



REQUEST FOR BOARD ACTION

ITEM NO. 15.

DATE OF MEETING: May 20, 2013

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

SHORT TITLE: Resolution to Amend the Pender County Unified Development Ordinance, Section 5.2.3, Table of Permitted Uses to Include Uses Classified by NAICS Codes 491110 Postal Services, 813410 Civic and Social Organizations, and to further delineate Outdoor Shooting Ranges as a separate classification.

BACKGROUND: The proposed amendment clarifies various issues that have arisen concerning permitting and reviewing specific uses including postal services, civic and social organizations, and outdoor shooting ranges. The specific request consists of amending 5.2.3, Table of Permitted Uses. 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, Section 5.2.3.

RESOLUTION

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

on May 20, 2013 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 ___ McCoy ___ Tate ___ Ward ___ Williams ___

George R. Brown, Chairman

5/20/2013
Date

ATTEST
Delivered

5/20/2013
DATE

PLANNING STAFF REPORT
Zoning Text Amendment

SUMMARY:

Hearing Date: Planning Board – May 7, 2013
Board of County Commissioners – May 20, 2013

Applicant: Administrator, Division of Planning

Application Number: ZTA 10944 Pender County

Text Amendment Proposal: The request consists of amending Section 5.2.3, Table of Permitted Uses within the Pender County Unified Development Ordinance.

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.

Administrator/Planning Board Recommendation: Administrator respectfully recommends **amending** the Unified Development Ordinance as described in the staff report. The Planning Board, at their May 7, 2013 regular meeting voted unanimously to recommend approval of the proposed text amendment.

The following outline describes the proposed amendments by topic. The proposed amendments clarify recent issues that have been brought to staff's attention regarding reviewing and approving postal services, civic and social organizations, and outdoor shooting ranges. 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.

Postal Services (NAICS 491110) and Civic and Social Organizations (NAICS 813410)

Recently, it has been brought to staff's attention that specific uses were not included in Section 5.2.3, Table of Permitted Uses, that were originally permitted in the Pender County Zoning Ordinance in effect from 1988 to 2010. As a result, staff is recommending an amendment to the Unified Development Ordinance to include postal services and civic and social organizations within the Table of Permitted Uses allowing them within specific zoning districts throughout the County as noted on the attached table of permitted uses.

Outdoor Shooting Ranges (NAICS 713990)

Within the last year, Planning Staff has experienced an increase in the number of inquiries regarding outdoor shooting ranges in Pender County. Currently, outdoor shooting ranges are classified as NAICS 71399 All Other Amusement and Recreation & Industries in the Unified Development Ordinance. This classification is primarily geared towards recreational defined uses including baseball clubs, lawn bowling, or picnic grounds. Due to the nature of outdoor shooting ranges and requests not being of the recreational nature, staff is requesting to add outdoor shooting ranges as an additional use within Sector 71. The proposed amendment will permit outdoor shooting ranges with a Special Use

Permit in the RA, Rural Agricultural district. This amendment only includes outdoor shooting ranges; indoor shooting ranges shall continue to be reviewed under NAICS 71399.

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 and the specific intent of this Ordinance.

Comprehensive Land Use Plan Compliance:

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; therefore, staff is recommending approval of the amendments as presented. The Planning Board, at their May 7, 2013 regular meeting voted unanimously to recommend approval of the proposed text amendment.

Planning Board

Motion: McClammy Seconded: Edens

Approved: X Denied: Unanimous X

Boney: X Marshburn: X Baker: X Edens: X McClammy: X Nalee: A Williams: X

5.2.3 Table of Permitted Uses

| Use Type | Ref NAICS | Zoning Districts | | | | | | | | | |
|---------------------------------------------------------|-----------|------------------|----|----|----|----|----|----|----|----|----|
| | | RA | RP | RM | MH | PD | GB | OI | IT | GI | EC |
| Sectors 48-49: TRANSPORTATION AND WAREHOUSING | | | | | | | | | | | |
| Postal Services | 491110 | S | S | | | P | P | P | | | |
| Sector 81: OTHER SERVICES, EXCEPT PUBLIC ADMINISTRATION | | | | | | | | | | | |
| Civic and Social Organizations | 813410 | S | S | | | P | P | P | | | |
| Sector 71: ARTS, ENTERTAINMENT, AND RECREATION | | | | | | | | | | | |
| Outdoor Shooting Ranges | 713990 | S | | | | | | | | | |

Appendix A – Definitions

OUTDOOR SHOOTING RANGE: An area devoted to organized shooting and target shooting.