

Request for Proposals
Unified Development Ordinance Update



Pender County Planning and Community Development

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Purpose

Pender County is requesting proposals from interested consultants to update and modernize the County's Unified Development Ordinance and Official Zoning Map. The current Unified Development Ordinance (UDO) was adopted in June 2010. Since adoption, numerous amendments have been processed to meet community needs, further the goals and policies of the County's comprehensive plan, as well as provide consistency with changes in North Carolina General Statutes. The update will involve Pender County's land use jurisdiction, however, coordination with municipalities to achieve a level of consistency is desired. The County is anticipating adoption of its updated Comprehensive Plan (*Pender 2.0*) in August of 2018. This document will serve as the basis for the majority of recommended changes and additions to the Unified Development Ordinance. A list of all relevant Action Items related to this project are included in Attachment 1, and the full draft Plan and all other adopted plans can be found [here](#).

The consultant awarded the contract will have the responsibility of leading the update process through ordinance adoption (including zoning map and subsequent zoning changes), while working in direct coordination with Pender County staff, Pender County Planning Board, Pender County Board of Commissioners, and project stakeholders (including citizens through public participation – see **Project Scope** for more details).

Community Background

Located in southeastern North Carolina, Pender County is a large and diverse community covering 870 square miles and is North Carolina's tenth largest county by area. Pender County contains six small municipalities, but a significant majority of the County remains unincorporated. The estimated 2017 population is 60,958¹, an increase of approximately 11% since 2010. Recent studies have shown that Pender County is the second-fastest growing county in North Carolina, only behind Brunswick County.

Northern and western portions of Pender County consist primarily of farmland and forestland with small, but tightly-knit rural communities. By contrast, southern and eastern portions of the County continue to experience substantial suburban growth, due in large part to the proximity of area beaches and natural features and the rapidly growing metropolitan populations of the Cape Fear Region, centered around the City of Wilmington. Similarly, this area of the County is also influenced by the City of Jacksonville and Camp Lejeune Marine Corps Base just to the north in Onslow County. Three catalysts in eastern Pender County— the introduction of a privately-owned sewer system, and the Hampstead Bypass and Hampstead Median projects, will be major factors contributing to development decisions in the coming years.

Growth in Pender County is representative of what is occurring along much of coastal North Carolina with traditionally rural, agrarian counties being challenged and transformed by unprecedented growth. Areas close to the Atlantic Ocean and scenic rivers of eastern North Carolina are experiencing enormous development interest and pressure. In Pender County, this tremendous growth has challenged transportation and infrastructure systems, school systems, the environment, and the ability of the County to provide appropriate and adequate public services and infrastructure to its citizens.

¹ United States Census Bureau 2017 County Population Estimates

Pender County faces a challenging future, but one full of promise for a better community, higher quality of life, and sustainable development. The leaders and citizens of Pender County want to grow while preserving the best elements of the County's rich heritage for the benefit of current and future citizens.

Project Scope

This scope is offered to provide a non-exhaustive outline of elements that should be considered and/or included in the Unified Development Ordinance update. Additions or modifications to this scope will be considered on a case-by-case basis.

The consultant's role in this update is to work with staff to conduct a detailed analysis of the current ordinance, develop recommendations on areas of deficiencies, as well as incorporating tools to implement the adopted Action Items within *Pender 2.0*. The analysis will be generated through discussions and documented issues within the current UDO, additional conversations and discussions with the Planning Board, Board of Commissioners, and relevant stakeholders, including the general public and those individuals and groups that frequently utilize the ordinance, such as developers and builders. The County anticipates that the updated UDO will express the vision that protects Pender County's coastal and agricultural heritage through strategic growth management to minimize impacts to transportation systems, natural habitats, and existing neighborhoods. Through this effort, a series of draft Articles will be presented to Staff and the Planning Board to reach a final draft document.

The Unified Development Ordinance should consider the following:

Pender 2.0: Comprehensive Plan – Action Items (Attachment 1)

Pender 2.0, pending adoption in August 2018, contains specific action items that are reserved for the UDO. The selected consultant will evaluate each of the action items to determine the feasibility of including those action items in the updated UDO. Those action items shall be included in the updated Unified Development Ordinance where feasible and appropriate. The draft Plan and all other plans adopted by the Pender County Board of Commissioners can be found [here](#).

Unique growth pattern in Pender County

Pender County is home to immense development pressures in its southern and eastern regions, while its northern and western regions are primarily farmland and forestland, with unique small, tightly-knit communities. The Unified Development Ordinance shall recognize these differing scenarios and provide development guidelines that are applicable to all parts of Pender County.

Updates in General Statutes

The selected consultant shall evaluate current UDO compliance with all applicable local, state and federal regulations (including relevant Supreme Court decisions), including but not limited to sign and addressing standards, stormwater regulations, North Carolina Department of Transportation policy, and protections for wetlands, watersheds and other environmental features.

Modernization of text to include graphics and references

The current document is largely text-based, with limited graphics and figures in only a few locations. Pender County desires a development ordinance that incorporates graphics wherever practical to illustrate development regulations that are easy to read and understand. The

inclusion of graphics shall be based at least in part on stakeholder feedback from those individuals that regularly use the Unified Development Ordinance, including County Planning Staff and the development community.

Review and recommended updates to development process/application review

The selected consultant shall work with County staff to analyze current development review processes and identify opportunities to improve efficiency and effectiveness in the development review process for all development types.

Review and update zoning districts

There are several new zoning districts recommended in *Pender 2.0*. At the same time, staff have identified issues with current zoning districts that shall also be addressed. The successful consultant should be able to conceptualize updated district standards, and provide updates to current district standards, to realize the intent of the recommended zoning districts and future land use classifications presented and proposed in the Plan.

Staff Participation

It is the desire of Pender County to work closely with the selected consultant throughout the project. However, certain limitations may exist based on the current pace of development. A county-delegated project manager will be assigned to the project to work alongside the selected consultant to complete specific tasks, and other staff members will participate where appropriate. Interested consultants should submit a proposed draft scope of work to include county-staff driven tasks for completion throughout the project. An organizational chart of Pender County Planning & Community Development is provided as Attachment 2.

Community Participation/Outreach

The County has conducted extensive public outreach to guide the goals, policies, and action items of *Pender 2.0*. This outreach has translated into specific items to address and further outreach will need to be evaluated based on subject area and can be negotiated as part of the contract.

Project Deliverables

Project deliverables should include:

- Analysis of existing development regulations contained within the current Unified Development Ordinance;
- Final draft Unified Development Ordinance update including, but not limited to development review processes, zoning districts, use tables and standards, development regulations;
- Public input documents, surveys, questionnaires, internet/social media outreach, and overall community outreach; and
- Coordination and facilitation of steering committee meetings, public workshops, and public hearings.

Project Schedule

It is a desire of the County to have this project completed and adopted by the Pender County Board of Commissioners within a 12-month period from contract issuance. A project schedule will be negotiated with the consultant to assure project deliverables and expected outcomes are being met. It is the expectation of Pender County that the selected consultant shall be available through the formal adoption of the Unified Development Ordinance update.

Project Oversight

Project oversight will be provided by County Planning staff, with a dedicated County Project Manager and with close participation from the Pender County Planning Board. Proposals should demonstrate quality assurance and control measures for submitted materials and revisions.

Project Budget

Budgeted funds for this project are \$100,000.00 to contain a percentage for contingencies with final contract approval from the Board of County Commissioners. In an effort to include as much staff input as possible, interested consultants shall submit a proposal with specific tasks delegated to county staff for completion and the final scope of services will be negotiated with the preferred consultant

Submission Requirements

Five (5) hard copies of your proposal package and one (1) electronic version in PDF format must be submitted and in hand to Pender County Planning and Community Development, ATTN: Kyle Breuer, AICP, PO Box 1519 (mailing address via USPS), 805 South Walker Street (physical address for mailings via FedEx, UPS, etc.), Burgaw, NC 28425 no later than 12:00 pm, Monday, August 6, 2018 in order to be considered.

A summary sheet with links to relevant documents or projects that can be viewed via the internet may be submitted with the package. Any interested consultants planning to submit a proposal are invited to submit written questions via email to Kyle Breuer, AICP, Planning and Community Development Director <kbreuer@pendercountync.gov> by **Wednesday, August 1, 2018 at 12:00 PM**. Answers to all received questions will be distributed to all respondents.

The following items must be included in all proposals to be considered:

1. **Firm information:** Provide firm contact information and business type (i.e. partnership, corporation, sole proprietorship, etc.),
2. **Firm staffing:** Provide resumes of key personnel to be assigned to this project, including a project manager, outside consultants, and the percentage of MBE/DBE participation.
3. **Project list:** Provide a list of similar projects, either completed by or currently being undertaken by your firm, and include the client, negotiated fee, and final fee paid. Please include at least three (3) references.
4. **Project understanding and approach:** Provide a description of your understanding of project needs and how your firm will approach these needs, including how you or your firm foresee the role of County staff in your approach.
5. **Statement of qualifications:** Provide a clear and concise response stating why your firm is qualified to perform this work, and any other information which may be helpful to the Committee evaluating the proposal.
6. **Scope of work:** Provide details of the proposed scope of work, including the specific methodologies, approaches, tasks, and schedule being proposed and indicate any work or resources that are to be subcontracted or assumed to be provided by local government staff or agencies. This shall include a basic schedule outlining preliminary deadlines and current understanding of time needed for the major phases of this update.
7. **Availability:** Provide a statement of the availability of key personnel of the firm to undertake this project. Preference will be given to firms that are able to accommodate face-to-face meetings as needed.
8. **Contract personnel hours:** Provide estimated personnel hours by task.

Evaluation Criteria and Selection Procedure

A committee selected by Pender County will review Proposals and select the preferred consultant(s) for an interview. It is expected that these interviews will take place in-person with the firm's project manager in attendance. After the preferred consultant is determined by the committee, the County will enter into negotiations with said consultant to better define the scope of work, project schedule, and fee. If for any reason the County and the selected consultant cannot agree on a scope and fee, the County will enter into negotiations with the next most desired consultant. Completion date shall follow outline project schedule.

Selection Criteria shall include, but are not limited to the following:

Quality of Submission – Consultant provides all requested information in a concise and straight-forward manner. The emphasis of the proposal shall be on its completeness and the clarity of its content.

Scope of Work and Project Schedule – Proposed scope of work and project schedule demonstrates an understanding of the Unified Development Ordinance sought by Pender County and a dedication to providing that ordinance within the 12-month timeframe desired by the County.

Previous Experience – The extent to which the consultant has experience analyzing existing development ordinances and drafting and preparing development ordinances. Additional consideration will be given to consultants with experience in development ordinances in the Cape Fear Region and/or coastal, rural counties experiencing rapid growth, particularly in unincorporated areas.

Qualifications and Availability of Staff – Staff assigned to the project are qualified and regularly available to communicate with Pender County Staff in-person and via technology. This also includes a demonstration of the intended role of County Planning Staff incorporation in the scope of work.

Selection Procedure:

August 6th, 2018 – Deadline for proposal submissions.

August 13th, 2018 – Staff will notify preferred consultants and schedule interviews.

August 23rd and 24th, 2018 – Staff will conduct interviews with preferred consultants.

Late August 2018 – Staff will select desired consultant and enter into contract negotiations.

September 2018 – Contract between Pender County and recommended consultant will be finalized and considered for award by the Board of Commissioners with an anticipated Notice to Proceed on October 1, 2018.

Attachment 1

Pender 2.0 DRAFT Recommended Actions to Address in UDO Update

Water Quality and Natural Environment

- **3.1.B.1** - Consider establishing an overlay district for the CAMA 575-foot Outstanding Resource Waters Area of Environmental Concern buffer to encourage enhanced mitigation of stormwater runoff and preservation of tree canopy (pg. 3-36).
- **3.1.C.1** - Consider identifying incentives for new subdivisions whereby riparian buffers are increased in size from the standard 30-foot buffer and identify strategies to limit land disturbance and tree removal within these areas (pg. 3-36).
- **3.1.D.1** - Explore opportunities to increase the requirements for stormwater management for all types of development. In doing so, the County should adopt stormwater regulations to account for fill (including standalone lots), impervious coverage limits, and the designation of a design storm year. Such requirements should identify regulations for the construction phase (i.e. erosion and sedimentation control) and post-construction phase (i.e. stormwater control) (pg. 3-36).
- **3.1.D.2** - Consider modifying applicability requirements for stormwater management that are more stringent than those outlined by 15A NCAC 02H .1019, whereby 10,000 square feet of impervious surface or greater than an acre of disturbance triggers stormwater mitigation (pg. 3-36).
- **3.1.H.1** - Explore options for implementing incentives for developers that utilize LID techniques to manage the potential impacts of stormwater runoff (pg. 3-38).
- **3.1.H.2** - Consider requiring LID techniques for development located within the CAMA 575-foot Outstanding Resource Waters Area of Environmental Concern (pg. 3-38).
- **3.1.J.1** - Consider expanding the definition of “environmental features” to include Areas of Environmental Concerns, Significant Natural Heritage Areas, Natural Heritage Element Occurrences, Smoke Awareness Areas, and Prime Farmland soils (pg. 3-38).
- **3.1.M.1** - Encourage the use of the NC Division of Forestry, *Forestry Best Management Practices Manual to Protect Water Quality* (pg. 3-40).

Wastewater Facilities

- **4.1.L.1** - Revise the Table of Permitted Uses in the UDO to include additional wastewater facility types to enable greater discretion in the approval procedure. Such uses should be distinguished through clear definitions which distinguish their treatment capacity and service intent (pg. 4-33).
- **4.1.M.1** - In cases where package treatment plants are approved, consider requiring a specific contingency plan specifying how ongoing private operation and maintenance of the plant will be provided, and detailing provisions for assumption of the plant into a public system should the private operation fail (pg. 4-33).
- **4.1.M.3** - Consider identifying locations where package treatment plants shall not be permitted (pg. 4-34).

Tree Preservation and Landscaping

- **3.1.L.1** - Consider expanding the applicable development types – rather than zoning districts – that require tree preservation (pg. 3-40).
- **3.1.L.2** - Consider removing the exemption for tree surveys/preservation in Special Flood Hazard Area (SFHAs), AECs, wetland buffers, and stream buffers (pg. 3-40).
- **3.1.L.3** - Consider a provision that allows for an applicant to display a tree protection area without the individual designation of each tree species and size (pg. 3-40).
- **3.1.L.4** - Consider enhancing mitigation for the removal of significant trees, as defined in the UDO, such that the caliper of trees removed is equivalent to that replaced (pg. 3-40).
- **3.2.H.1** - Consider establishing an overlay district within Smoke Awareness Areas and/or the Wildland/Urban Interface zone to require Firewise Landscaping Practices (pg. 3-42).
- **5.1.H.3** - To encourage the installation of shade trees, the following should be removed from the County’s “Canopy Tree” plant material list: Crepe Myrtle, Gingko Biloba, and Washington Hawthorn. Such trees are selected for removal due to their limited canopy spread and ability to provide shade (pg. 5-29).

Open Space and Land Conservation

- **3.1.K.1** - Consider revising the density calculations to remove preserved open space from the calculation (pg. 3-39).
- **3.1.K.2** - Consider including a minimum passive open space requirement where environmental features are present and remove the 50% maximum designation (pg. 3-39).
- **3.1.K.3** - Consider providing specific standards for the provision of open space to include such things as habitat connectivity and tree preservation. Habitat connectivity should encourage the dedication of large contiguous tracts of land, typically 10 acres at a minimum, with a minimum average width of 500 feet and separation from building activity of at least 450 feet and conservation of natural open space that is at least 300 feet wide between environmental features will be encouraged to better ensure that wildlife can travel between core wildlife habitats. Where such cannot be reasonable provided, and payment in-lieu fee should be provided to the County for the future dedication of park land that will protect wildlife habitat, while also providing an amenity for the general public and residents of the subject development (pg. 3-39).
- **3.1.K.4** - Consider establishing a “Resource Conservation Incentive District” located to the south of US 17, in and adjacent to floodplain forests along streams and rivers and adjacent to and between Game Lands. South of US 17, maritime forest blocks of five to ten acres should be set aside from development and connected to wetlands and forest in the floodplain where practicable (pg. 3-39).
- **3.1.K.5** - In concert with NC Wildlife Resources Commission, consider evaluating a program to rezone rural areas to a base density of no greater than one unit per three or more acres. A density of one unit per three acres has been shown to raise property values in rural areas. Within these areas consider allowing for a density bonus to conserve at least 50 percent of the site (pg. 3-39).

Parks, Recreation, and Conservation

- **4.5.D.1** - Establish a monetary value for recreational amenities/units to more appropriately allocate fees captured as part of the development approval process (pg. 4-41).
- **5.1.II.1** - Consider designating Lea-Hutaff Island as Environmental Conservation on the County's official zoning map (pg. 5-33).

Vehicular Transportation

- **4.2.I.1** - Consider updating the UDO to provide additional provisions to clarify the intent of connectivity requirements and safety to ensure that future development, adjacent to existing connection points/stub streets, follows through with construction of connecting stub streets and encourages safety (pg. 4-36).
- **4.2.I.3** - Consider updating the UDO to include language specifically requiring stub streets to be constructed to the adjacent property line and that no obstructions shall be permitted (pg. 4-36).
- **4.2.I.4** - Consider requiring a stub out connection where development is adjacent to single family lots fronting upon thoroughfares/arterial roadways to allow for future connections (pg. 4-36).
- **4.2.J.1** - Update required certifications and disclosures contained in the UDO, regarding private roads, to include language stating such has been constructed to the minimum standards of the NCDOT Subdivision Minimum Construction Standards manual and NCDOT Guidelines for Drainage Studies and Hydraulic Design. Specifically required all certifications/disclosures regarding private roads/streets be included with each approval (pg. 4-36).
- **4.2.J.3** - Clarify applicability requirements within the UDO for "subdivisions with private streets subject to requirements to construct public streets." Such applicability should be clearly stated at the onset of discussion regarding private streets (pg. 4-36).
- **4.2.J.4** - Consider requiring all private roads/streets to include an easement to allow for travel of the roadway by the general public. In particular, if future development includes access to public facilities or public trust areas, such an easement should be required (pg. 4-37).

Alternative Transportation

- **5.1.H.4** - Require the installation of bicycle and pedestrian infrastructure as outlined in a future Comprehensive Bicycle and Pedestrian Transportation Plan, which specifically serves the development (pg. 5-29).

Water Access and Development

- **4.4.B.2** - Consider revising the UDO to require that public water access is provided in accordance with subdivision/development as outlined in an approved Waterfront Access Plan and/or at appropriate intervals along estuarine and riverine bodies of water. Such a provision may require the dedication of public access easements through extension of right-of-way to high water marks as a means of recreation (pg. 4-39).
- **5.1.M.1** - Consider establishing a Commercial Waterfront zoning district consistent with the County's FLUM. Uses should only be permitted through the special use permit process or specific development standards. Water-based restaurants, retail establishments, and recreational uses available for the public are desired (pg. 5-30).
- **5.1.AA.1** - Consider incentives such as a density bonus where a development provides public trust water access to County residents through a permanent access easement. Such a provision may require the dedication of public access easements through extension of right-of-way to high water marks as a means of recreation and/or a fee-in-lieu for waterfront acquisition (pg. 5-32).

Zoning and Planning Processes

- **4.7.B.3** - Consider establishing a provision or incentive whereby the availability of broadband service is included in the review of zoning map amendments or conditional zoning requests (pg. 4-43).
- **5.1.G.1** - Consider rezoning all vacant Planned development tracts to a base zoning district that is consistent with the future land use map. *Establish an inventory of vacant land zoned PD* (pg. 5-28).
- **5.1.G.2** - Consider revising the County's Master Development Plan review procedure to only apply to phased development plans. Where unphased development is proposed, the Master Development Plan procedure should be modified to reflect a staff/technical review committee review of a conceptual or schematic plan. Consider revising or removing the Master Development Plan procedure for vacant land within the Planned Development zoning district. An option for by right development without Planning Board approval should be provided to development applicants and property owners within the Planned Development district (pg. 5-29).

Rural Residential and Agricultural Development

- **5.1.EE.1** - Consider establishing a zoning district specific to the Penderlea community which will preserve the existing land use pattern and lifestyle of the area (pg. 5-33).
- **5.1.FF.1** - Consider increasing development intensity and uses at primary rural roadway intersections in accordance with the FLUM (pg. 5-33).

Mixed-Use, Commercial, and Industrial Development

- **5.1.H.1** - Consider establishing Mixed Use zoning districts consistent with the County's Future Land Use Map – regional and neighborhood mixed use – which allow for the development of multi-family, commercial, office, and vertical mixed-use development (pg. 5-29).
- **5.1.K.1** - Discourage the construction of storage facilities along the road frontage. Such facilities should be located behind other development and generally not visible from primary roadways. Based on public input, storage facilities are not desired along the US 17 corridor (pg. 5-30).

Residential Development and Housing

- **5.1.I.2** - consider establishing residential density standards that are comparable to neighboring jurisdictions. As part of the procedure, the County should analyze and research any and all incentives and/or supplemental regulations whereby an increase in density is granted (pgs. 5-29 – 5-30).
 - Neighboring jurisdictions:
 - Onslow County – 10 dwelling units per acre
 - Brunswick County – 14 dwelling units per acre
 - New Hanover County – 17 dwelling units per acre
- **5.1.I.3** - consider establishing options whereby multi-family residential developments contribute funds to acquire water-based recreational areas serving residents in the immediate area rather than for construction/allocation of open space within their particular development. Adherence to the provisions outlined in NCGS 153A-331 is required (pg. 5-30).
- **5.1.V.1** - consider establishing tiered residential zoning districts based upon the FLUM and/or existing lot sizes (pg. 5-31).
- **5.1.X.1** - consider the establishment of a new Coastal Residential zoning district or overlay district for single-family residential development within ½ mile of estuarine or coastal waters. Such a district should encourage LID, limit impervious surface coverage, require tree preservation and mitigation, and incentivize the allocation of public access to coastal waters (pg. 5-32).
- **5.1.Z.1** - consider incentives such as a density bonus where it can be demonstrated that a development will perpetually preserve coastal natural resources, prime agricultural lands, and/or wildlife habitat areas in accordance with the NC WRC "Conservation Recommendations for Priority Terrestrial Wildlife Species and Habitats in North Carolina" (pg. 5-32).
- **5.1.BB.1** - Consider establishing zoning district regulations which support a variety of housing options in close proximity to primary employment centers such as the Pender Commerce Park, US 421, and US 117/210 (pgs. 5-32 – 5-33).
- **5.1.BB.2** - Consider incentives such as a density bonus where a development provides housing for low to moderate income persons (pg. 5-33).

Attachment 2: Organizational Chart

