REQUEST FOR BOARD ACTION

ITEM NO. 22.

DATE OF MEETING: June 27, 2011

REQUESTED BY: Kenneth Vafier, Senior Planner, Department of Planning and Community Development

SHORT TITLE: Resolution to Approve a Zoning Text Amendment

BACKGROUND: Applicant, Philip Andrews, is requesting to amend Section 5.2.3, Table of Permitted Uses, of the Pender County Unified Development Ordinance to allow "All Other Amusement and Recreation Industries" – NAICS 71399 to be permitted via Special Use Permit in the RP, Residential Performance District. The Pender County Planning Board, at the April 7, 2011 meeting, voted unanimously to pass a motion to approve the amendment with a revision. The recommended revision is to allow only seven (7) specific uses within NAICS 71399 to be permitted in RP via Special Use, which are as follows:

Aviation Clubs, Recreational
Canoeing, Recreational
Fishing Clubs, Recreational
Flying Clubs, Recreational
Guide Services (i.e. Fishing, Hunting, Tourist)
Kayaking, Recreational
River Rafting, Recreational

SPECIFIC ACTION REQUESTED: To hold a public hearing and consider the request to amend the Unified Development Ordinance, Section 5.2.3, Table of Permitted Uses as recommended by the Pender County Planning Board.

Planning Board

Motion: Smith Seconded: Edens

Approved:_____ Denied:_____ Unanimous X

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED, that on June 27, 2011 the Pender County Board of Commissioners (approved, modified, denied) a zoning text amendment request, as described herein, and the Chairman/County Manager is authorized to execute any/all documents necessary to implement this resolution.

AMENDMENTS:

MOVED _____ **SECONDED** _____

APPROVED_____**DENIED**_____**UNANIMOUS**_____

YEA VOTES: Brown: _____ **Tate:** _____ **Rivenbark:** _____ **Ward:** _____ **Williams:** _____

_____ 6-27-2011
George R. Brown Jr., Chairman **Date**

_____ 6-27-2011
ATTEST DATE
Delivered

PLANNING STAFF REPORT
Zoning Text Amendment

SUMMARY:

Hearing Date: June 27, 2011
Applicant: Philip Andrews
Application Number: ZTA 11-05-16-03 Andrews

Text Amendment Proposal: The request consists of amending the Pender County Unified Development Ordinance (UDO), Section 5.2.3, Table of Permitted Uses. Specifically, the request is to allow "All Other Amusement and Recreation Industries" – NAICS 71399 to be permitted via Special Use Permit in the RP, Residential Performance Zoning District.

Planning Board Recommendation: The Pender County Planning Board, at the April 7, 2011 meeting, voted unanimously to pass a motion to approve a revision to the request. The revision specifies seven (7) uses under NAICS 71399 to be permitted in the RP district via Special Use Permit.

Proposed Text Amendment Language:
The proposed language consists of the addition of an "S" within the RP, Residential Performance zoning classification for those recreational uses deemed appropriate by the Planning Board to be permitted via Special Use Permit. The seven (7) uses separated from NAICS 71399 are listed under NAICS 713990 in the draft table of permitted uses below.

5.2.3 Table of Permitted Uses

		Zoning Districts									
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sector 71: ARTS, ENTERTAINMENT, AND RECREATION											
All Other Amusement and Recreation Industries	71399	S				P	P		P		
Aviation Clubs, Recreational	713990	S	S			P	P		P		
Canoeing, Recreational	713990	S	S			P	P		P		
Fishing Clubs, Recreational	713990	S	S			P	P		P		
Flying Clubs, Recreational	713990	S	S			P	P		P		
Guide Services (i.e. Fishing, Hunting, Tourist)	713990	S	S			P	P		P		

Kayaking, Recreational	713990	S	S			P	P		P		
River Rafting, Recreational	713990	S	S			P	P		P		

The proposed changes have been advertised in the Pender Post and Topsail Voice on Wednesday, June 15, 2011 and Wednesday, June 22, 2011.

Evaluation:

Unified Development Ordinance Compliance

As prescribed in the Pender County Unified Development Ordinance (UDO) Article 3.16.5 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 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, the CAMA Land Use Plan, and the specific intent of this Ordinance.

Comprehensive Land Use Plan Compliance

The proposed request is consistent the following goals and policies in the 2010 Pender County Comprehensive Land Use Plan:

Goal 7A.1 *– Ensure adequate, appropriately located parks, recreation and open spaces to serve the needs of Pender County residents and visitors.*

Policy 10A.1.8 *– The County shall seek to foster a travel and tourism (including ecotourism) industry that is compatible with a high quality of life as a means to facilitate diversification in the local economy.*

There do not appear to be any goals or policies that are inconsistent with the proposed request.

Staff Recommendation:

The proposed text amendment revision is consistent with the applicable section of the Unified Development Ordinance. The request is also supported with goals and policies in the Comprehensive Land Use Plan. In addition, the need for increased recreational opportunities is detailed in the Parks and Recreation Master Plan. Staff recommends that the seven additional uses be permitted via Special Use; this will allow for each individual request to be evaluated on a site specific basis for compliance with the criteria governing approval of a Special Use Permit, including compatibility with adjacent land uses and potential impacts to the surrounding area.