



REQUEST FOR BOARD ACTION

ITEM NO. 15.

DATE OF MEETING: October 17, 2011

REQUESTED BY: Ben Andrea, Planner II, Planning and Community Development Department

SHORT TITLE: Resolution to Amend the Pender County Unified Development Ordinance, Sections 4.14 and 7.10.1, and *Appendix D – Typical Forms and Surveyor Notes*; Along with the Creation of Sections 7.10.2 and 7.14.

BACKGROUND: The proposed amendment is a result of Staff review of the Unified Development Ordinance to reveal and remove impediments to Low Impact Development (LID), as well as multiple discussions with the Planning Board and external stakeholders to create a method to identify and provide incentives for LID Projects in Pender County.

SPECIFIC ACTION REQUESTED: To hold a public hearing and consider a resolution to amend the Unified Development Ordinance, Sections 4.14 and 7.10.1, and *Appendix D – Typical Forms and Surveyor Notes*; along with the creation of additional Sections 7.10.2 and 7.14.

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED that

on October 17, 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

10-17-2011
Date

ATTEST

10-17-2011
DATE

PLANNING STAFF REPORT

Zoning Text Amendment

SUMMARY:

Hearing Date: Planning Board – October 4, 2011
Board of County Commissioners – October 17, 2011

Applicant: Administrator, Division of Planning

Application Number: ZTA 10072 Pender County

Text Amendment Proposal: The request consists of amending the following sections within the Pender County Unified Development Ordinance: Sections 4.14 and 7.10.1, and *Appendix D – Typical Forms and Surveyor Notes* along with the creation of Sections 7.10.2 and 7.14.

Background: The following text amendments are the result of Staff's review of the Unified Development Ordinance to reveal impediments to Low Impact Development, as well as multiple discussions with the Planning Board and external stakeholders to create a method to distinguish and create incentives for LID Projects.

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 addresses minimum parking requirements for two land use types, creates a maximum parking allowance for all land use types, and creates a method to identify and create incentives for LID Projects. 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.

Minimum Parking Requirements

Staff is proposing to reduce the number of required parking spaces for two land use types in Section 7.10.1. The two reductions proposed are (1) reduce the number of parking spaces required for Retail Sales and Service uses from 1 per 200 square feet of floor area for the first 50,000 square feet of gross leaseable area to 1 per 225 square feet of floor area for the first 50,000 square feet of gross leaseable area and (2) reduce the number of parking spaces required for Office uses from 1 per 250 square feet of floor area to 1 per 300 square feet of floor area. The proposed new parking minimums are more reflective of minimum parking requirements suggested in the Institute of Transportation Engineers *Parking Generation Rates (4th ed.)*. A reduction to the minimum of parking spaces required for these land uses will result in less required impervious surface area for development projects, at a benefit to the developer as well as the environment.

Maximum Parking Requirements

Staff is proposing to create a maximum number of allowable parking spaces for non-residential land uses, proposed at 125% of the minimum spaces required per Section 7.10.1. The enactment of a maximum parking allowance would prevent underutilized and unnecessary impervious surfaces in the County while realizing an economic benefit for developers and an environmental benefit by minimizing non-point source pollution associated with contaminated stormwater runoff.

Low Impact Development Projects

Staff is proposing the creation of Section 7.14 – Low Impact Development. This section creates criteria that a project must meet in order to be deemed an LID Project. Projects meeting the criteria would be allowed flexibility in the dimensional requirements prescribed in Section 4.14. Section 7.14 also outlines additional requirements that are applicable should an LID Project utilize any incentive proposed in the section.

Sample Engineer Certification Form

Staff has created a sample Engineer Certification Form to be included in *Appendix D – Typical Forms and Surveyor Notes*. In order for a project to qualify as an LID Project, an Engineer Certification Form must be signed and sealed by an Engineer attesting that the project meets the criteria in 7.14.

The proposed changes have been advertised in the Pender Post and Topsail Voice on Wednesday, September 21, 2011 and Wednesday, September 28, 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:

This text amendment is supported by a multitude of goals and policies in the 2010 Pender County Comprehensive Land Use Plan:

Growth Management Goal 1A.1 - Manage the physical growth and development of Pender County by promoting more intensive land uses in key locations identified for such growth while preserving and protecting the unique physical character and social assets of the predominant rural lifestyle and coastal environment that makes the County a unique place to live.

Policy 1A.1.4 - The County should develop and utilize innovative and flexible land planning techniques that encourage developments to efficiently use land resources that result in more compact urban areas, infill development, redevelopment, and the adaptive re-use of existing buildings.

Policy 1A.1.5 - The County supports a pro-business/pro-growth attitude, balanced by a concern for preserving the natural assets and quality of life factors that make the area attractive to visitors and permanent residents alike.

Transportation Goal 2B.1 - Manage the timing, location and intensity of growth by coordinating transportation improvements in accordance with the Comprehensive Land Use Plan and the Coastal Pender Collector Street Plan.

Policy 2B.1.10 - Allow and encourage flexible road design standards, incorporating low impact development and smart growth principles.

Stormwater Management Goal 2G.1 - Protect the water quality of public trust waters in and around Pender County, particularly Class SA waters. (Class SA waters, as designated by the NC Division of Water Quality, are High Quality Waters (HQW) that are rated excellent based on biological and physical/chemical characteristics; SA waters are typically used for commercial shell fishing.)

Policy 2G.1.2 - The UDO shall address the use of fill material to create building sites/lots by altering natural drainage patterns.

Policy 2G.1.3 - Pender County will consider developing policies and techniques that encourage the use of voluntary low impact development standards that can be applied to projects at the individual lot level or to major residential or commercial developments to mimic natural features and predevelopment hydrology.

Policy 2G.1.4 - When considering developing policies and techniques that incorporate low impact development practices Pender County should adhere to the guidance set forth from the Division of Water Quality for details on how to design, construct and maintain LID practices.

Policy 2G.1.5 - Consider implementing fee-based as well as land-based incentive packages for developers that utilize low-impact development (LID) techniques to manage the potential impacts of stormwater runoff.

Preferred Development Patterns Goal 3A.1 - Develop a preferred growth pattern that includes traditional suburban communities but also allows for higher density residential development and for innovative mixed-use developments to encourage more compact, sustainable growth patterns.

Policy 3A.1.1 - Use the creation of the Unified Development Ordinance (UDO) as an opportunity to allow more development flexibility while setting higher standards for sustainable development.

Policy 3A.1.2 - To the extent possible, incorporate more flexible zoning categories that establish performance standards and do not exclude uses as much as encourage compatible co-location of uses to encourage sustainable land use patterns. Neo-traditional or traditional neighborhood planning standards should provide for a compatible mix of uses to encourage more livable communities.

Community Design and Appearance Goal 3B.2 - Improve community appearance by using cluster development options to preserve roadside views and open space.

Policy 3B.2.1 - Incorporate cluster development standards in the Unified Development Ordinance.

Policy 3B.2.2 - Consider providing incentives to encourage use of the cluster development option to preserve environmentally sensitive areas and upland sites as open space to protect community character.

Natural Resources Protection Goal 6A.1 - Ensure that natural resources are maintained or enhanced as development occurs.

Policy 6A.1.2 - Consider regulations that restrict or limit development in flood hazard areas, wetlands, and other identified hazardous or natural resource areas.

Policy 6A.1.3 - Require use of conservation subdivision and low impact development techniques to preserve natural resources on new development sites.

Policy 6A.1.4 - Consider establishing staff resources to manage and strengthen stormwater quality standards in addition to state minimum standards.

Policy 6A.1.5 - Adopt regulations that provide enhanced protection of groundwater resources where needed as appropriate.

Parks, Recreation, Open Space and Waterway Access Goal 7B.1 - Increase the amount of land available and the funding for parks, recreation and open spaces to serve Pender County residents and visitors.

Policy 7B.1.2 - Encourage the use of conservation subdivision development to preserve open amenities within new development.

Economic Development Goal 10A.1 - Promote economic development which meets the needs of the County for expanding the non-residential tax base and providing well-paying jobs.

Policy 10A.1.7 - Protect, enhance and encourage a high quality of life, including the conservation and management of natural and man-made resources, as an effective component of an economic development and diversification strategy.

Additionally, there are no 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 passed a motion recommending approval; therefore, staff respectfully recommends that the amendments are approved as presented.

VOTING AND RESOLUTION:

Planning Board

Motion: Millette Seconded: Garrett

Approved: X Denied: Unanimous:

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

APPLICATION FOR TEXT AMENDMENT

THIS SECTION FOR OFFICE USE

Application No.	ZTA - 10072	Date	8/19/2011
Application Fee	\$0	Receipt No.	N/A
Pre-Application Conference	N/A	Hearing Date	PB - 10/4/2011 BOC - 11/21/2011

SECTION 1: APPLICANT INFORMATION

Applicant's Name:	Pender County Department of 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

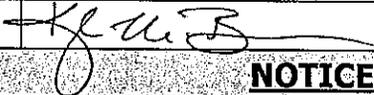
Current Text to be Amended (Please site accurate Article number referenced):

Section 4.14, Section 7.10.1

Proposed Text to be added:

Section 7.10.2, Section 7.14

SECTION 3: SIGNATURE

Applicant's Signature 	Date:	8/19/2011
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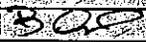
NOTICE TO APPLICANT

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 checked="" type="checkbox"/>	Signed application form
<input type="checkbox"/>	Application fee N/A
<input checked="" 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:	8/20/2011	
Application completeness approved by: 	Date:	8/20/2011	
Dates Scheduled for Public Hearings:	<input type="checkbox"/> Planning Board: 10/4/2011	<input type="checkbox"/> BOC: 11/21/2011	