Exhibit 5

4.8 MIXED USE DISTRICTS

4.8.1 PD: Planned Development District

~~Intent -~~ The Planned Development District encourages progressive land planning and design concepts and ~~intent of the Planned Development (PD) District~~ is intended to provide an alternative to ~~a~~ conventional development. The PD ~~zoning d~~District~~s~~ allows projects of innovative design and layout that ~~would~~ may not otherwise be permitted under this Ordinance ~~because of~~ due to the strict application of zoning district or general development standards. The PD District shall not be used as a means of circumventing the County's adopted land development regulations. ~~The PD District encourages progressive land planning and design concepts. Some of these techniques and concepts include but are not limited to:~~

A. Purpose of the PD District

1) To allow ~~Allowing~~ for greater freedom in providing a mix of ~~land~~ uses within ~~the same~~ one development, including a mix of housing types, housing prices, lot sizes, densities, and non-residential uses ~~in a planned development~~;
2) To promote ~~Promoting~~ quality urban design and environmentally sensitive development by incorporating walkable, compact, pedestrian and transit friendly development and by allowing development to take advantage of special site characteristics, locations, and land uses;
3) ~~In return for greater flexibility in site design requirements, planned developments are expected to deliver~~ To promote ~~exceptional quality community designs~~ quality urban design and environmentally sensitive development ~~that~~ by ~~preserve~~ preserving critical environmental resources, ~~provide~~ providing above-average open space amenities, ~~incorporate~~ incorporating ~~creative design~~ creativity in the layout of buildings, open space and circulation systems~~;~~, ~~assure~~ assuring compatibility with surrounding land uses and neighborhood character~~;~~, and ~~provide~~ providing ~~greater~~ efficiency in the layout and provision of roads, utilities, and other infrastructure~~.~~;
4) To create contiguous green space within and ~~adjoining~~ across the boundaries of ~~the~~ development site(s) and promote interconnected greenways and corridors throughout the County~~.~~;
5) To reduce the amount of infrastructure necessary for development, including paved surfaces and utility easements, by permitting clustering of houses and structures; ~~in a manner that will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development.~~
6) To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation ~~in residential development.~~;
7) To preserve ~~in perpetuity~~ unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat~~.~~;
8) To protect prime agricultural land and preserve farming as an economic activity~~.~~;
9) To preserve important historic and archaeological sites~~.~~;
10) To protect scenic views~~.~~;
11) To achieve any other goals as stated within adopted County land use and transportation plans, and/or any other adopted County plans.

~~12) To promote interconnected greenways and corridors throughout the County.;~~

~~13) Encouraging quality urban design and environmentally sensitive development by allowing increases in base densities when such increases can be justified by superior design or the provision of additional amenities such as public and/or private open space.~~

~~14) The PD District shall not be used as a means of circumventing the county's adopted land development regulations for routine developments.~~

~~A. General Intent/Purposes of the PD District~~

B. ~~General~~ Use Types

1) ~~Uses Allowed and Size~~ Uses allowed in the ~~A planned development~~ PD District shall be consistent with the Table of Permitted Uses in Section 5.2.3, the Comprehensive Land Use Plan, and shall also be ~~may contain any or all of the uses specified in the table of uses and~~ in accordance with a ~~master~~ Master Development ~~plan~~ Plan as prescribed in Section 3.5 and Section 4.8.1.B.2 below. ~~provided such uses are consistent with the Table of Uses in Section 5.2 and the Comprehensive Plan. In order to develop under the PD District a minimum of two types of uses will be required. This must be a mix of residential and non-residential uses. Mixed use development may occur by having two or more principal uses located in the same building (e.g., retail on ground floor, office space above) or by having two or more principal uses located in different buildings sited on the same lot or parcel (e.g., freestanding child day care center located on the same parcel as an office building).~~

2) Properties that are currently zoned PD shall submit for review based upon the following:

a) PD tracts that were recorded under previously adopted development regulations and are part of a platted subdivision or an approved Master Development Plan as of April 20, 2015 shall follow the prescribed standards of the time of approval.

b) PD tracts that were recorded under previously adopted development regulations and are part of a platted subdivision or master planned development but lack specific standards, shall be subject to the following dimensional requirements: minimum lot width of fifty (50) feet, minimum front yard setback of twenty-five (25) feet, side yard setback of ten (10) feet, rear yard setback of fifteen (15) feet, maximum structure height of thirty-five (35) feet, and minimum required principle structure separation of twenty (20) feet. Requested changes to the dimensional standards outlined above will require submission of a Master Development Plan in accordance with Section 4.8.1.B.2.e.

c) Vacant PD tracts that are less than one hundred (100) acres in area and are not part of an approved Master Development Plan as of April 20, 2015 shall submit a Master Development Plan in accordance with Section 6.1. A mix of uses shall be required. However, a mix of residential and non-residential uses shall not be required. The Planning Board shall review the proposed use(s) and overall design to determine if the Master Development Plan is in accordance with the standards of this Ordinance and any other adopted plans.

d) Vacant PD tracts that are one hundred (100) acres in area or larger and are not part of an approved Master Development Plan as of April 20, 2015 shall submit a Master Development Plan in accordance with Section 6.1. A mix of residential and non-residential uses shall be required. The Planning Board shall review the proposed use(s)

and overall design to determine if the Master Development Plan is in accordance with the standards of this Ordinance and any other adopted plans.

e) PD tracts that are requesting a change of use from one NAICS sector classification to another, expansion of existing use(s), or revision of existing standards shall submit a Master Development Plan in accordance with Section 6.1. A mix of uses shall not be required. The Planning Board shall review the proposed use(s) and overall design to determine if the Master Development Plan is in accordance with the standards of this Ordinance and any other adopted plans.

i) Exception –PD tracts that are requesting an expansion of existing use(s) where a building addition of less than ten percent (10%) increase to the floor area of the existing structure or where a new structure will be 2,500 square feet in area or less shall not be required to submit a Master Development Plan.

C. Number of Dwelling Units (Density)

1) Determination- The number of dwelling units in a project utilizing the PD development standards shall be a maximum of five (5) units per net density. The density is calculated as total tract acreage subtracting the following:

a) Areas reserved as non-residential development;

b) Total wetland calculations;

c) Rights of way and parking areas;

d) Active and ~~P~~passive open space;

i) Passive open space may be subtracted ~~out of~~ from the total wetland delineation ~~at time of~~ in the Master Development Plan if it is calculated to be less than the total wetland area.

2) In effort to encourage quality urban design and environmentally sensitive development, an increase in density may be allowed by the Planning Board when such an increase can be justified by superior design or the provision of additional amenities such as public and/or private open space.

D. Development Standards- Development in a PD District shall be subject to all applicable regulations unless otherwise waived or modified by the County in the terms of the approved master land use plan. In no case shall the decision-making body waive or modify the following standards for a proposed PD ~~District~~ development:

1) Stream buffers required by the State of NC;

2) Ownership requirements for any open space, buffers, or streetscapes unless otherwise permitted within this Ordinance;

3) Preservation of existing vegetation in streetscapes, floodplains, and/or buffers;

4) Minimum distance between structures, minimum lot width, and minimum yard requirements are established ~~with~~ in the Master Development Plan and may be modified by the Planning Board ~~through the PD process however; the minimum distance between structures shall be as required by NC Building Code.~~;

5) Street connectivity requirements;

6) Sidewalk and greenway requirements;

7) Stormwater control or LID requirements;

~~8) Transportation and Circulation System. The planned development's master plan shall demonstrate a safe and adequate on-site transportation system that addresses~~

~~vehicular, bicycle, transit and pedestrian circulation. The on-site transportation system shall be integrated with the off-site transportation circulation system of the County.~~

E. Transportation and Circulation System~~.~~

The ~~planned development's master plan~~ Master Development Plan shall demonstrate a safe and adequate on-site transportation system that addresses vehicular, bicycle, transit and pedestrian circulation. The on-site transportation system shall be integrated with the off-site transportation circulation system of the County. The road network within Planned Developments shall be designed to ensure that adjacent residential areas, internal and external to the project, have direct access to any non-residential portions of the planned development in lieu of entering and exiting through thoroughfares and/or collector streets. Planned developments shall provide or contribute to a pedestrian and road network that connects non-residential and existing residential developments.

1) Creative design of circulation routes and traffic ways is encouraged. A base characteristic of a PD is that the internal circulation routes or streets do not follow fixed linear geometric lines ~~as do most streets~~. Instead, circulation routes are curvilinear and of meandering character, to preserve tree and landscape features. Slower-paced traffic movements are encouraged with the use of ~~and~~ private restrictions for extremely low speed limits.
2) Pedestrian-oriented communities ~~also~~ are encouraged to ~~enhance the quantity~~ maximize opportunity ~~of~~ for pedestrian activity and ~~to~~ improve the quality of the pedestrian experience. Planned subdivisions must adhere to the design standards for drainage and paving in this Ordinance.
3) Where the development is bound by two (2) or more NCDOT on-system roads, ~~at minimum~~ access to each road shall be provided at minimum.
4) Adequately constructed and maintained bike and/or hiking trails shall be counted toward the open space requirement. Bicycle lanes and multi-use pathways that extend the minimum right-of-way width shall be designed in accordance with the North Carolina Bicycle Facilities Planning and Design Guidelines Manual.

4.14 ZONING DISTRICT DIMENSIONAL REQUIREMENTS

Dimensional Requirements Table

Dimensional Standards [9]	RA	RP	RM	MH	GB	OI	IT	GI	PD	EC
Lot Size	1 Acre[8]	15,000[5] Sq. Ft.	(1)	(7)	15,000 Sq. Ft.[8]	15,000 Sq. Ft.	1 Acre	1 Acre	(1)	1 Acre
Lot Size Duplex	60,000 Sq. Ft.	22,000 Sq. Ft.	(1)						(1)	
Min. Area Rezoning(3)	NA	5 Acres	10 Acres	5 Acres	1 Acre	1 Acre	5 Acres	5 Acres	~~100~~ 5 acres	NA
Min. Lot Width-Ft	100[8]	80[6]	(1)	(7)	80[8]	80	100	100	(1)	100
Min. Chord Length at ROW line for "cul de sac's"	45	30	(1)	20	30	30	45	45	(1)	45
Min. Front Yd.-Ft.	30[8]	30	(1)	(7)	25[8]	25	40	50	(1)	50
Min. Side Yard-Ft	15[8]	10	(1)	(7)	10[8]	10	25	25	(1)	25
Min. Corner Yard Ft (10)	15	15	(1)	(7)	12	12	20	25	(1)	25
Min. Rear Yard-Ft	30[8]	25	(1)	(7)	10[8]	10	25	25	(1)	25
Max. Height-Ft	35[2]	35[2]	45	35	40	40	50	50	(1)	40
Min. Req. Structure Separation	40[8]	30	(1)		50[8]	50	(11)	(11)	(1)	30

(1) Dimensional standards in the Planned Development (PD) and Residential Mixed (RM) Districts are required to be specified on a Master Development Plan.

(2) Maximum Height requirements in the RA, RP, RM and PD Zoning Districts shall be allowed an additional 10' feet if located within any Special Flood Hazard Area (SFHA) at the calculation of five (5) additional feet in building height per every two (2) feet built above the regulatory flood prevention protection elevation, as defined in the Pender County Flood Damage Prevention Ordinance with building height at a maximum of forty-five (45) feet.

(3) Any parcel of property meeting the guidelines set forth in Sections 3.3 or 3.4 that adjoins an established zoning district that is identical to the district that is applying for a rezoning shall not have to meet the minimum area requirements for rezoning for that district.

(4) The minimum required separation standards are for principal or primary structures, accessory structures must follow separation and setback requirements as outlined in Sections 4.6.3 and 5.3.3.A.

(5) Minimum lot sizes in the RP zoning district may be reduced to twelve thousand (12,000) square feet with the evidence of public utilities (water and sewer) availability and connection is demonstrated.

(6) Minimum lot width in the RP zoning district may be reduced to sixty (60) feet with the evidence of public utilities (water and sewer) availability and connection is demonstrated.

(7) Dimensional requirements for a Manufactured Home District may be found in Section 5.3.2.D, Manufactured Home Community.

(8) Dimensional requirements for a Recreational Vehicle Park may be found in Section 5.3.9.B, Recreational Vehicle Park.

(9) Variations to Dimensional Standards are allowed for projects meeting LID Project Criteria, as overviewed in Section 7.14, Low Impact Development.

(10) See Figure 4.1

(11) North Carolina Building Regulations Apply

6.1 MASTER DEVELOPMENT PLAN CONTENTS

6.1.1 All Master Development Plans shall be prepared in accordance with the following specifications:

A. Site plans shall contain a conceptual plan, showing the location and functional relationship between all proposed housing types and land uses, including the following information:

1) The scale shall be one inch equals 100 feet or larger (the ratio of feet to inches shall be no more than one hundred feet to one inch) or at a scale acceptable to the Administrator. The scale shall be sufficient so that all features are clear.
2) No sheet shall be smaller than 24”x36” in size unless approved by the Administrator. If the MDP is prepared on more than one sheet, match lines shall clearly indicate where the sheets join.
3) North arrow, a scale of 1:100 or larger and a legend describing all symbols.
4) A boundary survey of the entire property related to true meridian and certified by a registered surveyor with all dimensions in feet and decimals of feet. A vicinity map at a suitable scale shall be provided showing the location of the project along with the location of all existing or approved public roads, streets or rights-of-way within 2,000 feet of the boundaries of the project.
5) The total area of the property shall be specified.
6) The topography shall be shown at 2 foot contour intervals.
7) The title of the proposed project; the date, month, year the plan was prepared or revised; the name of the applicant(s), owner(s) and contract owner(s); and the names of the individuals or firms preparing the plan shall be clearly specified.
8) A schedule of phases, with the approximate location of phase boundaries and the order in which the phases are to be developed, shall be provided.
9) The use of all adjoining properties by zoning, parcel identification number (PIN) and current property owner(s).
10) All proposed uses shall be specified in the Master Development Plan narrative by NAICS code in accordance with Section 5.2.3.