



REQUEST FOR BOARD ACTION

ITEM NO. 30

DATE OF MEETING: June 22, 2015

REQUESTED BY: Megan O'Hare, Senior Planner, Planning & Community Development

SHORT TITLE: Resolution to Amend the Pender County Unified Development Ordinance to allow for electronic submittal of required foundation surveys and to remove the requirement of in-field setback verifications.

BACKGROUND: Pender County, applicant, is requesting the approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance to amend Section 3.2.2.B to allow for electronic submittal of required foundation surveys and to amend Section 3.2.2.D to remove the requirement of in-field setback verifications. The Zoning Text Amendment proposal is the result of various administrative discussions in attempt to provide a more efficient and effective setback certification process for customers and staff, expediting review by eliminating unnecessary steps, thus resulting in improved customer service.

SPECIFIC ACTION REQUESTED: To hold a public hearing and consider a resolution to amend the Pender County Unified Development Ordinance Section 3.2.2.B to allow for electronic submittal of required foundation surveys and Section 3.2.2.D to remove the requirement of in-field setback verifications.

RESOLUTION

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

on June 22, 2015 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: Williams ___ Brown ___ McCoy ___ Piepmeyer ___ Keith ___

J. David Williams, Chairman 6/22/2015
Date

ATTEST 6/22/2015
DATE

PLANNING STAFF REPORT
Zoning Text Amendment

SUMMARY:

Hearing Date: June 2, 2015– Planning Board
June 22, 2015– Board of Commissioners
Applicant: Pender County
Case Number: ZTA 11379

Text Amendment Proposal: Pender County, applicant, is requesting the approval of a zoning text amendment to the Pender County Unified Development Ordinance (UDO) to amend Section 3.2.2.B to allow for electronic submittal of required foundation surveys for setback certification and to amend Section 3.2.2.D to remove the requirement of in-field setback verifications.

Background: The zoning text amendment proposal is the result of various administrative discussions in attempt to provide a more efficient and effective setback certification process for customers, citizens, and County Staff, expediting review by eliminating unnecessary steps.

Planning Board Recommendation: The Pender County Planning Board, on June 2, 2014, voted unanimously in favor of passing a motion to recommend approval of the aforementioned zoning text amendment request.

Administrator Recommendation: The Administrator respectfully recommends approval of the zoning text amendment to the Unified Development Ordinance as described in the following report, as it is consistent with the Unified Development Ordinance, the 2010 Pender County Comprehensive Land Use Plan, and other adopted planning documents.

Amendment Outline:

The first portion of the proposed text amendment amends Section 3.2.2.B to allow for electronic submittal of required foundation surveys for setback certification. Currently, Section 3.2.2.B requires that foundation surveys be submitted in original form, signed and sealed by a professional land surveyor. The proposal adds the potential for electronic submittals to be signed electronically, thus making electronic submittals as equally valid as foundation surveys submitted in original form. This proposal adapts to technology improvements and accommodates a more efficient submittal process, resulting in improved customer service.

The second portion of the proposed text amendment amends Section 3.2.2.D to remove the requirement that a building inspector make a site visit to verify setbacks when a foundation survey is not required, if the approved site plan shows the setbacks to be double those required by the Unified Development Ordinance or shows front yard setbacks to be twenty (20) feet greater than the minimum required and side and rear yard setbacks to be ten (10) feet greater than the minimum required by the Unified Development Ordinance. This proposal allows approval of setbacks based on the submitted site plan, creating a more efficient process for both County Staff and the customer.

The specific Unified Development Ordinance text to be amended is attached as Exhibit 1.

Evaluation:

As prescribed in the Pender County Unified Development Ordinance Section 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 Planning Board and 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.

2010 Comprehensive Land Use Plan Compliance:

There are no conflicting policies within any adopted land use documents for the proposed zoning text amendment. Based on technology improvements, the proposed zoning text amendment will allow for more efficient review of zoning applications, thereby improving customer service.

Recommendation:

The proposed zoning text amendment is consistent with the Pender County Unified Development Ordinance, the 2010 Pender County Comprehensive Land Use Plan, and other adopted planning documents. Staff, with recommendation from the Pender County Planning Board, respectfully recommends approval of the zoning text amendment as presented, as it is consistent with the Unified Development Ordinance, the 2010 Pender County Comprehensive Land Use Plan, and other adopted planning documents, and improves customer service by allowing for more efficient review of zoning applications.

Planning Board

Motion: Edens **Seconded:** Marshburn

Approved: x **Denied:** **Unanimous:** x

Williams: x McClammy: Fullerton: Baker: x Edens: x Marshburn: x Nalee: x



Planning Division
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www.pendercountync.gov

APPLICATION FOR TEXT AMENDMENT

THIS SECTION FOR OFFICE USE			
Application No.	ZTA 11379	Date	4/17/15
Application Fee	\$ NA	Receipt No.	NA
Pre-Application Conference	NA	Hearing Date	PB 6/2/15 BOC 6/22/15
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Pender County		
Applicant's Address:	805 S. Walker St.		
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 3.2.2.B and 3.2.2.D			
Proposed Text to be added:			
Amend 3.2.2.B to allow for electronic submittal of required foundation surveys and amend 3.2.2.D to remove the requirement for in-field setback verifications.			
SECTION 3: SIGNATURE			
Applicant's Signature			Date:
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		
NA <input checked="" type="checkbox"/>	Application fee		
NA <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		Total Fee Calculation: NA	
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:	Amber H. Cif		Date: 4-17-15
Application completeness approved by:	Amber H. Cif		Date: 4-17-15
Dates Scheduled for Public Hearings:	<input checked="" type="checkbox"/> Planning Board: 6-2-15	<input checked="" type="checkbox"/> BOC: 6-22-15	

3.2.2 Setback Certification

- A. Upon submittal of a building permit application or prior to approval of a site plan or preliminary subdivision plat, the Administrator shall confirm all required setbacks and make clear note of these requirements on the application, plat or plan documents, as applicable.
- B. Foundation Survey Requirements: Foundation surveys will be required and must be submitted in ~~its~~ original form **or electronic form with electronic signature** to verify that a new structure meets the ~~set-back~~ **setback** requirements of this Ordinance prior to occupancy. A foundation survey is required when the foundation wall is completed. Foundation surveys shall be required for all principal structures and accessory structures greater than 600 square feet with the exceptions noted below. The foundation survey submission shall consist of a map prepared by a Professional Land Surveyor showing the structure, lot boundaries and distance from the structure to the lot boundaries, and be signed and sealed by the surveyor. A signed and sealed letter from a Professional Land Surveyor, identifying the property and structure and certifying that the structure meets or exceeds the setbacks for the zoning district in which it is located may be provided in lieu of a survey map.
- C. Prohibition on Inspections: No inspections shall be provided by the Pender County Building Inspector on a structure after the "foundation inspection" unless the Foundation Survey is complete. The Inspector shall place a stop work order on any construction when the foundation verification is not submitted when required and shall not provide an occupancy permit or any authorization for power connection until the required foundation survey verification is submitted and approved by the Administrator or their designated representative.
- D. Exceptions to Survey Requirements: A foundation survey will not be required in the following circumstances:
- 1) For a structure erected on a bona fide farming operation.
 - 2) For individual mobile homes located in a mobile home park.
 - 3) For structures when the approved site plan shows the setbacks to be double those required by this Ordinance **or shows front yard setbacks to be twenty (20) feet greater than the minimum required and side and rear yard setbacks to be ten (10) feet greater than the minimum required by this Ordinance.** ~~and a building inspector upon visit to the site can observe and confirm that the structure has been located as shown on the site plan. The inspector shall verify his observation by providing a signed copy of the site plan or a permit for the structure to the Administrator. Other form of certification satisfactory to the Building Inspections Director and Administrator may be provided.~~
 - 4) ~~For structures when the conditions noted below are met and a building inspector upon visit to the site can observe and confirm that the structure has been located as shown on the site plan. The inspector shall verify his observation by providing a signed copy of the site plan or a permit for the structure to the Administrator. Other form of certification satisfactory to the Building Inspections Director and Administrator may be provided. The following conditions must be met for this exception to apply:~~

- a) ~~Site plan approved by Administrator and Environmental Health shows front yard setbacks to be 20 feet above minimum required and side and rear yard setbacks to be 10 feet above minimum required and is available at site.~~
- b) ~~A survey map of the site showing the property corners is available at the site.~~
- c) ~~The permanent property corners are clearly marked and flagged.~~
- d) ~~The owner or his representative is available at the site to provide measurements if necessary to confirm structure location.~~