

# Pender County Planning and Community Development

## Planning Division

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### AGENDA Pender County Planning Board Work Session Tuesday, December 6, 2016 6:00 p.m. Pender County Public Meeting Room 805 S. Walker Street, Burgaw, North Carolina

**Call to Order:** Chairman Williams

**Roll Call:** Chairman Williams

Pender County Planning Board Members:

Williams: \_\_\_ Fullerton \_\_\_ Baker: \_\_\_ Carter: \_\_\_ Edens: \_\_\_ McClammy: \_\_\_ Nalee: \_\_\_

**1. Adoption of the Agenda:**

**2. Ordinance Update:**

- i. Zoning Text Amendments:
  - a. Density ZTA
- ii. Discussion on Short Term Rentals

**3. Plan Update:**

- i. Comprehensive Land Use Plan:

**4. Updates/Announcements:**

- i. TRC:

**5. Adjournment:**

*\*Items not covered during Work Session may be heard under "Discussion Items" during the regular Board meeting.*

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## MEMORANDUM

**To:** Planning Board  
**From:** Planning Staff  
**Date:** December 6, 2016  
**RE:** Density Zoning Text Amendment

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### History

On September 16, 2016 Staff received a formal application to amend the density calculation as well as the maximum allowable density in the Pender County Unified Development Ordinance. The applicant asserts that the intent is to simplify the County's density calculations and increase the allowable units per acre within the RM, Residential Mixed and PD, Planned Development zoning district.

In subsequent weeks following the submitted application, staff worked with the applicant and their agents towards workable language to present to the Planning Board. At the November 1, 2016 Planning Board meeting, the Board decided that this issue would be best suited for further discussions of the Zoning Text Amendment Committee (Attachment 1). This subcommittee is tasked with further examining the proposed Ordinance language submitted and potential impacts this amendment could bring. The subcommittee met on November 18, 2016 to further discuss this issue. No decisions have been rendered regarding a recommendation at this time.

### Current Calculation

Density calculations are only used in the PD, Planned Development, and RM, Residential Mixed zoning districts under the current Unified Development Ordinance (Section 4.8.1.C Number of Dwelling Units). It is a "net" calculation:

Total tract acreage and subtract to get "developable area":

- Non Residential Areas
- Total Wetlands
- Rights of Way and Parking Areas
- Open Space (Active and Passive)

Divide number of units by "developable area" = Density

## 2010 Comprehensive Land Use Plan

Any zoning text amendment must be compliant with the Coastal Resources Commission certified 2010 Pender County Comprehensive Land Use Plan. Therefore, in analyzing the appropriateness and forming a recommendation of the proposed amendment it is imperative that a full review of the Comprehensive Land Use Plan is considered.

### *Future Land Use Designations*

Anywhere in Pender County designated as Mixed Use Future Land Use Classification could be rezoned to PD, Planned Development or RM, Residential mixed zoning districts as this classification supports higher densities (Attachment 2). Further examination of the Mixed Use Locations will be necessary to determine the appropriateness of the density limitations.

*Mixed Use land designation designates locations where a mixture of higher density/intensity uses is to be encouraged. Mixed Use areas should be characterized by physically and aesthetically unified developments containing a mixture of commercial, office, institutional, and high- and medium-density residential uses, arranged in a walkable, compact, pedestrian and transit friendly manner.*

*Mixed Use areas are intended to help reduce sprawl by concentrating a mix of uses in convenient locations; by promoting an efficient sustainable pattern of land uses, and by providing most of the goods and services needed by residents in a coordinated, concentrated manner. Mixed Use areas are intended to reduce the number and length of auto trips by placing higher-density housing close to shopping and employment center. They also should function to improve the quality of life for residents living in higher density housing by placing daily conveniences, shops, and employment within walking distance; the road network within Mixed Use areas should be designed to ensure that adjacent residential areas will have direct access to the non-residential portions of the mixed use center in lieu of entering and exiting through thoroughfares and/or collector streets. Developments should provide or contribute to a pedestrian and road network that connects nonresidential and existing residential uses (multi family and single-family) developments. Mixed Use areas are designated within the Coastal Pender and Rocky Point Small Area Plans.*

2010 Comprehensive Land Use Plan

### *Policies of Support*

There are numerous policies within the Comprehensive Land Use Plan which encourage clustering development and higher density (Attachment 3). Many of the density incentives recommended in the plan include innovative and compact mixed-use design, bonuses for public facilities, bonuses for workforce housing and the encouragement of clustering in neighborhoods. The density recommendation is to include higher density projects in the Scotts Hill area and the southeastern portion of Pender County, as well as, growth in and around the I-40 / US 117 and NC 210 intersections in Rocky Point.

The chart which identifies 8 as a maximum density may be seen in Attachment 4. The allowable density in the Unified Development Ordinance can be increased to 8, otherwise re-certification through the Coastal Resources Commission is required to achieve compliance.

Policies which are supporting the density bonus (more than the identified 5 units per acre) can be seen in Attachment 5. These are the same that were included in the Planning Board discussion for Case 385-2016.

## **Potential Changes**

1. Change the formula (calculation of density)
2. Change the maximum density from 5 to 8 du/acre
3. Add additional criteria in which could be used to obtain higher than 5 du/acre
4. Any combination of 1-3

There needs to be consensus regarding which changes or combination of changes are appealing to the Planning Board so that staff can generate a recommendation. At the subcommittee meeting on November 18, 2016, the group was leaning towards amending the formula for simplicity, as well as, including specific criteria to achieve more than 5 dwelling units per acre.

### *Potential Formula Changes*

1. Amend to a simple gross calculation: (total tract acreage/ number of units) = density
2. Amend to give credit (not subtract):
  - major or minor collector streets
  - non-residential areas
  - parking areas
  - wetlands

Therefore the only subtraction would be subtracting out the open space. Then divide acreage by number of units to calculate density.

### *Potential Additional Criteria for More than 5 Units Per Acre*

If additional credits or incentives are deemed appropriate by the Planning Board, a specific decision regarding how the density is calculated with these bonuses is imperative. Applicants and staff need to be clear on how the items provided interact with the earning potential of density bonuses associated with each. This could be additional densities given for a number out of the total (example: 3 items out of 15 on the list) in order to relay how much additional 'bonus' is given depending on what the developer does above and beyond. For example, if the developer donates park land, builds a school and clusters the development should they be allowed 8 units per acre or should it be a certain amount of credits per item above and beyond the regular density, for instance adding 0.5 dwelling units/acre for each item. These themes are included in Attachment 5 and seen below;

1. Workforce Housing
2. Low Impact Development
3. Pedestrian Access
4. Additional Open Spaces (more than double required)
5. Public Facilities
6. Major or Minor Collector Street
7. Historic Preservation
8. Proximity to a Major Employer
9. Innovative Stormwater Design

The applicant did submit additional items to the 9 listed above to total 18 different 'credits'. This comprehensive list can be seen in Attachment 6. As some may be combined, and all must be compliant with the 2010 Comprehensive Land Use Plan staff has recommended the 9 above for consideration.

**Attachments**

Attachment 1 Staff Report for Application (Case 385-2016)

Attachment 2 Comprehensive Land Use Plan Maps

Attachment 3 Density References in 2010 Comprehensive Land Use Plan

Attachment 4 Density Chart for Future Land Use Designations

Attachment 5 Criteria for Density Bonuses Supported by Comprehensive Land Use Plan

Attachment 6 Applicant's submittal for Criteria for Density Bonus

**PLANNING STAFF REPORT  
ZONING TEXT AMENDMENT**

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**SUMMARY:**

**Hearing Date:** November 1, 2016 Planning Board (Initial Discussion)  
December 6, 2016 Planning Board (Potential Ordinance Recommendation)

**Applicant:** D. Logan

**Case Number:** ZTA 385-2016

**Text Amendment Proposal:**

D. Logan, applicant, is requesting the approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance. Specifically, the request is to amend Sections 4.7.3 RM: Residential Mixed and Section 4.8.1 PD: Planned Development District and add the definitions of Regional Employer and Retail Commercial Center to Appendix A, Definitions. The proposed amendment intends to adjust density calculations, add flexibility, and provide clear standards on how to obtain density bonuses for multi-family development.

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**RECOMMENDATION**

Staff has worked with the Applicant to conceptualize an amendment to the Unified Development Ordinance that creates an objective method of awarding bonus density for multi-family development in Pender County. The Administrator supports the concept of the Applicant's request, however believes as proposed it may allow too much flexibility to be supported by the current climate in Pender County. Some of these factors include the uncertainty on the completion of the Hampstead Bypass and various other areas of County service delivery such as utilities and school planning. For these reasons, Staff has proposed a similar amendment that may be more supportable under the current conditions and by various adopted plans.

Staff feels the concept of this amendment will provide clarity to the Unified Development Ordinance and may assist in providing enhanced customer service by facilitating a more efficient review process. The amendment appears to be consistent with other areas of the Pender County Unified Development Ordinance and with the 2010 Pender County Comprehensive Land Use Plan. The amendment appears to be supported by one (1) goal and three (3) policies in the 2010 Pender County Comprehensive Land Use Plan. There does not appear to be conflicts with any other approved plans. Staff is recommending a thorough review and discussion on this issue by the Planning Board in order to generate direction for staff to present a recommendation in December.

**AMENDMENT DESCRIPTION**

Currently Pender County allows multi-family development in two zoning districts and limits density to five (5) units per acre. Changes in the development climate, especially regarding the availability of water and wastewater, have facilitated a stronger interest in this type of development in Pender County. Under the current language staff and developers are left interpreting a number of vague standards. One example of this would be the provision for a density bonus for exceptional design in the RM, Residential Mixed zoning district. It is suggested in Section 4.7.3 that a density bonus is allowed, but there is no guidance on how to determine how much of an increase may be appropriate and for what exchange. It is also unclear if this potential density bonus applies to the PD, Planned Development zoning district as well. The proposed amendment aims to provide this clarification.

The Applicant asserts that the current requirements for density calculations are complicated and that the methods for obtaining bonus density is poorly defined. The Applicant researched language and policies from various counties regarding density requirements and provided that information in their narrative. The Applicant's method for density calculation simplifies the process into subtracting wetlands from the calculations and adding back in acreage for collector roads. The Staff version of the amendment is also recommending accommodating collector road acreage, but no additional changes. This is due to the consideration that the comprehensive planning process is currently underway and research associated with this process will likely lead to a comprehensive change in density policies in conjunction with the plan update.

Staff and the Applicant agree that the goal of the amendment is to provide a clear path for an applicant to have the ability to develop up to eight (8) units per acre. Eight (8) units per acre is the maximum density allowable under the 2010 Pender County Comprehensive Land Use Plan in Appendix D. Any request to exceed eight (8) units per acre would require an amendment to the 2010 Pender County Comprehensive Land Use Plan and recertification of the plan by the Coastal Resources Commission in order to fulfill Coastal Area Management Act (CAMA) requirements, and this is not being pursued at this time.

The amendment as proposed by the Applicant offers a vast cafeteria-style plan of options (there are 18) in Section 4.8.1 to earn density by accumulating up to five (5) of the options. The amendment proposed by staff offers the same clarity on how to obtain bonus density, however allows the density to be compounded by earning .0375 acres for each component included in the plan. Each bonus is added to the base five (5) units per acre as displayed on the following chart. Corresponding supporting policies are also displayed below.

	<b>Criteria</b>	<b>Density Credit - To be added to the base 5.0</b>	<b>Corresponding Plan Support for Superior Design &amp; Staff Notes</b>
1.	Workforce Housing	0.375	The Pender County Housing Study supports the need for military housing, rental units, housing for the elderly and low income housing. The 2010 Comprehensive Land Use Plan also supports this in the Housing & Community Development Section.
2.	LID Certification	0.375	Innovative design could be defined and measured through Low Impact Development certification. This is supported in the 2010 Comprehensive Plan.
3.	Pedestrian access within ¼ mile of grocery or pharmacy	0.375	Encourages walkable communities as supported in the 2010 Comprehensive Plan. Easier access to a wider variety of food choices and access to medical care is included in the Community Health Plan.
4.	More than double the parcel is open space	0/375	Encourages the use of cluster development as supported by the 2010 Comprehensive Plan Growth Management & Preferred Growth

			Patterns and Community Design and Appearance
5.	Dedication of land/public facility	0.375	For credit, Public Facilities would need to be included in an adopted plan – such as schools, parks and recreation, fire stations, etc.
6.	Project features a minor or major collector street	0.375	Public street dedication as supported in the 2016 Pender County Collector Street Plan
7.	Historic Restoration	0.375	Supported by 2010 Comprehensive Plan Growth Management and Natural Resources Protection Sections
8.	Proximity to regional employer	0.375	Supported by 2010 Comprehensive Plan Growth Management
9.	Innovative Stormwater Design	0.375	Potentially retaining additional water on site could generate credit for additional density.

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## 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.

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### 2010 Comprehensive Land Use Plan Compliance

There are no conflicting policies within any adopted land use documents for the proposed Zoning Text Amendment. This Zoning Text Amendment request is consistent with one (1) goal and three (3) policies of the 2010 Comprehensive Land Use Plan and conflicts with none.

The following goals and policies within the plan may be relevant to the proposed Zoning Text Amendment:

**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.1.2** Encourage development in areas where the necessary infrastructure – roads, water, sewer, and schools - are available, planned or can be most cost effectively provided and extended to serve existing and future development.

**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 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.

There are no conflicting policies in the 2010 Comprehensive Land Use Plan.

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**RECOMMENDATION**

Staff feels the concept of this amendment will provide clarity to the Unified Development Ordinance and may assist in providing enhanced customer service by facilitating a more efficient review process. The amendment appears to be consistent with other areas of the Pender County Unified Development Ordinance and with the 2010 Pender County Comprehensive Land Use Plan. The amendment appears to be supported by one (1) goal and three (3) policies in the 2010 Pender County Comprehensive Land Use Plan. There does not appear to be conflicts with any other approved plans. Staff is recommending a thorough review of this issue by the Planning Board in order to generate direction for staff to present a recommendation in December.

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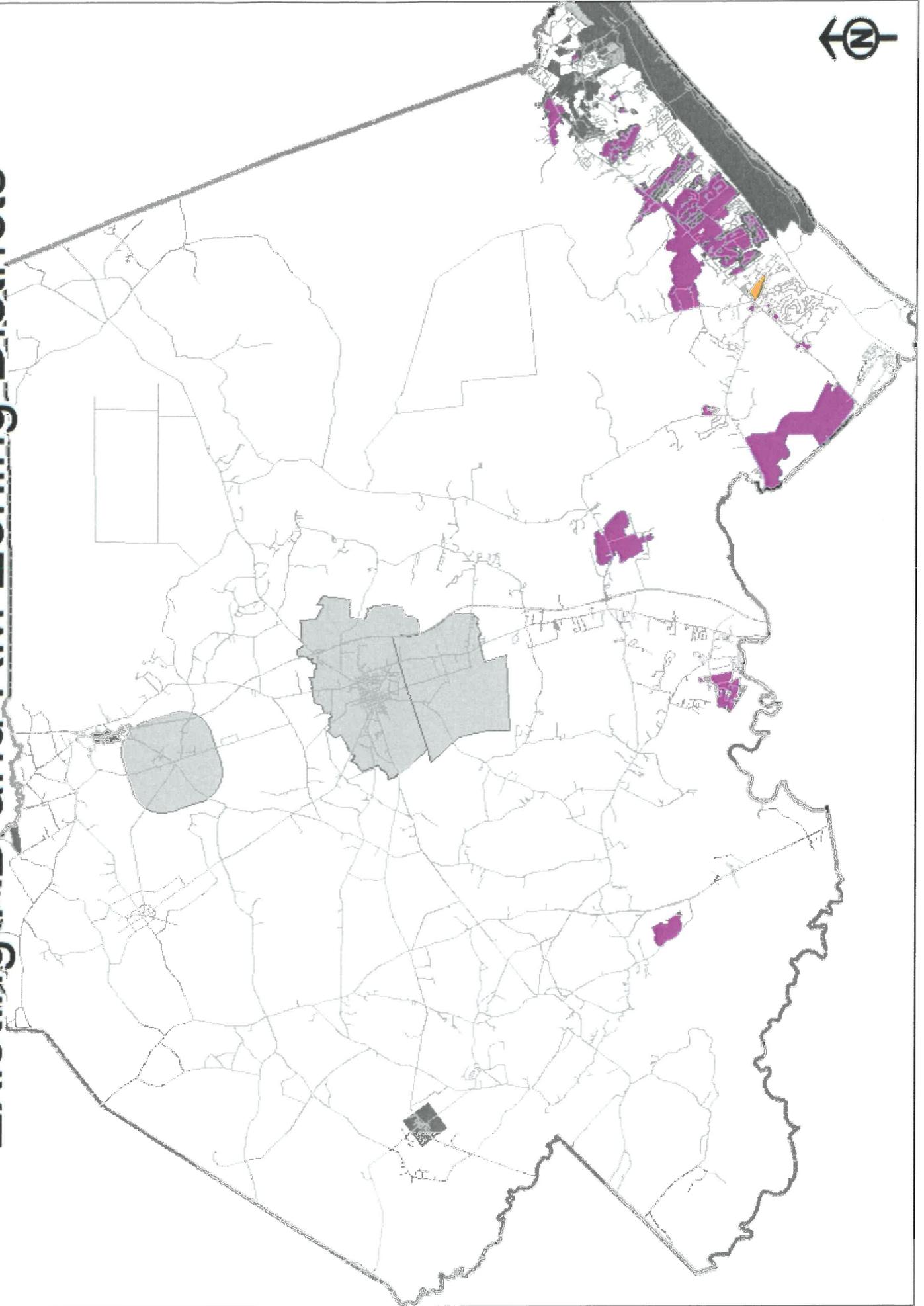
**BOARD ACTION FOR ZONING TEXT AMENDMENT**

Motion: \_\_\_\_\_ Seconded: \_\_\_\_\_

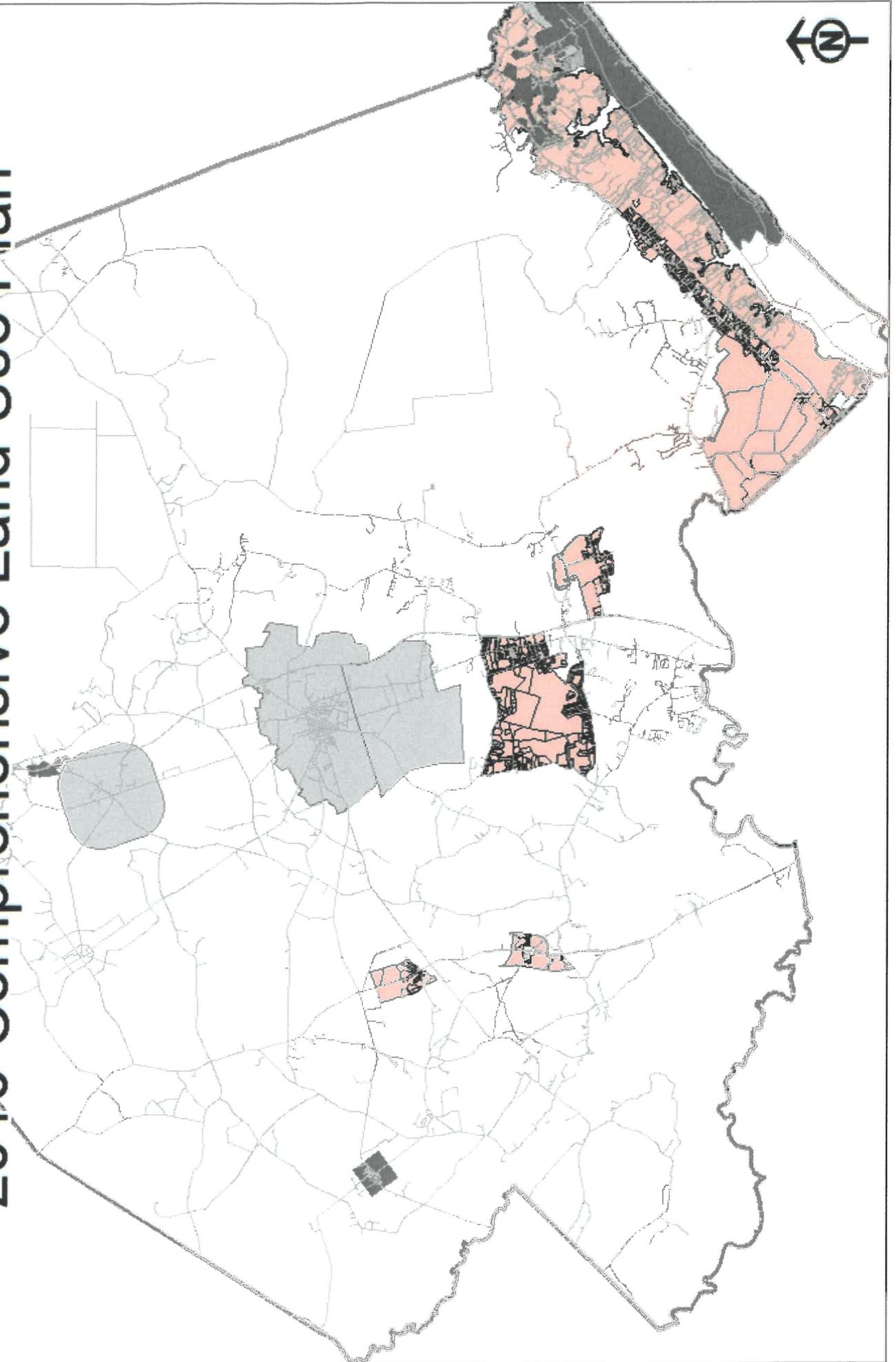
Approved: \_\_\_\_\_ Denied: \_\_\_\_\_ Unanimous: \_\_\_\_\_

Williams: \_\_\_ Fullerton: \_\_\_ Baker: \_\_\_ Edens: \_\_\_ McClammy: \_\_\_ Nalee: \_\_\_

# Existing RD and RM Zoning Districts



# Mixed Use Future Land Use Designation: 2010 Comprehensive Land Use Plan



## Issue 2: Infrastructure and Community Services

### Topic A: Infrastructure and Community Services - Water and Sewer

Water and sewer improvements are necessary for property to be developed to urban densities. Extensions of water and sewer lines significantly affect the timing and density of development and it is imperative that land use and utility extensions be coordinated in order to achieve the desired land use patterns identified in the Comprehensive Land Use Plan. Through utility planning, development required to use public water and sewer will occur in a more orderly pattern adjacent to existing developed areas. Utility extension policies directly impact the cost, timing and spatial distribution of development. Utility extension policies should address:

- ▶ Contribution a developer must make for the extension;
- ▶ Location, alignment and capacity of facilities to be extended;
- ▶ Potential and process for recouping costs for providing excess capacity;
- ▶ Areas where facilities may or may not be extended; and
- ▶ Timing of facility extensions.

The conditions under which utilities may or must be extended to a project should be consistent with comprehensive plan policies discouraging sprawl, premature subdivision, conversion of agriculturally viable land and inefficient infrastructure investments. The coordination of utility extension and land use policies is critical to avoid creating incentives for growth that are inconsistent with the land use plan or creating disincentives for desired growth.

### Topic D: Infrastructure and Community Services - Libraries

The Pender County Public Library system is presently developing a building program to address existing and future library facility needs and to seek funding necessary to implement a countywide building program. The plan includes a three phase expansion plan over a 20-year period. The public library system has identified three 7-mile boundary search areas for potential future library branches as shown on the Future Public Facilities Map.

The Plan recognizes that the best opportunity for a partnership with a developer for land donation for a regional library facility will probably be in the southwestern portion of the County. The Plan recommends that the County consider offering a density credit or bonus to encourage developers to support the library capital building program through a site donation or reservation.

## Issue 3: Preferred Development Pattern / Community Appearance

### 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.

### Topic B: Community Design and Appearance

Community established design standards can be used to ensure that new development is compatible with existing and planned development. Design standards shape the location, scale and appearance of development – regulating height, bulk, setbacks,

landscaping, buffering, building materials and/or architectural features. Design standards may be used to maintain the rural, historic, or other established character of an area. Performance-based design standards may be used to allow greater intensity of development in exchange for increased design amenities. Standards can be either mandatory standards or recommended guidelines.

Community design standards should address all types of land uses allowed within the County – residential, office, commercial and industrial uses. Specific standards for each zoning district should be included in the UDO.

**Benefits include:**

- ▶ Design standards can help soften the visual impacts of new development.
- ▶ Regulations can be tailored to the individual characteristics of the community.

**Limitations include:**

- ▶ Heightened regulations add a layer of complexity and cost to the development review process.
- ▶ Additional requirements can increase the cost of development.

Another key component in protecting community character and aesthetics is to provide for cluster development options. Cluster development standards allow for adjustments in the location and/or type of dwelling units and/or non-residential lots/units on a site. The technique is used to preserve environmentally sensitive areas, agricultural lands and upland sites for recreation / open space or to eliminate the need to develop portions of sites that, owing to wetlands, tree cover, or other factors, would more appropriately remain undeveloped. When applying cluster development standards:

- ▶ Reserve a combination of environmentally sensitive areas and upland sites to provide usable, consolidated open space;
- ▶ Density/intensity bonuses may be provided to encourage clustering;
- ▶ Clustering may be mandatory or voluntary; and
- ▶ Balance of property must be reserved for specified uses, as approved by County.

**Benefits include:**

- ▶ Allows for flexibility in design to protect natural resource areas.
- ▶ Can result in preservation of substantial amounts of open space while not reducing densities.
- ▶ Construction and infrastructure costs are reduced.

**Limitations include:**

- ▶ If not well-designed and developed, cluster development can result in fragmented open space that makes agricultural uses difficult.
- ▶ Requires higher level of review to determine appropriate and feasible development layouts.
- ▶ Clustering is not often a popular option with developers.
- ▶ Long-term management of common open space may become problematic for homeowners.

**Coastal Pender Goal 4A.1**

The primary goal of the Coastal Pender Small Area Plan is to direct higher density residential and mixed use growth toward the Scotts Hill area, closer to the New Hanover/ Wilmington metro area. Development can be expected to continue in the Hampstead community but growth is to be focused more towards the southeastern edge of the Coastal Pender area. Coordinating future

growth with the adjacent local governments of Surf City to the north and New Hanover County to the south and east are of prime importance.

Large scale developments should expect to be supported by public utilities and closely evaluated through coordinated development plan review. Commercial, office and mixed used infill, re-development of existing sites and development of new sites are expected to continue as market forces permit along the US Highway 17 corridor in Hampstead.

New land use proposals and approvals should closely consider the status of future transportation projects such as the US Highway 17 / Hampstead Bypass. Development should be encouraged and/or required to protect and support the integrity of historical and cultural sites within the area.

**Policy 4A.1.1** Direct and encourage future high density residential and mixed use planned development toward the Scotts Hill area. Growth in this area should be supported by public utilities in order to achieve higher densities and more compact development. Larger tracts of land should be required to submit master plans that indicate how development will be coordinated both on site and with existing or future development on adjacent properties.

#### **Rocky Point Goal 4B.1**

The primary goal of the Rocky Point Small Area Plan is to accommodate higher density mixed use growth in and around the I-40 / US 117 and NC 210 intersections. Coordinating future growth with already planned projects within the area will be of prime importance. Large scale developments should expect to be supported by public utilities and closely evaluated through coordinated development plan review. Commercial, office and mixed used infill is expected to occur along the major highway corridors, particularly close to major intersections.

**Policy 4B.1.2** Focus higher density residential and other mixed use development toward existing County facilities such as Heidi Trask High School and other developing areas being served by public water and sewer.

**Policy 5A.1.5** Provide incentives such as density bonuses to developers that offer established affordable/workforce housing programs through community land trusts such as the Cape Fear Housing Community Land Trust.

#### **Rural Growth Areas**

Rural Growth areas are intended to protect agricultural and forestry operations that are a major part of the County's economic base and that are key to preservation of the County's rural landscape. Major job-creating activities that are compatible with farms, forestry and very low-density development are appropriate.

Uses that would typically be allowed in Rural Growth areas include very low-density residential development (single-family site-built, modular, and manufactured homes) on one acre or greater size lots; agriculture, forestry, churches; very limited nonresidential uses - commercial, office, or public/institutional - meeting locational criteria. Locational criteria for non-residential uses in Rural Growth areas include frontage and access to a major State highway or

secondary road, location at a major rural intersection, proximity to similar existing non-residential uses, and spatial separation from non-compatible uses such as existing residential development.

### **Suburban Growth**

The Suburban Growth land use classification identifies those areas of Pender County where significant residential growth is expected to occur within the planning horizon. Areas designated as Suburban Growth are located primarily adjacent to municipal planning jurisdictions and within or near high growth, unincorporated areas of the County, i.e., Hampstead/Scotts Hill, Rocky Point, and portions of US 421 South. Suburban Growth designates areas where public water and public sewer are available or are planned in the near future.

Achievable residential densities would be dependent on the type and level of public services that are available. Higher density residential development would be supported where both public water and sewer are available, provided adequate buffers and design features can minimize impacts on neighboring lower density residential properties.

Uses that would typically be allowed in Suburban Growth areas include medium-high density residential (single-family site-built and modular homes); limited non-residential uses - commercial, office, or public/institutional - meeting locational criteria. Locational criteria for non-residential uses include frontage and access to a major State highway or secondary road, location at a major intersection, proximity to similar uses, and spatial separation from non-compatible uses such as existing residential development.

As residential development increases in suburban areas, designation of large tracts for significant economic development projects will become more difficult because fewer locations will exist that have the characteristics of an attractive economic development site, particularly in terms of proximity to existing residential areas. It is noted that designation as a Suburban Growth area does not preclude the development of economic development sites considered important to the economic sustainability of Pender County.

### **Mixed Use**

The Mixed Use land use classification designates locations where a mixture of higher density/intensity uses is to be encouraged. Mixed Use areas should be characterized by physically and aesthetically unified developments containing a mixture of commercial, office, institutional, and high- and medium-density residential uses, arranged in a walkable, compact, pedestrian and transit friendly manner

Mixed Use areas are intended to help reduce sprawl by concentrating a mix of uses in convenient locations; by promoting an efficient sustainable pattern of land uses, and by providing most of the goods and services needed by residents in a coordinated, concentrated manner. Mixed Use areas are intended to reduce the number and length of auto trips by placing higher-density housing close to shopping and employment center. They also should function to improve the quality of life for residents living in higher density housing by placing daily conveniences, shops, and

employment within walking distance; the road network within Mixed Use areas should be designed to ensure that adjacent residential areas will have direct access to the non-residential portions of the mixed use center in lieu of entering and exiting through thoroughfares and/or collector streets. Developments should provide or contribute to a pedestrian and road network that connects nonresidential and existing residential uses (multi-family and single-family) developments. Mixed Use areas are designated within the Coastal Pender and Rocky Point Small Area Plans.

Attachment 4

Classification Area	Total Acres in Classification Area	Compatible Corresponding Zoning Districts	Permitted uses Allowed	Minimum Lot Size/Units per acre	Residential Structure Types Allowed	Maximum Structure Height	Percent of Lot Footprint Within Setback Area
Conservation	158,696.64 Acres	Environmental Conservation	Open Space and water dependant uses	1 Acre	No residential uses allowed	N/A	N/A
<b>TOTAL Conservation</b>	<b>158,696.64 Acres</b>						
Rural Growth	236,095.60 Acres	Rural Agricultural, Manufactured Home	Low density residential, agricultural, very limited office, institutional and commercial	1 acre	Single family	35'	40% of minimum lot size
Suburban Growth	97,878.57 Acres	Residential Performance, Residential Mixed, General Business	Medium to high density residential, limited office, institutional and commercial	15,000 SF	Single family	35'	39-49% of minimum lot size
Mixed Use	36,912.33 Acres	Planned Development	High density residential, high impact office, institutional and commercial	8 dwelling units/acre	Single and multi-family	40'	Dependent upon approved setbacks at Master Plan stage
<b>TOTAL Residential</b>	<b>370,886.5 Acres</b>						
Mixed Use	36,912.33 Acres	Planned Development	High density residential, high impact office, institutional and commercial	8 dwelling units/acre	Single and multi-family	40'	Dependent upon approved setbacks at Master Plan stage
Office/Institutional/Commercial	1,573.47 Acres	Office and Institutional, General Business, Planned Development	Small to large scale commercial, office and institutional, higher density residential	15,000 SF	Apartment/condominium over commercial/office	40'	39% of minimum lot size
<b>TOTAL Non-Residential</b>	<b>38,485.8 Acres</b>						
Industrial	10,339.79 Acres	Industrial Transition, General Industrial	Major industrial, wholesale, office and institutional, limited commercial	1 Acre	No residential uses allowed	50'	57.5% - 58.6% of minimum lot size
<b>Total Industrial</b>	<b>10,339.79 Acres</b>						

\* Acreage totals in this table include rights-of-way and water features and therefore differ from the totals in Tables D-1 and D-2.

Themes	Policies Supported By the 2010 Comprehensive Land Use Plan
Workforce Housing	1 goal, 2 policies
Low Impact Development Certification	1 goal
Pedestrian Access within ¼ miles	1 policy
More than 2x the required Open Space provided	1 goal, 5 policies
Public Facilities	2 policies
Minor or Major Collector Street	1 goal, 1 policy
Historic Preservation	1 goal
Proximity to Regional Employer	1 policy
Innovative Stormwater Design	3 policies

The Applicant submitted 18 'cafeteria style' items for credits.

1. The project is located within one (1) mile of existing retail or office uses
2. The project is located within five (5) miles of a retail commercial center
3. The project creates its own retail commercial center and this center is accessible to the dwelling units within the development.
4. The project has direct access to a major or minor collector street
5. The project has no wetlands on site
6. The project is within one (1) mile of an employer with over 100 onsite employees
7. The project is within five (5) miles of a regional employer
8. The project provides housing for military personnel or their families.
9. At least 5% of the total number of dwelling units are reserved for households with income less than the gross median income for Pender County
10. The project provides designated age-dependent dwelling units or facilities
11. The project promotes aging-in-place by creating a safe living environment and support services necessary for a senior citizen to remain in the home of their choice while they age.
12. Alternative energy systems supply at least 20 percent of the total energy consumption for the dwelling unit including but not limited to power and hot water heating.
13. The project provides public recreation facility for dedication to Pender County. Pender County Parks and Recreation acceptance or intended acceptance of the facility must be obtained and presented to the Zoning Administrator at time of density bonus request.
14. The project provides a privately maintained community recreation facility for use by the residents of the proposed project. This facility must be equal to at least 1 recreation unit as determined in Section 7.6.2.
15. Project features three Low Impact Design (LID) methods as approved by the Zoning Administrator. Acceptable LID methods shall comply with either Section 7.14 of this ordinance, the publication *Low Impact Development: A Guidebook for North Carolina*, or other LID document as recognized by applicable state regulatory agencies.
16. The project features double or more than required open space
17. The project provides historic preservation or revitalization of existing structures on the project site.
18. The project provides a specific identified facility need as identified in approved Pender County planning documents. These facilities may include, but are not limited to, civic uses such as a library, community center, fire station.

# Pender County Planning and Community Development

**Planning Division**

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**MEMORANDUM**

To: Pender County Planning Board

From: Planning Staff

Date: December 6, 2016

RE: Short Term Rentals

Planning Staff in conjunction with the Environmental Health Department has become increasingly aware of the number of short-term rentals within the County. Specifically, the operation of short term rentals in this regard can be categorized as the rental of a single room or entire property for a period of time, generally ranging from one (1) to seven (7) days without meal services. Short-term rentals are usually advertised on websites such as Airbnb, VRBO, and HomeAway. Current language in the Ordinance does not address the service that short-term rentals provide.

**Bed and Breakfast Inns**

The Unified Development Ordinance specifically classifies Bed and Breakfast Inns in Section 5.2.3 the Table of Permitted Uses as:

Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
<b>Sector 72: ACCOMMODATIONS AND FOOD SERVICES</b>											
Hotels and Motels	72111					P	D	D			
Bed and Breakfast Inns	721191	S	S		S	P	P				

The county currently does not have a specific definition of a 'Bed and Breakfast Inn' However, according to the 2007 NAICS definition, a 'Bed and Breakfast Inn (NAICS 721119)' is *"primarily engaged in providing short-term lodging in facilities known as bed-and-breakfast inns. These establishments provide short-term lodging in private homes or small buildings converted for this purpose. Bed-and-breakfast inns are characterized by a highly personalized service and inclusion of a full breakfast in the room rate."* In Appendix A of the Unified Development Ordinance, 'Boarding or Rooming Houses (NAICS 721310)' are defined as *"a dwelling or part thereof where, for compensation, lodging and meals are provided to boarders."*

Many jurisdictions have standards regarding short term rentals which are different than how Pender County classifies as Bed and Breakfast Inns. Short-term rentals differ from most Bed and Breakfast Inns in that they do not provide meal service and the owner/manager of the property may not reside on-site.

**Short Term Rentals**

With the popularity of short term rentals in the County, there may need to be a clear definition and direction given to property owners who wish to rent their home for a short period of time, but may not desire to operate a Bed and Breakfast Inn.

*Potential Zoning District*

Staff is seeking guidance on the regulation or permitting of short term rentals and where this use is most appropriate.

Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
<b>Sector 72: ACCOMMODATIONS AND FOOD SERVICES</b>											
Hotels and Motels	72111					P	D	D			
Bed and Breakfast Inns Short Term Rentals	721191	S	S		S	P	P				

*Potential Definition for Short Term Rentals:*

The rental of a single-, two- or multiunit dwelling to accommodate visitors, vacationers or travelers where the rental occurs for less than 30 days at a time. A short term residential lodging facility allows no more than two bedrooms to be rented, requires a resident manager/operator and does not allow the entirety of the dwelling unit to be rented. A resident manager provides oversight for the operation of the short term rental and ensures that the applicable regulations are enforced.

*Potential Items to Consider for Standards for Short Term Rentals:*

- Number of bedrooms
- Off-street parking
- Owner occupancy
- Length of stay
- Permits required

*Enforcement*

The difficulties surrounding the enforcement of short-term rentals make it challenging for local governments to ensure compliance. Websites such as Airbnb do not provide data of the users located within a jurisdiction. Due to the nature of the industry, short-term rentals are usually difficult to document and require constant monitoring from code enforcement.

**DIRECTION FROM PLANNING BOARD**

Direction is needed in order to determine whether or not an update to the Unified Development Ordinance is necessary to regulate this specific land use. Please review Attachment 1 for examples of how other jurisdictions define or have attempted to define short-term rentals.

## SHORT TERM RENTALS

### State of North Carolina definitions:

**Bed and Breakfast Home** (from NCGS 130A-247): a business in a private home of not more than eight guest rooms that offers bed and breakfast accommodations for a period of less than one week and that meets all of the following criteria:

- a. Does not serve food or drink to the general public for pay.
- b. Serves the breakfast meal, the lunch meal, the dinner meal, or a combination of all or some of these three meals, only to overnight guests of the home.
- c. Includes the price of any meals served in the room rate.
- d. Is the permanent residence of the owner or the manager of the business.

**Bed and Breakfast Inn**(from NCGS 130A-247): a business of not more than 12 guest rooms that offers bed and breakfast accommodations to at least nine but not more than 23 persons per night for a period of less than one week, and that:

- a. Does not serve food or drink to the general public for pay;
- b. Serves only the breakfast meal, and that meal is served only to overnight guests of the business;
- c. Includes the price of breakfast in the room rate; and
- d. Is the permanent residence of the owner or the manager of the business.

### City of Asheville definitions:

**Homestay:** A homestay, as defined in the UDO, is an owner-occupied single family home with more than 2,500 square feet, and offering one to three guest rooms. This use allows the owner to rent rooms in the home for less than 30 days as long as the owner resides in the home on a full-time, permanent basis.

- *Requires permit*

**Bed and Breakfast:** an owner-occupied home with at least 3,500 square feet and offering four or more guest rooms for less than 30 days. Bed and breakfasts are often found in residential neighborhoods.

**Short-Term Rental:** the renting of property for overnight stays less than 30 days. The owner does not reside in the home.

- *Prohibited in all residential zoning districts*
- *Allowed in non-residential districts that allow lodging facilities with permit approval*

### City of Raleigh definition (amendment failed 6/7/16):

**Short-term Residential Lodging Facility:** The rental of a single-, two- or multiunit dwelling to accommodate visitors, vacationers or travelers where the rental occurs for less than 30 days at a time. A short term residential lodging facility allows no more than two bedrooms to be rented, requires a resident manager/operator and does not allow the entirety of the dwelling unit to be rented. A resident manager provides oversight for the operation of the short term rental and ensures that the applicable regulations are enforced.

### City of Wilmington definition (Wilmington has not adopted STR regulations as of 11/21/16):

**Bed and breakfast:** A type of, but a use separate from, that of home occupations. Bed and breakfasts are a form of guest lodging in which bedrooms are rented and breakfast is served. The term is intended to describe the offerings of temporary lodging in a private home having architectural and historic

interest, rather than the provision of food service or the offering of facilities for long-term occupancy. The only functions permitted are the renting of guest rooms and serving of breakfasts.

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## MEMORANDUM

To: Pender County Planning Board

From: Planning Staff

Date: December 6, 2016

RE: TRC and Comprehensive Land Use Plan

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### TRC Update

On November 14, 2016 the TRC reviewed one (1) conditional zoning map amendment from PD, Planned Development zoning district and RP, Residential Performance zoning district to PD-CD1, Planned Development Conditional zoning district 1. Specifically, the approximately 41.38 project area requested to contain; a mix of commercial uses including; retail trade, finance and insurance, real estate rental and leasing, professional, scientific and technical services, management of companies and enterprises, health care and social assistance, arts, entertainment and recreations, accomodation and food services, other services, meat markets, full service restaurants, limited service restaurants and business associations. There are five (5) outparcels for future commercial development in Phase I and Phase I to include multi-family housing. Phase II will include eighty-five (85) units total. There are six (6) tracts associated with this request totaling  $\pm$  41.38 acres.

Since hearing the case as a Conditional Zoning Map Amendment, the applicant has decided to withdraw their application for map amendment, now the submittal includes only Phase 1 in the PD, Planned Development zoning district on the front portion of the project boundary with only commercial type uses, no multi-family included. The Planning Board will hear this case as a Master Development Plan and Major Site Plan in the PD District in January 2017.

### Comprehensive Land Use Plan Update

Staff has met with the Council of Governments twice in the month of October regarding the Comprehensive Land Use Plan update. We are in the stages of collecting information necessary for the initial stages of the update. On November 7 the Board of County Commissioners tabled the decision to appoint the Comprehensive Land Use Plan steering committee (Commissioners Advisory Committee - CAC). It's anticipated that the Board will appoint the CAC at their December 5, 2016 meeting. Staff has initiated the formulation of the Public Outreach Plan as an information sharing tool for the Plan's formulation and progress. We are also in the process of establishing a project website which will have the URL of: [PlanPender.org](http://PlanPender.org). We've also split the county up into six separate geographical areas

corresponding with established Township lines to be utilized as focus areas and to target key community leaders in each area for additional input and participation into the plan.