



REQUEST FOR BOARD ACTION

ITEM NO. 15.

DATE OF MEETING: September 19, 2011

REQUESTED BY: Kyle M. Breuer, Director, Planning and Community Development Department

SHORT TITLE: Resolution to Amend the Pender County Unified Development Ordinance, Sections 4.14, 5.2.3, 5.3.3, and Appendix A; Along with the Creation of an Additional Section 3.20, 5.3.9.A, 5.3.9.B, as well as Revising References in Article 1-12 and Appendix A.

BACKGROUND: The proposed amendment clarifies various issues that have arisen concerning permitting and reviewing recreational vehicle parks and accessory structures. The specific request consists of amending Sections 4.14, 5.2.3, 5.3.3, and Appendix A; along with the creation of an additional Section 3.20, Section 5.3.9.A, and Section 5.3.9.B, as well as revising references in Article 1-12 and Appendix A. The Planning Staff report and detailed amendments are attached.

SPECIFIC ACTION REQUESTED: To hold a public hearing and consider a resolution to amend the Unified Development Ordinance, Sections 4.14, 5.2.3, 5.3.3, and Appendix A; along with the creation of an additional Section 3.20, Section 5.3.9.A, and Section 5.3.9.B, as well as revising references in Article 1-12 and Appendix A.

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED, that on September 19, 2011 the Pender County Board of Commissioners (approved, modified, denied) a zoning text amendment request, as described herein. 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:

George R. Brown, Chairman 9-19-2011
Date

ATTEST 9-19-2011
Delivered DATE

PLANNING STAFF REPORT
Zoning Text Amendment

SUMMARY:

Hearing Date: Planning Board – September 13, 2011
Board of County Commissioners – September 19, 2011
Applicant: Administrator, Division of Planning
Application Number: ZTA 10042 Pender County

Text Amendment Proposal: The request consists of amending the following sections within the Pender County Unified Development Ordinance: Sections 4.14, 5.2.3, 5.3.3, and Appendix A; along with the creation of an additional Section 3.20, Section 5.3.9.A, and Section 5.3.9.B, as well as revising references and language in Articles 1-12 and Appendix A.

Background: The following text amendments are the result of various administrative discussions and situational circumstances that have been brought to Staff’s attention since the approval of the previous amendment.

Planning Board Recommendation: The Pender County Planning Board, at the September 13, 2011 meeting voted unanimously to pass a motion recommending approval of this request.

Administrator Recommendation: Administrator respectfully recommends **amending** the Unified Development Ordinance as described in the staff report:

The following outline describes the proposed amendments by topic. The proposed amendment clarifies various issues that have arisen concerning permitting and reviewing recreational vehicle parks and accessory structures. The following is a description, by topic, of the changes that are proposed. A detailed packet of all the changes is included in the informational packet which has been distributed to accompany this report.

Recreational Vehicle Parks

The current standards provided in the Unified Development Ordinance do not provide sufficient information and detail to assist Staff in reviewing and permitting recreational vehicle parks. The proposed provisions concerning recreational vehicles parks create a new review procedure, outlined in Article 3, that details the review process required for all recreational vehicle parks. Staff is proposing that all new recreational vehicle parks be approved with a special use permit in the GB, General Business and RA, Rural Agricultural zoning districts. Following special use permit approval, all proposed recreational vehicle parks shall be reviewed as a major site development plan and be waived from the master development review process. Additional proposals include new standards outlined in Article 5. These proposed standards are consistent with existing criteria in the Unified Development Ordinance, the North Carolina Building Code, and the Pender County Mobile Home and Travel Trailer Park Ordinance effective October 1984 to July 2010. Other amendments are proposed in Article 4 and Appendix A to clarify recreational vehicle park standards.

Accessory Uses and Structures

Staff is proposing to revise existing setback and separation standards for accessory structures referenced in Section 5.3.3. Currently, separation and setback requirements in the Unified Development Ordinance for accessory structures 50 to 599 square feet and 600 to 1,199 square feet are not consistent with standards listed in Section 4.14, Zoning District Dimensional Requirements. The proposed corrections are to clarify dimensional requirements for accessory structures 50 to 1,199 square feet in size with the dimensional requirements outlined in Section 4.14.

The proposed changes have been advertised in the Pender Post and Topsail Voice on Wednesday, September 7, 2011 and Wednesday, September 14, 2011.

Evaluation:

As prescribed in the Pender County Unified Development Ordinance (UDO) Article 3.18.5 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:

There are no other conflicting policies within any adopted land use documents.

Staff Recommendation:

The proposed text amendment is consistent with the remainder of the Ordinance, including, specifically, any purpose and intent statements. The Pender County Planning Board, unanimously, passed a motion recommending approval; therefore, staff respectfully recommends that the amendments are approved as presented.

VOTING AND RESOLUTION:

Planning Board

Motion: Millette Seconded: Smith

Approved: X Denied: Unanimous: X

Boney: X Smith: X Edens: Garrett: X Marshburn: X Millette: X Williams: X

3.20 RECREATIONAL VEHICLE PARK

3.20.1 Intent

- A. Proposed recreational vehicle parks of three (3) acres or more are required to apply for a Special Use Permit. Upon approval of the Special Use Permit by the Board of County Commissioners, the applicant may proceed with the preparation of a Major Site Development Plan.

3.20.2 Review

- A. All new recreational vehicle parks and additions or alterations to existing parks must be in accordance with this ordinance.
- B. All recreational vehicle park proposals shall be waived from the Master Development Plan review process.
- C. Completed site plan, application, fees, and other required data must be submitted 45 days before a scheduled Board of County Commissioners meeting.
- D. When required submission material is submitted as noted above, it shall be placed on the next scheduled Board of County Commissioners agenda, if applicable.
- E. Recreational vehicle parks must meet all requirements prescribed in Section 5.3.9.B, Recreational Vehicle Park and Section 6.3, Major Site Development Plan.
- F. The Administrator shall forward the Special Use Permit to the Technical Review Committee for review. The Committee shall make recommendations to the Administrator concerning whether the proposal meets the requirements of any Pender County codes or Ordinances and other State or Federal regulations as appropriate within ten (10) business days. Upon Major Site Development Plan submittal, the Administrator shall forward the site plan to the Technical Review Committee for additional review.
- G. The Administrator shall determine and provide comments to the applicant whether the proposed recreational park is in conformance with applicable sections of this Ordinance.
- H. Approval of the major site development plan shall expire within two years of the approval date unless final zoning have been obtained for construction.
- I. The Administrator shall periodically inspect the site during construction to ensure that the site plan requirements are met.
- J. The site plan shall be reviewed and approved or disapproved and notice of action taken provided to the applicant within 30 working days of completed submission. The signed original will be provided to the applicant and a signed copy will be filed accordingly.
- K. Final Zoning Approval shall not be issued for any use or site requiring a site plan until all requirements shown on the approved site plan have been met and all improvements shown on the site plan have been provided.

4.14 ZONING DISTRICT DIMENSIONAL REQUIREMENTS

Dimensional Requirements Table

Dimensional Standards	RA	RP	RM	CH	CH	CH	IT	GI		
Lot Size	1 Acre ⁽⁸⁾	15,000 ⁽⁵⁾ Sq. Ft.	(1)	(7)	15,000 Sq. Ft. ⁽⁸⁾	15,000 Sq. Ft.	1 Acres	1 Acres	(1)	1 Acre
Lot Size Duplex	60,000 Sq. Ft.	22,000 Sq. Ft.	(1)						(1)	
Min. Area Rezoning(3)	NA	5 Acres	10 Acres	5 Acres	1 Acre	1 Acre	5 Acres	5 Acres	100 acres	NA
Min. Lot Width-Ft	100 ⁽⁸⁾	80 ⁽⁶⁾	(1)	(7)	80 ⁽⁸⁾	80	100	100	(1)	100
Min. Chord Length at ROW line for "cul de sacs"	45	30	(1)	20	30	30	45	45	(1)	45
Min. Front Yd.-Ft.	30 ⁽⁸⁾	30	(1)	(7)	25 ⁽⁸⁾	25	40	50	(1)	50
Min. Side Yard-Ft	15 ⁽⁸⁾	10	(1)	(7)	10 ⁽⁸⁾	10	25	25	(1)	25
Min. Rear Yard-Ft	30 ⁽⁸⁾	25	(1)	(7)	10 ⁽⁸⁾	10	25	25	(1)	25
Max. Height-Ft	35 ⁽²⁾	35 ⁽²⁾	45	35	40	40	50	50	(1)	40
Min. Req. Structure Separation	40 ⁽⁸⁾	30	(1)		50 ⁽⁸⁾	50	50	100	(1)	30

(1) Dimensional standards in the Planned Development (PD) and Residential Mixed (RM) Districts are required to be specified on a Master Development Plan.

(2) Maximum Height requirements in the RA and RP Zoning District shall be allowed an additional 10' feet if located within any Special Flood Hazard Area (SFHA) at the calculation of 5 additional feet in building height per every 2 feet built above the prescribed Base Flood Elevation (BFE) up to a maximum of forty five (45') feet.

(3) Any parcel of property meeting the guidelines set forth in Sections 3.3 or 3.4 that adjoins an established zoning district that is identical to the district that is applying for a rezoning shall not have to meet the minimum area requirements for rezoning for that district.

(4) The minimum required separation standards are for principal or primary structures, accessory structures must follow separation and setback requirements as outlined in Sections 4.6.3 and 5.3.3.A.

(5) Minimum lot sizes in the RP zoning district may be reduced to 12,000 square feet with the evidence of public utilities (water and sewer) availability and connection is demonstrated.

(6) Minimum lot width in the RP zoning district may be reduced to sixty (60') feet with the evidence of public utilities (water and sewer) availability and connection is demonstrated.

(7) Dimensional requirements for a Manufactured Home District can be found in Section 5.3.2.D, Manufactured Home Community.

(8) Dimensional requirements for a Recreational Vehicle Park may be found in Section 5.3.9.B, Recreational Vehicle Park.

5.2.3, Table of Permitted Uses

Use Type	Ref NAICS	Zoning Districts										
		RA	RP	RM	MRI	PD	GL	OI	IT	GI	EC	
Sector 72: ACCOMODATION AND FOOD SERVICES												
RV Parks and Recreational Camps	7212	SD						SD				

5.3.3 Accessory Uses and Structures

A. Accessory Building, Setbacks and Separation Requirements

- 1) Accessory Buildings 50-599 Square Feet In Area:
 - a) Setback of 10 feet sides and rear from all property lines, and access easements, and any other structures located on the property. ~~same front setback as zoning district requirements~~
- 2) Accessory Buildings 600-1199 Square Feet In Area:
 - a) Setbacks shall adhere to zoning ~~Same as~~ district requirements and separation must be 10 feet from any other structure and access easements located on the property. ~~same front setback as zoning district requirements~~
- 3) Accessory Buildings 1200 Sq. Ft. in Area or Greater:
 - a) Same setback and separation requirements as principal buildings per zoning district regulations

5.3.9 Accommodation and Food Services

A. Hotels and Motels shall be allowed one (1') foot of additional height for every two (2') feet of additional setbacks to the front and sides property lines, not to exceed seventy five (75') feet in height.

B. Recreational Vehicle Park

- 1) All recreational vehicle parks shall be at least three (3) acres in size
- 2) Every space shall consist of a minimum of 2,000 square feet.
- 3) All recreational vehicle parks must adhere to the following dimensional requirements:

Minimum Structure Separation for Recreational Vehicles	10 feet
Minimum Separation from Other Structures	20 feet
Minimum Exterior Property Boundary Setback	20 feet

- 4) Each individual space shall accommodate parking for one recreational vehicle and no more than two motor vehicles.
- 5) Within a recreational vehicle park, one commercial grade trailer may be used as an administrative office.
- 6) Each park shall provide a central structure or structures that will supply separate toilet facilities and showers for both sexes, to be maintained and kept in good repair at all times.
- 7) Establishments of a commercial nature including food stores and coin operated laundry may be permitted in recreational vehicle parks subject to the following conditions:
 - a. Such establishments shall be located, intended, and designed to serve only the trade or service needs of persons residing in the park.

- b. Establishments shall be subordinate to the use and character of the park.
 - c. Access to the commercial establishment must be from interior streets.
 - d. Signs serving the commercial use inside the park shall be limited to twenty (20) square feet in area, non-illuminated, and shall be attached to the establishment.
 - e. Off street parking for commercial establishments shall be provided at a ratio of one (1) space for every 400 square feet of gross floor area.
- 8) No individual sites may be permitted within the jurisdiction of a Special Flood Hazard Area, but may be set aside for passive open space.
 - 9) Recreational vehicle parks may allow for designated tent only camping sites.
 - 10) Permanent parking and storing of a recreational vehicle shall not be permitted in the park.
 - 11) No manufactured home used for residential purposes shall be permitted in a recreational vehicle park.
 - 12) The operator of a recreational vehicle park shall keep an accurate register containing a list and description of all homes located in the park and owner thereof.
 - 13) All parks shall adhere to Article 8, Landscaping and Buffering.
 - 14) Recreational vehicle parks must meet open space requirements per Section 7.6, Open Space.
 - 15) A safe, adequate, and convenient water supply and connection must be provided for each park space.
 - 16) At least one (1) sewage dumping station must be provided along with connections to each individual space. Sewage dumping stations shall be approved by the Pender County Health Department.
 - 17) Park owners shall make arrangements for a private vendor or other sources to collect refuse, either from individual spaces or from centrally located dumpster sites. All dumpster locations are to be fenced and screened from view. Individual refuse receptacles shall be waterproof and rodent proof.
 - 18) The location and dimensions of all proposed and existing rights-of-way, utility or other easements, riding trails, pedestrian or bicycle paths, natural buffers, and areas if any to be dedicated to public use with the purpose of each stated shall be referenced on the site plan.
 - 19) No individual recreational vehicle space shall have direct access to a public maintained road.
 - 20) All streets must be constructed of all weather material and shall be sixteen (16) feet wide and within a designated twenty four (24) feet wide right of way. Recreational vehicle parks shall have direct access to a public maintained road.
 - 21) All parks shall have a certificate of approval by the Pender County Addressing Coordinator for all proposed road names.
 - 22) Soil suitability analysis indicating the suitability of the property for individual septic tanks or an Improvement Authorization Permit for each lot unless community sewer is available and a conditioned approval for connection is submitted. The soil suitability analysis of the property shall also indicate the suitability of the soil for the type structures proposed.
 - 23) All parks proposing to utilize a community water or community waste water system must provide approval from DENR, a Stormwater Management Plan, and approval from the Division of Coastal Management if the park is located in an area of environmental concern. Additionally, the applicant shall provide a certification that the community water system and/or community waste water system will be owned, operated, and maintained by a community system as defined in this Ordinance.

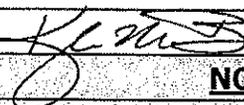
Appendix A, Definitions

ALL WEATHERED ROAD: An unpaved road that is constructed of a material that does not create mud, or sedimentation runoff during rainfall, which allows emergency and typical passenger vehicles to pass at all times.

RECREATIONAL VEHICLE PARK: Any site or tract of land upon which fifteen (15) or more recreational vehicle spaces are provided for temporary occupancy. A recreational vehicle parks shall also be known as a campground or travel trailer park.

RECREATIONAL VEHICLE SPACE: A plot of land within a recreational vehicle park designated for the accommodation of one recreational vehicle and one motor vehicle.

APPLICATION FOR TEXT AMENDMENT

THIS SECTION FOR OFFICE USE			
Application No.	ZTA 10042	Date	7/20/2011
Application Fee	\$ N/A	Receipt No.	N/A
Pre-Application Conference	5/2/11	Hearing Date	9/6/11 - 9/19/11
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Pender County Planning and Community Development		
Applicant's Address:	805 S. Walker Street		
City, State, & Zip	Burgaw, NC 28425		
Phone Number:	910-259-1202		
SECTION 2: UDO TEXT TO BE AMENDED			
Current Text to be Amended (Please site accurate Article number referenced):			
Sections 4.14, 5.2.3, 5.3.3, and Appendix A. Additional revisions to Article 1-12 and Appendix A.			
Proposed Text to be added:			
Sections 3.20, 5.3.9.A, and 5.3.9.B.			
SECTION 3: SIGNATURE			
Applicant's Signature			Date: 8/12/2011
NOTICE TO APPLICANT			
If the applicant makes significant changes to the application for a text amendment after the Planning Board has made its recommendation, the Administrator may refer the modified request back to the Planning Board for an additional public hearing.			
TEXT AMENDMENT CHECKLIST			
<input type="checkbox"/>	Signed application form		
<input type="checkbox"/>	Application fee N/A		
<input type="checkbox"/>	A letter describing, in detail the intent and purpose of the amendment presented, meeting the approval criteria set forth in Section 3.18.5 of the Pender County UDO (shown on page 1 of this application)		
Office Use Only			
<input type="checkbox"/> ZTA Fees: \$250	N/A		Total Fee Calculation:
Payment Method:	Cash: <input type="checkbox"/> \$ _____	Credit Card: <input type="checkbox"/> Master Card <input type="checkbox"/> Visa	Check: <input type="checkbox"/> Check # _____
Application Received By:			Date: 8/12/11
Application completeness approved by:			Date: 8/12/11
Dates Scheduled for Public Hearings:	<input checked="" type="checkbox"/> Planning Board: 9.13.11	<input checked="" type="checkbox"/> BOC: 9.19.11	