



## REQUEST FOR BOARD ACTION

ITEM NO. 21.

**DATE OF MEETING:** June 17, 2013

**REQUESTED BY:** Ashley Frank, Planner II, Planning and Community Development Department

**SHORT TITLE:** Resolution to Amend the Pender County Unified Development Ordinance, Section 4.6.5, Lot Type, Width and Depth; Section 4.14 Zoning District Dimensional Requirements; and Appendix A-Definitions 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 effective date of the Pender Country Unified Development Ordinance. After a review of the UDO regulations staff determined that the corner lot requirements were difficult to understand and follow. Staff is requesting the following changes in order to simplify and better define how to determine the location of side yard and the actually size setback of side yard.

**SPECIFIC ACTION REQUESTED:** To hold a public hearing and consider a resolution to amend Section 4.6.5, Lot Type, Width and Depth; Section 4.14 Zoning District Dimensional Requirements; and Appendix A-Definitions within the Pender County Unified Development Ordinance.

**RESOLUTION**

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

on June 17, 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

06/17/2013  
Date

\_\_\_\_\_  
ATTEST  
Delivered

06/17/2013  
DATE

**PLANNING STAFF REPORT**  
**Zoning Text Amendment**

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**SUMMARY:**

**Hearing Date:** Planning Board – June 4, 2013  
Board of County Commissioners – June 17, 2013  
**Applicant:** Administrator, Division of Planning  
**Application Number:** ZTA 10972 Pender County

**Text Amendment Proposal:** The request consists of amending Section 4.6.5, Lot Type, Width and Depth; Section 4.14 Zoning District Dimensional Requirements; and Appendix A-Definitions 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 effective date of the Pender County Unified Development Ordinance.

**Administrator/Planning Board Recommendation:** Administrator respectfully recommends **amending** the Unified Development Ordinance as described in the staff report. The Planning Board, at their June 4, 2013 regular meeting voted unanimously to recommend approval of the proposed text amendment.

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The following outline describes the proposed amendments by topic. The proposed amendments clarify recent issues that have been brought to staff's attention regarding the required yard setbacks for corner lots in Pender County. After a review of the UDO regulations staff determined that the corner lot requirements were difficult to understand and follow. The following is a description, by topic, of the changes that are proposed. Detailed information of all the changes is included in the informational packet which has been distributed to accompany this report.

Section 4.6.5 Lot Type, Width and Depth

Within the last year, Planning Staff has experienced an increase in the number of inquiries regarding required yard setbacks for corner lots and how to determine which yard would be identified as the front yard from the general public, Pender County Permitting, and by the Pender County Addressing Coordinator. The Pender County UDO specifically addresses front and corner lot lines in Sections 4.6.5.B 2-3. However the existing regulations appears to place more stringent yard requirement on corner lots than interior lots, as well as making the determination of which yard is the front difficult.

Section 4.14 Zoning District Dimensional Requirements, Dimensional Requirements Table

The Dimensional Requirements Table addresses the dimensional standards for all Zoning Classifications in Pender County; this includes lot sizes, lot widths and required yard setbacks for the front, side and rear lot lines. Staff is proposing to add corner lots to this table with the corresponding standards. Currently, corner lots must meet the same yard requirements as the front yard setback, which in Pender County tends to be the largest yard setback requirement. Staff is proposing that corner lots meet one half of the front yard requirement. This will allow more flexibility within the building

envelope of a lot but would also, add an additional separation along the road frontage. There are no adverse impacts anticipated with this proposal.

Appendix A- Definitions

The Pender County Unified Development Ordinance currently defines “Lots” using 10 sub-definitions. Staff is revising the definitions to coincide with Figure 4.1 to better facilitate the determination of lot and lot type, while also making the yard requirements easier to identify.

**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.

**Planning Board**

Motion: Williams Seconded: McClammy

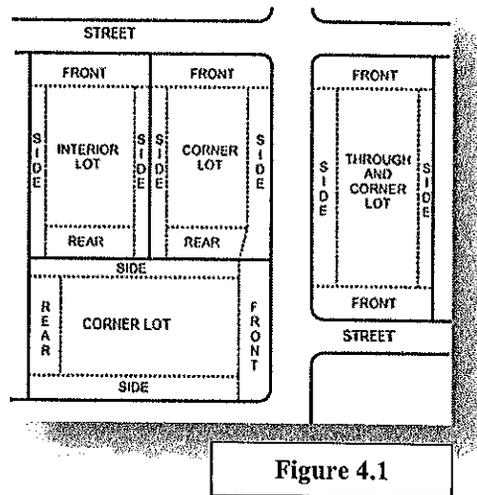
Approved:  X  Denied:   Unanimous  X

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

**4.6.5 Lot Type, Width, and Depth**

- A. Lot Type – The various types of lots shall be classified as shown in the graphic Figure 4.1 at right:
- B. Lot Line Equivalent - The following provisions shall apply in the determination of a lot line equivalent.

1. A front lot line equivalent is a straight line joining the foremost points of the side lot lines. In the case of rounded property corners at street intersections, the foremost point of a side lot line shall be assumed to be the point at which the side and the front lot line would have met without such rounding.
2. A front lot line is any lot line adjacent to a public or private right-of-way or ingress/egress easement. In the case of a corner lot, either side adjacent to a street may be considered to be the front, provided the structure to be located on the lot is situated to meet the required front, side and rear yards for the zoning district in which the lot is located.
3. A rear lot line is opposite the front lot line ~~or in the case of a corner lot – the rear lot line is opposite the shortest front lot line.~~
4. Side lot lines are all lot lines not clarified as front or rear.



**4.14 ZONING DISTRICT DIMENSIONAL REQUIREMENTS**

Dimensional Requirements Table

Dimensional Standards <sup>(9)</sup>	RA	RP	RM	MH	GB	OJ	IT	GJ	PD	LC
Lot Size	1 Acre <sup>(8)</sup>	15,000 <sup>(5)</sup> Sq. Ft.	(1)	(7)	15,000 Sq. Ft. <sup>(8)</sup>	15,000 Sq. Ft.	1 Acre	1 Acre	(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 <sup>(8)</sup>	80 <sup>(6)</sup>	(1)	(7)	80 <sup>(8)</sup>	80	100	100	(1)	100
Min. Chord Length at ROW line for "cul de sac's"	45	30	(1)	20	30	30	45	45	(1)	45
Min. Front Yd.-Ft.	30 <sup>(8)</sup>	30	(1)	(7)	25 <sup>(8)</sup>	25	40	50	(1)	50
Min. Side Yard-Ft	15 <sup>(8)</sup>	10	(1)	(7)	10 <sup>(8)</sup>	10	25	25	(1)	25
<b>Min. Corner Yard Ft (10)</b>	<b>15</b>	<b>15</b>	<b>(1)</b>	<b>(7)</b>	<b>12</b>	<b>12</b>	<b>20</b>	<b>25</b>	<b>(1)</b>	<b>25</b>
Min. Rear Yard-Ft	30 <sup>(8)</sup>	25	(1)	(7)	10 <sup>(8)</sup>	10	25	25	(1)	25
Max. Height-Ft	35 <sup>(2)</sup>	35 <sup>(2)</sup>	45	35	40	40	50	50	(1)	40
Min. Req. Structure Separation	40 <sup>(8)</sup>	30	(1)		50 <sup>(8)</sup>	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 may 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.
- (9) Variations to Dimensional Standards are allowed for projects meeting LID Project Criteria, as overviewed in Section 7.14, Low Impact Development.
- (10) See Figure 4.1

## Appendix A

**LOT:** A designated parcel, tract or area of land established or to be established by plat or subdivision or previously established as a recorded lot.

1. **LOT AREA:** The total area within the lot lines of a lot.
2. **LOT, CORNER:** A lot abutting two or more streets at their intersection. (See Figure 4.1)
3. **LOT COVERAGE:** The total built upon area, including all non-pervious surface materials.
4. **LOT, INTERIOR:** A lot other than a corner lot. (See Figure 4.1)
5. **LOT LENGTH:** The distance between the front lot line and the rear lot line measured at the maximum distance.
6. **LOT LINE, FRONT:** ~~The line separating a lot from a street right-of-way.~~ The front of a lot shall be considered to be that side of the lot which fronts on a street. In the case of a corner lot, either side abutting a street may be considered to be the front, provided the structure to be located on the lot is situated to meet the required front, side and rear yards for the zoning district in which the lot is located. (See Figure 4.1)
7. **LOT LINE, REAR:** The lot line opposite and parallel to the front lot line or within 45° of being parallel to the front lot line. (See Figure 4.1)
8. **LOT LINE, SIDE:** Any lot line other than front or rear lot lines. (See Figure 4.1)
9. **LOT OF RECORD:** A lot for which a plat or survey description has been legally recorded with the Pender County Register of Deeds.
10. **LOT, PIPESTEM:** A residential lot fronting on a public or a private street in which access is provided by a narrow strip of land, referred to as the "pipestem driveway yard," which is less than the minimum required front yard width, and located between adjoining residential lots fronting on the same street.
11. **LOT, THROUGH:** A lot, other than a corner lot, with frontage on more than one street. These lots may also be called "double frontage lots". (See Figure 4.1)
12. **LOT WIDTH:** The horizontal distance between side lot lines measured at the front yard setback line.