Pender County
Planning and Community Development

Planning Division
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AGENDA
Pender County Planning Board
Tuesday, January 8, 2013 7:00 p.m.
Pender County Public Meeting Room
805 S. Walker Street, Burgaw, North Carolina

Call to Order: Chairman Boney

Roll Call: Chairman Boney
Pender County Planning Board Members:
Boney: ____ Williams: ____ Edens: ____ Garrett: ____ Marshburn: ____ Millette: _____ Nalee: _____

1. **Election of Officers: Chairman/Vice-Chairman:**
2. **Adoption of the Agenda:**
3. **Adoption of Minutes: (December 4, 2012, Meeting and Work Session)**
4. **Public Comment:**
5. **Zoning Text Amendment:** Pender County, applicant, is requesting approval of an amendment to the Pender County Unified Development Ordinance. The proposal consists of amending Sections 2.9.1, 2.9.2, 2.11, 3.6.1, and 3.6.2. A detailed description of each amendment is available in the Planning Department offices for review.
6. **Discussion Items:**
    a. **Planning Staff**
    b. **Planning Board Members**
7. **Adjournment:**

Anyone wishing to address the **Pender County Planning Board** shall make a request on the "Public Comment" **sign-up sheet. Please provide the information requested.**

If you wish to speak on ***a specific public hearing item***, please sign-in on the appropriate "Public Hearing" **sign- up sheet.** Speakers will be allowed to speak *prior* to any action/vote taken by the Board.

*A time limit of **two** minutes per speaker or up to **ten** minutes for groups of five or more, with a designated speaker will be imposed.

PLANNING STAFF REPORT
Zoning Text Amendment

SUMMARY:

Hearing Date: Planning Board – January 8, 2013
Board of County Commissioners – January 22, 2013
Applicant: Administrator, Division of Planning
Application Number: ZTA 10828 Pender County

Text Amendment Proposal: The request consists of amending Sections 2.9.1, 2.9.2, 2.11 3.6.1, and 3.6.2 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 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 amendments clarify the powers and duties of the Pender County Technical Review Committee along with addressing concerns reviewing and permitting nonresidential change of uses and up-fits. 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.

Technical Review Committee

Staff is proposing to revise the existing powers and duties of the Pender County Technical Review Committee outlined in Section 2.9.2. The proposed amendment will not require the Technical Review Committee's review for rezoning requests, special use permits, ordinance text amendments, and residential final plats. Because detailed site development plans are not a component of a rezoning or ordinance text amendment request, comments received from the TRC are minimal, general in scope, and not advantageous to the review of these particular requests. As a result, Staff is recommending not requiring their review of these requests. However, language will remain to allow for the Administrator to submit these requests to the Technical Review Committee for review and comment as needed, and detailed site development proposals such as Major Site Development Plans and Special Use Permits will still be forwarded to the TRC for their review and comment. Additional changes are being proposed in Section 2.9.1, *Establishment, Membership, and Procedure*, and Section 2.11, *Summary of Review Authority*, to be consistent with revisions proposed in Section 2.9.2, *Powers and Duties of the Pender County Technical Review Committee*.

Nonresidential Change of Uses

Recently, Staff has seen an increase in the number of change of use or up-fit requests throughout the County. These requests are defined and reviewed as Minor Site Development Plans at Staff level. However, there has been some conflict with the required review process these requests are to follow

since they are not referenced directly in the Unified Development Ordinance. In order to provide clarification and consistency with Staff, business owners, and property owners, Staff is proposing a revision to Section 3.6.2, *Activities Requiring Minor Site Development Plans*, and Section 3.6.3, *Review*, to include change of uses and up-fits for reference.

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 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:_____Seconded_____

Approved:_____Denied:_____Unanimous_____

Boney: ___ Edens: ___ Garrett: ___ Marshburn:___ Millette: ___ Nalee:___ Williams: _____

2.9 TECHNICAL REVIEW COMMITTEE

2.9.1 Establishment, Membership, and Procedure

A. Establishment: A Technical Review Committee shall be established to provide a coordinated and centralized technical review process. The members of the Technical Review Committee shall be composed of persons from various departments and agencies which have an interest in the development review process.

B. Membership

1) Chair: The Administrator shall serve as Chair of the Technical Review Committee and shall be responsible for all final decisions of the Committee.

2) Other Members: In addition to the Chair, the Technical Review Committee shall be comprised of the following members or their designated representatives:

a) County Manager's Office
b) Pender County Utilities
c) Pender County Environmental Health
d) Pender County Emergency Management
e) Pender County Fire Marshal
f) Pender County Parks and Recreation
g) Pender County Board of Education
h) Pender County Sheriff's Department
i) Pender County Information Technology Department ~~(Road Naming Committee)~~ (Addressing Coordinator)
j) Pender County Soil and Water Conservation District
k) North Carolina Department of Transportation (NCDOT) - District Engineer Office
l) NCDOT – Planning Office
m) Wilmington Metropolitan Planning Organization ~~– Hampstead and Scotts Hill Areas~~
n) Cape Fear Rural Planning Organization (RPO)
o) NC Department of Environment and Natural Resources (DENR) – Division of Water Quality
p) DENR – Division of Coastal Management
q) DENR – Division of Land Quality
r) DENR – Division of Environmental Health
s) North Carolina Wildlife Resources Commission
t) North Carolina State Archeology
u) Progress Energy
v) Four County Electric
w) US Army Corps. Of Engineers
x) Any other County staff or external agencies the Chair deems necessary for the professional review of an application

3) Procedures: The Technical Review Committee shall meet as often as necessary to fulfill its duties or upon call of the Chair of the committee to review and discuss development applications. The meeting notes of each meeting shall be filed with the Administrator. An

official quorum shall not be required; all written comments shall be deemed necessary as proper input.

2.9.2 Powers and Duties

A. Review and Recommendation: The Technical Review Committee shall make a recommendation on the following development review procedures:

~~1. Rezoning (Section 3.3)~~
2. Conditional Rezoning (Section 3.4)
3. Master Development Plan (Section 3.5)
4. Minor Site Development Plan (Section 3.6)
5. Major Site Development Plan (Section 3.7)
6. Minor Subdivision (Section 3.9)
7. Major Subdivision (Section 3.10)
~~8. Ordinance Text Amendment (Section 3.18)~~
~~9. Special Use Permit (Section 3.12)~~
10. Any other review requested by an approving authority.

2.11 SUMMARY OF REVIEW AUTHORITY

The following table summarizes review and approval authority under this Ordinance.

	Technical Review Committee	UDO Administrator	Zoning Board of Adjustment	Planning Board	Board of County Commissioners
Master Development Plan – PD					
Master Development Plan – PD	R	R		<D>	
Major Site Development Plan and/or Preliminary Plat	R	R/D		<D>(w)	
Final Plat		R			
Master Development Plan - Residential					
Master Development Plan	R	R		<D>	
Preliminary Plat	R	R/D		<D>(w)	
Final Plat		R D			
Master Development Plan – Non Residential					
Master Development Plan	R	R		<D>	
Major Site Development Plan	R	R D			
Subdivision					
Minor Subdivision – Preliminary Plat	R	R D			
Minor Subdivision – Final Plat	~~R~~	R D			
Major Subdivision (RA Districts) – Preliminary Plat	R	R D			
Major Subdivision (RA Districts) – Final Plat	~~R~~	R D			
Sketch Development Plan		R D			
Family Divisions/Three Lot Divisions		R D			
Non Residential					
Major Site Development Plan	R	R D			
Minor Site Development Plan	R	R D			
Miscellaneous					
Rezoning	~~R~~	R		<R>	<D>
Conditional Rezoning	R	R		<R>	<D>
Ordinance Text Amendment	~~R~~	R		<R>	<D>
Special Use Permits	~~R~~	R			<D>
Appeal of Zoning Vested Right		R D	<D>		
Variance			<D>		
Administrative Adjustment		D			
Appeal of Administrative Decision		R	D		
Written Interpretation		D			
Telecommunications Tower					<D>
Zoning Approval/Permits		D			

KEY:
R= Review or recommendation authority
D = Decision authority
R/D= Review and decision authority when waived by Planning Board
< > = Public Hearing required
(w) = Unless waived at the MDP Hearing

3.6 MINOR SITE DEVELOPMENT PLANS

3.6.1 Intent

The intent of the minor site development plan is to enable a non-residential project to be illustrated at sufficient scale with less design and engineering efforts than a major site development plan. This type of plan is suitable for: small building additions, new accessory buildings added to an existing site, permanent or seasonal, ~~or~~ small scale vendors added to existing business sites, or change of uses.

3.6.2 Activities Requiring Minor Site Development Plans

A. Any project including building additions of less than a 10% increase to the floor area of the existing structure or any new structure(s) up to 2,500 square feet in area.

B. Any use proposing to occupy an existing building, structure, or unit or any new use proposing construction within an existing building, structure, or unit.

C. Any new structure that will not increase the impervious surface area to produce additional runoff creating the need for additional stormwater management practices or facilities.

D. No subdivision of new parcels are proposed.

APPLICATION FOR TEXT AMENDMENT

THIS SECTION FOR OFFICE USE			
Application No.	ZTA 10828	**Date**	11/26/12
Application Fee	$ N/A	**Receipt No.**	
Pre-Application Conference	N/A	**Hearing Date**	1/8/13 – 1/22/13

SECTION 1: APPLICANT INFORMATION

Applicant's Name:	Pender County Planning and Community Development Department
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 2.9.1, 2.9.2, 2.11, 3.6.1, and 3.6.2

Proposed Text to be added:

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

☑	Signed application form
☐	Application fee N/A
☐	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

☐ **ZTA Fees:** $250 N/A		**Total Fee Calculation:** N/A	
Payment Method:	**Cash :** ☐ $_____	**Credit Card:** ☐ Master Card ☐ Visa	**Check:** ☐ Check # _____
Application Received By:		Date:	
Application completeness approved by:		Date:	
Dates Scheduled for Public Hearings:	☑ Planning Board: 1/8/13	☑ BOC: 1/22/13	

Print Form