



REQUEST FOR BOARD ACTION

ITEM NO. 13

DATE OF REQUEST: June 21, 2010

REQUESTED BY: Patrick T. Davenport, Director of Planning and Community Development

SHORT TITLE: Public Hearing for 2010 Unified Development Ordinance (UDO) and Supplementary Zoning map Revisions; and Resolution for Adoption

BACKGROUND: The Board of Commissioners held a public hearing on the UDO and zoning map revisions on May 17, 2010. Several comments and suggestions for revisions were made during the meeting. These comments and revision suggestions were reviewed by the Planning Board during its June 1, 2010 meeting. Please find attached a summary of the revision recommendations on various sections of the UDO for the Board's consideration.

SPECIFIC ACTION REQUESTED: Staff is requesting the Board of Commissioners to hold a second public hearing on the Unified Development Ordinance and the supplementary zoning map revisions in consideration of the attached recommendations from the Planning Board and staff and; 2) to consider a resolution to adopt the UDO and supplementary zoning map, with an effective date of July 1, 2010.

COUNTY MANAGER'S RECOMMENDATION

Respectfully request approval.



Initial

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED by the Pender County Board of Commissioners that

the 2010 Unified Development Ordinance and Supplementary Zoning Map Revisions are hereby adopted (as recommended or amended after the public hearing) and made effective July 1, 2010. The Chairman/County Manager is authorized to execute any/all documents necessary to implement this resolution.

AMENDMENTS:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Tate ___ Blanchard ___ Brown ___ Rivenbark ___ Williams _____

Jimmy T. Tate, Chairman

06/21/2010
Date

ATTEST

06/21/2010
Date

PLANNING AND COMMUNITY DEVELOPMENT

CODE ENFORCEMENT • BUILDING INSPECTIONS • CENTRAL PERMITTING
PARKS AND RECREATION • PLANNING AND ZONING



ATTACHMENT TO JUNE 21, 2010 STAFF REPORT

The Planning Board met on June 1, 2010 to review comments received from the May 17, 2010 Board of Commissioners meeting and comments received from other sources. Each comment was discussed and the Planning Board's recommendations on each issue are indicated in **bold** after each topic.

Article 4 Zoning Districts

- **PD District** (This district is intended to create innovative and flexible design with mixed uses-and the suggestions are intended to encourage such versus sprawl development)
 - Reduce the minimum acreage requirement for rezoning in the PD District from 100 acres to 25 acres. **Maintain 100 acres min. area required for rezoning**
 - Increase residential density maximum in the PD District from 5 dwelling units/acre to 7 dwelling units/acre. **Maintain 5 units per acre net density**

- **RM District** (The comprehensive plans promoted a variety of housing types, and allowing a variety of types and the suggestions below regarding a residential mixed district helps accomplish this.)
 - Amend the Residential Multi-Family district name to Residential Mixed. **Agreed with this proposal.**
 - Reduce the minimum acreage requirement for rezoning in the RM District from 25 acres to 10 acres. **Agreed with this proposal.**
 - Increase residential density maximum in the RM District from 5 dwelling units/acre to 7 dwelling units/acre. **Maintain 5 units per acre net density.**
 - Add detached conventional single-family dwellings and zero lot line housing types under the RM District to the Table of Permitted Uses. **Agreed with this proposal.**

- **RP District** (Reducing dimensional requirements where public utilities are available, as suggested below, reduces sprawl which encourages more efficient use of public services)
 - Reduce the minimum lot size in the RP District from 15,000 sq. ft. to 12,000 sq. ft where public utilities (water and sewer) are available. **Agreed with this proposal.**
 - Reduce the minimum lot width in the RP District from 80' to 60' where public utilities (water and sewer) are available. **Agreed with this proposal.**

- **General Business and Office-Institutional Districts** (Again, the suggestions below address reducing dimensional requirements to help prevent sprawl. They also provide for accommodation for a variety of size businesses and help reduce costs for acquiring and developing land (the ordinance already includes considerable performance standards that any development must meet). The proposed height allowance will allow for tourism opportunities (hotel development) currently excluded by height restrictions.
 - Reduce the minimum lot size in General Business (GB) and Office-Institutional (OI) Districts from 15,000 sq. ft. to 7,500 sq. ft. **Maintain 15, 000 sq ft. min. lot size.**
 - Reduce the minimum lot width in General Business (GB) and Office-Institutional (OI) Districts from 80' to 50' **Maintain 80' lot width**
 - Add a provision to allow 1' of increased height for every 2' of additional setbacks to the front and sides, not to exceed 100' maximum height
 - **Split decision: 3 members agreed with this proposal but recommended a max height of 75'; 3 members agreed with the previous recommendation but further recommended it only apply to hotels/motels**

- **Industrial Transition and General Industrial Districts** (200' width unnecessary-renders some properties unusable)
 - Reduce minimum lot width in the Industrial Transition and General Industrial Districts from 200' to 100'. **Agreed with this proposal.**
 - Revise the provision to allow 1' of increased height for every 1' of additional setback from *all sides* to the front and sides only (exclude rear). **Agreed with this proposal.**

- **4.12.4 TC-17 Overlay**
 - Keep the TC-17 Overlay in the UDO? Several speakers requested this section to be deleted. Several others requested it to remain. **Split decision (3-3) to keeping/deleting the section**
 - Require structures with 4 or more units to fall under the Overlay standards? **Recommended to deny this proposal.**
 - Apply architectural standards for outparcels in shopping centers (when the main building is large enough to "trigger the standards")?
 - **Accepted this proposal that "out parcels" must incorporate at least three architectural elements present in the anchor tenant.**
 - Requiring utilities to be placed underground at all points feasible and safe? **Agreed with this proposal.**
 - Increase square footage "trigger" to target "big box" developments only (i.e. Lowes, Wal-Mart, etc.)? **Recommend to deny this proposal-keep minimum building area "trigger" at 15,000 sq. ft.**
 - Change name to accurately reflect design standards and repeal references to transportation or traffic management? **Recommended to change the name to: Commercial Design Overlay-17 (CDO-17) and repeal references to transportation and traffic safety.**

Article 6 Development Standards and Subdivision Design

- **6.7.1.G Minimum Number of Lots Required on a Final Plat**

- This regulation was left incomplete somehow, Staff is proposing the following for Planning Boards recommendation:
 - Minimum amount of lots to be recorded on Final Plat
 - 10 or less – 100%
 - 11 to 34 – 50% upon initial recordation, remainder thereafter
 - 35 to 100 – minimum of 25 lots/units upon initial recordation, minimum increments of 10 lots thereafter
 - 100 or more – minimum of 50 lots/units upon initial recordation, minimum increments of 10 lots thereafter.

Agreed with this proposal

Article 9 Signs

- **Article 9.5.1.C.1.a Signs Not Requiring Zoning Approval**

- Allow multi-tenant establishments with more than 5 units or 400' or more of road frontage two banners for 10 days per month (Currently the UDO proposes one banner per shopping center no matter how large or how much road frontage, all banners must be affixed to existing free standing sign).

Agreed with this proposal

- **Article 9.7.B Signs Approved in the Commercial and Mixed Use Districts and Non-residential Uses in the Residential Districts/Sign Height**

- Change height from 25' (current) to 30'. **Recommended to keep height at 25'.**

- **Article 9.9 Shopping Center Signs, Malls, Strip Malls, and office, Business and Industrial Parks/Buildings**

- Recommend renaming the above heading to: Shopping Center Signs, Malls, and Strip Malls only. **Recommended to keep section name as-is.**
- Allow an increase in square footage for multi-tenant signage with an increase of road frontage. For example: For each lineal foot of road frontage, an applicant could increase their sign square footage by 0.25. Example: If Shopping Center A has 600' of road frontage, they would be allowed an additional 50 sq. ft. of signage area to be divided between two signs. **Agreed with this proposal but added a recommendation to limit the total square footage of all signs to 350' square feet or 1,000 lineal feet of road frontage.**

- **ADD Article 9.14 Special Use Permit for Off Premise Business and Directional Signs in Residential Districts and General Business Districts**

A business owner may apply for a SUP for an off-premise business or directional sign in a Residential District or General Business District in accordance with and with written permission of the property owner on which the sign shall be placed. Such sign shall not exceed 32 sq. ft. in area, 10 ft. in height, and not be located within any street right of way.

Split decision: (3-3). Three members recommended denying the proposal. Three others recommended allowing just General Business, Office Institutional, and Rural Agricultural districts to this request (not residential districts).

PLANNING AND COMMUNITY DEVELOPMENT

CODE ENFORCEMENT • BUILDING INSPECTIONS • CENTRAL PERMITTING
PARKS AND RECREATION • PLANNING AND ZONING



MEMORANDUM

TO: County Manager and Board of Commissioners

FROM: Patrick Davenport, Director of Planning and Community Development *AD*

Date: June 9, 2010

RE: Recent revision recommendations on the UDO.

Planning staff is presenting recommendations regarding Planning Board comments received on the UDO during their June 1, 2010 meeting. The first bullet point under each section heading are various recommendations received from the May 17, 2010 Board of Commissioner's UDO public hearing. The second bullet point is the Planning Board's recommendation during their June 1, 2010 meeting and staff's recommendation follows in *italics*.

Article 4 Zoning Districts

- **Section 4.4 ZONING DISTRICTS ESTABLISHED**
 - Amend the Residential Multi-Family District name to Residential Mixed.
 - Planning Board Recommendation – Agreed with this proposal.
 - *Administrators Recommendation – Agree with Planning Board's recommendation*

- **Section 4.7.3 Residential Mixed (RM)**
 - Increase residential density maximum in the RM District from 5 dwelling units/acre to 7 dwelling units/acre.
 - **Planning Board Recommendation – Maintain 5 units per acre net density.**
 - *Administrators Recommendation – Agree with Planning Board's recommendation*
 - *Commentary: Although the proposed Open Space standard in the UDO will require developments to maintain active, upland areas for open space, there have been no significant residential development proposals that have yielded 5 units per acre net density as calculated by the UDO.*
 - *This issue is suitable for additional consideration once the UDO is adopted.*

- **Section 4.8.1.D Number of Dwelling Units per acre (residential density)**
 - Increase residential density maximum in the PD District from 5 dwelling units/acre to 7 dwelling units/acre.
 - **Planning Board Recommendation – Maintain 5 units per acre net density.**
 - *Administrators Recommendation – Agree with Planning Board's recommendation*
 - *Commentary: Same as previous comment (RM district) above.*
 - *This issue is suitable for additional consideration once the UDO is adopted.*

- **Section 4.9.1.A (POSSIBLE ADDITION TO UDO) Additional Building Height for General Business (GB) District**
 - Add a provision to allow 1' of increased height for every 2' of additional setbacks to the front and sides, not to exceed 100' maximum height.
 - **Planning Board Recommendation – Split decision (3-3) to allow increased height provisions for the GB District. The favorable recommendation was to allow increased height up to 75' (from a currently proposed 40' height) with increased setbacks for Hotel/Motel uses only (NAICS 72111).**
 - *Administrators Recommendation – Agree with Planning Board's recommendation*

- **Section 4.9.2.A (POSSIBLE ADDITION TO UDO) Additional Building Height for Office & Institutional (OI) District**
 - Add a provision to allow 1' of increased height for every 2' of additional setbacks to the front and sides, not to exceed 100' maximum height.
 - **Planning Board Recommendation – Split decision (3-3) to allow increased height provisions for the OI District. The favorable recommendation was to allow increased height up to 75' (from a currently proposed 40' height) with increased setbacks for Hotel/Motel uses only (NAICS 72111).**
 - *Administrators Recommendation – Agree with Planning Board's recommendation*

- **Section 4.10.1.A.1 Additional Building Height For Industrial Transitional (IT) District**
 - Revise the provision to allow 1' of increased height for every 1' of additional setback from *all sides* to the front and sides only (exclude rear).
 - **Planning Board Recommendation – Agreed with proposal.**
 - *Administrators Recommendation – Agree with Planning Board's recommendation*

- **Section 4.10.2.A.1 Additional Building Height For General Industrial (GI) District**
 - Revise the provision to allow 1' of increased height for every 1' of additional setback from *all sides* to the front and sides only (exclude rear).
 - **Planning Board Recommendation – Agreed with proposal.**
 - *Administrators Recommendation – Agree with Planning Board's recommendation*

- **Section 4.14.1 Dimensional Requirements Table**
 - Reduce the minimum acreage requirement for rezoning in the **PD District** from 100 acres to 25 acres.
 - **Planning Board Recommendation - Maintain 100 acres min. area required for rezoning**
 - *Administrators Recommendation – Agree with Planning Board's recommendation*
 - *Commentary: All existing PD zoned property can still submit for a Master Plan regardless of minimum acreage. For a mix of residential housing types only to include multi-family development, a developer may request a Residential Mixed (RM) zoning classification with a smaller acreage threshold.*

 - Reduce the minimum acreage requirement for rezoning in the **RM District** from 25 acres to 10 acres.
 - **Planning Board Recommendation – Agreed with this proposal.**
 - *Administrators Recommendation – Agree with Planning Board's recommendation*

 - Reduce the minimum lot size in the **RP District** from 15,000 sq. ft. to 12,000 sq. ft where public utilities (water and sewer) are available.
 - **Planning Board Recommendation – Agreed with this proposal.**
 - *Administrators Recommendation – Agree with Planning Board's recommendation*

- **Section 4.14.1 Dimensional Requirements Table continued**
 - Reduce the minimum lot width in the **RP District** from 80' to 60' where public utilities (water and sewer) are available.
 - **Planning Board Recommendation – Agreed with this proposal.**
 - *Administrators Recommendation – Agree with Planning Board's recommendation*
 - *Commentary: Add note to Dimensional Requirements Table*
 - Reduce the minimum lot size in **General Business (GB)** and **Office-Institutional (OI) Districts** from 15,000 sq. ft. to 7,500 sq. ft.
 - **Planning Board Recommendation – Maintain 15,000 sq. ft. minimum lot size.**
 - *Administrators Recommendation – Agree with Planning Board's recommendation*
 - *Commentary: The current zoning ordinance has a minimum lot size of one (1) acre for the business district.*
 - Reduce the minimum lot width in **General Business (GB)** and **Office-Institutional (OI) Districts** from 80' to 50'.
 - **Planning Board Recommendation – Maintain 80' lot width.**
 - *Administrators Recommendation – Agree with Planning Board's recommendation*
 - *Once public utility services become available on a larger scale, standards of access, shared parking will be reviewed to accommodate reduced lot widths*
 - Reduce minimum lot width in the **Industrial Transition (IT)** and **General Industrial (GI) Districts** from 200' to 100'.
 - **Planning Board Recommendation – Agreed with this proposal.**
 - *Administrators Recommendation – Agree with Planning Board's recommendation*
- **Section 4.12.4 TC-17 Overlay**
 - Keep the TC-17 Overlay in the UDO? Several speakers requested this section to be deleted. Several others requested it to remain.
 - **Planning Board Recommendation – Split decision (3-3) to keep/delete section**
 - *Administrators Recommendation – No specific recommendation given, however if the Overlay district is kept, the below comments would apply.*
 - Require structures with 4 or more units to fall under the Overlay standards?
 - **Planning Board Recommendation - Recommend to deny this proposal.**
 - *Administrators Recommendation – Agree with Planning Board's recommendation*
 - *Commentary: Frequently, when a structure applies for building permits, the unit is permitted as a "shell" structure without specifications on exact tenant occupation. This provision would be hard to enforce at the building permit step phase of a project.*
 - Apply architectural standards for outparcels in shopping centers (when the main building is large enough to "trigger the standards")?
 - **Planning Board Recommendation – Accepted this proposal that "out parcels" must incorporate at least three architectural elements present in the anchor tenant.**
 - *Administrators Recommendation – Agreed with Planning Board.*
 - *Commentary: Outparcels of common developments should have continuity with an anchor tenant. Recommended that outparcels should mimic a building material (i.e. brick, stucco, etc.) rather than an element such as columns or eaves.*

- **Section 4.12.4 TC-17 Overlay**

- Requiring utilities to be placed underground at all points feasible and safe?
 - **Planning Board Recommendation – Agreed with this proposal.**
 - *Administrators Recommendation – Agree with Planning Board’s recommendation*
 - *Commentary: There are evident concerns of safety and feasibility to placing electric utilities underground as a requirement. High voltage lines are controlled by private utility providers and not a public entity making it difficult to mandate. Throughout developments it is very common for developers/builders to run a “service drop” from a pole and place underground to a service meter located on the building. Requiring such connections to cross roads can be very expensive and very difficult to repair in times of need. A common repair may take a few hours, while a common repair of underground transmission across roads may require traffic diversions and can take weeks. Recommended to identify and locate utilities at all times feasible and safe, but allowing developer and private utility companies determine this connection.*
- Increase square footage “trigger” to target “big box” developments only (i.e. Lowes, Wal-Mart, etc.)?
 - **Planning Board Recommendation - Recommend to deny this proposal-keep minimum building area at 15,000 sq. ft.**
 - *Administrators Recommendation – Agree with Planning Board’s recommendation*
 - *Commentary: A 15,000 sq. ft. threshold for all new development will keep the “small” business owner out of this requirement. There are a few existing recently constructed buildings along the Hwy 17 corridor that already meet this requirement.*
- Change name to accurately reflect design standards and repeal references to transportation or traffic management.
 - **Planning Board Recommendation - Recommended changing the name to: Commercial Design Overlay-17 (CDO-17) and repeal references to transportation and traffic safety.**
 - *Administrators Recommendation – Agree with Planning Board’s recommendation*

Article 6 Development Standards and Subdivision Design

- **6.7.1.G Minimum Number of Lots Required on a Final Plat**
 - This regulation was left incomplete somehow, Staff is proposing the following for Planning Boards recommendation:
 - Minimum amount of lots to be recorded on Final Plat
 - 10 or less – 100%
 - 11 to 34 – 50% upon initial recordation, remainder thereafter
 - 35 to 100 – minimum of 25 lots/units upon initial recordation, minimum increments of 10 lots thereafter
 - 100 or more – minimum of 50 lots/units upon initial recordation, minimum increments of 10 lots thereafter.
 - **Planning Board Recommendation – Agreed with this proposal.**

Article 9 Signs

- **Article 9.5.1.C.1.a Signs Not Requiring Zoning Approval**
 - Allow multi-tenant establishments with more than 5 units or 400' or more of road frontage two banners for 10 days per month (Currently the UDO proposes one banner per shopping center no matter how large or how much road frontage, all banners must be affixed to existing free standing sign).
 - **Planning Board Recommendation – Agreed with this proposal.**
 - *Administrators Recommendation – Agree with Planning Board's recommendation*
- **Article 9.7.B Signs Approved in the Commercial and Mixed Use Districts and Non-residential Uses in the Residential Districts/Sign Height**
 - Change height from 25' (current) to 30'.
 - **Planning Board Recommendation – Keep max. height at 25'.**
 - *Administrators Recommendation – Agree with Planning Board's recommendation*
- **Article 9.9 Shopping Center Signs, Malls, Strip Malls, and Office, Business and Industrial Parks/Buildings**
 - Recommend renaming the above heading to: Shopping Center Signs, Malls, and Strip Malls only.
 - **Planning Board Recommendation – Keep section name as proposed**
 - *Administrators Recommendation – Agree with Planning Board's recommendation*
 - Allow an increase in square footage for multi-tenant signage with an increase of road frontage. For example: For each lineal foot of road frontage, an applicant could increase their sign square footage by 0.25. Example: If Shopping Center A has 600' of road frontage, they would be allowed an additional 50 sq. ft. of signage area to be divided between two signs.
 - **Planning Board Recommendation - Agreed with this proposal but added a recommendation to limit the total square footage of all signs to 350' square feet or 1,000 lineal feet of road frontage.**
 - *Administrators Recommendation – Agreed with Planning Board, see text below:*

9.9.1 Pylon/free Standing Sign (revised ordinance text per above recommendation)

For multi-unit commercial, office & industrial developments under single ownership or under unified control, one (1) pylon/ free standing sign shall be allowed for each street frontage not to exceed two signs per development and the total sign area does not exceed 200 sq. ft.

A. Such signs shall be subject to the following:

- 1. Content: Such sign shall advertise only the name and location of such center and/or name and type of business of each occupant of the center, or other activities on the site.*
- 2. Area: The gross area in square feet allowed for the pylon/free standing signs shall be one (1) square foot per lineal foot of development frontage; however such signs shall not exceed a total of two hundred (200) square feet.*
- 3. Location: The sign shall not be closer than twenty (20) feet to any property line or road right of way and shall not project higher than twenty five (25') feet above ground level.*

B. When a single frontage development has 400 or more feet of road frontage, the following standards shall apply for increased square footage.

- 1. For each additional foot of road frontage exceeding 400', the square footage of the Pylon/free standing sign may be increased by 0.25.*
- 2. The total allowable square footage based on road frontage shall not exceed 350 sq. ft. or 1000' of lineal road frontage and may be divided between two signs.*

- **Article 9.14 (POSSIBLE ADDITION TO UDO) Special Use Permit for Off Premise Business and Directional Signs in Residential Districts and General Business Districts**

A business owner may apply for a SUP for an off-premise business or directional sign in a Residential District or General Business District in accordance with and with written permission of the property owner on which the sign shall be placed. Such sign shall not exceed 32 sq. ft. in area, 10 ft. in height, and not be located within any street right of way.

- **Split decision: (3-3). Three members recommended denying the proposal. Three others recommended allowing just General Business, Office Institutional, and Rural Agricultural districts to this request (not residential districts).**
- *Administrators Recommendation – Agreed with Planning Board's decision to deny this proposal.*