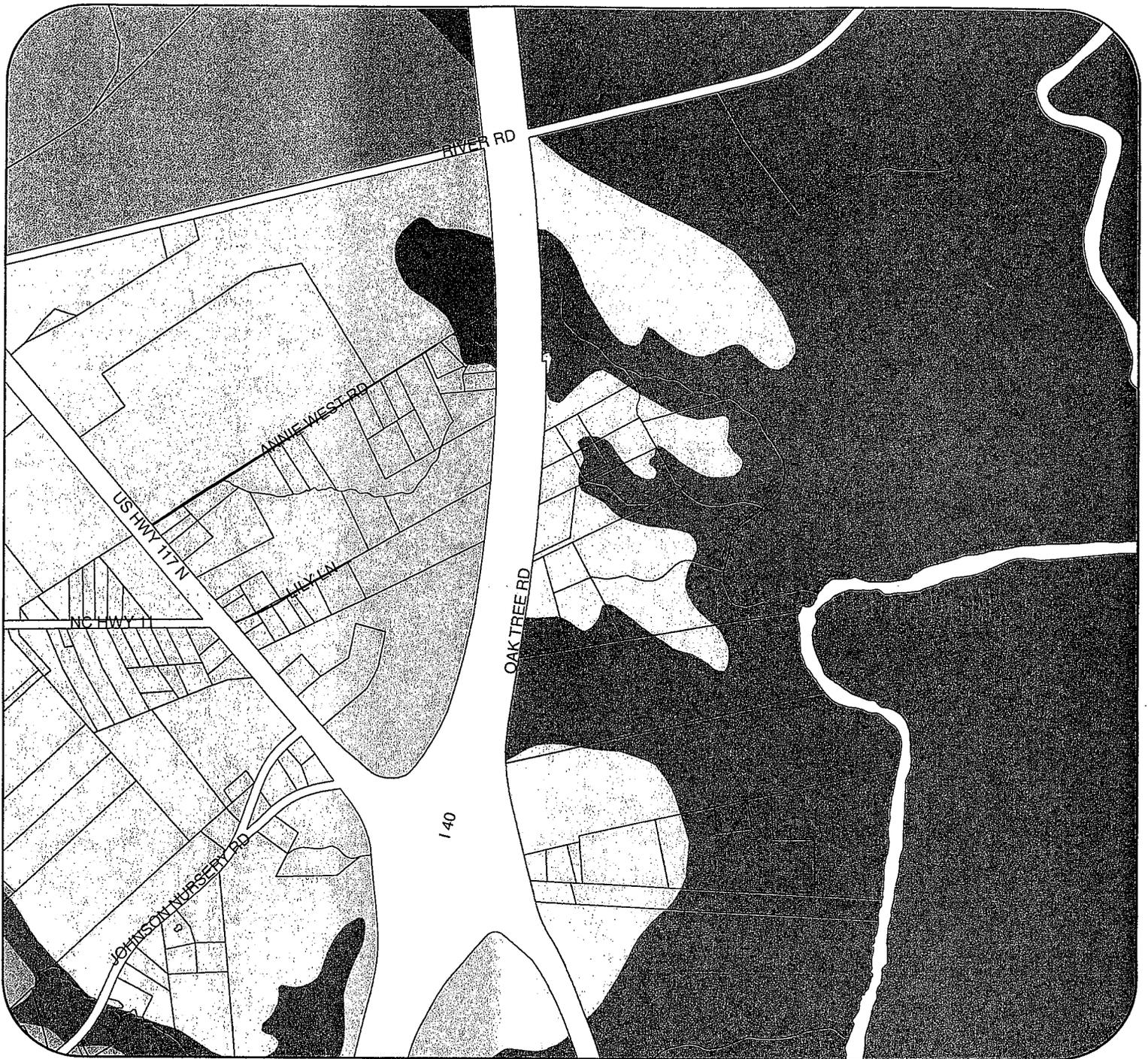


Flood Hazard Area Rezoning

Example 1-C

Legend

Flood Hazard (2007)	I-2
A	PD
AE	R-10
AEFW	R-15
VE	R-20
Zoning Classification	R-20C
B-1	RA
B-2	RT
B-3	WSCA
I-1	WSPA



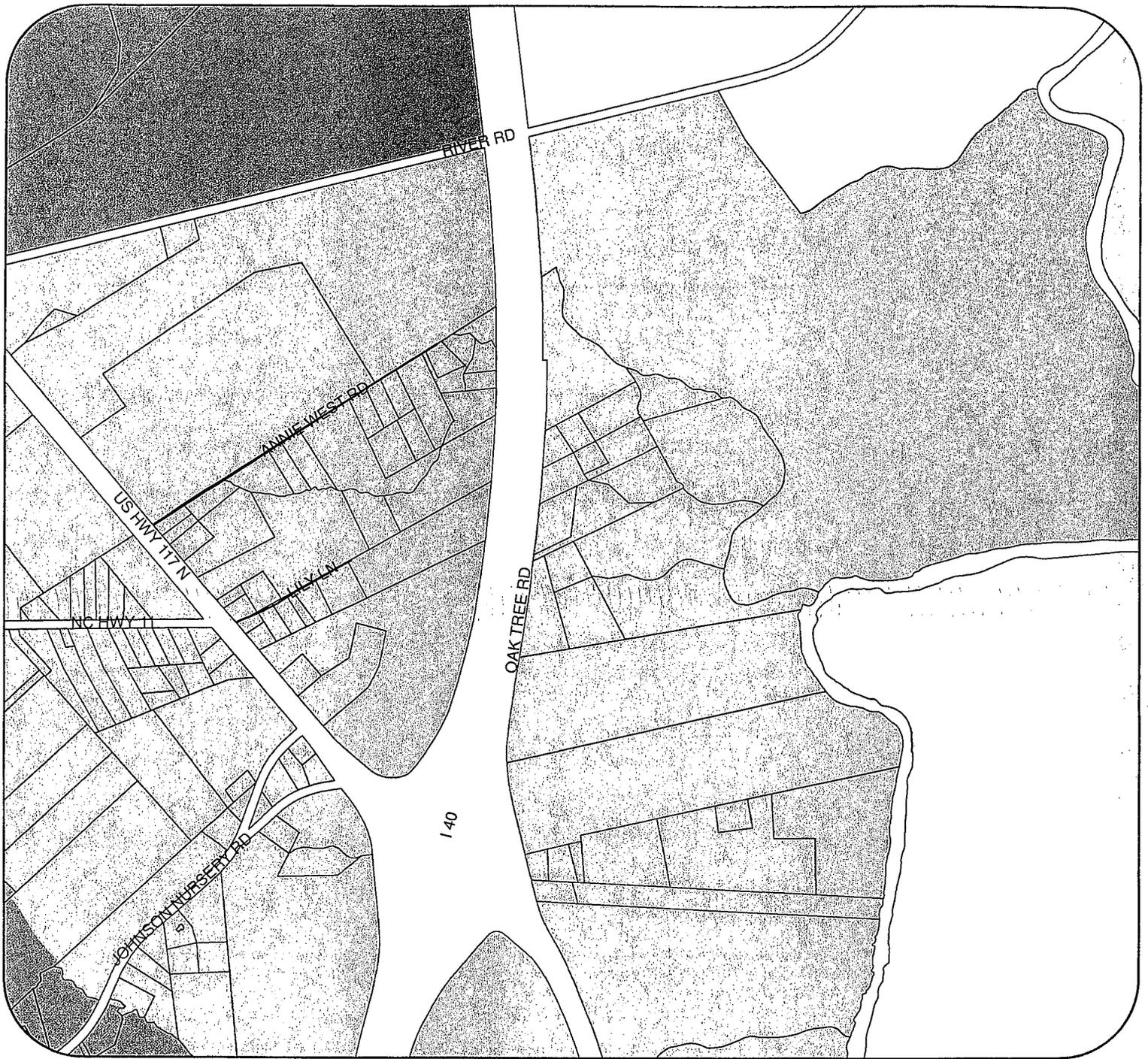
1 inch equals 1,000 feet

Flood Hazard Area Rezoning

Example 2-A

Legend

- | | |
|--|--|
|  FA and FA_dash Areas | R-10 |
| Zoning Classification | R-15 |
|  B-1 | R-20 |
|  B-2 | R-20C |
|  B-3 | RA |
|  I-1 |  RT |
|  I-2 |  WSCA |
|  PD |  WSPA |



1 inch equals 1,000 feet

Flood Hazard Area Rezoning

Example 2-B

Legend

Zoning Classification

 B-1	R-15
 B-2	R-20
 B-3	R-20C
 I-1	RA
 I-2	 RT
 PD	 WSCA
R-10	 WSPA



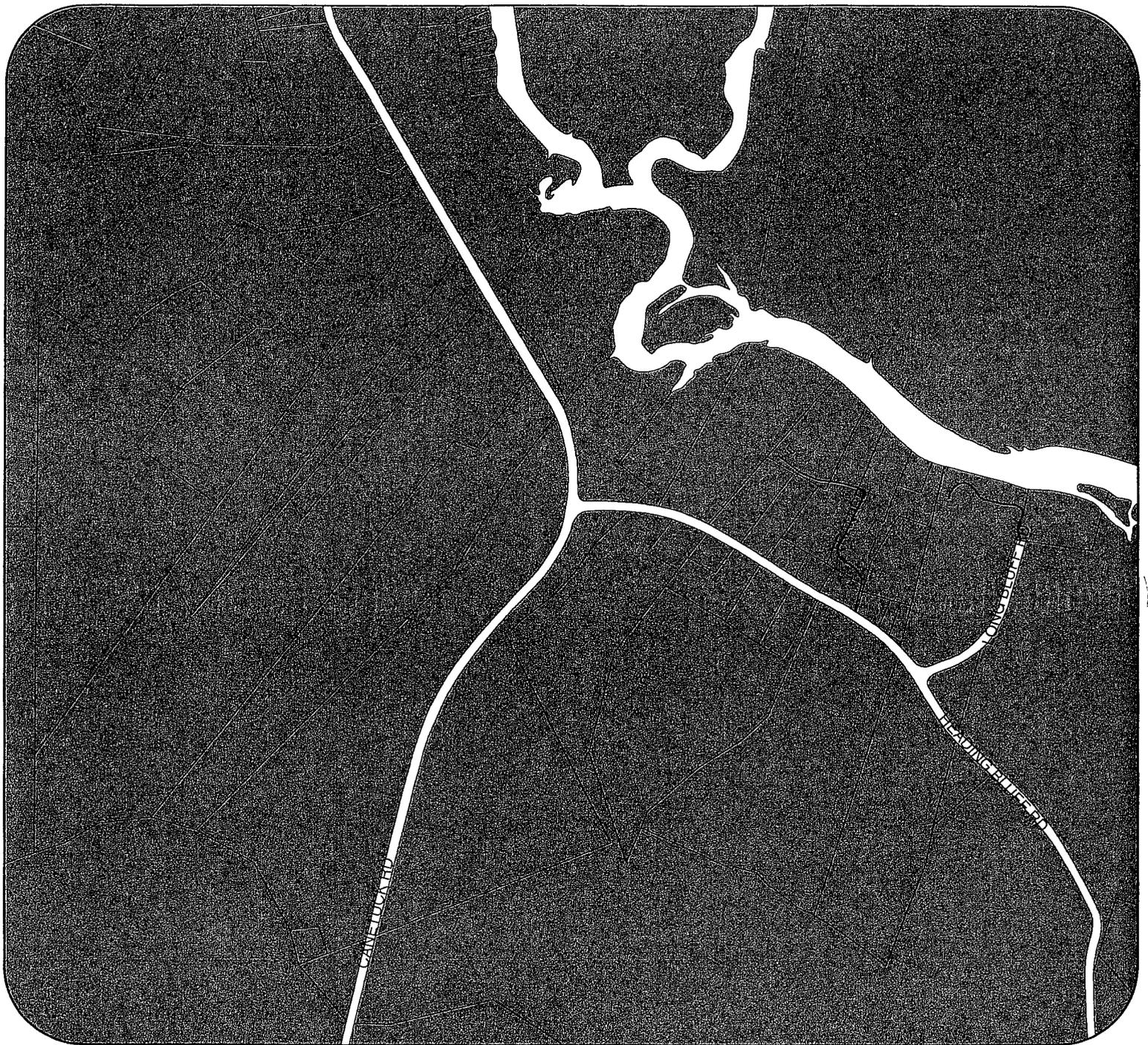
1 inch equals 1,000 feet

Flood Hazard Area Rezoning

Example 2-C

Legend

A	I-2
AE	PD
AEFW	R-10
VE	R-15
B-1	R-20
B-2	R-20C
B-3	RA
I-1	RT
	WSCA
	WSPA



1 inch equals 1,000 feet

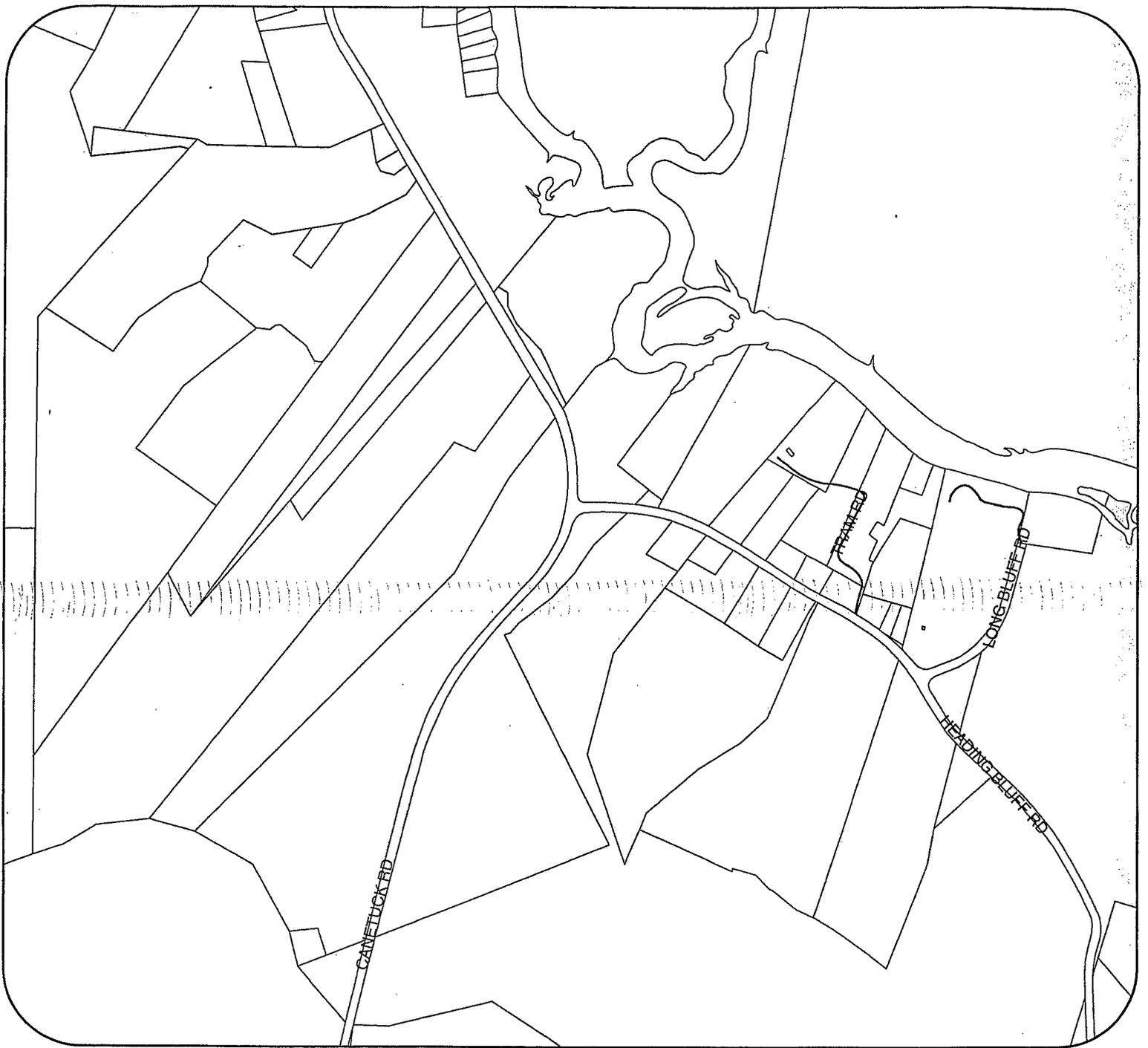


Flood Hazard Area Rezoning

Example 3-A

Legend

	FA and FA_dash Areas	R-10
Zoning Classification		R-15
	B-1	R-20
	B-2	R-20C
	B-3	RA
	I-1	RT
	I-2	WSCA
	PD	WSPA



1 inch equals 1,000 feet



Flood Hazard Area Rezoning

Example 3-B

Legend	
Zoning Classification	R-15
B-1	R-20
B-2	R-20C
B-3	RA
I-1	RT
I-2	WSCA
PD	WSPA
R-10	



1 inch equals 1,000 feet



Flood Hazard Area Rezoning

Example 3-C

Legend

Flood Hazard (2007)	I-2
A	PD
AE	R-10
AEFW	R-15
VE	R-20
Zoning Classification	R-20C
B-1	RA
B-2	RT
B-3	WSCA
I-1	WSPA

DRAFT

Flood Hazard Overlay District

§ 8A-1. Basis for delineation; overlay concept.

- A. *Purpose.* The purpose for identifying this area on the zoning map is to alert all persons concerned to the fact that development within designated flood hazard districts must conform to the adopted ordinance entitled "The Flood Damage Prevention Ordinance of Pender County," and all other development ordinances as amended. It is the intent of the Pender County Board of County Commissioners to promote the public health, safety and general welfare with measures designed to minimize private and public losses of life, property, commerce and services from the hazards of floods through the enforcement of the above-referenced ordinance.
- B. *Basis of districts.* The various floodplain districts shall include areas subject to inundation by flood waters of the one-hundred-year storm event. The basis for the delineation of these districts shall be the Flood Insurance Study and accompanying maps for Pender County prepared by the United States Department of Homeland Security, Federal Emergency Management Agency, dated February 16, 2007
1. The Floodway District is delineated for purposes of this article using the criteria that a certain area within the floodplain must be capable of carrying the waters of the one-hundred-year base flood without increasing the water surface elevation of that flood more than one foot at any point. The areas included in this district are specifically defined in Table 2 of the above-referenced Flood Insurance Study and shown on the accompanying Flood Insurance Rate Maps.
 2. The Flood-Fringe District shall be that area of the one-hundred-year floodplain not included in the Floodway District. The basis for the outermost boundary of this district shall be mapped and shown on the accompanying Flood Insurance Rate Map.
 3. The Approximated Floodplain District shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a one-hundred-year floodplain boundary has been mapped. Such areas are shown on the Flood Insurance Rate Maps (as prepared by the United States Department of Homeland Security, Federal Emergency Management Agency, dated (February 16, 2007) In determining the necessary elevations for the purposes of this article, other sources of data may be used such as:
 - a. Corps of Engineers floodplain information reports.
 - b. United States Geological Survey flood-prone quadrangles.
 - c. United States Department of Agriculture, Soil Conservation Service, flood hazard analyses
 - d. North Carolina Department of Transportation
 - e. Known high-water marks from past floods.
 - f. Other sources.

C. Overlay concept.

1. The floodplain districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Ordinance Maps, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.
2. Where there happens to be any conflict between the provisions or requirements of any of the floodplain districts and those of any underlying district, those pertaining to the floodplain districts shall apply.
3. In the event that any provision concerning a floodplain district is declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the basic underlying district provisions shall remain applicable.

§ 8A-2. Flood Insurance Rate Maps.

The boundaries of the floodplain districts are established as shown on the Flood Insurance Rate Map, which are by reference made a part of this article and are filed in the County offices.

§ 8A-3. District boundary changes.

The delineation of any of the floodplain districts may be revised by the Federal Emergency Management Agency or other qualified agency when natural or man-made changes have occurred and/or more detailed studies were conducted or undertaken. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency or other qualified agency. If the boundary of the floodplain district is revised by the Federal Emergency Management Agency, then the boundary of the County Flood Hazard Overlay district will change concurrently.