

STAFF REPORT FOR TA19-04 TEXT AMENDMENT APPLICATION

APPLICATION SUMMARY	
Case Number: TA19-04	
Request:	
To amend the Zoning Ordinance, Subdivision Ordinance, Mobile Home and Travel Trailer Park Ordinance, Airport Height Restriction Ordinance, and Flood Damage Prevention Ordinance. The proposed amendment will clarify provisions to reflect current practice and reorganize and consolidate the separate codes into a Unified Development Ordinance.	
Applicant:	Subject Ordinances:
New Hanover County	Zoning Ordinance, Subdivision Ordinance, Mobile Home and Travel Trailer Park Ordinance, Airport Height Restriction Ordinance, and Flood Damage Prevention Ordinance
Purpose & Intent	
<ul style="list-style-type: none"> • To reorganize the existing code into one document without changing regulations • To update provisions to reflect current practice and laws • To clarify current practices 	

BACKGROUND

This amendment, which consolidates five existing development codes into one unified format, is the result of the second phase of the “UDO Project” development code update. This unified format, a Unified Development Ordinance, is one book that contains all of a jurisdiction’s locally-adopted development regulations in one place. It’s organized so that all of the regulations work together and makes it easier for property owners and other users to find the information they need. Several of the jurisdictions around New Hanover County—Wilmington, Brunswick County, Pender County—have been using a unified format for many years (the most recent, Pender County’s, was adopted in July 2010), and people who own and develop land in our jurisdiction are familiar with using this type of document.

Reorganization

Currently, the county has seven separate ordinances that regulate development within the county’s planning jurisdiction (not including the NC Building Code, which is not included as part of this project). Because they are separate regulations and were adopted at different times, they do not always work together very well—for instance, they may provide different definitions for the same terms. A separate code format can also make it difficult for someone to understand what they can and cannot do with their property, as they may have to consult several documents regarding regulations and required procedures.

The proposed reorganization of existing codes into one unified document will provide the framework needed for the targeted code updates staff will be preparing over the coming months. It will make it easier to change standards without inadvertently causing conflicts with another code or altering the use of terms. The reorganized format will also promote updates that are integrated with existing provisions so standards, such as for lighting or signs, are not repeated in multiple sections of the code.

In addition to consolidating the five ordinances outlined above, the proposed Unified Development Ordinance reserves sections for the county's Erosion and Sedimentation Control and Stormwater Ordinances. These codes will be added into the document through amendments later this year to incorporate the updates approved by the board in December and any changes to regulations that result from the stormwater services program discussion.

The attached summary sheets indicate the current location of the provisions in each article of the proposed reorganized code document.

Updates

With the reorganization of the code, some updates were made to provisions that, because of their age, are no longer consistent with current practice or laws. For instance, when the Zoning Ordinance was originally adopted in 1969, the building inspector was part of the planning department and held some zoning duties. As a result, the current ordinance still indicates that the building inspector enforces zoning rules, a role that is now the responsibility of the zoning compliance officials.

The attached summary sheets highlight updates to current provisions.

Clarifications

Clarifications of current practices are also included in the reorganized code document. Existing provisions do not always clearly articulate how a provision has historically been interpreted. For instance, when the Zoning Ordinance was originally written, the business model for an "Automobile Service Station" included repairs, fuel sales, and towing operations. Over the past fifty years, however, this type of use has evolved, with fuel sales now common in conjunction with grocery stores, for instance. So the proposed amendment, separates these uses out to make permissions more apparent to code users.

The attached summary sheets identify where clarifications have been made.

PROPOSED AMENDMENT

The proposed reorganized document is available at <https://planning.nhcgov.com/udo/documents/>.

PLANNING BOARD ACTION

The Planning Board considered this request at their December 5, 2019 meeting. The Board recommended approval of the Unified Development Ordinance draft submitted for your review.

The Board recommended approval (5-0), finding the proposed amendment consolidating New Hanover County's Zoning, Subdivision, Mobile Home and Travel Trailer, Airport Height Restriction, and Flood Damage Prevention Ordinances to be **CONSISTENT** with the purpose and intent of the 2016 Comprehensive Plan because it will provide the framework for the code updates the plan recommends. The Board also found **APPROVAL** of the proposed reorganized code reasonable

and in the public interest because it clarifies the current practices in the county's development regulations for stakeholders and code users.

STAFF RECOMMENDATION

Staff recommends approval of the requested amendment and suggests the following motion:

I move to **APPROVE** the proposed amendment consolidating New Hanover County's Zoning, Subdivision, Mobile Home and Travel Trailer, Airport Height Restriction, and Flood Damage Prevention Ordinances into one unified development ordinance. I find it to be **CONSISTENT** with the purpose and intent of the 2016 Comprehensive Plan because it will provide the framework for the code updates the plan recommends. I also find **APPROVAL** of the proposed reorganized code reasonable and in the public interest because it clarifies the current practices in the county's development regulations for stakeholders and code users.