

Pender County Planning and Community Development

Planning Division

805 S. Walker Street
PO Box 1519
Burgaw, NC 28425



Phone: 910-259-1202
Fax: 910-259-1295
www.pendercountync.gov

AGENDA

**Pender County Board of Adjustment Meeting
July 20, 2016 9:00 a.m.
Pender County Public Meeting Room
805 S. Walker Street, Burgaw, North Carolina**

Call to Order: Chairman

Invocation:

Roll Call: Chairman

Pender County Board of Adjustment Members:

Ferrante: _____ Pullen: _____ Newton: _____ Rhodes: _____ Smith: _____

Alternates:

Godridge: _____ Peters: _____

- 1. Adoption of the Agenda:**
- 2. Adoption of the Minutes: (April 20, 2016)**
- 3. Election of Officers: (Chairman/Vice-Chairman)**
- 4. Public Comment:**

*(*Public Hearing Opened*)*

5. Variance:

Frederick W. Mahnken et al, applicant and owners, are requesting a variance for relief from the Pender County Unified Development Ordinance standards outlined in Section 5.3.3.A setback for accessory structure, specifically requesting a variance from the rear yard setback requirement of ten (10) feet for an accessory structure. The subject property is located at 15 Preswick Drive Rocky Point, NC 28457. There is one (1) tract associated with this request totaling ± 0.31 acres and the property may be further identified by Pender County PIN 3273-15-5438-0000.

6. Variance:

Sarah Woodard, applicant and owner, is requesting a variance for relief from the Pender County Unified Development Ordinance standards outlined in Section 5.3.3.A setback for an accessory structure, specifically requesting a variance from the side yard setback and structure separation requirement of ten (10) feet for an accessory structure. The subject

July 20, 2016

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property is located at 218 Doral Drive, Hampstead, NC 28443. There is one (1) tract associated with this request totaling \pm 0.46 acres and the property may be further identified by Pender County PIN 4214-12-2190-0000.

7. Variance:

Harrison Cove, LLC., applicant, on behalf of Parks Family Forestry LLC., owner, is requesting a variance for relief from the Pender County Unified Development Ordinance standards outlined in Section 7.5.1.A.1; specifically the request is to seek relief from the provision of street design as for layout of streets as to arrangement, width, grade, character, and location which shall conform to the Pender County Collector Street Plan. There are two tracts included in this variance request that total approximately \pm 112.7 acres and are located to the south of NC 210 and to the east of Harrison Creek Road (SR 1573) in the Topsail Township. The properties may be further identified by Pender County PINs: 3273-10-0849-0000 and 3273-33-1459-0000.

(Public Hearing Closed*)*

8. Discussion Items:

a. Planning Staff: None

b. BOA Members:

9. Next Meeting: August 17, 2016

10. Adjournment:

**PLANNING STAFF REPORT
VARIANCE REQUEST**

SUMMARY:

Hearing Date: April 20, 2016
Continued June 1, 2016
Continued July 20, 2016
Applicant: Frederick W. Mahnken
Property Owner: Frederick W. Mahnken et. al.
Case Number: 161-2016

Property Location and Description: The subject property is located at 15 Preswick Drive, Rocky Point NC 28457. There is one (1) tract associated with this request totaling ± 0.31 acres and may be further identified by Pender County PIN 3273-15-5438-0000.

Zoning District of Property: The property is zoned PD, Planned Development zoning district.

Variance Requested: Frederick W. Mahnken et al, applicant and owners, are requesting a variance for relief from the Pender County Unified Development Ordinance standards outlined in Section 5.3.3.A setback for accessory structure, specifically requesting a variance from the rear yard setback requirement of ten (10) feet for an accessory structure.

At their April 20, 2016 meeting the Board of Adjustment voted to table the request to allow for the applicant to ask the Homeowners Association to provide an easement or property on the common area in order to be compliant for the rear yard setback.

The Board of Adjustment did not meet at the regularly scheduled June 1, 2016 meeting, therefore the case has been continued to July 20, 2016.

Following the Board of Adjustment's meeting on April 20, 2016, the applicant has worked with the Avendale Homeowners Association Inc. who are the property owners of the common open space to the rear of the subject property. On July 7, 2016 the Avendale Homeowners Association Inc. voted regarding the sale of the land to the applicants regarding compliance for the rear yard setback. At this time there is no resolution from the Avendale Homeowners Association Inc. and the applicant will request additional time with the intention of becoming compliant.

BACKGROUND AND DESCRIPTION OF VARIANCE:

The subject property is located in Phase IIIA of the Avendale residential subdivision, recorded on MB 50 PG 87 (Exhibit 1). The residential subdivision is currently zoned PD, Planned Development zoning district.

According to Section 5.3.3.A of the Pender County Unified Development Ordinance the setback requirement in all zoning districts is ten (10) feet from all property lines. The five (5) solar panels for which this variance is requested are considered accessory structures per Appendix A of the Pender County Unified Development Ordinance an accessory structure is defined as:

ACCESSORY STRUCTURE (Appurtenant Structure): a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

The measurement for the setback to the rear lot line has been taken from the six (6) inch steel posts affixing the solar panels into the subject property. The rear yard setback as defined in Appendix A of the Pender County Unified Development Ordinance states:

SETBACK, REAR YARD: The required distance between a building or structure and the rear lot line of the lot containing the building or structure.

In the submitted site plan the five (5) different six (6) inch steel posts are located approximately seven feet and two inches (7' 2") from the rear property line, necessitating a variance for a total of two feet ten inches (2' 10") (Exhibit 2).

The solar panel frames do encroach the setback as well, however it was determined by the Administrator that the solar panel itself would be permissible in the setback similar to an awning or roof overhang as outlined in Section 4.6.10 of the Pender County Unified Development Ordinance as seen below:

4.6.10 In all districts, the following shall not be considered obstructions when located within a required yard, except that these items shall not be located within any required clear site triangle.

A. In any Required Yard:

- 4) Awnings or canopies projecting up to six (6') feet from a building wall, provided that the awning has no supports other than provided by the wall or its integral part.
- 5) Cornices, eaves, and awnings may extend up to five (5') feet into any required yard, but shall remain at least two (2') feet from the property line, except on zero lot line homes.

If a variance is granted by the Board of Adjustment; the applicant must still meet all other building setbacks and requirements in Pender County's Unified Development Ordinance. At current the applicant is seeking relief solely from the standards outlined in Section 4.14; which necessitates the rear yard setback to be in compliance with the approved Master Development Plan in the PD, Planned Development zoning district. The variance request is for seven feet ten inches from the rear yard setback.

ZONING ADMINISTRATOR'S CONCLUSION:

Frederick W. Mahnken et al, applicant and owners, are requesting a variance for relief from the Pender County Unified Development Ordinance standards outlined in Section 5.3.3.A setback for accessory structure, specifically requesting a variance from the rear yard setback requirement of ten (10) feet for an accessory structure.

At their April 20, 2016 meeting the Board of Adjustment voted to table the request to allow for the applicant to ask the Homeowners Association to provide an easement or property come to a conclusion regarding the common area to the rear of the parcel and the required setback.

The Board of Adjustment did not meet at the regularly scheduled June 1, 2016 meeting, therefore the case has been continued to July 20, 2016.

Following the Board of Adjustment's meeting on April 20, 2016, the applicant has worked with the Avendale Homeowners Association Inc. who are the property owners of the common open space to the rear of the subject property. On July 7, 2016 the Avendale Homeowners Association Inc. voted regarding the sale of the land to the applicants regarding compliance for the rear yard setback. At this time there is no resolution from the Avendale Homeowners Association Inc. and the applicant will request additional time with the intention of becoming compliant.

3.14 VARIANCE

3.14.1 Applicability

- B. The Board of Adjustment may vary certain requirements of this Ordinance, in harmony with the general purpose of these regulations, where special conditions applicable to the property in question would make the strict enforcement of the regulations impractical or result in a hardship in making reasonable use of the property.
- C. The Board of Adjustment may waive certain requirements when authorized to do so by provisions adopted as a part of this Ordinance.
- D. No variance shall be permitted that would have the effect of allowing a use not permitted in the use table of Section 5.2.3.
- E. No variance shall be permitted that would allow a project to exceed the maximum density as to number of dwelling units to the acre in a Zoning District. This maximum density shall be inclusive of any density bonus allowance or additional units in a planned unit development.
- F. The need for the variance cannot be a result of the owner's own actions and cannot be for strictly economic reasons.
- G. The Board of Adjustment may grant variances in the following special circumstances, as indicated in Section 3.14.7 of this Ordinance.

3.14.7 Findings

In granting any variance, the Board of Adjustment shall make the following findings:

- A. That special or unique circumstances or conditions or practical difficulties exist which apply to the land, buildings or uses involved which are not generally applicable to other land, buildings, structures, or uses in the same zoning districts;
 - 1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
 - 2) The hardship results from conditions that are peculiar to the property, such as location, size, topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
 - 3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify granting of a variance shall not be regarded as a self-created hardship.
 - 4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured and substantial justice is achieved.
- B. In making the findings above, the Board of Adjustment may give special weight to the number and percentage of nearby properties that share characteristics for which the variance is requested by the applicant. The Board of Adjustment may grant a variance to expand an existing structure, including the expansion of a nonconforming structure if the findings listed above can be made.

Board of Adjustment: Finding of Facts

1. It is the Board's CONCLUSION that the hardship of which the applicant complains results/does not result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. This conclusion is based on the following FINDINGS OF FACT:
2. It is the Board's CONCLUSION that, the hardship results/does not result from conditions that are peculiar to the property, such as location, size, topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. This conclusion is based on the following FINDINGS OF FACT:
3. It is the Board's CONCLUSION that the hardship results/does not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify granting of a variance shall not be regarded as a self-created hardship. This conclusion is based on the following FINDINGS OF FACT:
4. It is the Board's CONCLUSION that, the requested variance is consistent/not consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured and substantial justice is achieved. This conclusion is based on all of the FINDINGS OF FACT:

BOARD ACTION FOR VARIANCE:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Ferrante ___ Pullen ___ Newton ___

Alternates:

Godridge: _____ Peters: _____

BOARD ACTION FOR VARIANCE: (April 20, 2016)

MOVED Newton: Table the Request _____ SECONDED Godridge _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Ferrante x Pullen x Newton x

Alternates:

Godridge: x Peters: x

5.3.3 Accessory Uses and Structures

A. Accessory Building Setbacks and Separation Requirements

1) Accessory Buildings 50-599 Square Feet In Area:

a) Setback of ten (10) feet from all property lines, access easements, and any other structures located on the property.

2) Accessory Buildings 600-1,199 Square Feet In Area:

a) Setbacks shall adhere to zoning district requirements and separation must be ten (10) feet from any other structure and access easements located on the property.

3) Accessory Buildings 1,200 Square Feet in Area or Greater:

a) Same setback and separation requirements as principal buildings per zoning district regulations

ACCESSORY STRUCTURE (Appurtenant Structure): a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

4.8 Mixed Use Districts

4.8.1.2.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.

March 4th Due to Staff

APPLICATION FOR VARIANCE

THIS SECTION FOR OFFICE USE			
Application No.	VA 1161-2016	Date	2/10/2016
Application Fee	\$ 250	Receipt No.	Invoice # 86

SECTION 1: APPLICANT INFORMATION

Applicant's Name:	Fred & Loraine Mahnken	Owner's Name:	Same
Applicant's Address:	15 Preswick Dr	Owner's Address:	
City, State, & Zip	Rocky Point, NC 28457	City, State, & Zip	
Phone Number:	910 - 270-3849	Phone Number:	

Legal relationship of applicant to land owner: Same

SECTION 2: PROJECT INFORMATION

Property Identification Number (PIN):	3273-15-5438-000	Total property acreage:	0.31 Acres
Zoning Classification:	PD	Variance Size:	7' 10"
Variance Location & Address:	15 Preswick Drive Rear yard setback		
Describe Variance and amount or type requested:	See attachment		

SECTION 3: SIGNATURES

Applicant's Signature	<i>Fred Mahnken</i>	Date:	2/10/16
Owner's Signature	<i>Fred Mahnken</i>	Date:	2/10/16

NOTICE TO APPLICANT:

1. The Board of Adjustment shall review applications for a variance and shall be the approving authority for all requirements.
2. All applicants seeking a variance shall schedule a pre-application conference with the administrator to discuss the procedures, standards, and regulations required for variance approval.
3. An application for a variance shall be submitted in accordance with application requirements.
4. Once the application has been determined complete, the Administrator shall schedule a public hearing and give notice to adjoining/abutting property owners and aggrieved parties in the form of applicant supplied #10 envelopes with paid first class postage.
5. The applicant seeking the variance shall have the burden of presenting evidence sufficient to allow the Board of Adjustment to reach the conclusions set forth below (Findings), as well as the burden of persuasion on those issues.
6. Applicant must also submit the information described in the Variance Checklist provided below.
7. Applicant or agent authorized in writing must attend the public hearing.
8. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Board of Adjustment agrees to table or delay the hearing.

OFFICE USE ONLY

<input checked="" type="checkbox"/> VA Fees \$250	Total Fee Calculation \$
Payment Method:	Cash: <input type="checkbox"/> \$ _____ Credit Card: <input type="checkbox"/> Master Card <input type="checkbox"/> Visa Check: <input checked="" type="checkbox"/> Check # 1142
Application received by:	<i>Megan O'Flare</i> Date: 2/12/2016
Application completeness approved by:	<i>Megan O'Flare</i> Date: 2/12/2016
Date scheduled for public hearing:	April 20, 2016 9 AM

Variance Checklist

<input checked="" type="checkbox"/>	Signed application form
<input type="checkbox"/>	Application fee <u>250</u>
<input checked="" type="checkbox"/>	Legible list of all property owners adjacent to the property upon which the use is to be located. The list shall include the mailing address & physical address of these property owners (The application will not be advertised for public hearing until the list is accurate & complete—the list may be compiled from the public PC terminal in the Pender County Tax Office).
<input checked="" type="checkbox"/>	One business size envelope legibly addressed with first class postage for each of the adjacent property owners on the above list.
<input type="checkbox"/>	<u>Variance Description</u> : Written description of the Variance requested, meeting the four identified findings for variance approval described on page 1 of this application and in the Pender County Unified Development Ordinance (Section 3.14.7.A).
<input checked="" type="checkbox"/>	<p><u>Project Map(s)</u>—Applicant shall supply 15 (11"x17") project maps at a readable scale, clearly showing the following (as applicable):</p> <ul style="list-style-type: none"> <input type="checkbox"/> Property Location <input type="checkbox"/> Building Separation Distances <input type="checkbox"/> Dimensions of Property <input type="checkbox"/> Proposed Building Height <input type="checkbox"/> Building Distances From Property Lines (Front, Sides, Rear) <input type="checkbox"/> Location of All Existing Utilities On-Site <input type="checkbox"/> Existing Structures <input type="checkbox"/> Acreage of Property <input type="checkbox"/> Any Proposed Structures <input type="checkbox"/> Additional Information Pertinent to the Variance Request (Pictures, Other Permits, etc.)
<p>RETURN COMPLETED APPLICATION TO: Pender County Planning & Community Development P.O. Box 1519 Burgaw, NC 28425</p>	

To whom it may concern,

We had solar panels installed in our backyard by Greg Yurick. He installed the poles too close to the property line as you can see from the survey. The poles are 8 1/2 feet from the property line and they should be 10 feet from the property line. I'm only 2'10" short of the property line.

I need forgiveness so that I can get the permit, so the electrician can file for the permit for the electric. I hope this is enough, if not don't hesitate to call me at 910-470-3146 (Loraine cell))

Sincerely,
Fred and Loraine Mahnken

CURVE TABLE

Station	Chord Length	Chord Bearing	Chord Distance
0+00	10.00	180° 00' 00"	10.00
0+10	10.00	171° 30' 00"	10.00
0+20	10.00	153° 00' 00"	10.00
0+30	10.00	124° 30' 00"	10.00
0+40	10.00	96° 00' 00"	10.00
0+50	10.00	67° 30' 00"	10.00
0+60	10.00	39° 00' 00"	10.00
0+70	10.00	10° 30' 00"	10.00
0+80	10.00	18° 00' 00"	10.00
0+90	10.00	46° 30' 00"	10.00
1+00	10.00	75° 00' 00"	10.00
1+10	10.00	103° 30' 00"	10.00
1+20	10.00	132° 00' 00"	10.00
1+30	10.00	160° 30' 00"	10.00
1+40	10.00	189° 00' 00"	10.00
1+50	10.00	217° 30' 00"	10.00
1+60	10.00	246° 00' 00"	10.00
1+70	10.00	274° 30' 00"	10.00
1+80	10.00	303° 00' 00"	10.00
1+90	10.00	331° 30' 00"	10.00
2+00	10.00	360° 00' 00"	10.00

LINE TABLE

Station	Distance	Length
0+00	0+00	0.00
0+10	0+10	10.00
0+20	0+20	20.00
0+30	0+30	30.00
0+40	0+40	40.00
0+50	0+50	50.00
0+60	0+60	60.00
0+70	0+70	70.00
0+80	0+80	80.00
0+90	0+90	90.00
1+00	1+00	100.00
1+10	1+10	110.00
1+20	1+20	120.00
1+30	1+30	130.00
1+40	1+40	140.00
1+50	1+50	150.00
1+60	1+60	160.00
1+70	1+70	170.00
1+80	1+80	180.00
1+90	1+90	190.00
2+00	2+00	200.00

ENGINEER'S CERTIFICATE OF ACCURACY
 I, the undersigned, a duly licensed Professional Engineer in the State of North Carolina, do hereby certify that the above described plat complies with the provisions of the General Statutes of North Carolina, Chapter 160A, and that the same is a true and correct representation of the original surveying instruments, measurements and data used in the preparation of this plat.
 A.B. 2020

SEAL
 JAMES L. JEFFREY, JR.
 PROFESSIONAL ENGINEER
 STATE OF NORTH CAROLINA
 LICENSE NO. 12345

- LEGEND**
- LOW WATER SET
 - EL. FROM P.F.C.
 - CONTROL POINT SET
 - CONTROL POINT SET

AVENDALE - PHASE 5A

OWNER: AVENDALE DEVELOPMENT, LLC
 ADDRESS: 10000 AVENDALE DRIVE, WILMINGTON, NC 28403
 PHONE: (910) 270-1725

DATE: 2/19/10
 SCALE: 1"=50'

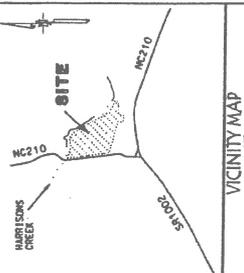
SHEET 1 OF 1

Exhibit 1



CERTIFICATE OF REGISTRATION BY REGISTER OF DEEDS
 STATE OF NORTH CAROLINA
 COUNTY OF PENDER
 I, the undersigned, do hereby certify that the above described plat complies with the provisions of the General Statutes of North Carolina, Chapter 160A, and that the same is a true and correct representation of the original surveying instruments, measurements and data used in the preparation of this plat.
 DATE: 2/19/10

CERTIFICATE OF FINAL PLAT APPROVAL
 I, the undersigned, do hereby certify that the above described plat complies with the provisions of the General Statutes of North Carolina, Chapter 160A, and that the same is a true and correct representation of the original surveying instruments, measurements and data used in the preparation of this plat.
 DATE: 2/19/10



SURVEY CERTIFICATE II AND III
 I, the undersigned, do hereby certify that this plat complies with the provisions of the General Statutes of North Carolina, Chapter 160A, and that the same is a true and correct representation of the original surveying instruments, measurements and data used in the preparation of this plat.
 DATE: 2/19/10

CERTIFICATE OF SURVEY AND ACCURACY
 I, the undersigned, a duly licensed Professional Engineer in the State of North Carolina, do hereby certify that the above described plat complies with the provisions of the General Statutes of North Carolina, Chapter 160A, and that the same is a true and correct representation of the original surveying instruments, measurements and data used in the preparation of this plat.
 DATE: 2/19/10

SEAL
 JAMES L. JEFFREY, JR.
 PROFESSIONAL ENGINEER
 STATE OF NORTH CAROLINA
 LICENSE NO. 12345

CERTIFICATE OF CORRECTION AND JURISDICTION
 I, the undersigned, do hereby certify that the above described plat complies with the provisions of the General Statutes of North Carolina, Chapter 160A, and that the same is a true and correct representation of the original surveying instruments, measurements and data used in the preparation of this plat.
 DATE: 2/19/10

STATE OF NORTH CAROLINA
 COUNTY OF PENDER
 I, the undersigned, do hereby certify that the above described plat complies with the provisions of the General Statutes of North Carolina, Chapter 160A, and that the same is a true and correct representation of the original surveying instruments, measurements and data used in the preparation of this plat.
 DATE: 2/19/10

PANEL IDENTIFIED CERTIFICATE
 I, the undersigned, do hereby certify that the above described plat complies with the provisions of the General Statutes of North Carolina, Chapter 160A, and that the same is a true and correct representation of the original surveying instruments, measurements and data used in the preparation of this plat.
 DATE: 2/19/10

EASEMENT NOTE
 I, the undersigned, do hereby certify that the above described plat complies with the provisions of the General Statutes of North Carolina, Chapter 160A, and that the same is a true and correct representation of the original surveying instruments, measurements and data used in the preparation of this plat.
 DATE: 2/19/10

CERTIFICATE OF SURVEY AND ACCURACY
 I, the undersigned, a duly licensed Professional Engineer in the State of North Carolina, do hereby certify that the above described plat complies with the provisions of the General Statutes of North Carolina, Chapter 160A, and that the same is a true and correct representation of the original surveying instruments, measurements and data used in the preparation of this plat.
 DATE: 2/19/10

SEAL
 JAMES L. JEFFREY, JR.
 PROFESSIONAL ENGINEER
 STATE OF NORTH CAROLINA
 LICENSE NO. 12345

PROJECT NO. 1-20-10
 DRAWING NAME: 1-BLVD/1725-50/02/03/05 MEA, GEN.

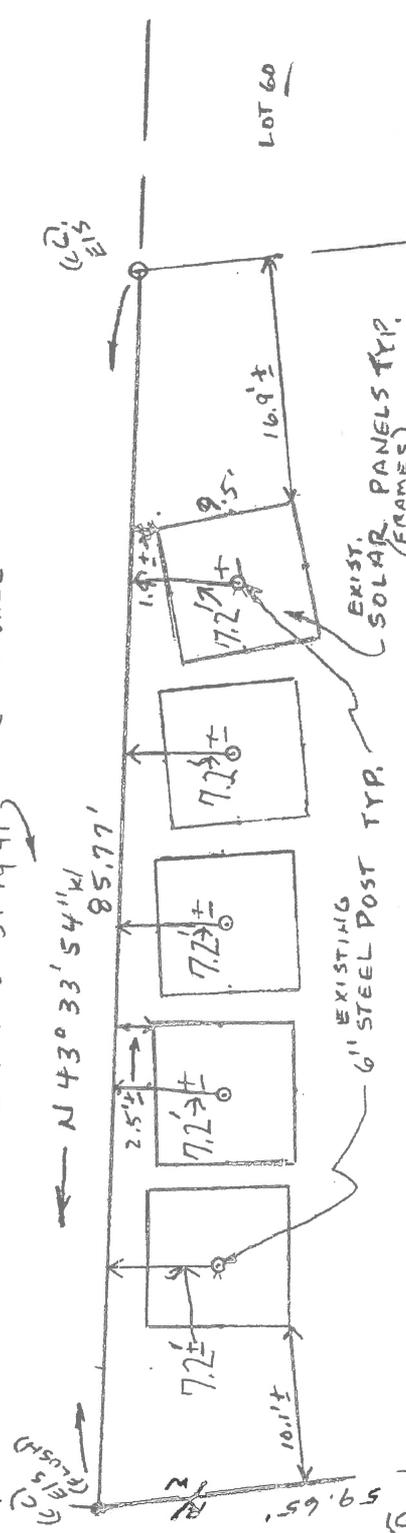
LEGEND:

EIS = EXIST IRON STAKE
 CC = CONTROL CORNER

NOTE:

ATTACHED TO MAP
 OF AVENDALE FOR
 REFERENCE.

HOW OF FORMERLY
 MAP BK 51 Pg 91
 THE COTTAGES
 CAVENTDALE



LOT 59

LOT 60

AVENDALE DRIVE
 60' PRIVATE R/W

TO MAP BK 51 Pg 91
 141.88 ± 15.78 dwn 0°

- SKETCH -
- LOCATION SURVEY -
- PORTION LOT 59
- AVENDALE PHASE 3A
- MAP BOOK 51 PAGE 147
- FOR

FREDERICK W. MANKEN
 AND WIFE
 LORAIN E. MANKEN
 PRESWICK DR.
 15 PRESWICK DR.
 ROCKY POINT, NC 28457



PRELIMINARY PLAT
 NOT FOR RECORDATION
 CONVEYANCES OR CONSTRUCTION

TOPSAIL TWP, PENDER CO, N.C.

11 DEC. 2015 SCALE: 1" = 10'

(CHORD)
 N3056 ± 11" E
 15.09
 N31°25'55" E
 108.11
 N37°29'46" E
 59.65'
 C27



Applicant:
Frederick W. Mahnken et. al.

Owner:
Frederick W. Mahnken et. al.

Variance

Case Number:
161-2016

Legend
 Subject Property



VICINITY





Applicant:
Frederick W. Mahnken et. al.

Owner:
Frederick W. Mahnken et. al.

Variance

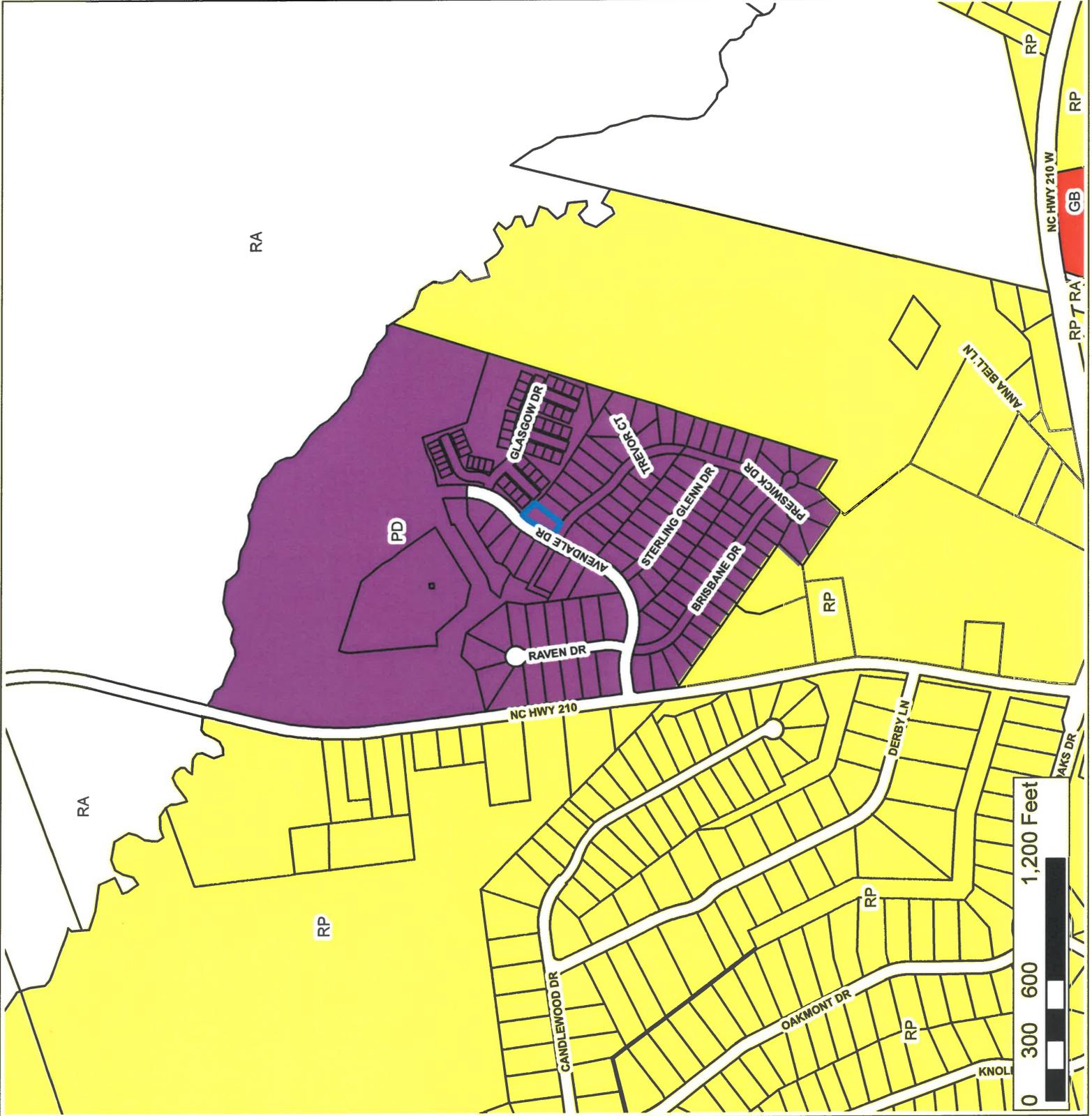
Case Number:
161-2016

Legend

-  Subject Property
-  EC, Environmental Conservation
-  GB, General Business
-  GI, General Industrial
-  IT, Industrial Transitional
-  O&I, Office & Institutional
-  PD, Planned Development
-  RA, Rural Agricultural
-  RP, Residential Performance



CURRENT ZONING





Applicant:
Frederick W. Mahnken et. al.

Owner:
Frederick W. Mahnken et. al.

Variance

Case Number:
161-2016

Legend



Subject Property



2012 AERIAL



**PLANNING STAFF REPORT
VARIANCE REQUEST**

SUMMARY:

Hearing Date: May 18, 2016
Continued July 20, 2016
Applicant: Sarah Woodard
Property Owner: Sarah Woodard
Case Number: VAR 209-2016

Property Location and Description: The subject property is located at 218 Doral Drive, Hampstead, NC 28443. There is one (1) tract associated with this request totaling ± 0.46 acres and may be further identified by Pender County PIN 4214-12-2190-0000.

Zoning District of Property: The property is zoned PD, Planned Development zoning district.

Variance Requested: Sarah Woodard, applicant and owner, is requesting a variance for relief from the Pender County Unified Development Ordinance standards outlined in Section 5.3.3.A setback for accessory structure, specifically requesting a variance from both the side yard setback and structure separation requirement of ten (10) feet for an accessory structure. The variance request is for ten feet (10') from the side yard setback and seven feet six inches (7' 6") from the required structure separation.

BACKGROUND AND DESCRIPTION OF VARIANCE:

The subject property is located in Section D of the Greenway Plantation residential subdivision, recorded on MB 12 PG 64 in the Pender County Register of Deeds. The residential subdivision is currently zoned PD, Planned Development zoning district.

According to Section 5.3.3.A of the Pender County Unified Development Ordinance, the setback requirement for accessory structures in all zoning districts is ten (10) feet from all property lines. All accessory structures are also required to have a ten (10) feet structure separation from any other structure on the property. The existing carport (Exhibit 1) for which this variance is requested is considered an accessory structure per Appendix A of the Pender County Unified Development Ordinance an accessory structure is defined as:

ACCESSORY STRUCTURE (Appurtenant Structure): a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

The measurement for the setback to the side lot line has been taken from the southwestern corner of the carport. The side yard setback as defined in Appendix A of the Pender County Unified Development Ordinance states:

SETBACK, SIDE YARD: The required distance between a building or structure and the side lot line of the lot containing the building or structure.

In the submitted site plan the 30' x 19' (570 sq. ft.) structure is located directly adjacent to the side property line and two feet six inches from the residential structure, necessitating a variance for a total of ten feet (10') from the side property line and seven feet six inches (7' 6") from the structure separation requirements (Exhibit 2).

If a variance is granted by the Board of Adjustment; the applicant must still meet all other building setbacks and requirements in Pender County's Unified Development Ordinance, including acquiring necessary building

permits and zoning approvals. At current, the applicant is seeking relief solely from the standards outlined in Section 5.3.3.A; which necessitates a ten (10) feet setback from any property line and from any other structure. The variance request is for ten feet (10') from the side yard setback and seven feet six inches (7' 6") from the required structure separation.

ZONING ADMINISTRATOR'S CONCLUSION:

Sarah Woodard, applicant and owner, is requesting a variance for relief from the Pender County Unified Development Ordinance standards outlined in Section 5.3.3.A setback for accessory structure, specifically requesting a variance from both the side yard setback requirement of ten (10) feet for an accessory structure and the ten (10) feet structure separation requirement.

3.14 VARIANCE

3.14.1 Applicability

- A. The Board of Adjustment may vary certain requirements of this Ordinance, in harmony with the general purpose of these regulations, where special conditions applicable to the property in question would make the strict enforcement of the regulations impractical or result in a hardship in making reasonable use of the property.
- B. The Board of Adjustment may waive certain requirements when authorized to do so by provisions adopted as a part of this Ordinance.
- C. No variance shall be permitted that would have the effect of allowing a use not permitted in the use table of Section 5.2.3.
- D. No variance shall be permitted that would allow a project to exceed the maximum density as to number of dwelling units to the acre in a Zoning District. This maximum density shall be inclusive of any density bonus allowance or additional units in a planned unit development.
- E. The need for the variance cannot be a result of the owner's own actions and cannot be for strictly economic reasons.
- F. The Board of Adjustment may grant variances in the following special circumstances, as indicated in Section 3.14.7 of this Ordinance.

3.14.7 Findings

In granting any variance, the Board of Adjustment shall make the following findings:

- A. That special or unique circumstances or conditions or practical difficulties exist which apply to the land, buildings or uses involved which are not generally applicable to other land, buildings, structures, or uses in the same zoning districts;
 - 1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
 - 2) The hardship results from conditions that are peculiar to the property, such as location, size, topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
 - 3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify granting of a variance shall not be regarded as a self-created hardship.
 - 4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured and substantial justice is achieved.
- B. In making the findings above, the Board of Adjustment may give special weight to the number and percentage of nearby properties that share characteristics for which the variance is requested by the applicant. The Board of Adjustment may grant a variance to expand an existing structure, including the expansion of a nonconforming structure if the findings listed above can be made.

Board of Adjustment: Finding of Facts

1. It is the Board's CONCLUSION that the hardship of which the applicant complains **results/does not result** from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. This conclusion is based on the following FINDINGS OF FACT:

2. It is the Board's CONCLUSION that, the hardship **results/does not result** from conditions that are peculiar to the property, such as location, size, topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. This conclusion is based on the following FINDINGS OF FACT:

3. It is the Board's CONCLUSION that the hardship **results/does not result** from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify granting of a variance shall not be regarded as a self-created hardship. This conclusion is based on the following FINDINGS OF FACT:

4. It is the Board's CONCLUSION that, the requested variance is **consistent/not consistent** with the spirit, purpose, and intent of the ordinance, such that public safety is secured and substantial justice is achieved. This conclusion is based on all of the FINDINGS OF FACT:

BOARD ACTION FOR VARIANCE:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Ferrante ___ Pullen ___ Newton ___

Alternates:

Godridge: _____ Peters: _____

5.3.3 Accessory Uses and Structures

A. Accessory Building Setbacks and Separation Requirements

- 1) Accessory Buildings 50-599 Square Feet In Area:
 - a) Setback of ten (10) feet from all property lines, access easements, and any other structures located on the property.
- 2) Accessory Buildings 600-1,199 Square Feet In Area:
 - a) Setbacks shall adhere to zoning district requirements and separation must be ten (10) feet from any other structure and access easements located on the property.
- 3) Accessory Buildings 1,200 Square Feet in Area or Greater:
 - a) Same setback and separation requirements as principal buildings per zoning district regulations

ACCESSORY STRUCTURE (Appurtenant Structure): a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

4.8 Mixed Use Districts

4.8.1.2.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.

Deadlines:
 3/4 for 4/20 BOA meeting
 4/1 for 5/14

APPLICATION FOR VARIANCE

THIS SECTION FOR OFFICE USE

Application No.	VA 209-2016	Date	4/1/16
Application Fee	\$ 250.00	Receipt No.	Inv. 00000115

SECTION 1: APPLICANT INFORMATION

Applicant's Name:	Sarah P. Woodward	Owner's Name:	
Applicant's Address:	218 Doral Drive	Owner's Address:	SAME
City, State, & Zip	Hampstead, N.C. 28443	City, State, & Zip	
Phone Number:	252-526-1950	Phone Number:	

Legal relationship of applicant to land owner: Same

SECTION 2: PROJECT INFORMATION

Property Identification Number (PIN):	4214-12-2190-000	Total property acreage:	
Zoning Classification:	PD	Variance Size:	10' from West prop. line 7.5' from structure
Variance Location & Address	218 Doral Drive Hampstead, N.C. 28443		
Describe Variance and amount or type requested:	release from 10' westward setback release from building separation setback		

SECTION 3: SIGNATURES

Applicant's Signature	<u>Sarah P. Woodward</u>	Date:	3-16-2016
Owner's Signature	<u>Sarah P. Woodward</u>	Date:	3-16-2016

NOTICE TO APPLICANT:

1. The Board of Adjustment shall review applications for a variance and shall be the approving authority for all requirements.
2. All applicants seeking a variance shall schedule a pre-application conference with the administrator to discuss the procedures, standards, and regulations required for variance approval.
3. An application for a variance shall be submitted in accordance with application requirements.
4. Once the application has been determined complete, the Administrator shall schedule a public hearing and give notice to adjoining/abutting property owners and aggrieved parties in the form of applicant supplied #10 envelopes with paid first class postage.
5. The applicant seeking the variance shall have the burden of presenting evidence sufficient to allow the Board of Adjustment to reach the conclusions set forth below (Findings), as well as the burden of persuasion on those issues.
6. Applicant must also submit the information described in the Variance Checklist provided below.
7. Applicant or agent authorized in writing must attend the public hearing.
8. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Board of Adjustment agrees to table or delay the hearing.

OFFICE USE ONLY

<input type="checkbox"/> VA Fees \$250		Total Fee Calculation \$	
Payment Method:	Cash: <input type="checkbox"/> \$ _____	Credit Card: <input type="checkbox"/> Master Card <input type="checkbox"/> Visa	Check: <input checked="" type="checkbox"/> Check # 10175
Application received by:	<u>Jack O'Neil</u>	Date:	3-23-16
Application completeness approved by:	<u>Jack O'Neil</u>	Date:	3-28-16
Date scheduled for public hearing:	5-18-16		

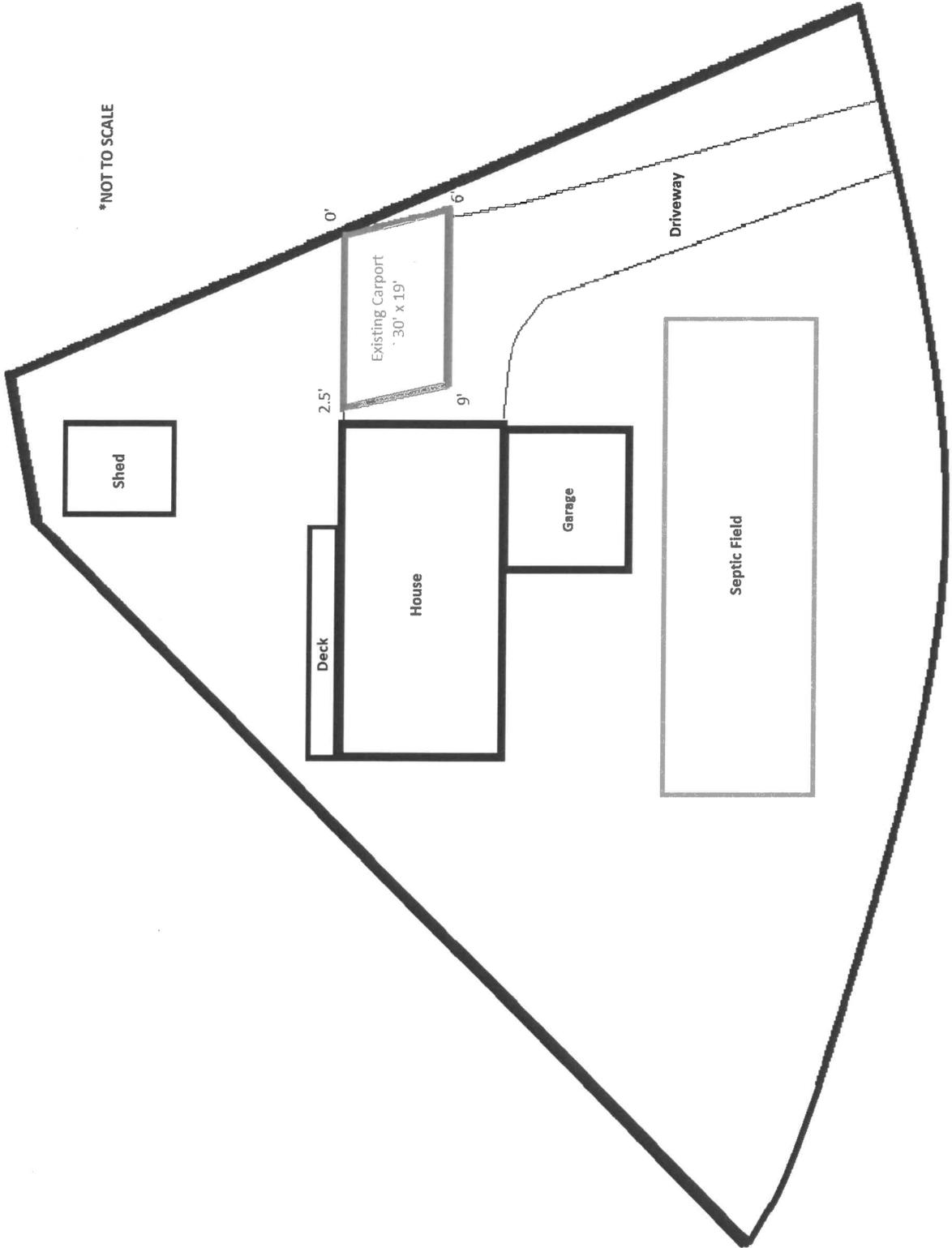
This statement is in regard to various questions 1-4.

My husband passed at 61 during Christmas 2021. The week before he died, he begged me not to sell his 1995 Ford 350 diesel Qually truck and to keep the 2022 Ford customized van for the boys. Our younger son has Asperger's syndrome (high functioning autism) rode with his dad everywhere in both vehicles. Now he rides with me everywhere I go. My nephew has levid with me for 11 years and has Kluver's syndrome. They both like the van for mountain trips. Both vehicles had sat out in the weather for 3 years and both had started with a small leak around front windshields. I had a metal shelter from where we used to live with strong girders underneath that had withstood 2 hurricanes in 10 years. I enlisted the help of 2 pack of all trades to disassemble and reassemble the metal shelter that was put beside my house at Hampstead for \$1500 (a 3 day job). I had never lived in a residential area before and was not aware that codes/permits were involved. I know now that I needed to be 10 feet from property lines

10 feet from house, or any other building. The lot is shaped like a piece of pie with the house in point to my backyard. There is no where to put a shelter without being in violation of codes. My front yard has the septic tank with drain lines going in the direction of the driveway. The metal shelter is in the best place it could be regarding the shape of the lot. The metal parts were put down in concrete. The paint has been brought to match the house perfectly and the shelter is in no one's way. This area was not being used for anything else. The shelter is 35' wide & 19' deep. The overhang of the right front is 6 feet from neighbor's privacy fence (which is on the line). The front left corner is 9 feet from the side of the house. The back left corner is 2½ feet from the house. The back right corner is on the line that privacy fence is on. The shelter was placed so as not to interfere with 2 other vehicles entering and exiting the two carport garage. The roof was too high to enter the garage and the driveway was too wide to allow the accommodation of another vehicle. My husband paid almost \$4,000 for

the shelter 10 years ago and now the same shelter is \$7,000. I was trying to use what I already had as it was no use to me where I use to live. Both vehicle are now protected from the rain, sleet, hail, snow, and intense heat in the summer. Just trying to take care of what was left to me and the boys to use and enjoy. My older son ask me if he could have the Dad's truck and the younger son with Agony told him he needed to buy his own truck (in other words - that's one Dad's truck).

I love Hampstead, my house that my older son found for me and the boys. They each have two rooms each upstairs (a den and bedroom). One functions like a 6 year old and the other a 11-12 year old. A bedroom and bath separates each boys' living quarters where they have their own space. Nephew plays basketball and son's only exercise is a trampoline in the backyard. This is a must for him as his cartier valve was replaced in 2009 with a cow valve at Duke. I keep a pretty yard and am doing something all the time. I painted the shop inside and outside in the backyard to match the house Duke.
29



*NOT TO SCALE

Shed

Deck

2.5'

House

9'

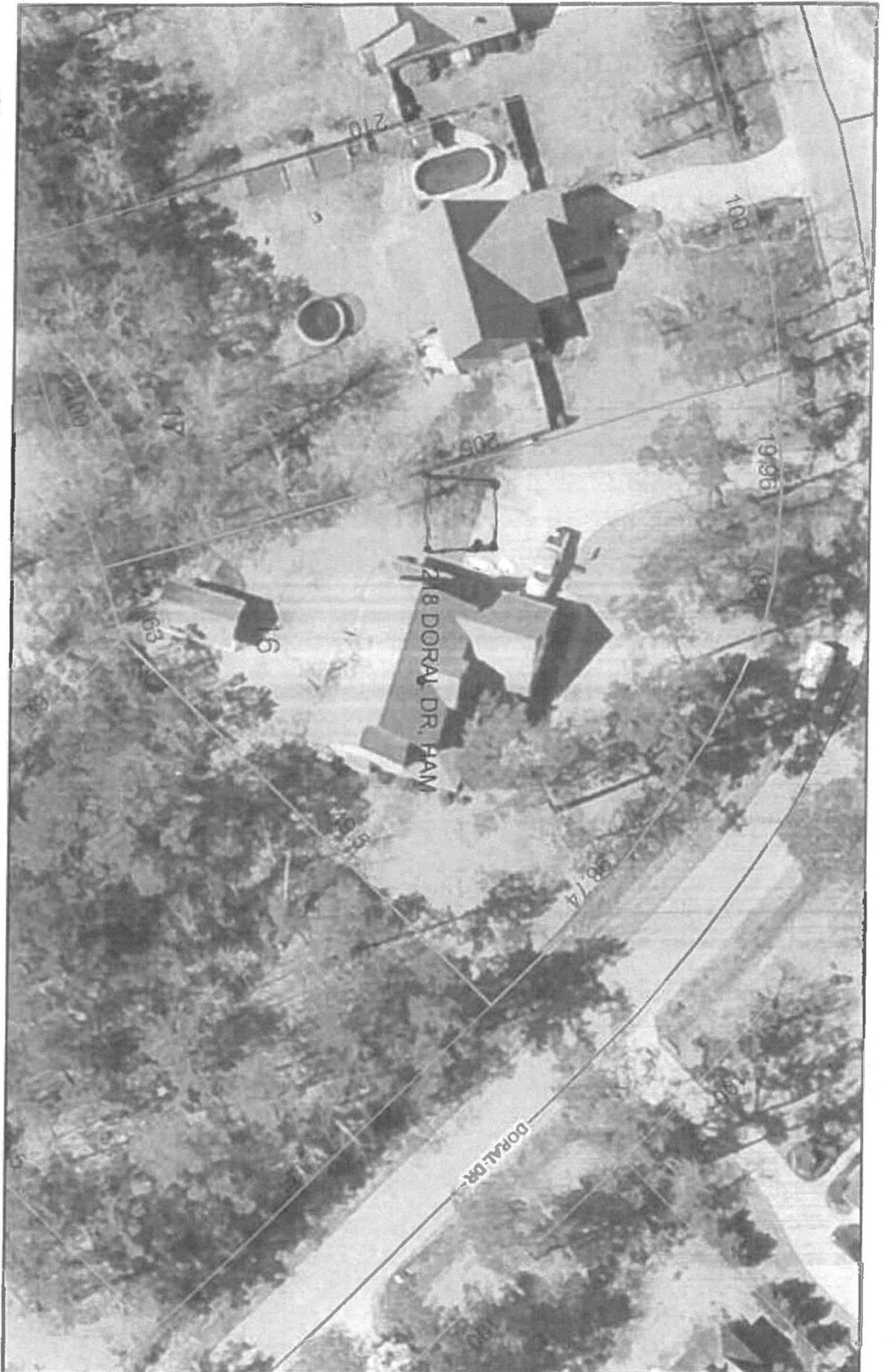
Existing Carport
30' x 19'

Garage

Driveway

Septic Field

Doral Drive



PIN: 4214-12-2190-0000

Owner: WOODARD SARAH

218 DORAL DR

HAMPSSTEAD, NC 28443

Deed Ref: 4210/24

Sale Price: \$null

Sale Date: 2013-02-20

Plat: 00120084

Account No: 955032

Township: TOPSAIL

Subdivision: GREENWAY PLANTATION

Tax Codes: G01 F22 R40 S64

Acres:

Land Value: \$40,000

Building Value: \$279,239

Total Value: \$319,239

Deferred Value: \$0

Exempt Amount:

PCL Class: R

Heated Sq Feet: 3271::

Pender County



1 inch = 40 feet

March 2, 2016

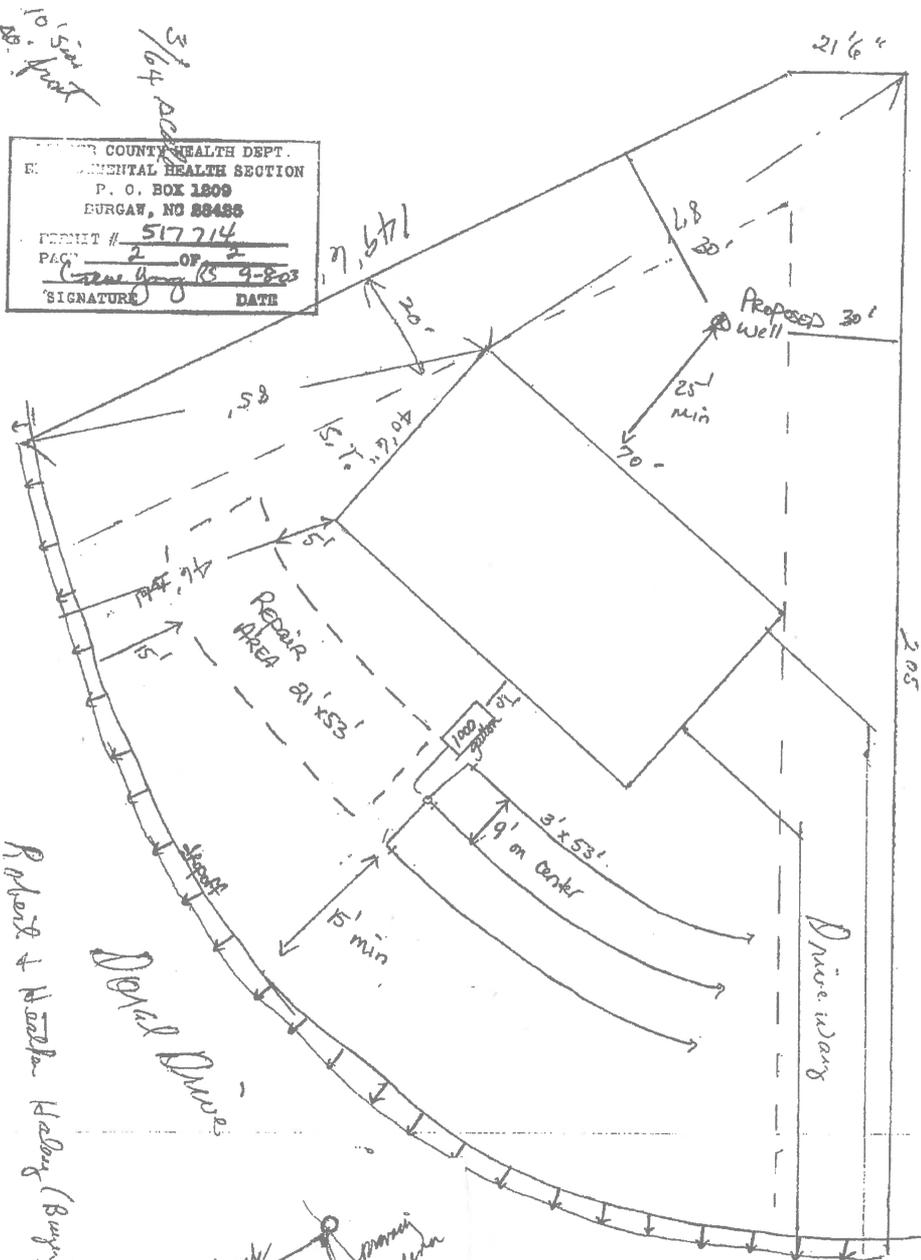


Description: L16 PB 12/64 GREENWAY PLANTATION SEC D

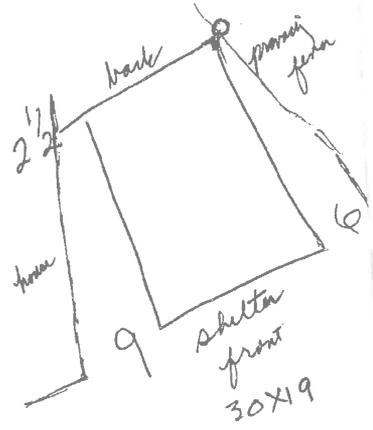




HUNTER COUNTY HEALTH DEPT.
 ENVIRONMENTAL HEALTH SECTION
 P. O. BOX 1809
 MORGAN, MO 65685
 PERMIT # 517714
 PAGE 2 OF 2
 Issued by CS 9-8-03
 SIGNATURE _____ DATE _____



R. P. ...
 ...
 ...





Applicant:
Sarah Woodard

Owner:
Sarah Woodard

Variance

Case Number:
209-2016

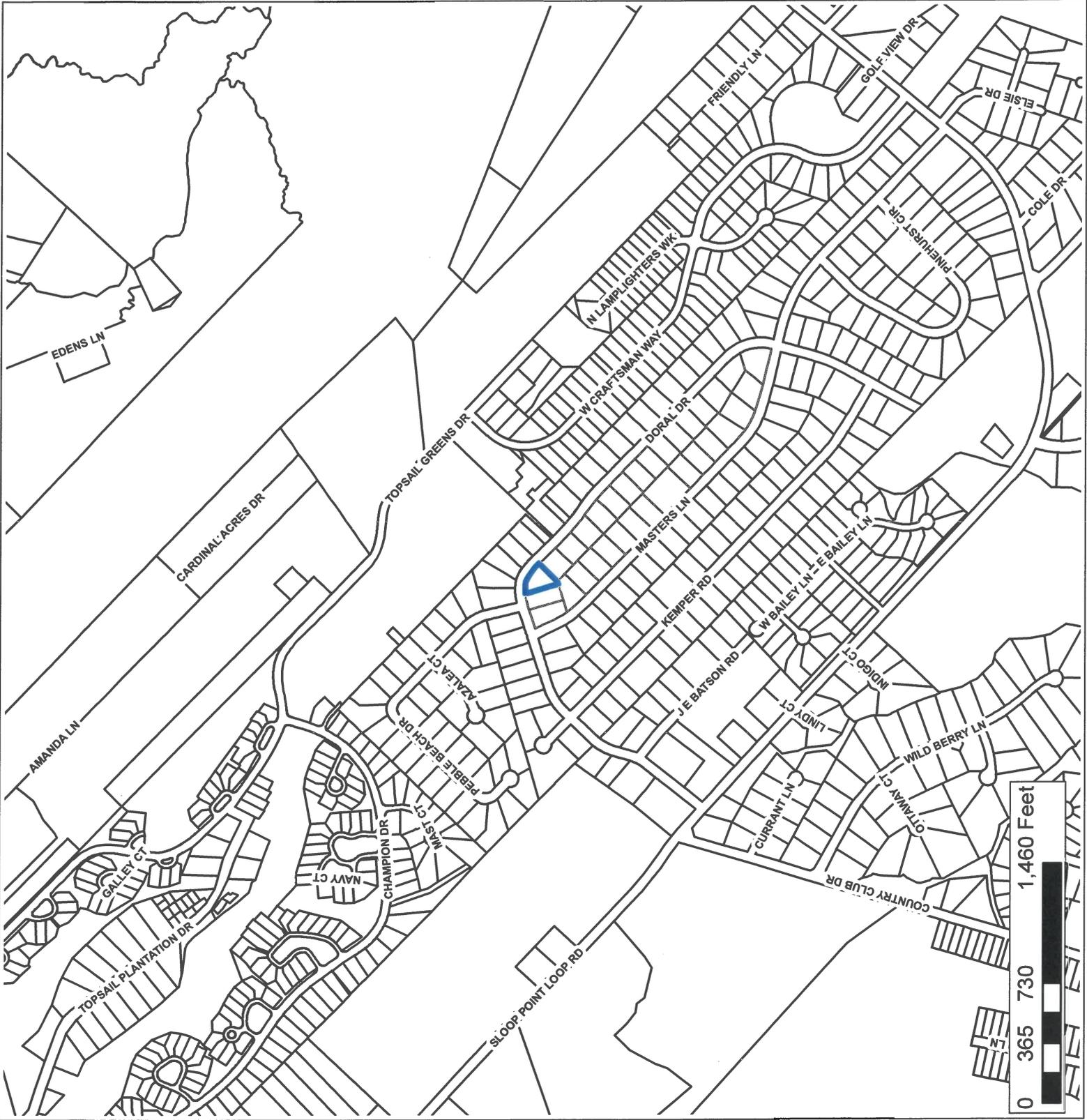
Legend



Subject Property



Vicinity





Applicant:
Sarah Woodard

Owner:
Sarah Woodard

Variance

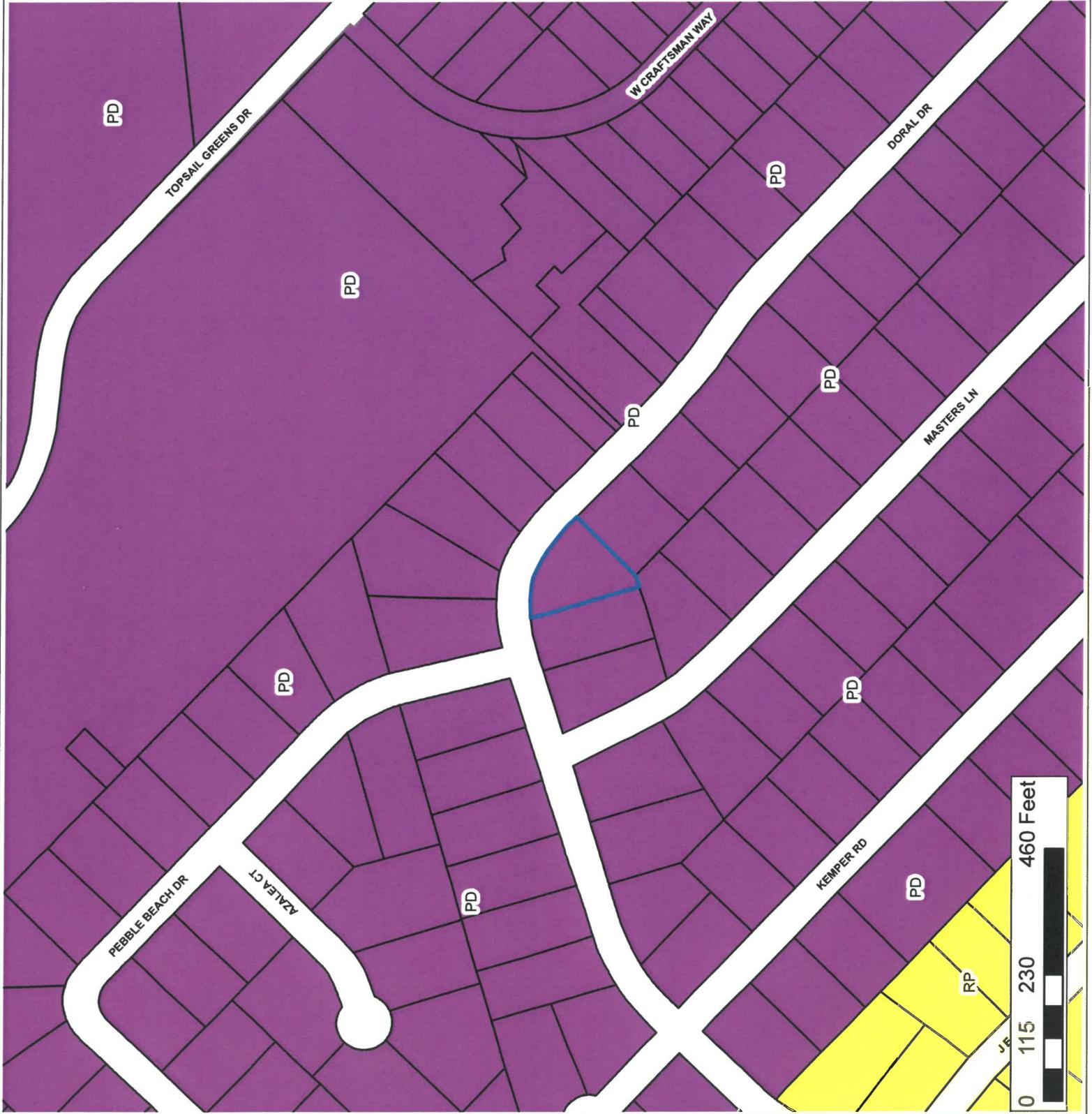
Case Number:
209-2016

Legend

-  Subject Property
-  EC, Environmental Conservation
-  GB, General Business
-  GI, General Industrial
-  IT, Industrial Transitional
-  O&I, Office & Institutional
-  PD, Planned Development
-  RA, Rural Agricultural
-  RP, Residential Performance



CURRENT ZONING





Applicant:
Sarah Woodard

Owner:
Sarah Woodard

Variance

Case Number:
209-2016

Legend



Subject Property



2012 AERIAL



**PLANNING STAFF REPORT
VARIANCE REQUEST**

SUMMARY:

Hearing Date: July 20, 2016
Applicant: Harrison Cove, LLC.
Property Owner: Parks Family Forestry, LLC.
Case Number: 286-2016

Property Location and Description: There are two properties included in this variance request located to the south of NC 210 and to the east of Harrison Creek Road (SR 1573) in the Topsail Township. There are two (2) tracts associated with this request with a total of ± 112.7 acres and may be further identified by Pender County PINs: 3273-10-0849-0000 and 3273-33-1459-0000.

Zoning District of Property: The property is zoned RP, Residential Performance zoning district.

Variance Requested: Harrison Cove, LLC., applicant, on behalf of Parks Family Forestry LLC., owners, is requesting a Variance for relief from the Pender County Unified Development Ordinance standards outlined in Section 7.5.1.A.1; specifically the variance request is to seek relief from the provision of street design as for layout of streets as to arrangement, width, grade, character, and location shall conform to the Pender County Collector Street Plan.

BACKGROUND

The subject properties were rezoned on October 26, 2015 from RA, Rural Agricultural zoning district to RP, Residential Performance zoning district (Case 11440). At the time of the zoning map amendment the subject properties were part of two larger pieces of property (Exhibit 1).

Staff held a pre-application with Mr. Coleman Parks regarding the preliminary design of a residential subdivision project titled Corbett Tract on December 11, 2015. (Exhibit 2). At this pre-application meeting Staff discussed the required connection to Harrison Creek Road (SR 1573) based on the proposed Pender County Collector Street Plan and Unified Development Ordinance standards.

On March 21, 2016 the Pender County Collector Street Plan was adopted by the Pender County Board of Commissioners. The subject properties are within the planning bounds of this transportation plan. (Exhibit 3).

On April 18, 2016, the subject properties were subdivided through State Exemption in accordance with GS 153A-335; *the division of land into parcels greater than 10 acres if no street right of way dedication is involved*. This exempt division created new parcel identification numbers, which the tax office has assigned to the properties. The new PINs will be updated and effective to exist beginning on January 1, 2017. PINs: 3273-10-0838-0000, 3273-10-7328-0000 & 3273-33-4865-0000 are included in the exempt division (Exhibit 4). Specifically, PIN: 3273-10-0838-0000 and 3273-10-7328-0000 will be the valid identification for the property with the variance requested but will be active January 1, 2017 and appears different on this variance application.

A Master Development Plan and Major Subdivision Preliminary Plat was submitted on April 20, 2016 (Exhibit 5). On May 3, 2016 the Technical Review Committee reviewed the residential subdivision known as Harrison Cove.

Through the review of these plans, Staff identified discrepancies between the submittal and the Unified

Development Ordinance requirements. The Harrison Cove site plan as submitted does not meet the Ordinance requirements, therefore the applicant has requested a variance to seek relief from street design standards.

DESCRIPTION OF VARIANCE:

The request for Master Development Plan approval for the residential subdivision known as Harrison Cove was submitted and reviewed in accordance with Section 3.5 Master Development Plan of the Pender County Unified Development Ordinance. According to Section 3.5.2 Master Development Plan decision authority in the RP, Residential Performance zoning district is the Administrator of the Ordinance. Staff may only approve Master Development Plan submittals granted all requirements are met. Master Development review criteria 3.5.4.C specifies that: *The Master Development Plan must meet all the requirements prescribed in Section 6.1, Master Development Plan Contents.*

In conducting the review of Master Development Plan Section 6.1.2 Master Development Plan Contents-Residential Districts, the submitted site plan does not meet Ordinance requirements specified in Section 6.1.2.A.24; *Street layout and access shall conform to Section 7.4, Access and Section 7.5, Street Design.* Specifically, Section 7.5.1 Public and Private Street Design states;

7.5.1 Public and Private Street Design

A. *Layout of streets as to arrangement, width, grade, character, and location shall conform to the following:*

- 1) *Pender County Collector Street Plan, Pender County Transportation Plan or other approved State of Federal Transportation Improvement Plan.*

The Pender County Collector Street Plan identifies two (2) collector roadways within the bounds of the submittal. The arrangement and location of the collector roadway recommendations can be seen in Exhibit 2. As the site plan does not include these roadways as public collector streets, as identified in the Pender County Collector Street Plan, the Administrator cannot approve the submitted Master Development Plan.

Additionally, if the roadways are designated as a public collector road as identified in the Pender County Collector Street Plan then, no individual driveway access for residential lots may be approved, this provision is located within Section 7.2.7 of the Unified Development Ordinance; *Major subdivisions shall not be approved that provide for individual residential lots to access Minor Collector roads or streets as shown on the Pender Collector Street Plan, Pender County Transportation Plan or other approved State of Federal Transportation Improvement Plan.* As submitted, the right of ways on the site plan are not identified as public collector roadways and the applicant has submitted for individual residential driveway access, not in conformance with the Unified Development Ordinance (Exhibit 5).

Bypass Corridor

The project bounds as submitted are within the Corridor Official Map for the NCDOT Transportation Improvement Project R-3300, commonly known as the Hampstead Bypass. The Corridor Official Map for this project was filed by the Wilmington Urban Area Metropolitan Planning Organization (WMPO) on November 22, 2011 with the Pender County Register of Deeds. Pursuant to NCGS 136-44.51, "after a transportation corridor official map is filed with the register of deeds, no building permit shall be issued for any building or structure or part thereof located within the transportation corridor, nor shall approval of a subdivision, as defined in G.S.153A-335 and G.S. 160A-376, be granted with respect to property within the transportation corridor." to NCGS 136-44.51 can be viewed in Exhibit 6.

Pender County has forwarded this request to the WMPO for consideration of a variance for this development. On May 2, 2016, Pender County staff forwarded the development request to the WMPO. Currently, the WMPO has not rendered a decision regarding this potential variance. Exhibit 6 includes the Pender County policy regarding variances from the Corridor Official Map for NCDOT Transportation Improvement Project R-3300.

Should a variance be granted by the WMPO, the project may proceed with the development in accordance with local, state, and federal regulations. Should a variance be denied by the WMPO, the three (3) year period prescribed in NCGS 136-44.51 will begin from the date of application submission.

Currently, there is pending legislation HB 959 which could change the identified transportation corridor on the subject property. The Bill was presented to the Governor on July 1, 2016 for final approval (Exhibit 7).

ZONING ADMINISTRATOR'S CONCLUSION:

Harrison Cove, LLC., applicant, on behalf of Lawrence Parks and Coleman Parks, owners, is requesting a variance for relief from the Pender County Unified Development Ordinance standards outlined in Section 7.5.1.A.1; specifically the variance request is to seek relief from the provision for street design as to the layout of streets as to arrangement, width, grade; character, and location shall conform to the Pender County Collector Street Plan.

Board of Adjustment: Finding of Facts

1. It is the Board's CONCLUSION that the hardship of which the applicant complains results/does not result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. This conclusion is based on the following FINDINGS OF FACT:

2. It is the Board's CONCLUSION that, the hardship results/does not result from conditions that are peculiar to the property, such as location, size, topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. This conclusion is based on the following FINDINGS OF FACT:

3. It is the Board's CONCLUSION that the hardship results/does not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify granting of a variance shall not be regarded as a self-created hardship. This conclusion is based on the following FINDINGS OF FACT:

4. It is the Board's CONCLUSION that, the requested variance is consistent/not consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured and substantial justice is achieved. This conclusion is based on all of the FINDINGS OF FACT:

BOARD ACTION FOR VARIANCE:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Ferrante ___ Pullen ___ Newton ___

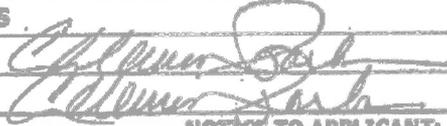
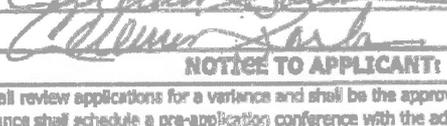
Alternates:

Godridge: _____ Peters: _____

RECEIVED

JUN 03 2016

APPLICATION FOR VARIANCE

THIS SECTION FOR OFFICE USE			
Application No.	VA 286-2016	Date	6-6-16
Application Fee	\$ 250.00	Receipt No.	2AV-0000173
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	HARRISON COVE, LLC.	Owner's Name:	LAWRENCE PARKS COLEMAN PARKS
Applicant's Address:	2021 A CORPORATE DRIVE	Owner's Address:	2021 A CORPORATE DRIVE
City, State, & Zip	WILMINGTON, NC 28405	City, State, & Zip	WILMINGTON, NC 28405
Phone Number:	910-799-8080	Phone Number:	910-960-8991 910-799-8080
Legal relationship of applicant to land owner:			
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	3273-10-0849-0000 3273-33-1459-0000	Total property acreage:	112.7 AC
Zoning Classification:	RP	Variance Size:	5.43 AC
Variance Location & Address	3437-3541 NC HWY 210, HAMPSTEAD, NC		
Describe Variance and amount or type requested:	VARIANCE FROM SECTION 7.5.1 (A-1) AND SECTION 7.2.7 OF PENDER COUNTY UDO.		
SECTION 3: SIGNATURES			
Applicant's Signature		Date:	6-2-16
Owner's Signature		Date:	6-2-16
NOTICE TO APPLICANT:			
<ol style="list-style-type: none"> The Board of Adjustment shall review applications for a variance and shall be the approving authority for all requirements. All applicants seeking a variance shall schedule a pre-application conference with the administrator to discuss the procedures, standards, and regulations required for variance approval. An application for a variance shall be submitted in accordance with application requirements. Once the application has been determined complete, the Administrator shall schedule a public hearing and give notice to adjoining/abutting property owners and aggrieved parties in the form of applicant supplied \$10 envelopes with paid first class postage. The applicant seeking the variance shall have the burden of presenting evidence sufficient to allow the Board of Adjustment to reach the conclusions set forth below (Findings), as well as the burden of persuasion on those issues. Applicant must also submit the information described in the Variance Checklist provided below. Applicant or agent authorized in writing must attend the public hearing. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Board of Adjustment agrees to table or delay the hearing. 			
OFFICE USE ONLY			
<input checked="" type="checkbox"/> VA Fees \$250	Total Fee Calculation \$		
Payment Method:	Cash: <input type="checkbox"/> \$ _____	Credit Card: <input type="checkbox"/> Master Card <input type="checkbox"/> Visa	Check: <input checked="" type="checkbox"/> Check # 9409
Application received by:		Date:	6/3/2016
Application completeness approved by:		Date:	6/13/2016
Date scheduled for public hearing:	7/20/2016 at 9AM		

Harrison Cove Variance Narrative:

The proposed development of Harrison Cove requests the Board of Adjustment to grant a variance from Section 7.5.1 (A-1) and Section 7.2.7 of the Pender County UDO. Both of these sections requested for variance deal directly with the required collector street identified in the Pender County Collector Street Plan. The reasons to request a variance from these sections are explained below.

Section 7.5.1 (A-1) reads,

"Layout of streets as to arrangement, width, grade, character, and location shall conform to the following:

- 1) Coastal Pender Collector Street Plan, Pender County Transportation Plan or other approved State of Federal Transportation Improvement Plan."

Variance from this section in the ordinance is requested for two reasons. The first being that making this connection will result in an environmental hardship by requiring an otherwise unnecessary stream crossing. In addition, the collector road connection would cause approximately 4,975 SF of wetland impacts. Neither of these items would be required if we are permitted to build previously submitted site layout. See Exhibit B of the Collector Road Exhibit for a visual explanation.

The second reason for variance from Section 7.5.1 (A-1) is that current approved DOT plans for the Hampstead Bypass realign Harrison Creek Road through the current property and create direct topographical conflict with the required collector street connection from the Pender County Collector Street Plan. This connection would certainly cause conflict with the realigned Harrison Creek Rd. given the necessary topography to create the overpass bridge. See Exhibit C of the Collector Road Exhibit for details.

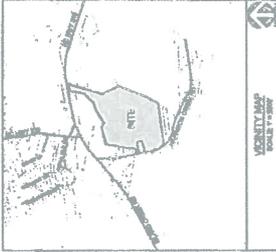
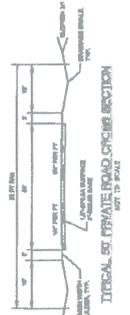
Section 7.2.7 reads,

"Major subdivisions shall not be approved that provide for individual residential lots to access Minor Collector roads or streets as shown on the Coastal Pender Collector Street Plan, Pender County Transportation Plan or other approved State of Federal Transportation Improvement Plan."

A variance request from this section in the ordinance is also for two reasons. The first being the proposed Road A and Road B currently do not satisfy the requirements for public collector streets, outlined in Section 7.5.3 (C) of the Pender County UDO.

The second reason for variance from Section 7.2.7 is the environmental hardship of creating larger than required wetland impacts. The existing conditions of this property, being encumbered by wetlands, does not provide the adequate width for lot access from a secondary means. The current layout provides for the most responsible development of this specific parcel and creates less impervious and wetland impact than any alternative.

PRELIMINARY DESIGN - NOT RELEASED FOR CONSTRUCTION



PROPERTY DATA

PROJECT NUMBER: 10000000000000000000
 PROJECT NAME: HARRISON CREEK
 PROJECT LOCATION: PENDER COUNTY, NORTH CAROLINA
 PROJECT DATE: 06/03/2016

GENERAL NOTES

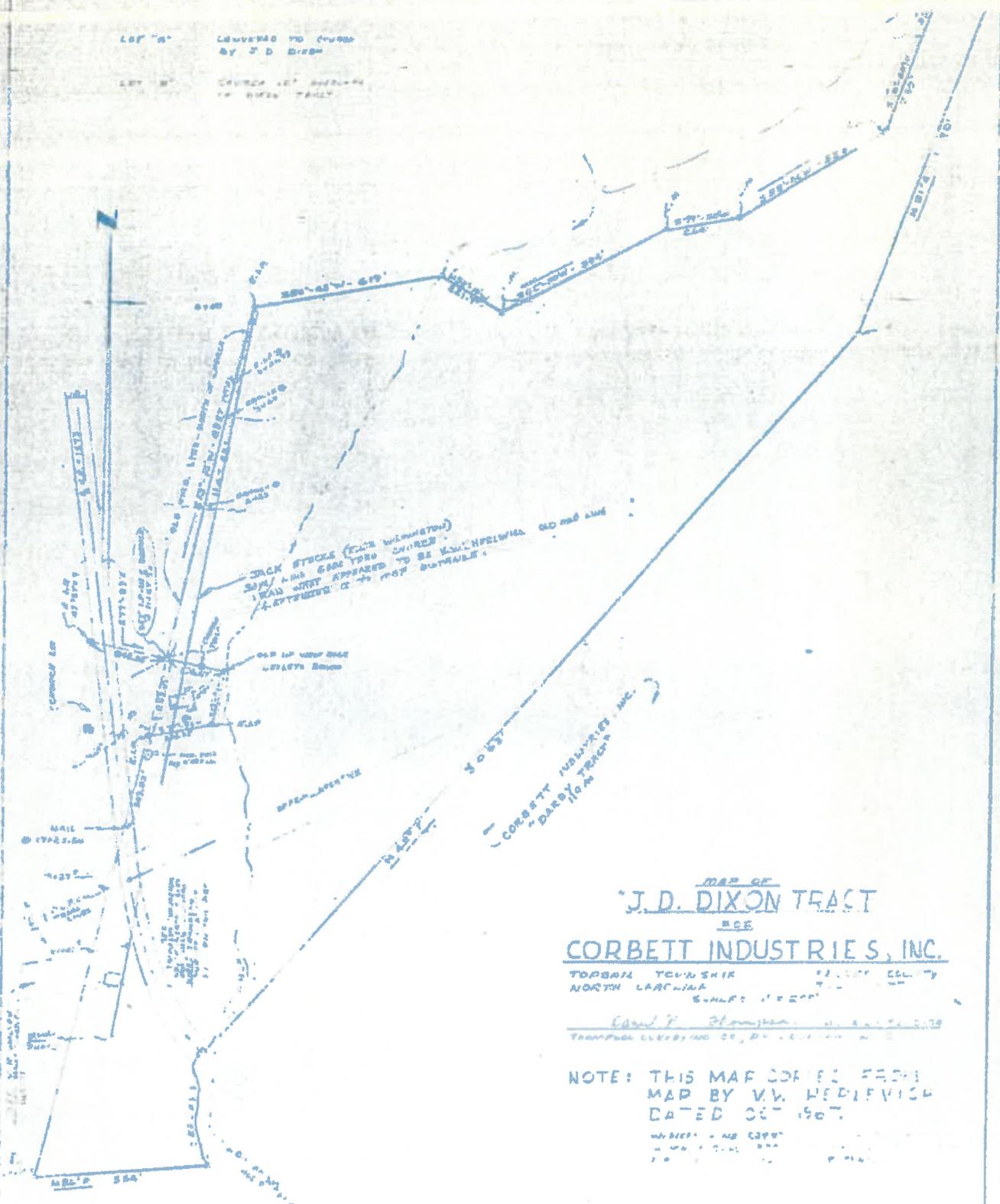
- ALL UTILITIES SHALL BE LOCATED WITHIN THE DESIGNATED UTILITY EASEMENT.
- ALL UTILITIES SHALL BE LOCATED WITHIN THE DESIGNATED UTILITY EASEMENT.
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RECEIVED
JUN 03 2016
PENDER PLANNING DEPT.

NOTE: SEE "JACKSON TRACT" MAP BOOK 3 PAGE 4 DEED 8-348 P. 204

LOT "A" LEASED TO CORBETT BY J. D. DIXON

LOT "B" CORBETT LET BUILDING FOR OFFICE TRACT

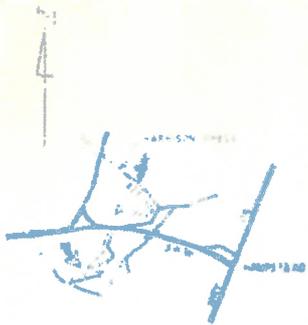


MAP OF
J. D. DIXON TRACT
ACE
CORBETT INDUSTRIES, INC.

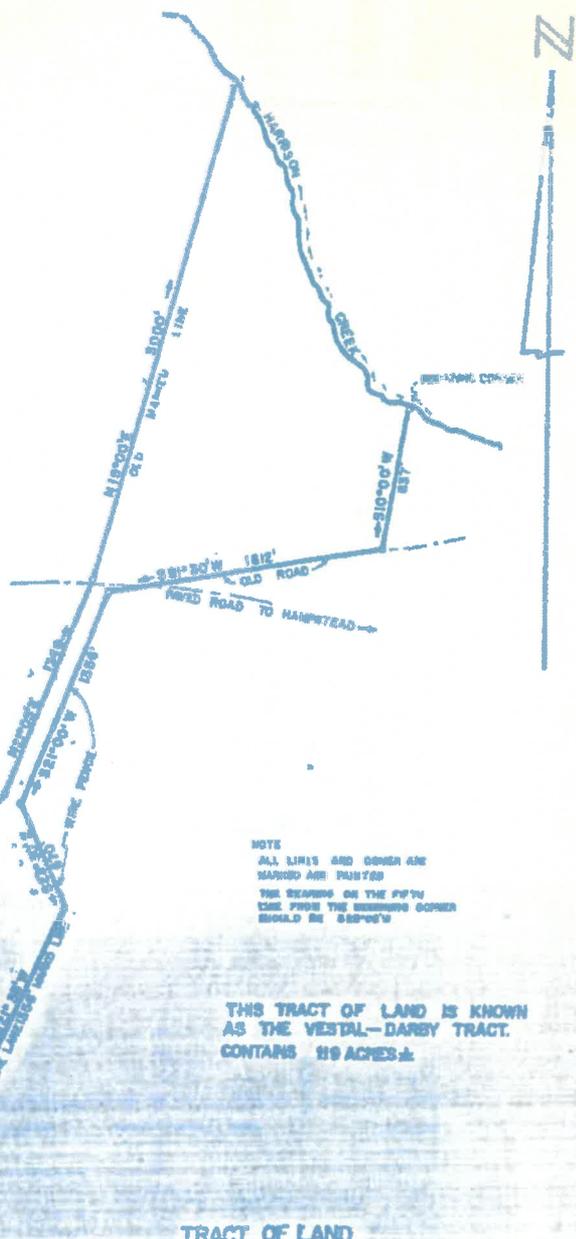
TOPSAIL TOWNSHIP TOWNSHIP 22 N. R. 10 W.
 NORTH LARCHMOUNT COUNTY 10 W.
 STATE OF MICHIGAN
 Edward F. Thompson Surveyor
 TRAMPAUL SURVEYING CO., INC. 211 E. LANSING AVE. LANSING, MICH.

NOTE: THIS MAP DERIVED FROM
 MAP BY V.W. MEDFORD
 DATED OCT. 1967.

SCALE: AS SHOWN
 1" = 100'



LOCATION SKETCH (NOT TO SCALE)



NOTE
 ALL LINES AND CORNERS ARE
 MARKED AND PAINTED
 THE BEARING OF THE FIRST
 SIDE FROM THE BEGINNING CORNER
 SHOULD BE S89°00'W

THIS TRACT OF LAND IS KNOWN
 AS THE VESTAL-DARBY TRACT.
 CONTAINS 119 ACRES ±

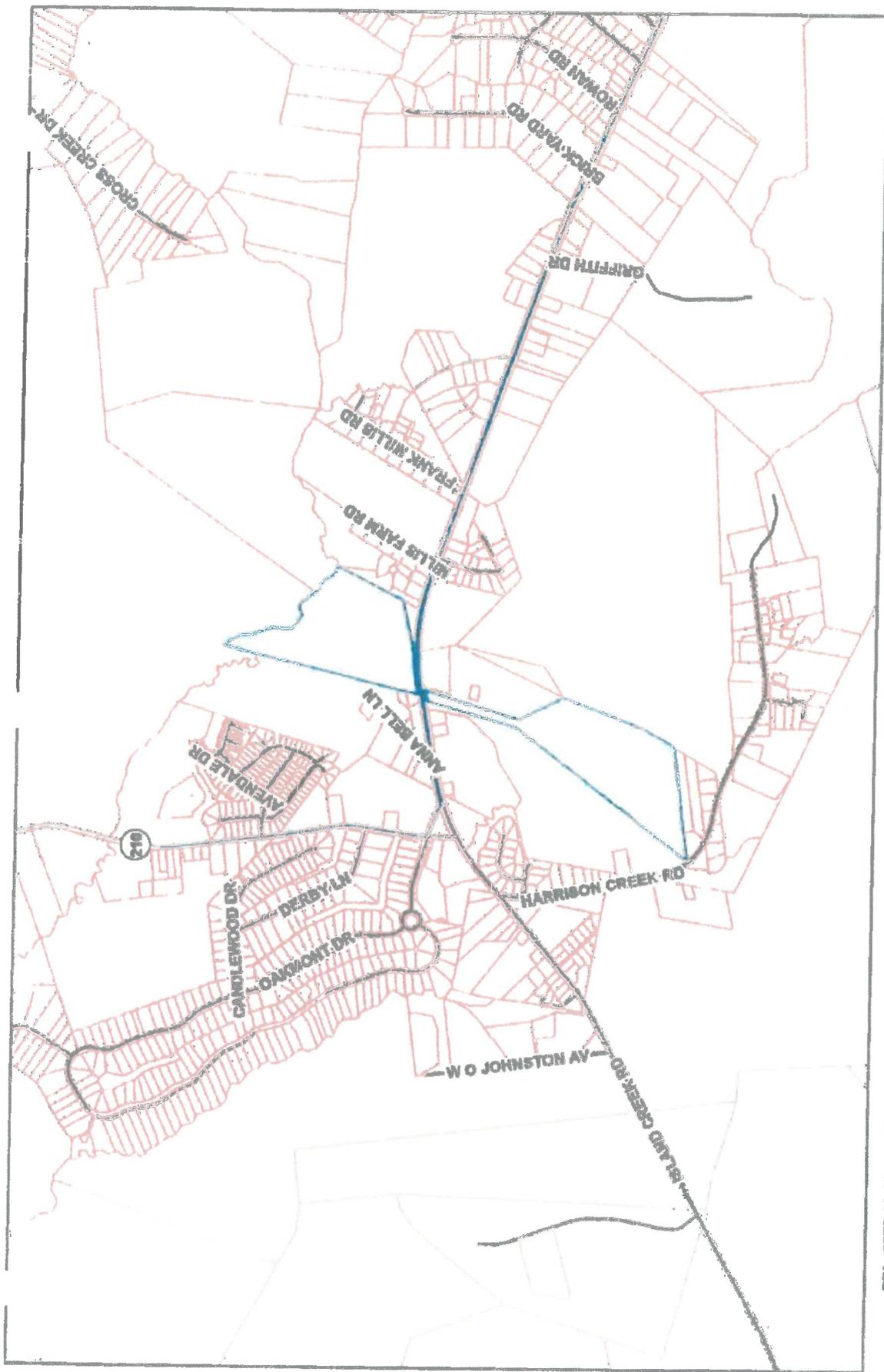
TRACT OF LAND
 BELONGING TO

CORBETT INDUSTRIES INC

TOPGAL TWP PENNER CO. W. C.
 SCALE 1" = 400' MAY 1988

JACK S. STOKES
 SURVEYOR

P.I.-7H

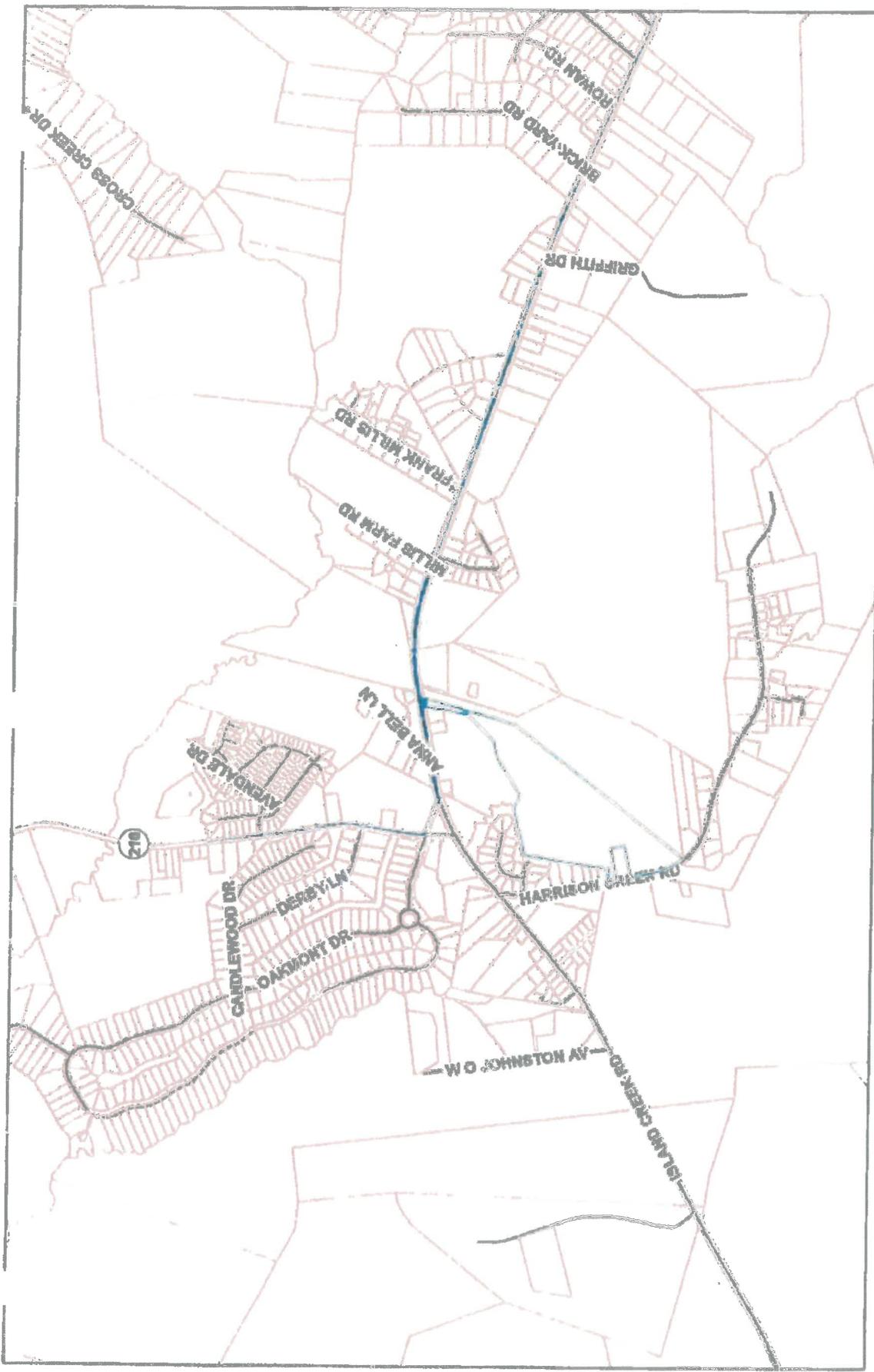


PIN: 3273-33-1459-0000
 Owner: CORBETT INDUSTRIES INC
 P O DRAWER 210
 WILMINGTON, NC 28401
 Deed Ref: 352035
 Property Address: 210 HWY

Sale Price: \$0
 Sale Date:
 Plat: NOPLAT
 Account No: 4916
 Township: TOPSAIL
 Subdivision:
 Tax Codes: 601 F29 R40

Acres: 75
 Land Value: \$115,958
 Building Value: \$0
 Total Value: \$115,958
 Deferred Value: \$97,788
 Exempt Amount:
 PCL Class: R
 Heated Sq Feet:

Carbett Ind
 1:22,483
 0 0.15 0.3 0.55 0.8 m 1.1 km
 1 inch = 1,874 feet
 July 20, 2015



Corbett Ind

Acres: 58.59
 Land Value: \$100,328
 Building Value: \$0
 Total Value: \$5,239
 Deferred Value: \$95,089
 Exempt Amount:
 PCL Class: R
 Heated Sq Feet:

Scale: 1 inch = 1,874 feet
 0 0.15 0.3 0.45 0.6 m
 0 0.275 0.55 1.1 m

July 20, 2015

Safe Price: \$0
Safe Date: 2001-06-28
Plat: NOPLAT
Account No: 4416
Township: TOPSAIL
Subdivision:
Tax Codes: G01 F29 R40

PN: 3273-10-0849-0000
Owner: CORBETT INDUSTRIES INC
P O DRAWER 210
WILMINGTON, NC 28401
Deed Ref: 173186
Property Address: 210 HWY

Information on this plat was prepared by the State of North Carolina

STATE OF NORTH CAROLINA :
COUNTY OF NEW HANOVER :

DEED

THIS INSTRUMENT, made this the 5th day of March, 1959, by E. V. VESTAL and wife, Lorena B. VESTAL, of the County of Duplin and State of North Carolina, parties of the first part; and CORBERT INDUSTRIES, INC., A Corporation of the County of New Hanover and State of North Carolina, party of the second part.

W I T N E S S E T H :

That the said parties of the first part, for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS, and other valuable considerations to them in hand paid by the said party of the second part; the receipt thereof is hereby acknowledged, have given, granted, bargained and sold, aliened and conveyed, and by these presents do hereby give, grant, bargain and sell, alien, convey and confirm unto the said party of the second part, and to its successors or assigns, forever, all that certain lot or lots of land, situated, lying and being in Topwell Township, County of Pender, and State of North Carolina, bounded and described as follows, to-wit:

BEGINNING at the run of Harrison's Creek, at J. W. Westbrock's corner, running thence S. 9° W 410 feet to the Main Road, running thence along said road South 80°, 301' West, 1612' feet to a stake on the South side of said road; thence South 81° West 1,410 feet to a stake, J. W. Westbrock's corner; thence South 23° East 670 feet to Imoney's corner; thence South 24° 30' West 1,188 feet to a stake; thence South 31° West 1/2 feet to another stake, Louis Powell's corner; thence with Powell's line South 85° 30' West 1,643 feet to a bay tree, his corner in (Selling's Branch); thence North 41° 15' East 3,080 feet to a stake; thence North 20° East 1,340 feet to a stake in the run of Harrison's Creek; and thence by and with the run of said creek to the beginning.

Together with all and singular, the lands, tenements, easements and appurtenances thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the above granted and described premises, together with all and singular, the rights, privileges, easements, tenements and appurtenances thereto belonging, or in anywise appertaining unto the said party of the second part, its successors and assigns, in fee simple, FOREVER.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals, this the day and year first hereinabove written.

E. V. Vestal (SEAL)

Lorena B. Vestal (SEAL)

STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER

I, J. S. Barker, Jr., a Notary Public in and for the State and County aforesaid, do hereby certify that E. V. VESTAL and wife, Lorena B. VESTAL, personally appeared before me this day and acknowledged the due execution of the foregoing and annexed Instrument for the purposes therein expressed.

WITNESS my hand and seal, this the 5th day of March.

J. S. Barker, Jr. Notary Public (SEAL)

My commission expires: October 16, 1960.

STATE OF NORTH CAROLINA - Pender County
The foregoing certificate of J. S. Barker, Jr. a Notary Public of New Hanover County, under his official seal is adjudged to be correct. Let the said instrument and the certificate be registered.

This, the 6 day of March 1959.

CLERK OF SUPERIOR COURT

Filed for registration on the 6 day of March 1959 at 11:03 o'clock A. M.

M. O. Colquhoun

REGISTERED CLERK

BOOK 0756 PAGE 241

STATE OF NORTH CAROLINA
COUNTY OF PENDER

FILED
'90 JUL 5 7 12 02

JM

JOYCE M. SWIGGERS

THIS DEED, made and entered into by and between JAMES R. MILLIS, (hereinafter "Grantor"), and CORBETH INDUSTRIES, INC., a North Carolina corporation, whose mailing address is

P. O. Box 210, Wilmington, North Carolina 28402

(hereinafter "Grantee"), whether one or more persons, firms or corporations). The designation Grantor and Grantee as used herein shall include said parties, their successors and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

W I T N E S S E T H:

THE GRANTOR AND GRANTEE, desiring to establish a new boundary line between their respective properties, have had the line surveyed and have agreed to execute cross-deeds to convey to each other the lands necessary to conform to their agreement.

ROY FRENKMAN, the GRANTOR, for and in consideration of ONE (\$1.00) DOLLAR, to them in hand paid, the receipt of which is hereby acknowledged, have bargained and sold and by these presents do bargain, sell and convey unto the Grantee, its successors and assigns all of their right, title, claim, interest and estate in that certain real estate located in Topsail Township, Pender County, North Carolina, and being more particularly described as follows:

BEGINNING at a new iron pipe in the northern or north-eastern right-of-way line of N.C. Highway 210, 80 feet from the centerline thereof, said beginning iron pipe being located a chord bearing and distance of North 70 degrees 28 minutes 00 seconds West 412.80 feet from an existing iron pipe, point "W", the P.C. of a circular curve in said right-of-way as shown on a map entitled "Map of Survey of the Moses Frank Millis, Estate" as recorded in Map Book 24 at Page 126 of the Pender County Registry, running thence from said beginning point with the above-mentioned northern or northeastern right-of-way line of N.C. Highway 210, a circular curve to the left having a radius of 1972.04388 feet, in a northwesterly direction to point "T" as shown on said map; the most western corner of Tract "B" as shown on said map; the above-mentioned point "T" being located a chord bearing and distance of North 80 degrees 26 minutes 37 seconds West 592.478 feet from the above described beginning point; running thence with a dividing line between Tract "B" and Corbett Industries, Inc. as shown on said map, North 21 degrees 14 minutes 00 seconds East 718.46 feet to a new iron pipe; running thence a new line, South 31 degrees 14 minutes 44 seconds West 238.49 feet to the beginning point and containing 1.3718 acres and being a portion of the above-mentioned Tract "B" that was conveyed to James R. Millis, Sr. and wife, Linda Wood Millis by Deed Book 731 at Page 188 of the Pender County Registry.

This conveyance, along with a Cross-Deed from Grantee to Grantor to be recorded simultaneously herewith, is intended to create a new property line beginning at an

DRAFTSMAN: DAVID G. BARNFORD
BURNETT, BURNETT, BARNFORD & BAIN
110 N. Fifth Avenue/P. O. Box 89
Wilmington, N. C. 28402

Recorded and Verified
JOYCE M. SWIGGERS
Clerk of Deeds
Pender County, N.C.

existing iron pipe, point "V", in the centerline of the run of Harrison's Creek as shown on the above-mentioned map and running South 21 degrees 14 minutes 44 seconds West 1262.07 feet to a new iron pipe in the northern or northeastern right-of-way line of N.C. 210, said point being located a chord bearing and distance of North 70 degrees 22 minutes 00 seconds West 413.60 feet from an existing iron pipe, point "W", the P.C. of a circular curve in said right-of-way as shown on said map.

THIS CONVEYANCE is intended to convey from the Grantors to the Grantee those lands adjacent to and on the ~~right-~~ ~~margin~~ side of the above new property line between the parties.

TO HAVE AND TO HOLD the above granted and described premises, together with all and singular, the rights, privileges, easements, tenements and appurtenances thereto belonging, or in anywise appertaining unto the said Grantee in ~~THE~~ SIMPLE, forever.

IN TESTIMONY WHEREOF, the Grantors have hereunto set their hands and seals, all the day and year first above written.

James R. Mills, Sr. (SEAL)
JAMES R. MILLS, SR.

Linda Wood Mills (SEAL)
LINDA WOOD MILLS

STATE OF NORTH CAROLINA
COUNTY OF *New Hanover*

I, *Blenda A. Garrison*, a Notary Public in and for the aforesaid County and State do hereby certify that JAMES R. MILLS and wife, LINDA WOOD MILLS personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and seal this the *12th* day of May, 1990.



Blenda A. Garrison
Notary Public

My Commission Expires *10-24-94*
(NOTARIAL SEAL)

STATE OF NORTH CAROLINA
COUNTY OF *PENDER*

The foregoing certificate of *Blenda A. Garrison* Notary Public, is certified to be correct, this is the *9th* day of May, *1990*, 1990.

JOYCE M. SWINSON
Register of Deeds - Pender County

By *John S. Johnson*
Deputy/Assistant

BOOK 0756 PAGE 248

STATE OF NORTH CAROLINA

COUNTY OF PENDER

'80 JUL 9 PM 12 02

July THIS QUITCLAIM DEED, made and entered into this 9th day of July 1980, by and between CORBETT INDUSTRIES, INC., a North Carolina corporation, (hereinafter "Grantor"), and JOHN W. HILLIS, SR. and wife, LINDA WOOD HILLIS, (hereinafter "Grantees"), whose address is

1821 North Kerr Avenue, Wilmington, North Carolina 28405

(hereinafter "Grantees"), whether one or more persons, firms or corporations). The designation Grantor and Grantees as used herein shall include said parties, their successors and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

W I T N E S S E T H:

THE GRANTOR AND GRANTEE desiring to establish a new boundary line between their respective properties, have had the line surveyed and have agreed to execute cross-deeds to convey to each other the lands necessary to conform to their agreement.

NOW, THEREFORE, the GRANTOR, for and in consideration of ONE (\$1.00) DOLLAR, to it in hand paid, the receipt of which is hereby acknowledged, has remised and released and by these presents does remise and release, and forever quitclaim unto the Grantees, their heirs and assigns all of its right, title, claim, interest and estate in that certain real estate located in Top-sail Township, Pender County, North Carolina, and being more particularly described as follows:

BEGINNING at a new iron pipe in a dividing line between Tract "B" and Corbett Industries, Inc., said beginning point being located along said dividing line North 81 degrees 36 minutes 00 seconds East 715.46 feet from point "T", located in the northern or northeastern right-of-way line of U.S. Highway 210, the west Western corner of Tract "B" as shown on a map entitled "Map of Survey of the Moses Frank Hillis, Estate" as recorded in Map Book 24 at Page 228 of the Pender County Registry, running thence from said beginning point with the above-mentioned dividing line, North 81 degrees 36 minutes 00 seconds East 387.45 feet to an existing iron pipe, point "U", as shown on said map, running thence with another of said dividing lines, North 10 degrees 13 minutes 21 seconds East 331.73 feet to an existing iron pipe, point "V", located in the centerline of the run of Harrison's Creek, as shown on the above-mentioned map, passing over an inline existing iron pipe at 815.41 feet, running thence a new line, South 31 degrees 14 minutes 46 seconds West 1022.88 feet to the beginning point, passing over inline iron pipes at 15.20 feet and 339.19 feet.

The above-described parcel contains 3.5952 acres and is a portion of the Corbett Industries, Inc. tract shown in Map Book 7 at Page 69 and referenced on the above-mentioned map recorded in Map Book 24 at Page 228 of the Pender County Registry.

This conveyance, along with a Cross-Deed from Grantees to Grantor to be recorded simultaneously herewith, is intended to create a new property line beginning at an

DRAWN BY: DAVID C. BARNFOOT
BURNBY, BURNBY, BARNFOOT & BAIN
116 N. Fifth Avenue/F. O.Box 89
Wilmington, N. C. 28402

Recorded and Verified _____
Joyce M. Swicegood
Register of Deeds
Pender County, N.C.

existing iron pipe, Point "V", in the centerline of the run of Harrison's Creek as shown on the above-mentioned map and running South 31 degrees 18 minutes 44 seconds West 1252.07 feet to a new iron pipe in the northern or northeastern right-of-way line of N.C. Highway 210, said point being located a chord bearing and distance of North 70 degrees 13 minutes 00 seconds West 418.60 feet from an existing iron pipe, point "W", the F.C. of a circular curve in said right-of-way as shown on said map.

THIS CONVEYANCE is intended to convey from the Grantors to the Grantees those lands adjacent to and on the south-~~western~~ eastern side of the above new property line between the parties.

TO HAVE AND TO HOLD the above granted and described premises, together with all and singular, the rights, privileges, easements, tenements and appurtenances thereto belonging, or in anywise appertaining unto the said Grantees in ~~PER~~ SIMPLE, forever.

IN TESTIMONY WHEREOF, Grantor has caused this instrument to be executed in its corporate name and its corporate seal, attested by its duly authorized officers, all the day and date first above written.

COBERT INDUSTRIES, INC.

By William B. Smith
President



Secretary

STATE OF NORTH CAROLINA
COUNTY OF WENDOVER - Pender

I, Shirley L. Loyd, a Notary Public in and for the aforesaid County and State do hereby certify that R.T. Davis personally appeared before me this day and acknowledged that he is the Secretary of COBERT INDUSTRIES, INC., a North Carolina corporation, and that by authority duly given and as the act of the said corporation, the foregoing instrument was signed in its corporate name by its President, sealed with its corporate seal, and attested by himself as its Secretary.

WITNESS my hand and Notarial seal, this the 5th day of May, 1990.

Shirley L. Loyd
Notary Public



STATE OF NORTH CAROLINA
COUNTY OF WENDOVER

The foregoing certificate of Shirley L. Loyd, Notary Public, is certified to be correct, this is the 4th day of July, 1990.

JOYCE M. SWISSWOOD
Registrar of Deeds - Pender County

By James E. Totten
Deputy Registrar

416

PREPARED BY MOORE & SPENCER

Form 211-CARRANTY DEED-County form

STATE OF NORTH CAROLINA--Forsyth County

THIS DEED, made this 18 day of September 1924, by and between the undersigned, John D. Hester, Sr. and wife, Alice Hester of the County and State of North Carolina to Central Industries, Inc., a North Carolina Corporation of the County and State of North Carolina

WITNESSETH, that said parties of the first part in consideration of the sum of \$100.00 Dollars and other valuable considerations to be hereinafter mentioned, have granted, sold, conveyed, confirmed, released and quitclaimed unto said parties of the second part the receipt of which is hereby acknowledged, to have and to hold unto said parties of the second part, heirs and assigns, a certain tract or parcel of land in Troutville, Forsyth County, State of North Carolina situate by the State of North Carolina and bounded as follows, to-wit:

On the north side of the highway, beginning at a stake in the run of a well branch at the southeastern corner of the highway, then N 10 W 18 poles to a stake; thence S 18 W 30 poles to a stake; thence S 45 W 40 poles; thence S 77 W 18 poles; thence S 60 W 34 poles; thence N 60 W 12 poles to a gum in Dealy's Branch; thence S 79 W 500 feet to a stake; thence S 13 W 12 1/2 feet to a stake; thence S 82 W 30 feet to a stake in the run of Dealy's Branch; thence with the run of said branch to its boundary (a straight line being N 3 W) 875 feet to a log tree in said branch, now being Leola Powell's corner; thence N 43 W 2 3/4 feet to a stake; thence S 82 W 1340 feet to the edge of the highway; thence along the highway S 10 W 375 feet to the beginning, containing by estimation 68 acres, more or less.

EIGHT DOLLARS AND 00/100 IN FIGURES STAMPS AND SAME CANCELLED.

TO HAVE AND TO HOLD the above said part or parcel of land and all pastures and appurtenances thereto belonging to the said parties of the second part and its assigns

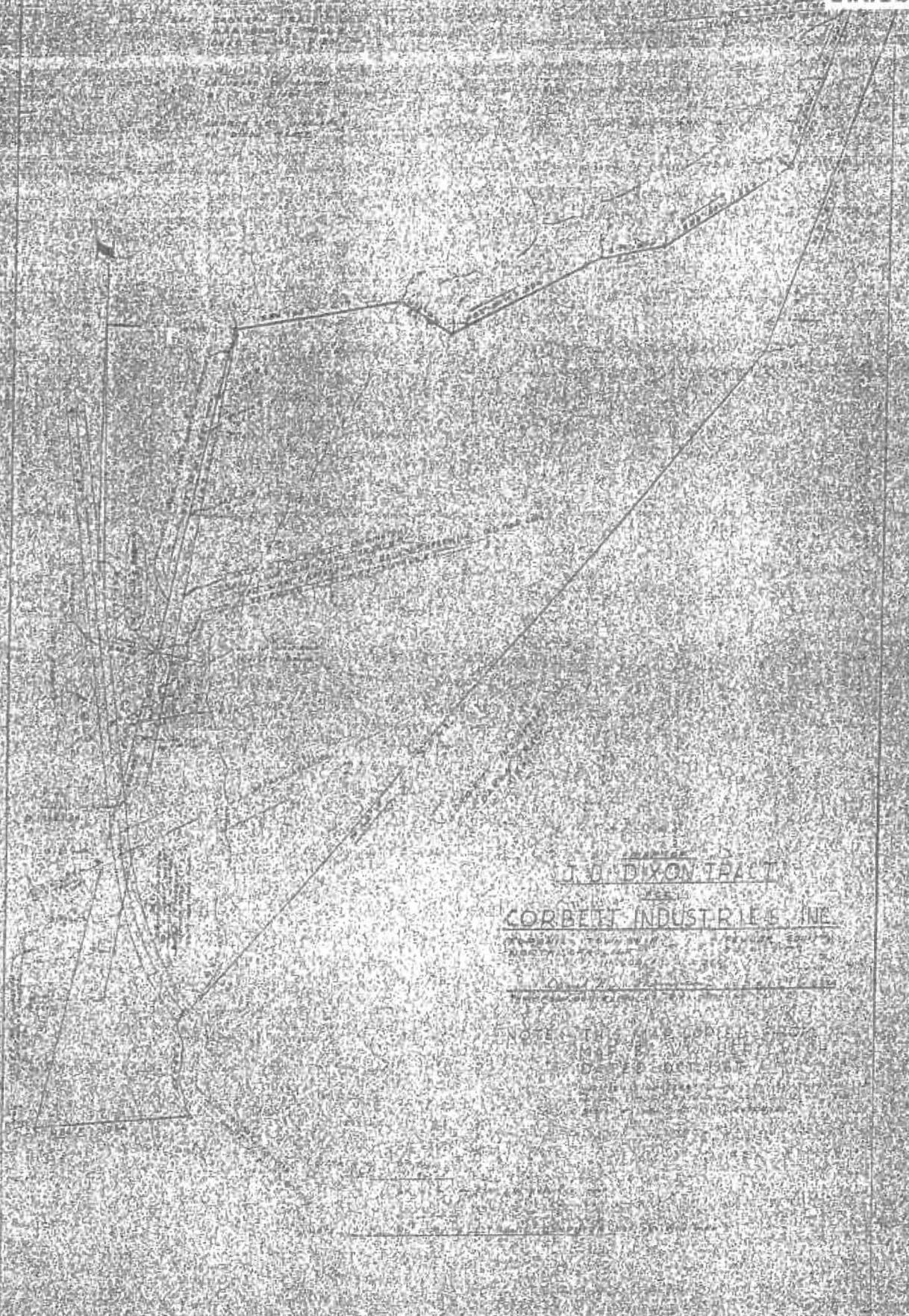
And the said parties of the first part do covenant that they and their heirs and assigns shall and lawfully shall defend, maintain and keep the said parties of the second part and its assigns in the quiet enjoyment of the premises hereinafter described, unto the full term of years therein expressed, and shall well and lawfully defend the said title to the same against all persons whomsoever claiming the same.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals, this 18th day of September, 1924.

Witness my hand and seal this 18th day of September, 1924.

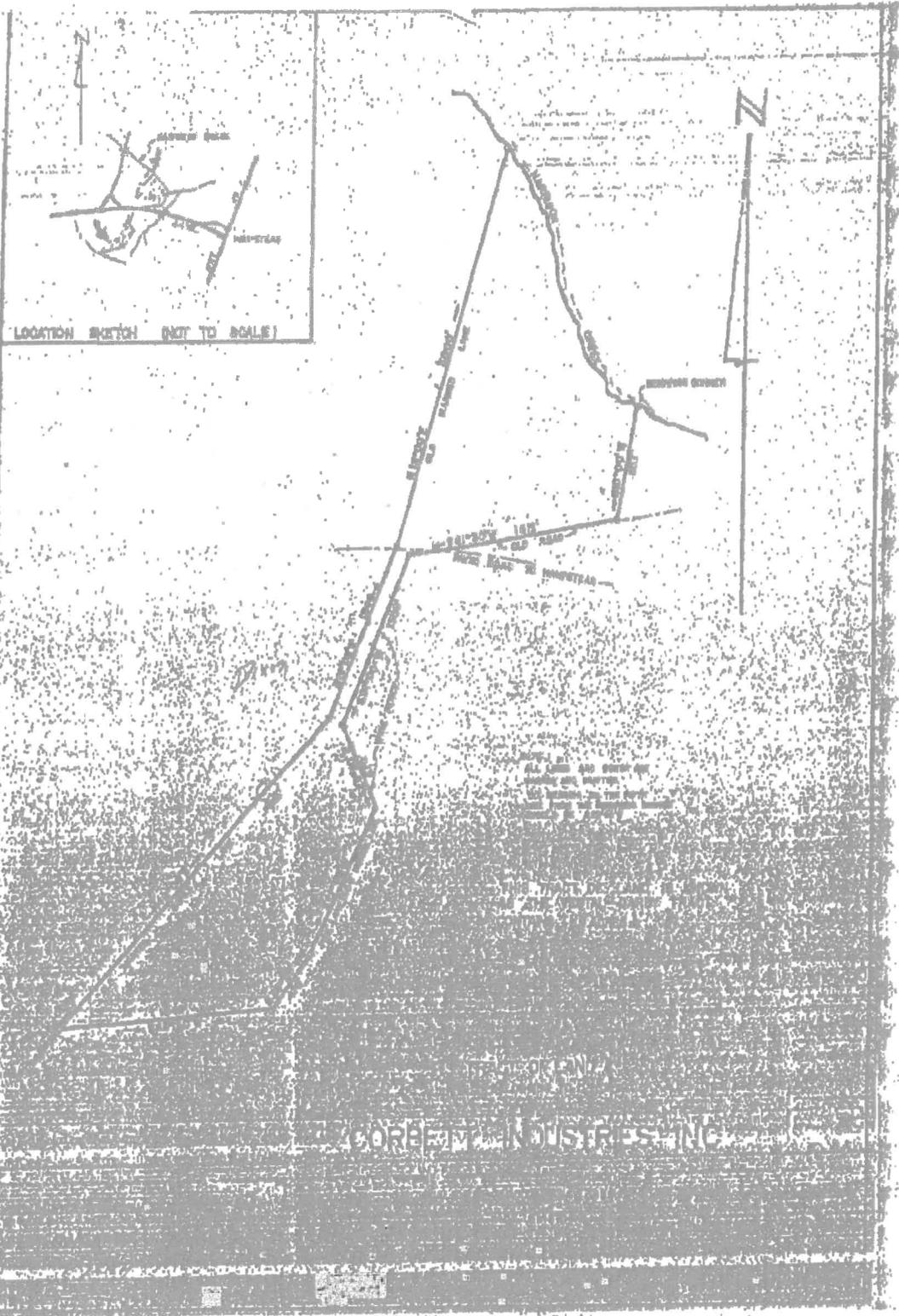
STATE OF NORTH CAROLINA, Forsyth County, John D. Hester, Sr. Alice Hester John D. Hester, Sr. Alice Hester John D. Hester, Sr. Alice Hester

STATE OF NORTH CAROLINA--Forsyth County. This instrument is subject to the provisions of the Act of the General Assembly of the State of North Carolina, passed at the Session of 1924, and is subject to the provisions of the Act of the General Assembly of the State of North Carolina, passed at the Session of 1924.

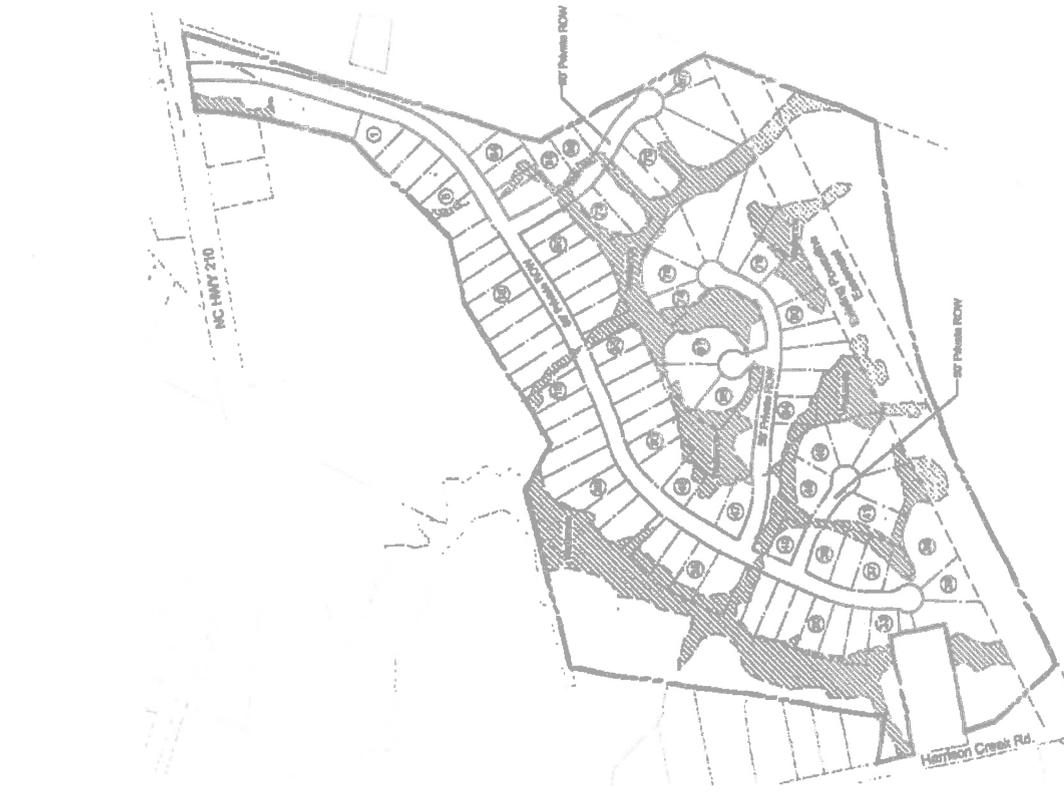


J. D. DIXON TRACT
 CORBETT INDUSTRIALS, INC.

NOTE: THIS MAP IS FOR INFORMATION ONLY
 AND DOES NOT CONSTITUTE A WARRANTY
 OF ANY KIND.



Preliminary Layout
Corbett Tract
Pender County, North Carolina



Site Data
Total General Site Area: 4,862.27 Ac.
County Zoned: RA
Proposed Zoning: RP
Title Single Family Lots: 87 Lots

Open Space:
Forest: 337.38 Ac.
Rainbow LP: 3,389.1 LF of 87 ROW
2,137.7 LF of 87 ROW

Proposed:
Total Residential: 93.2 Ac.
Total Impervious: 83.8 Ac.
87 Lots at 3,200 SF/Lot: 279,000 SF
3,389 LF of pavement at 200 width: 677,800 SF
3,000 LF of sidewalk at 4' width: 12,000 SF
Proposed Impervious Coverage: 11,800 SF
Watered Impervious: 9,036 Ac.

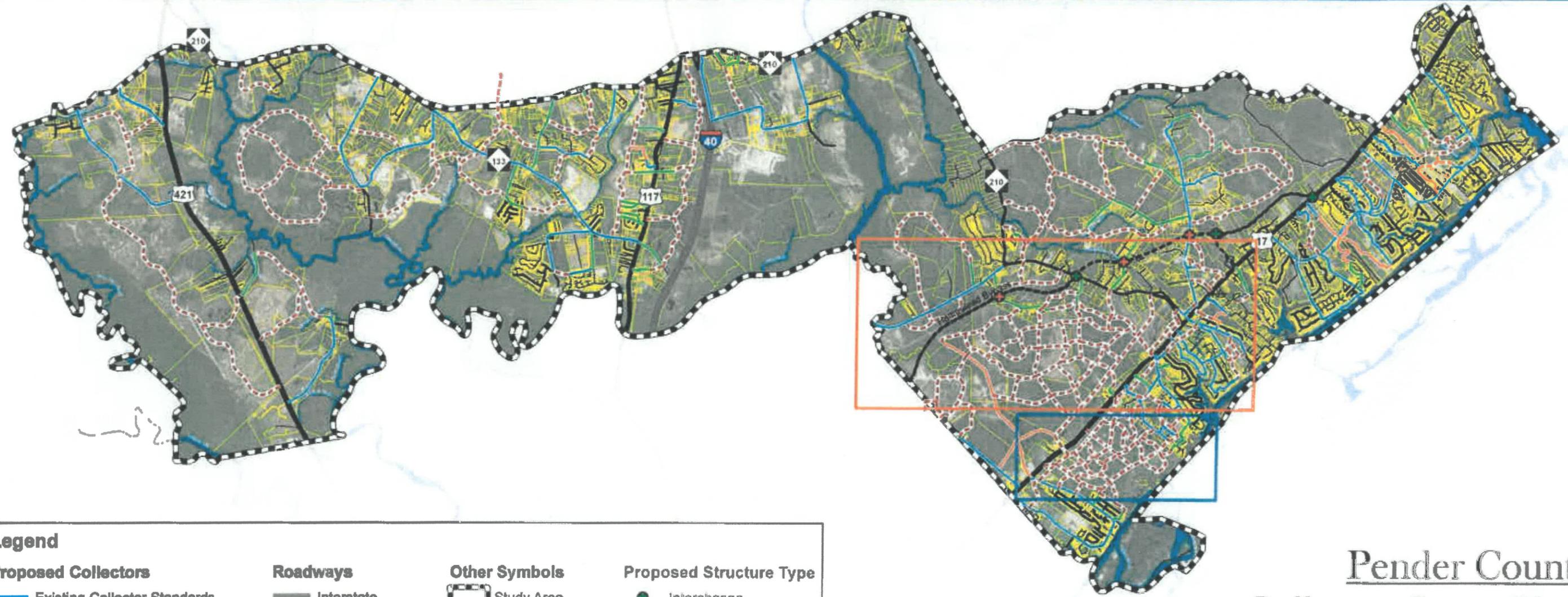
Impervious Coeffs:
Total Impervious: 93.2 Ac.
87 Lots at 3,200 SF/Lot: 279,000 SF
3,389 LF of pavement at 200 width: 677,800 SF
3,000 LF of sidewalk at 4' width: 12,000 SF
Proposed Impervious Coverage: 11,800 SF
Watered Impervious: 9,036 Ac.

PARAMOUNT
INCORPORATED
1411 W. HARRIS RD.
WILMINGTON, NC 28405
TEL: 336-799-2111

DATE: 08/02/15
SCALE: 1" = 200' (A, B) 1" = 25'
North

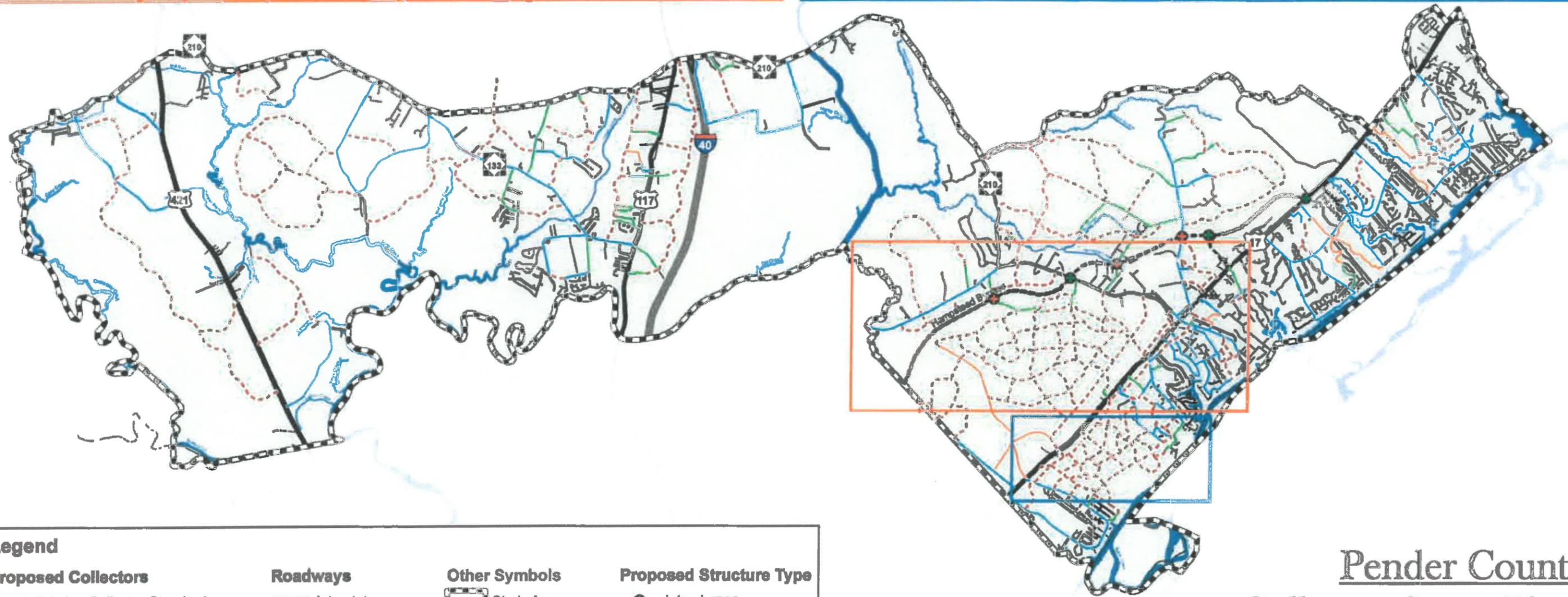
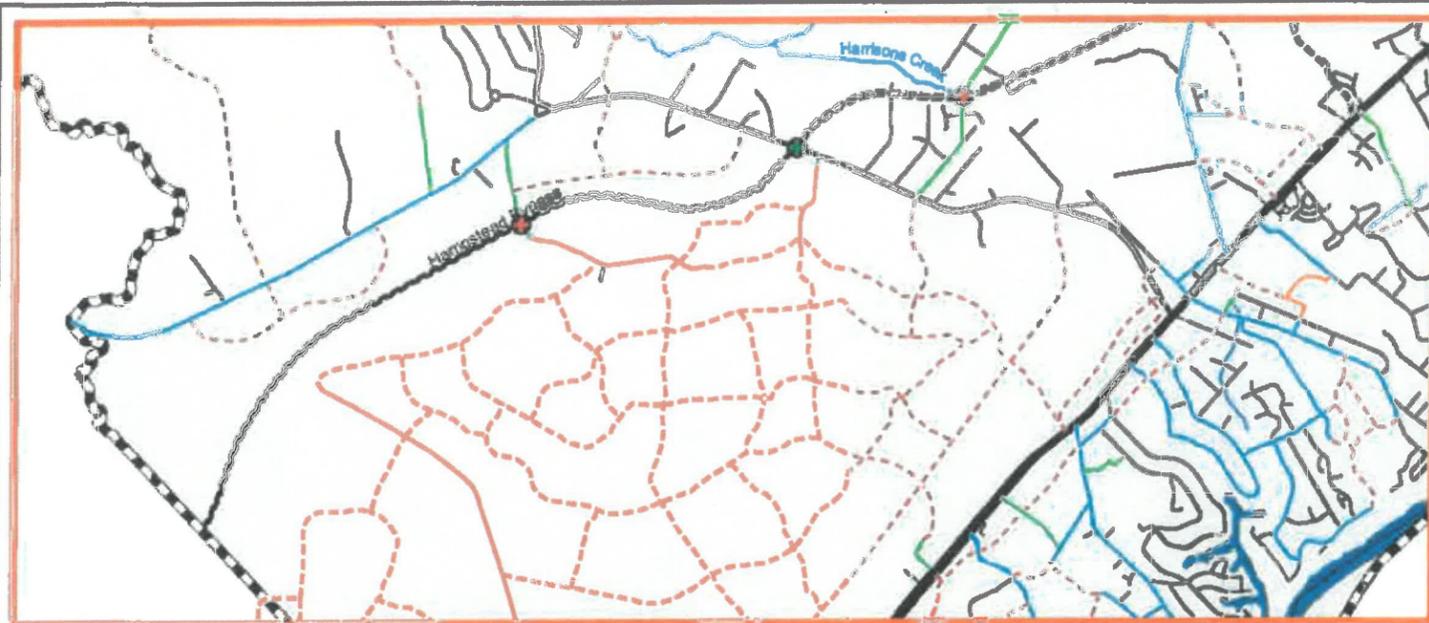


This plan is prepared by the undersigned for the purposes shown on the title block and is not to be construed as a representation or warranty of any kind by the undersigned. The user of this plan is responsible for all errors and omissions and for obtaining all necessary approvals from the appropriate authorities.



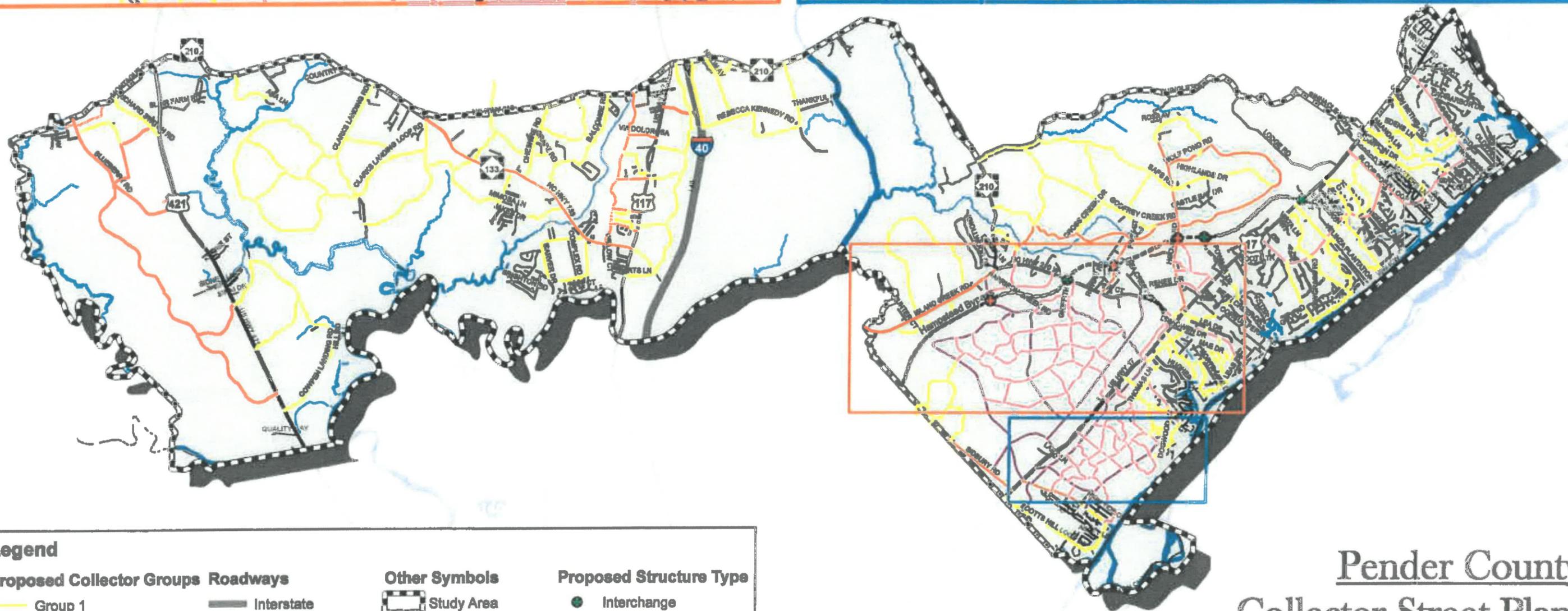
Legend			
Proposed Collectors	Roadways	Other Symbols	Proposed Structure Type
Existing Collector Standards	Interstate	Study Area	Interchange
Existing Roads - Need Improvement	NC and US Routes	Study Area Parcels	Overpass
Planned Connections	Local Roads	Lakes and Ponds	
Preferred Scenario	Hampstead Bypass	Streams	

Pender County
Collector Street Plan:
Proposed Alignments



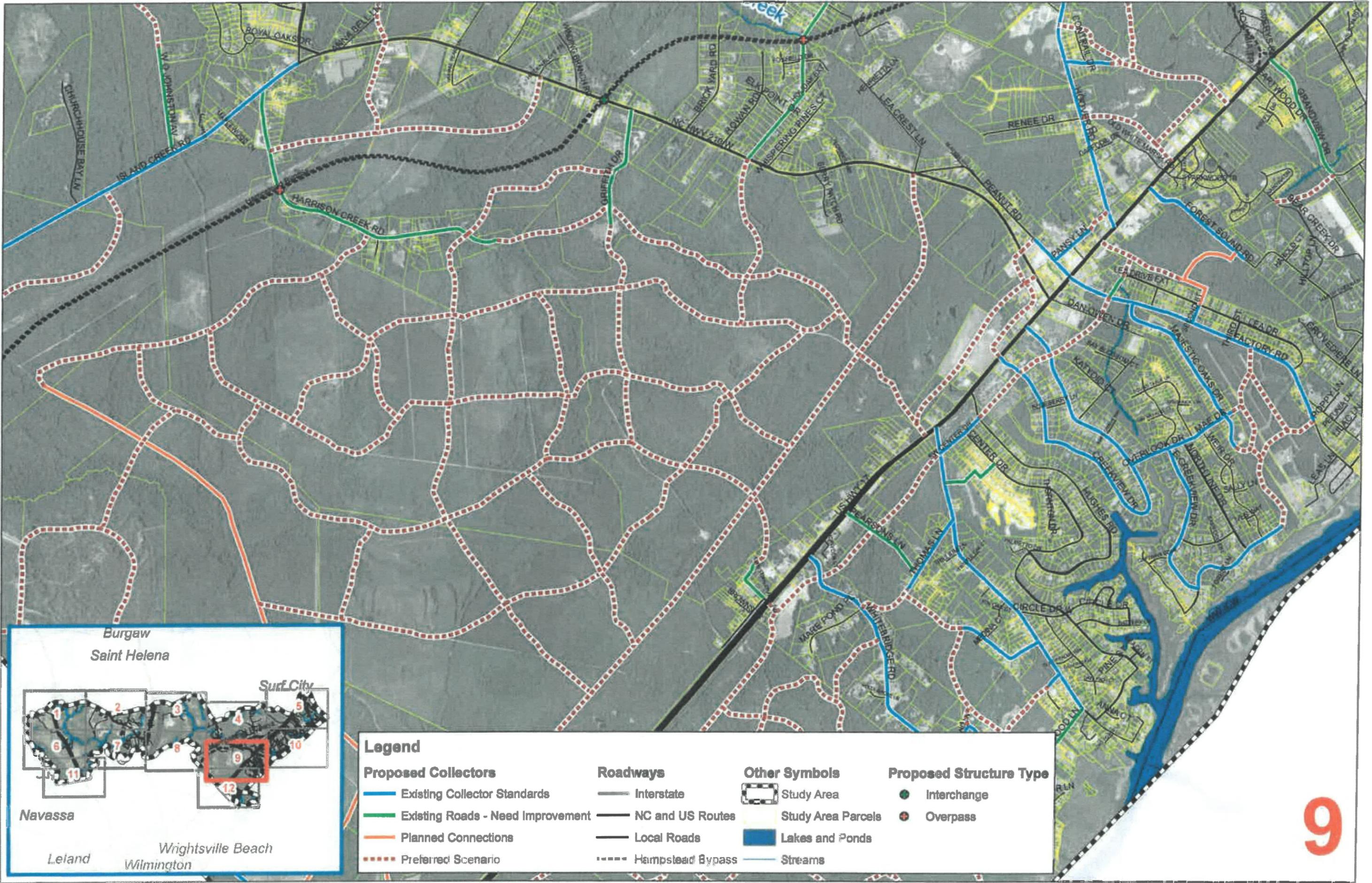
Legend			
Proposed Collectors	Roadways	Other Symbols	Proposed Structure Type
Existing Collector Standards	Interstate	Study Area	Interchange
Existing Roads - Need Improvement	NC and US Routes	Lakes and Ponds	Overpass
Planned Connections	Local Roads	Streams	
Preferred Scenario	Hampstead Bypass	County Boundaries	

Pender County
Collector Street Plan:
Proposed Alignments



Proposed Collector Groups		Roadways		Other Symbols		Proposed Structure Type	
	Group 1		Interstate		Study Area		Interchange
	Group 2		NC and US Routes		Lakes and Ponds		Overpass
	Group 3		Local Roads		Streams		
	Group 4		Hampstead Bypass		County Boundaries		

Pender County
Collector Street Plan:
Cross-Section Groups



Legend

Proposed Collectors	Roadways	Other Symbols	Proposed Structure Type
Existing Collector Standards	Interstate	Study Area Parcels	Interchange
Existing Roads - Need Improvement	NC and US Routes	Lakes and Ponds	Overpass
Planned Connections	Local Roads	Streams	
Preferred Scenario	Hampstead Bypass		

Burgaw
Saint Helena

Surf City

Navassa

Leland

Wrightsville Beach
Wilmington

HARRISON COVE

NC HWY 210

PENDER COUNTY, NORTH CAROLINA

PRELIMINARY PLAT

APRIL 2016

FOR:
HARRISON COVE, LLC.
 2021 A CORPORATE DRIVE
 WILMINGTON, NC 28405

DEVELOPER:
 HARRISON COVE, LLC.
 2021 A CORPORATE DRIVE
 WILMINGTON, NC 28405
 ATTN: COLEMAN PARKS, (910) 799-8080

ENGINEER (CIVIL):
 PARAMOUNTE ENGINEERING, INC.
 5911 OLEANDER DRIVE, SUITE 201
 WILMINGTON, NORTH CAROLINA 28403
 ATTN: TIMOTHY G. CLINKSCALES, P.E. (910) 791-6707

SHEET INDEX	
SHEET NUMBER	SHEET TITLE
C-0.0	COVER SHEET
C-2.0	OVERALL PRELIMINARY PLAT
INDEX	INDEX
C-2.1 - C-2.6	PRELIMINARY PLAT



NOTICE REQUIRED

ALL EXISTING UNDERGROUND UTILITIES SHALL BE PHYSICALLY LOCATED PRIOR TO THE BEGINNING OF ANY CONSTRUCTION IN THE VICINITY OF SAID UTILITIES.

CONTRACTORS SHALL NOTIFY OPERATORS WHO MAINTAIN UNDERGROUND UTILITY LINES IN THE AREA OF PROPOSED EXCAVATION AT LEAST TWO WORKING DAYS, BUT NOT MORE THAN TEN WORKING DAYS PRIOR TO COMMENCEMENT OF EXCAVATION OR DEMOLITION.

CONTACT "CAROLINA ONE CALL" AT
 1-800-632-4949

CONTACT THESE UTILITIES

PENDER COUNTY PLANNING AND COMMUNITY
 DEVELOPMENT
 ATTN: MEGAN CHARE
 PH: 910-259-2110

PENDER COUNTY UTILITIES (WATER & SEWER)
 ATTN: BRYAN McCABE, PE
 PH: 910-259-0212

DUKE ENERGY
 ATTN: KEVIN LEATHERWOOD
 PH: 910-402-4304

PIEDMONT NATURAL GAS
 ATTN: CARL PAQUET
 PH: 910-350-2242

BELL SOUTH
 ATTN: STEVE DAYVAULT
 PH: 910-392-8712

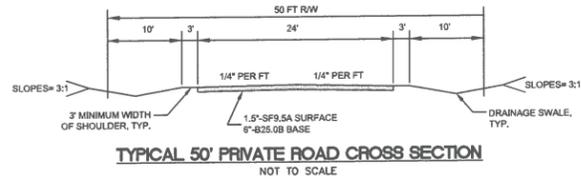
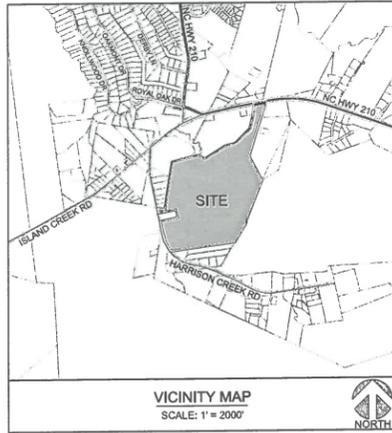
EMERGENCY DIAL 911
 POLICE - FIRE - RESCUE

TIME WARNER CABLE
 PH: 910-753-4638

PREPARED BY:
PARAMOUNTE
 ENGINEERING, INC.

5911 Oleander Drive, Suite 201
 Wilmington, North Carolina 28403
 (910) 791-6707 (O) (910) 791-6760 (F)
 NC License #: C-2846

PROJECT # 16158.PE



SITE INFORMATION
CURRENT LAND USE: VACANT LAND
CURRENT ZONING: RP
PIN: 3273-10-0849-0000, 3273-33-1459-0000
PROPOSED USE: RESIDENTIAL
TOTAL SITE AREA: ± 112.7 ACRES
OWNER INFORMATION: HARRISON COVE, LLC
2021 A CORPORATE DRIVE
WILMINGTON, NC, 28405

VACANT LAND
RP
3273-10-0849-0000, 3273-33-1459-0000
RESIDENTIAL
± 112.7 ACRES
HARRISON COVE, LLC
2021 A CORPORATE DRIVE
WILMINGTON, NC, 28405

SINGLE FAMILY DIMENSION REQUIREMENTS

MINIMUM LOT SIZE: 15,000 SF
MINIMUM LOT WIDTH: 80'
FRONTYARD SETBACK: 30' MINIMUM
SIDEYARD SETBACK: 10' MINIMUM
CORNER SIDEYARD SETBACK: 15' MINIMUM
REAR SETBACK: 25' MINIMUM
CHORD: 30' MINIMUM
MAXIMUM HEIGHT: 35'

SINGLE FAMILY TABULATIONS

TOTAL UNITS: (90) SINGLE FAMILY LOTS

OPEN SPACE REQUIREMENTS

REQUIRED: 0.03 ACRES/ 90 UNITS = 2.7 ACRES
ACTIVE SPACE: NO LESS THAN 50% = 1.35 ACRES
PASSIVE SPACE: NO MORE THAN 50% = 1.35 ACRES
PROVIDED: 5.74 ACRES
ACTIVE SPACE: 4.39 ACRES
PASSIVE SPACE: 1.35 ACRES

UTILITIES

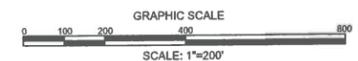
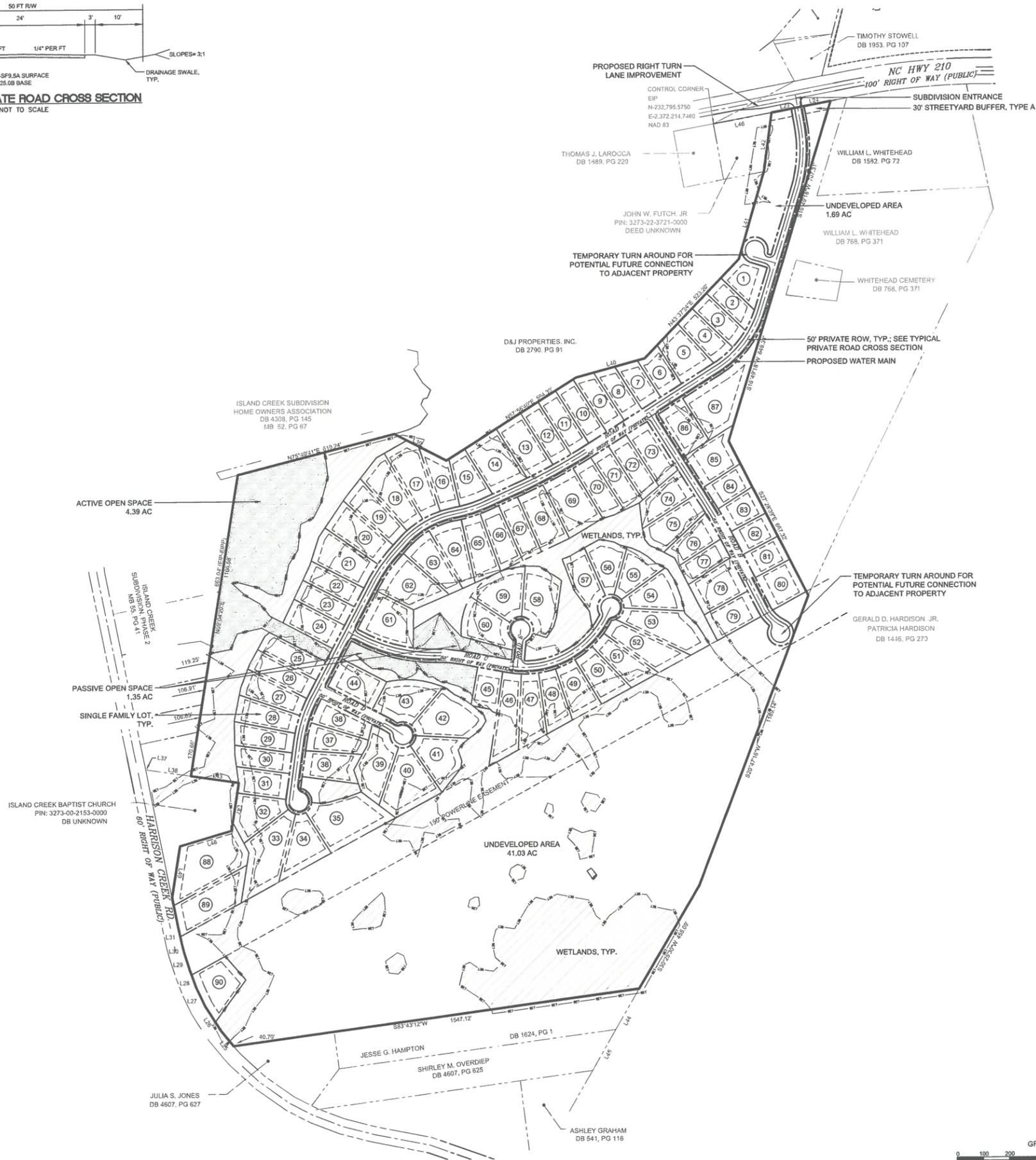
1. ALL WATER UTILITIES WILL BE COORDINATED WITH PENDER COUNTY ENGINEERING
2. WATER PROVIDED BY PENDER COUNTY ENGINEERING
3. ON-SITE SEPTIC WILL BE DESIGNED AND BUILT TO PENDER COUNTY STANDARDS.
4. STORMWATER WILL BE HANDLED ON SITE IN COMPLIANCE WITH ALL STATE STORMWATER STANDARDS.
5. ACCESS AND UTILITIES FOR LOTS 88-90 TO BE PROVIDED FROM HARRISON CREEK RD.

NOTES

1. ALL ADJACENT ZONINGS ARE RP AND RA. NO BUFFER OR SCREENING IS REQUIRED BETWEEN RESIDENTIAL USES.
2. WETLAND AND SOIL INFORMATION PROVIDED BY PITTMAN SOIL CONSULTING.
3. SURVEY INFORMATION PROVIDED BY WESTON LYALL, PE, PLS, PLLC.
4. THIS PROPERTY IS WITHIN FLOOD ZONE 'X' LOCATED ON FEMA FLOOD MAPS #3720327300J AND #3720327200J EFFECTIVE FEBRUARY 16, 2007.

PROJECT ROAD NOTES

1. NO PROPOSED ROAD EXCEEDS 1 MILE IN LENGTH OR ACCESSES MORE THAN 200 LOTS. ALL ROADS WILL COMPLY WITH SECTION 7.5.3 OF THE PENDER COUNTY UDO.



PRELIMINARY DESIGN - NOT RELEASED FOR CONSTRUCTION

REVISIONS:

NO.	DATE	DESCRIPTION

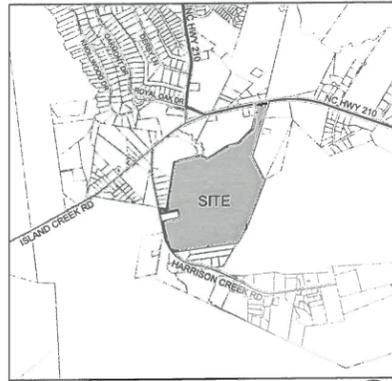
CLIENT INFORMATION:

PARAMOUNT ENGINEERING
5911 Oleander Drive, Suite 201
Wilmington, North Carolina 28403
(910) 791-6707 (C) (910) 791-6700 (F)
NC License #: C-2846

OVERALL PRELIMINARY PLAT
HARRISON COVE
NC HWY 210
PENDER COUNTY
NORTH CAROLINA

PROJECT STATUS:
CONCEPTUAL LAYOUT:
PRELIMINARY LAYOUT:
RELEASED FOR CONSTRUCTION:
DRAWING INFORMATION:
DATE: 11/15/2024
SCALE: 1"=200'
DESIGNED BY: JTC
CHECKED BY: JTC

SEAL:
C-2.0
PEI JOB#: 16158.PE

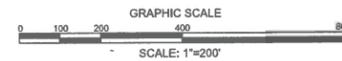
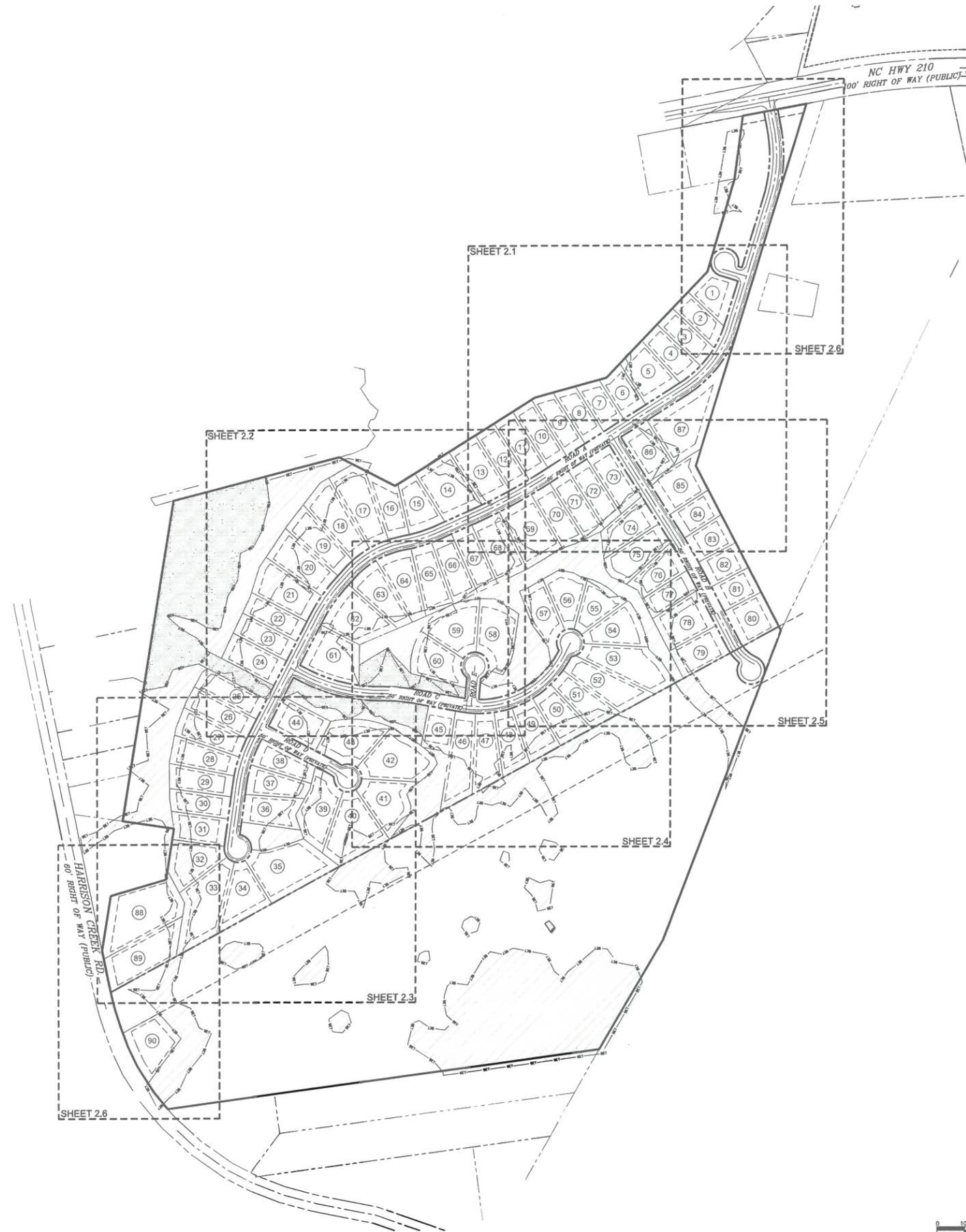


VICINITY MAP
SCALE: 1" = 2000'



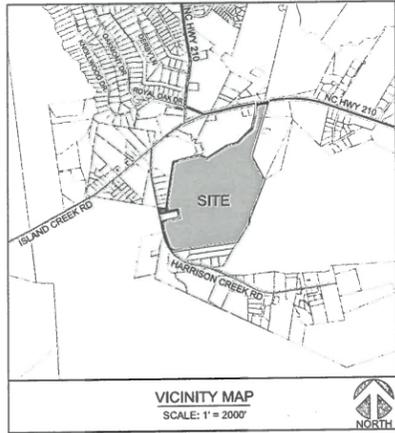
SITE INFORMATION
CURRENT LAND USE:
CURRENT ZONING:
PIN:
PROPOSED USE:
TOTAL SITE AREA:
OWNER INFORMATION:

VACANT LAND
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3273-10-0849-0000, 3273-33-1459-0000
RESIDENTIAL
± 112.7 ACRES
HARRISON COVE, L.L.C.
2021 A CORPORATE DRIVE
WILMINGTON, NC, 28405



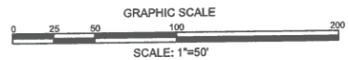
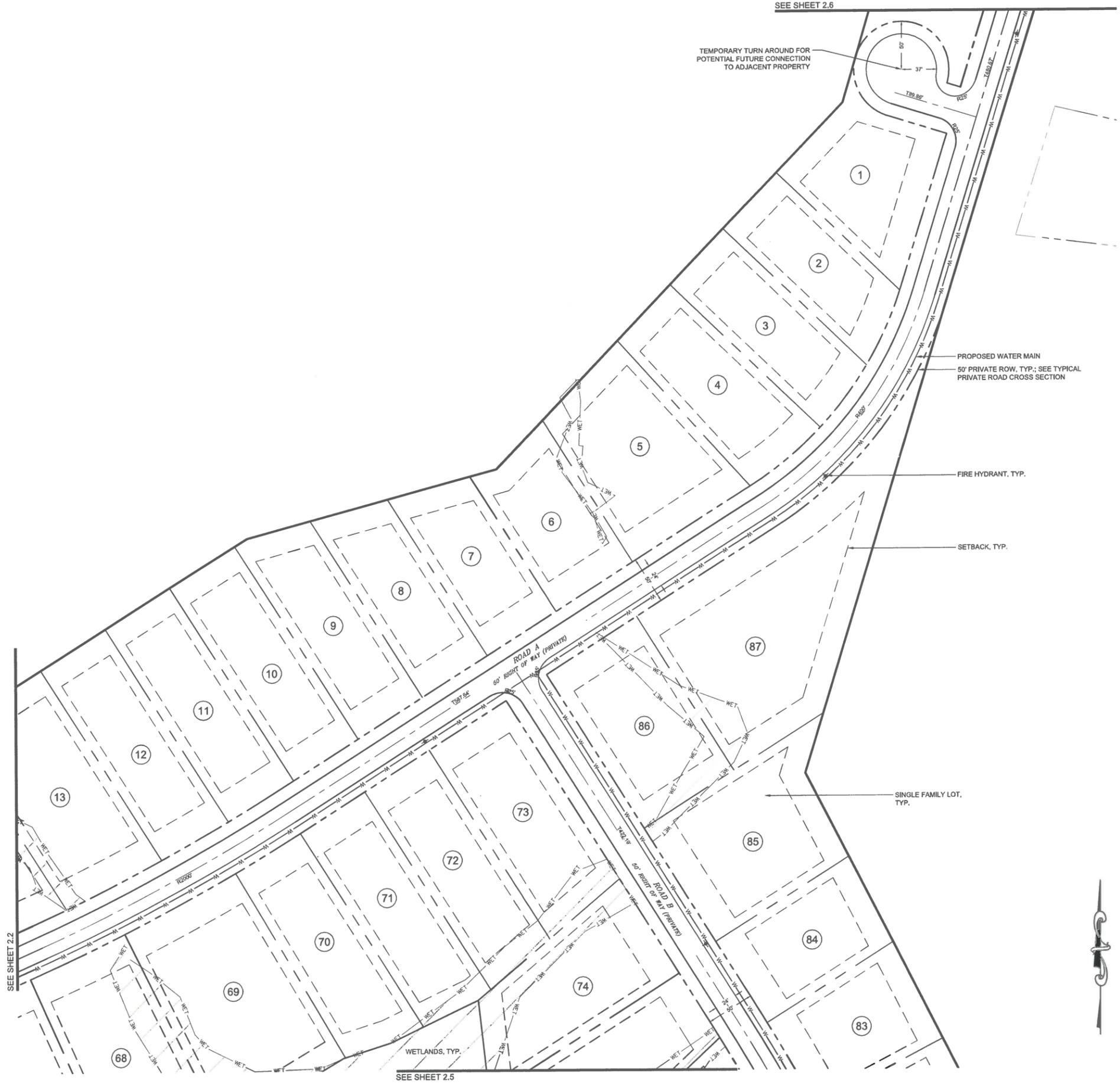
PRELIMINARY DESIGN - NOT RELEASED FOR CONSTRUCTION

<p>INDEX</p> <p>HARRISON COVE NC HWY 210 PENDER COUNTY NORTH CAROLINA</p>		<p>PROJECT STATUS: CONCEPTUAL LAYOUT: PRELIMINARY LAYOUT: RELEASED FOR CONST:</p> <p>DRAWING INFORMATION: DATE: 11/15/2017 SCALE: 1" = 200' DESIGNED BY: JOM CHECKED BY: TCC</p>	REVISIONS:
			CLIENT INFORMATION:
<p>PARAMOUNT ENGINEERING</p> <p>5911 Oleander Drive, Suite 201 Wilmington, North Carolina 28403 (910) 791-6707 (C) (910) 791-6760 (F) NC License #: C-2846</p>		<p>SEAL</p>	
<p>INDEX</p>		<p>PEI JOB#: 16158.PE</p>	



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 OWNER INFORMATION: HARRISON COVE, LLC
 2021 A CORPORATE DRIVE
 WILMINGTON, NC, 28405

SINGLE FAMILY DIMENSION REQUIREMENTS
 MINIMUM LOT SIZE: 15,000 SF
 MINIMUM LOT WIDTH: 30'
 FRONTYARD SETBACK: 30' MINIMUM
 SIDERYARD SETBACK: 10' MINIMUM
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 REAR SETBACK: 25' MINIMUM
 CHORD: 30' MINIMUM
 MAXIMUM HEIGHT: 35'



PRELIMINARY DESIGN - NOT RELEASED FOR CONSTRUCTION

NO.	DATE	REVISIONS:

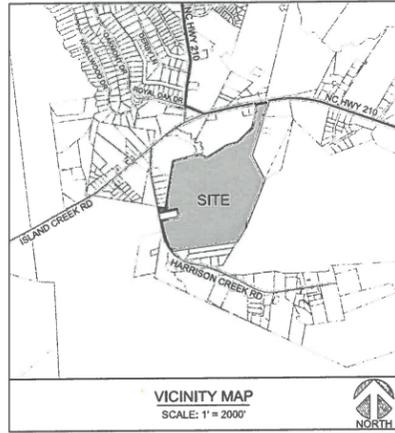
CLIENT INFORMATION:

PARAMOUNT ENGINEERING
 5911 Oleander Drive, Suite 201
 Wilmington, North Carolina 28403
 (910) 791-6707 (O) (910) 791-6760 (F)
 NC License #: C-2846

PRELIMINARY PLAT
 HARRISON COVE
 NC HWY 210
 PENDER COUNTY
 NORTH CAROLINA

PROJECT STATUS
 CONCEPTUAL LAYOUT:
 PRELIMINARY LAYOUT:
 RELEASED FOR CONSTRUCTION:
 DRAWING INFORMATION
 SCALE: 1" = 200'
 DESIGNED: JCH
 CHECKED: TCC

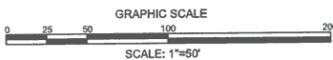
SEAL
C-2.1
 PEI JOB#: 16158_PE



SITE INFORMATION
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 CURRENT ZONING:
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 PROPOSED USE:
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VACANT LAND
 RP
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 RESIDENTIAL
 ± 112.7 ACRES
 HARRISON COVE, LLC.
 2021 A CORPORATE DRIVE
 WILMINGTON, NC, 28405

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 MAXIMUM HEIGHT: 35'



SEE SHEET 2.3

SEE SHEET 2.1

SEE SHEET 2.4

PRELIMINARY DESIGN - NOT RELEASED FOR CONSTRUCTION

REVISIONS:

CLIENT INFORMATION:

PARAMOUNT
 ENGINEERING, INC.
 5911 Oleander Drive, Suite 201
 Wilmington, North Carolina 28403
 (910) 791-6707 (C) (910) 791-6760 (F)
 NC License #: C-2846

PRELIMINARY PLAT

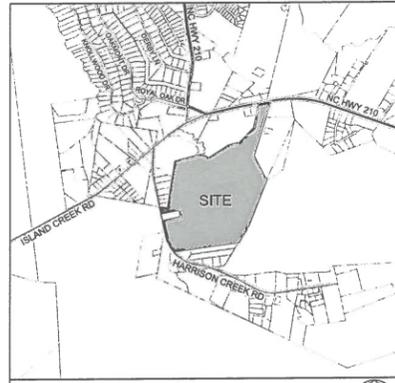
HARRISON COVE
 NC HWY 210
 PENDER COUNTY
 NORTH CAROLINA

PROJECT STATUS:
 CONCEPTUAL LAYOUT:
 PRELIMINARY LAYOUT:
 RELEASED FOR CONSTRUCTION:
 DRAWING INFORMATION:
 DATE: 11/14/2023
 SCALE: 1"=200'
 DESIGNED: JCM
 CHECKED: TOC

SEAL

C-2.2

PEI JOB#: 16158.PE



VICINITY MAP
SCALE: 1" = 2000'



SITE INFORMATION
CURRENT LAND USE:
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VACANT LAND
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3273-10-0849-0000, 3273-33-1459-0000
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+ 112.7 ACRES
HARRISON COVE, LLC.
2021 A CORPORATE DRIVE
WILMINGTON, NC, 28405

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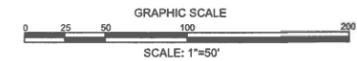
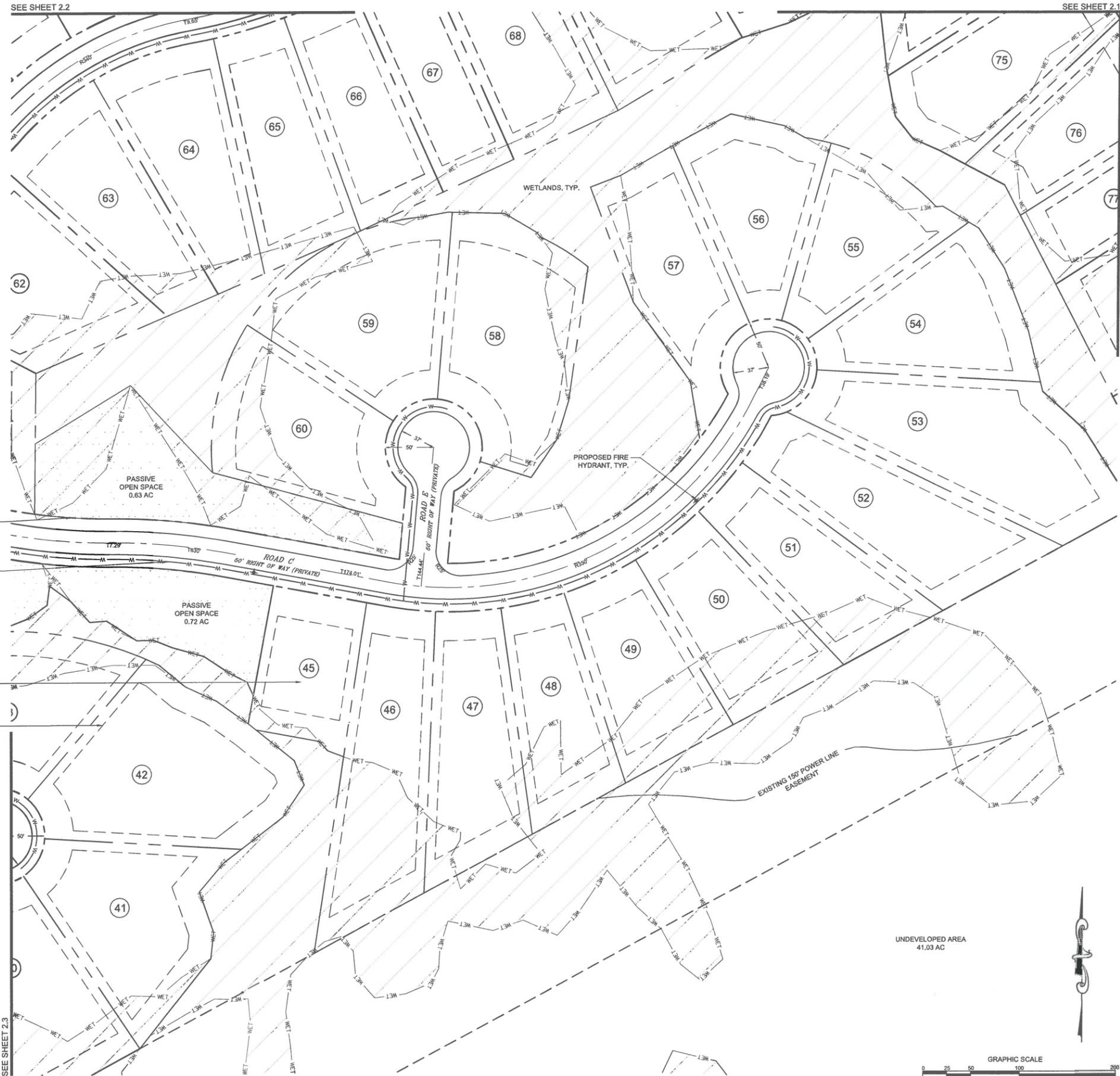
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CORNER SIDEYARD SETBACK: 15' MINIMUM
REAR SETBACK: 25' MINIMUM
CHORD: 30' MINIMUM
MAXIMUM HEIGHT: 35'

50' PRIVATE ROW, TYP.: SEE TYPICAL PRIVATE ROAD CROSS SECTION

PROPOSED WATER MAIN

SINGLE FAMILY LOT, TYP.

SETBACK, TYP.



PRELIMINARY DESIGN - NOT RELEASED FOR CONSTRUCTION

NO.	DATE	REVISIONS

CLIENT INFORMATION:

PARAMOUNT
ENGINEERING & ARCHITECTURE
5911 Oleander Drive, Suite 201
Wilmington, North Carolina 28403
(910) 791-6707 (O) (910) 791-6760 (F)
NC License #: C-2846

PRELIMINARY PLAT

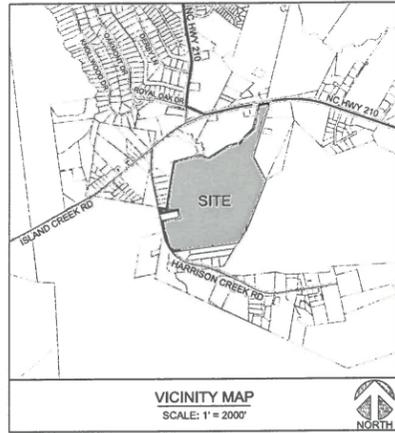
HARRISON COVE
NC HWY 210
PENDER COUNTY
NORTH CAROLINA

PROJECT STATUS	DRAWING INFORMATION
CONCEPTUAL LAYOUT: FINAL DESIGN LAYOUT: RELEASED FOR CONSTRUCTION:	DATE: 04/18/18 SCALE: 1" = 200' DRAWN BY: JAC CHECKED BY: TOC

SEAL

C-2.4

PEJ JOB#: 16158.PE



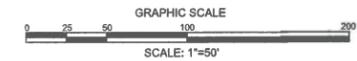
VICINITY MAP
SCALE: 1" = 2000'

SITE INFORMATION
 CURRENT LAND USE:
 CURRENT ZONING:
 PIN:
 PROPOSED USE:
 TOTAL SITE AREA:
 OWNER INFORMATION:

VACANT LAND
 RP
 3273-10-0849-0000, 3273-33-1459-0000
 RESIDENTIAL
 ± 112.7 ACRES
 HARRISON COVE, L.L.C.
 2021 A CORPORATE DRIVE
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NO.	DATE	REVISIONS

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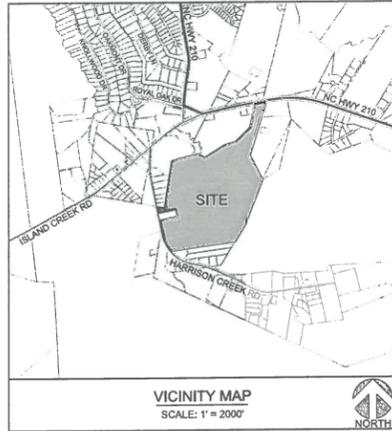
PARAMOUNT ENGINEERING
 5911 Oleander Drive, Suite 201
 Wilmington, North Carolina 28403
 (910) 791-6707 (C) (910) 791-6760 (F)
 NC License #: C-2846

PRELIMINARY PLAT
 HARRISON COVE
 NC HWY 210
 PENDER COUNTY
 NORTH CAROLINA

PROJECT STATUS: CONCEPTUAL LAYOUT: FINAL DESIGN LAYOUT: RELEASED FOR CONSTRUCTION:	DATE: DRAWN: CHECKED:
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SEAL

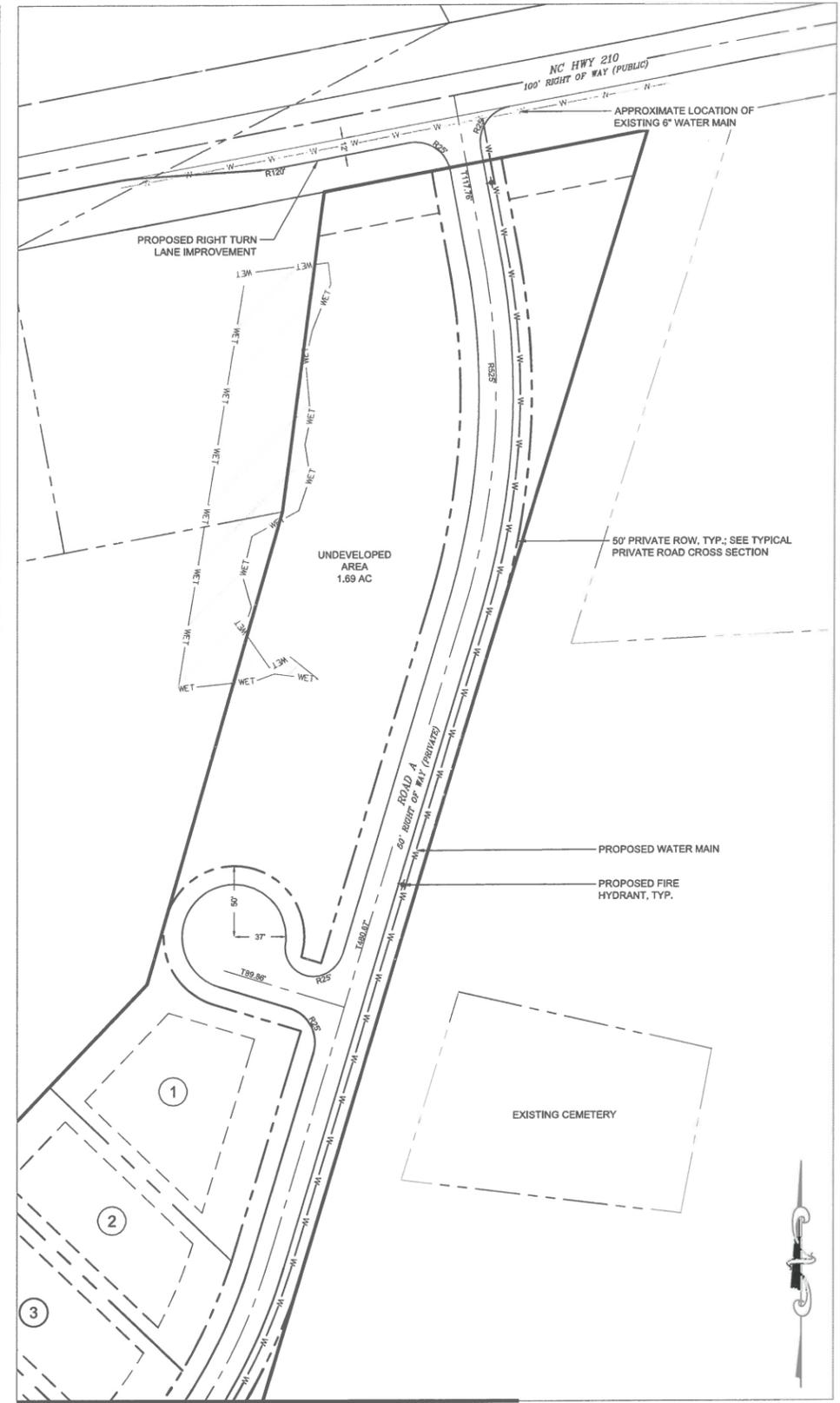
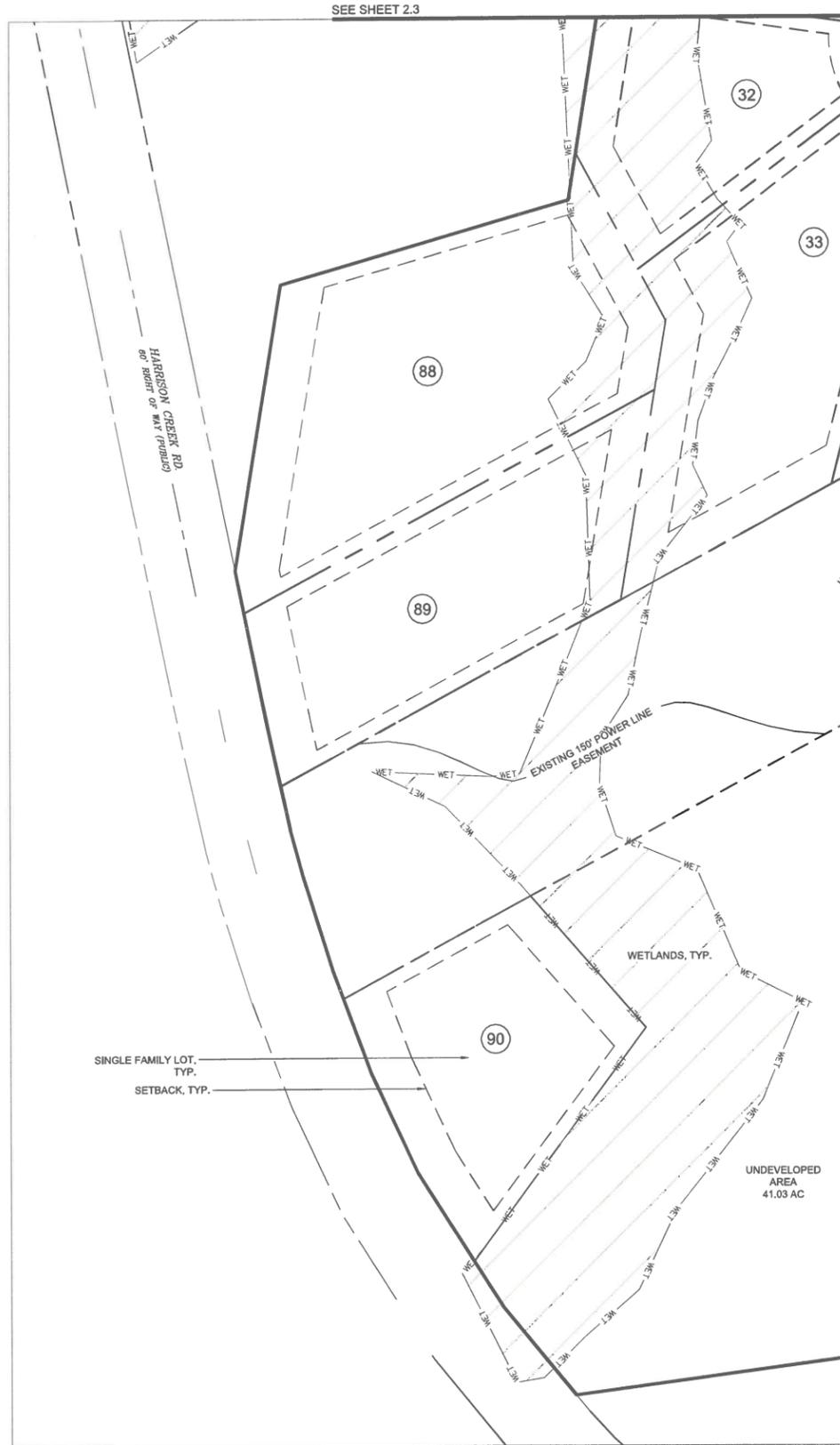
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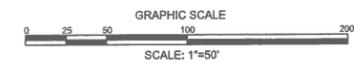
SITE INFORMATION
 CURRENT LAND USE:
 CURRENT ZONING:
 PIN:
 PROPOSED USE:
 TOTAL SITE AREA:
 OWNER INFORMATION:

VACANT LAND
 RP
 3273-10-0849-0000, 3273-33-1459-0000
 RESIDENTIAL
 ± 112.7 ACRES
 CORBETT INDUSTRIES, INC.
 PO DRAWER 210
 WILMINGTON, NC 28401

SINGLE FAMILY DIMENSION REQUIREMENTS
 MINIMUM LOT SIZE: 15,000 SF
 MINIMUM LOT WIDTH: 80'
 FRONTYARD SETBACK: 30' MINIMUM
 SIDEYARD SETBACK: 10' MINIMUM
 CORNER SIDEYARD SETBACK: 15' MINIMUM
 REAR SETBACK: 25' MINIMUM
 CHORD: 30' MINIMUM
 MAXIMUM HEIGHT: 35'



SEE SHEET 2.1



PRELIMINARY DESIGN - NOT RELEASED FOR CONSTRUCTION

NO.	DATE	REVISIONS:

CLIENT INFORMATION:

PARAMOUNT ENGINEERING
 5911 Oleander Drive, Suite 201
 Wilmington, North Carolina 28403
 (910) 791-6707 (O) (910) 791-6760 (F)
 NC License #: C-2846

PRELIMINARY PLAT
 HARRISON COVE
 NC HWY 210
 PENDER COUNTY
 NORTH CAROLINA

PROJECT STATUS
 CONCEPTUAL LAYOUT:
 PRELIMINARY LAYOUT:
 RELEASED FOR CONSTRUCTION:
 DRAWING INFORMATION
 DATE: 04/11/2011
 SCALE: 1"=50'
 DESIGNED BY: JCM
 CHECKED BY: TOC

SEAL

C-2.6

PEJ JOB#: 16158.PE

Pender County Planning and Community Development

Planning Division
805 S. Walker Street
PO Box 1519
Burgaw, NC 28425



Phone: 910-259-1202
Fax: 910-259-1295
www.pendercountync.gov

Dear Applicant,

Upon initial review, your proposed development project is located within the Corridor Official Map for the NCDOT Transportation Improvement Project R-3300, commonly known as the Hampstead Bypass. The Corridor Official Map for this project was filed by the Wilmington Metropolitan Planning Organization (WMPO) on November 22, 2011 with the Pender County Register of Deeds.

Pursuant to NCGS 136-44.51, "after a transportation corridor official map is filed with the register of deeds, no building permit shall be issued for any building or structure of part thereof located within the transportation corridor, nor shall approval of a subdivision, as defined in G.S.153A-335 and G.S. 160A-376, be granted with respect to property within the transportation corridor."

Upon submission of a complete application package for your development, Pender County will forward your request to the WMPO for consideration of a variance for this development. Should a variance be granted, you may proceed with the development in accordance with local, state, and federal regulations. Should a variance be denied, the three (3) year period prescribed in NCGS 136-44.51 will begin from the date of application submission.

Attached to this notice is NCGS 136-44.51 for your reference. Please feel free to contact the Pender County Planning and Community Development Department to discuss the process for your proposed development project.

§ 136-44.51. Effect of transportation corridor official map.

(a) After a transportation corridor official map is filed with the register of deeds, no building permit shall be issued for any building or structure or part thereof located within the transportation corridor, nor shall approval of a subdivision, as defined in G.S. 153A-335 and G.S. 160A-376, be granted with respect to property within the transportation corridor. The Secretary of Transportation or his designee, the director of a regional public transportation authority, or the director of a regional transportation authority, as appropriate, shall be notified within 10 days of all submittals for corridor map determination, as provided in subsections (b) and (c) of this section.

(b) In any event, no application for building permit issuance or subdivision plat approval for a tract subject to a valid transportation corridor official map shall be delayed by the provisions of this section for more than three years from the date of its original submittal to the appropriate local jurisdiction. A submittal to the local jurisdiction for corridor map determination shall require only the name of the property owner, the street address of the property parcel, the parcel number or tax identification number, a vicinity map showing the location of the parcel with respect to nearby roads and other landmarks, a sketch of the parcel showing all existing and proposed structures or other uses of the property, and a description of the proposed improvements. If the impact of an adopted corridor on a property submittal for corridor map determination is still being reviewed after the three-year period established pursuant to this subsection, the entity that adopted the transportation corridor official map affecting the issuance of building permits or subdivision plat approval shall issue approval for an otherwise eligible request or initiate acquisition proceedings on the affected properties. If the entity that adopted the transportation corridor official map has not initiated acquisition proceedings or issued approval within the time limit established pursuant to this subsection, an applicant within the corridor may treat the real property as unencumbered and free of any restriction on sale, transfer, or use established by this Article.

(c) No submittal to a local jurisdiction for corridor map determination shall be construed to be an application for building permit issuance or subdivision plat approval. The provisions of this section shall not apply to valid building permits issued prior to August 7, 1987, or to building permits for buildings and structures which existed prior to the filing of the transportation corridor, provided the size of the building or structure is not increased and the type of building code occupancy as set forth in the North Carolina Building Code is not changed. (1987, c. 747, s. 19; 1998-184, s. 1; 2011-242, s. 1.)

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015**

**HOUSE BILL 959*
RATIFIED BILL**

AN ACT TO MAKE VARIOUS CHANGES TO THE TRANSPORTATION LAWS OF THE STATE, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

PART I. DIVISION OF HIGHWAYS

SMALL TRANSPORTATION PROJECTS/LOCAL CONSULTATION

SECTION 1. G.S. 136-11.1 reads as rewritten:

"§ 136-11.1. Local consultation on transportation projects.

Prior to any action of the Board on a transportation project, the Department shall inform all municipalities and counties affected by a planned transportation project and request each affected municipality or county to submit within 45 days a written resolution expressing their views on the project. A municipality or county may designate a Transportation Advisory Committee to submit its response to the Department's request for a resolution. Upon receipt of a written resolution from all affected municipalities and counties or their designees, or the expiration of the 45-day period, whichever occurs first, the Board may take action. The Department and the Board shall consider, but shall not be bound by, the views of the affected municipalities and counties on each transportation project. The failure of a county or municipality to express its views within the time provided shall not prevent the Department or the Board from taking action. The Department shall not be required to send notice under this section if it has already received a written resolution from the affected county or municipality on the planned transportation project. "Action of the Board", as used in this section, means approval by the Board of: the Transportation Improvement Program and amendments to the Transportation Improvement Program; the Secondary Roads Paving Program and amendments to the Secondary Roads Paving Program; and individual applications for access and public service road projects, contingency projects, small urban projects, and spot safety projects that exceed ~~one two~~ hundred fifty thousand dollars ~~(\$150,000)-(\$250,000)~~. The 45-day notification provision may be waived upon a finding by the Secretary of Transportation that emergency action is required. Such findings must be reported to the Joint Legislative Transportation Oversight Committee."

BROADBAND AND FIBER OPTIC IN DOT RIGHT-OF-WAY/STUDY FEES

SECTION 2.(a) G.S. 136-18(2) reads as rewritten:

"§ 136-18. Powers of Department of Transportation.

The said Department of Transportation is vested with the following powers:

- ...
- (2) Related to right-of-way:
 - a. To take over and assume exclusive control for the benefit of the State of any existing county or township ~~roads, and to roads.~~
 - b. To locate and acquire rights-of-way for any new roads that may be necessary for a State highway system, and subject system.
 - c. Subject to the provisions of G.S. 136-19.5(a) and (b) also (b), to use existing rights-of-way, or locate and acquire such additional rights-of-way rights-of-way, as may be necessary for the present or future relocation or initial location, above or below ground, of telephone, of:



1. Telephone, telegraph, distributed antenna systems (DAS), broadband communications, electric and other lines, as well as gas, water, sewerage, oil and other pipelines, to be operated by public utilities as defined in G.S. 62-3(23) and which are regulated under Chapter 62 of the General Statutes, or by municipalities, counties, any entity created by one or more political subdivisions for the purpose of supplying any such utility services, electric membership corporations, telephone membership corporations, or any combination thereof, with thereof; and
2. Nonutility owned or operated communications or data transmission infrastructure.

The Department retains full power to widen, relocate, change or alter the grade or location thereof, or alter the location or configuration of such lines or systems above or below ground, and to ground. No agreement for use of Department right-of-way under this sub-subdivision shall abrogate the Department's ownership and control of the right-of-way. The Department is authorized to adopt policies and rules necessary to implement the provisions of this sub-subdivision.

- d. To change or relocate any existing roads that the Department of Transportation may now own or may acquire; to acquire.
- e. To acquire by gift, purchase, or otherwise, any road or highway, or tract of land or other property whatsoever that may be necessary for a State transportation system and adjacent utility rights-of-way; rights-of-way.
- f. Provided, all changes or alterations authorized by this subdivision shall be subject to the provisions of G.S. 136-54 to 136-63, to the extent that said sections are applicable; applicable.
- e. Provided, that nothing in this Chapter shall be construed to authorize or permit the Department of Transportation to allow or pay anything to any county, township, city or town, or to any board of commissioners or governing body thereof, for any existing road or part of any road heretofore constructed by any such county, township, city or town, unless a contract has already been entered into with the Department of Transportation."

SECTION 2.(b) The Department of Transportation shall study the issue of administrative fees for encroachments pursuant to G.S. 136-18(2)c. The Department shall report its findings and recommendations to the Joint Legislative Transportation Oversight Committee on or before December 1, 2016.

SECTION 2.(c) This section is effective when it becomes law.

WEIGHT LIMITS APPLICABLE TO METAL COMMODITIES, CONSTRUCTION EQUIPMENT, AND STEEL COILS AND EXTENDING CERTAIN FEDERAL WEIGHT EXCEPTIONS TO THE STATE'S HIGHWAYS

SECTION 2.1.(a) G.S. 20-118(c) is amended by adding the following new subdivisions to read:

- (18) Subsections (b) and (e) of this section do not apply to a vehicle or vehicle combination that meets all of the conditions set out below:
 - a. Is transporting metal commodities or construction equipment.
 - b. Does not operate on an interstate highway, a posted light traffic road, or exceed any posted bridge weight limit.
 - c. Does not exceed a single-axle weight of 22,000 pounds, a tandem-axle weight of 42,000 pounds, or a gross weight of 90,000 pounds.
- (19) Any additional weight allowance authorized by 23 U.S.C. § 127, and applicable to all interstate highways, shall also apply to all State roads, unless the road is a posted road or posted bridge, or unless specifically

prohibited by State law or a Department ordinance applicable to a specific road."

SECTION 2.1.(b) G.S. 20-119 is amended by adding a new subsection to read:

"(i) One, two, or three steel coils, transported on the same vehicle, shall be considered a nondivisible load for purposes of permit issuance pursuant to this section."

SECTION 2.1.(c) This section becomes effective October 1, 2016.

DELAY SUNSET FOR SIX MONTHS ON DOT PARTNERSHIPS WITH PRIVATE DEVELOPERS

SECTION 2.3. Section 2 of S.L. 2009-235, as amended by Section 7 of S.L. 2014-58, reads as rewritten:

"**SECTION 2.** This act is effective when it becomes law. This act shall expire on ~~December 31, 2016.~~July 1, 2017."

PART II. NORTH CAROLINA TURNPIKE AUTHORITY

ALLOW ELECTRONIC BILLING FOR TOLLS

SECTION 3. G.S. 136-89.214(a) reads as rewritten:

"(a) Bill. – If a motor vehicle travels on a Turnpike project that uses an open road tolling system and a toll for traveling on the project is not paid prior to travel or at the time of travel, the Authority must send a bill by first-class mail to the registered owner of the motor vehicle or the person who had care, custody, and control of the vehicle as established under G.S. 136-89.212(b) for the amount of the unpaid ~~toll~~toll; provided, however, that with the written consent of the registered owner of the motor vehicle or the person who had care, custody, and control of the vehicle as set forth above, the Authority may send the bill via electronic mail to a designated electronic mail account rather than by first-class mail. The Authority must send the bill within 90 days after the travel occurs, or within 90 days of receipt of a sworn affidavit submitted under G.S. 136-89.212(b) identifying the person who had care, custody, and control of the motor vehicle. If a bill is not sent within the required time, the Authority waives collection of the toll. The Authority must establish a billing period for unpaid open road tolls that is no shorter than 15 days. A bill for a billing period must include all unpaid tolls incurred by the same person during the billing period."

TURNPIKE AUTHORITY REPORT ON ONE-TIME FACILITY USER FEES AND PENALTIES

SECTION 3.1. The North Carolina Turnpike Authority shall report to the Joint Legislative Transportation Oversight Committee on January 31, 2017, and in its annual report thereafter, the number of one-time toll facility users who are charged more than fifty dollars (\$50.00) in processing fees imposed under G.S. 136-89.215 and civil penalties assessed under G.S. 136-89.216. With the first report on such users, the Turnpike Authority shall propose statutory changes to Part 2 of Article 6H of Chapter 136 of the General Statutes that are expected to have the aggregate effect of improving efficiency or reducing costs in collecting tolls while significantly reducing the possibility one-time users are charged more than fifty dollars (\$50.00) in processing fees imposed under G.S. 136-89.215 and civil penalties assessed under G.S. 136-89.216.

REPEAL NCTA SEMIANNUAL REPORTS TO JLTOC

SECTION 4. G.S. 136-89.193(c) is repealed.

PART III. DIVISION OF BICYCLE AND PEDESTRIAN TRANSPORTATION

REPEAL REQUIREMENT TO MAINTAIN OFF-ROAD CYCLING RECORDS

SECTION 5. G.S. 143B-135.100 reads as rewritten:

"§ 143B-135.100. Use of State land for bicycling; creation of trails by volunteers.

...
(b) Notwithstanding the provisions of subsection (a) of this section, any land may be restricted or removed from use by bicyclists if it is determined by the State, an agency of the State, or the holder of land purchased or leased with State funds that the use would cause substantial harm to the land or the environment or that the use would violate another State or

federal law. Before restricting or removing land from use by bicyclists, the State, the agency of the State, or the holder of the land purchased or leased with State funds must show why the lands should not be open for use by bicyclists. Local cycling groups or organizations shall be notified of the intent to restrict or remove the land from use by bicyclists and provided an opportunity to show why cycling should be allowed on the land. ~~Notice of any land restricted or removed from use by bicyclists pursuant to this subsection shall be filed with the Division of Bicycle and Pedestrian Transportation of the Department of Transportation.~~

~~(e) The Division of Bicycle and Pedestrian Transportation of the Department of Transportation shall keep a record of all lands made open and available for use by bicyclists pursuant to this section and shall make the information available to the public upon request.~~

...
(e) Notwithstanding any other provision of this section, any hiking, walking, or use of bicycles on game lands administered by the Wildlife Resources Commission shall be restricted to roads and trails designated for vehicular use. Hiking, walking, or bicycle use by persons not hunting shall be restricted to days closed to hunting. The Wildlife Resources Commission may restrict the use of bicycles on game lands where necessary to protect sensitive wildlife habitat or ~~species and shall file notice of any restrictions with the Division of Bicycle and Pedestrian Transportation of the Department of Transportation.~~ species."

BICYCLE MUST HAVE RED REAR LIGHT OR OPERATOR MUST WEAR REFLECTIVE VEST WHEN OPERATED AT NIGHT

SECTION 5.1.(a) G.S. 20-129(e) reads as rewritten:

"(e) Lamps on Bicycles. – Every bicycle shall be equipped with a reflex mirror on the rear and both of the following when operated at night on any public street, public vehicular area, or public greenway:

- (1) A lighted lamp on the front thereof, visible under normal atmospheric conditions from a distance of at least 300 feet in front of such bicycle, and shall also be equipped with a reflex mirror or bicycle.
- (2) A lamp on the rear, exhibiting a red light visible under like conditions from a distance of at least 200-300 feet to the rear of such bicycle, when used at night or the operator must wear clothing or a vest that is bright and visible from a distance of at least 300 feet to the rear of the bicycle."

SECTION 5.1.(b) This section becomes effective December 1, 2016, and applies to offenses committed on or after that date.

BICYCLE SAFETY LAW REVISIONS

SECTION 5.5.(a) G.S. 20-150(e) reads as rewritten:

"(e) The driver of a vehicle shall not overtake and pass another on any portion of the highway which is marked by signs, markers or markings placed by the Department of Transportation stating or clearly indicating that passing should not be attempted. The prohibition in this section shall not apply when the overtaking and passing is done in accordance with all of the following:

- (1) The slower moving vehicle to be passed is a bicycle or a moped.
- (2) The slower moving vehicle is proceeding in the same direction as the faster moving vehicle.
- (3) The driver of the faster moving vehicle either (i) provides a minimum of four feet between the faster moving vehicle and the slower moving vehicle or (ii) completely enters the left lane of the highway.
- (4) The operator of the slower moving vehicle is not (i) making a left turn or (ii) signaling in accordance with G.S. 20-154 that he or she intends to make a left turn.
- (5) The driver of the faster moving vehicle complies with all other applicable requirements set forth in this section."

SECTION 5.5.(b) G.S. 20-149(a) reads as rewritten:

"(a) The driver of any such vehicle overtaking another vehicle proceeding in the same direction shall pass at least two feet to the left thereof, and shall not again drive to the right side of the highway until safely clear of such overtaken vehicle. This subsection shall not apply when the overtaking and passing is done pursuant to the provisions of ~~G.S. 20-150.1.~~ G.S. 20-150(e) or G.S. 20-150.1."

SECTION 5.5.(c) G.S. 20-154 reads as rewritten:
"§ 20-154. Signals on starting, stopping or turning.

...
(a1) A person who violates subsection (a) of this section and causes a motorcycle or bicycle operator to change travel lanes or leave that portion of any public street or highway designated as travel lanes shall be responsible for an infraction and shall be assessed a fine of not less than two hundred dollars (\$200.00). A person who violates subsection (a) of this section that results in a crash causing property damage or personal injury to a motorcycle or bicycle operator or passenger shall be responsible for an infraction and shall be assessed a fine of not less than five hundred dollars (\$500.00) unless subsection (a2) of this section applies.

(a2) A person who violates subsection (a) of this section and the violation results in a crash causing property damage in excess of five thousand dollars (\$5,000) or a serious bodily injury as defined in G.S. 20-160.1(b) to a motorcycle or bicycle operator or passenger shall be responsible for an infraction and shall be assessed a fine of not less than seven hundred fifty dollars (\$750.00). A violation of this subsection shall be treated as a failure to yield right-of-way to a motorcycle or bicycle, as applicable, for purposes of assessment of points under G.S. 20-16(c). In addition, the trial judge shall have the authority to order the license of any driver violating this subsection suspended for a period not to exceed 30 days. If a judge orders suspension of a person's drivers license pursuant to this subsection, the judge may allow the licensee a limited driving privilege for a period not to exceed the period of suspension. The limited driving privilege shall be issued in the same manner and under the terms and conditions prescribed in G.S. 20-16.1(b)(1), (2), (3), (4), (5), and G.S. 20-16.1(g).

(b) The signal herein required shall be given by means of the hand and arm in the manner herein specified, or by any mechanical or electrical signal device approved by the Division, except that when a vehicle is so constructed or loaded as to prevent the hand and arm signal from being visible, both to the front and rear, the signal shall be given by a device of a type which has been approved by the Division.

~~Whenever~~ Except as otherwise provided in subsection (b1) of this section, ~~whenever~~ the signal is given the driver shall indicate his intention to start, stop, or turn by extending the hand and arm from and beyond the left side of the vehicle as hereinafter set forth.

Left turn – hand and arm horizontal, forefinger pointing.

Right turn – ~~hand and upper arm horizontal, forearm and hand pointed upward.~~

Stop – ~~hand and arm upper arm horizontal, forearm and hand pointed downward.~~

All hand and arm signals shall be given from the left side of the vehicle and all signals shall be maintained or given continuously for the last 100 feet traveled prior to stopping or making a turn. Provided, that in all areas where the speed limit is 45 miles per hour or higher and the operator intends to turn from a direct line of travel, a signal of intention to turn from a direct line of travel shall be given continuously during the last 200 feet traveled before turning.

Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, a signal lamp or lamps or mechanical signal device when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds 24 inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds 14 feet. The latter measurement shall apply to any single vehicle, also to any combination of vehicles except combinations operated by farmers in hauling farm products.

(b1) Notwithstanding the requirement set forth in subsection (b) of this section that a driver signal a right turn by extending his or her hand and arm from beyond the left side of the vehicle, an operator of a bicycle may signal his or her intention to make a right turn by extending his or her hand and arm horizontally, with the forefinger pointing, from beyond the right side of the bicycle.

...."
SECTION 5.5.(d) This section becomes effective October 1, 2016, and applies to offenses committed on or after that date.

PART IV. DIVISION OF MOTOR VEHICLES

COMMERCIAL DRIVERS LICENSE CHANGES

SECTION 6.(a) G.S. 20-7(m) reads as rewritten:

"(m) Instruction Permit. – The Division upon receiving proper application may in its discretion issue a restricted instruction permit effective for a school year or a lesser period to any of the following applicants:

- (1) An applicant who is less than 18 years old and is enrolled in a drivers education program that is approved by the State Superintendent of Public Instruction and is offered at a public high school, a nonpublic secondary school, or a licensed drivers training school.
- (2) ~~An applicant for certification under G.S. 20-218 as a school bus driver.~~ A restricted instruction permit authorizes the holder of the permit to drive a specified type or class of motor vehicle when in possession of the permit, subject to any restrictions imposed by the Division. The restrictions the Division may impose on a permit include restrictions to designated areas and highways and restrictions prohibiting operation except when an approved instructor is occupying a seat beside the permittee. A restricted instruction permit is not required to have a distinguishing number or a picture of the person to whom the permit is issued."

SECTION 6.(b) G.S. 20-37.13(e) reads as rewritten:

"(e) A commercial ~~driver~~-learner's permit may be issued to an individual who holds a regular Class C drivers license and has passed the knowledge test for the class and type of commercial motor vehicle the individual will be driving. The permit is valid for a period not to exceed ~~six months and may be renewed or reissued only once within a two year period.~~ 180 days. The fee for a commercial driver learner's permit is the same as the fee set by G.S. 20-7 for a regular learner's permit. ~~G.S. 20-7(m) governs the issuance of a restricted instruction permit for a prospective school bus driver.~~"

SECTION 6.(c) G.S. 20-17.4(g) reads as rewritten:

"(g) Violation of Out-of-Service Order. – Any person holding a commercial learner's permit or commercial drivers license or required to have a commercial learner's permit or commercial drivers license convicted for violating an out-of-service order, except as described in subsection (h) of this section, shall be disqualified as follows:

- (1) A person is disqualified from driving a commercial vehicle for a period of 90 days no less than 180 days and no more than one year if convicted of a first violation of an out-of-service ~~order.~~order while operating a commercial motor vehicle.
- (2) A person is disqualified for a period of one year no less than two years and no more than five years if convicted of a second violation of an out-of-service order while operating a commercial motor vehicle during any 10-year period, arising from separate incidents.
- (3) A person is disqualified for a period of three years no less than three years and no more than five years if convicted of a third or subsequent violation of an out-of-service order while operating a commercial motor vehicle during any 10-year period, arising from separate incidents."

SECTION 6.(d) G.S. 20-17.4(h) reads as rewritten:

"(h) Violation of Out-of-Service Order; Special Rule for Hazardous Materials and Passenger Offenses. – Any person holding a commercial learner's permit or commercial drivers license or required to have a commercial learner's permit or commercial drivers license convicted for violating an out-of-service order while transporting hazardous ~~materials~~ materials, as defined in 49 C.F.R. § 383.5, or while operating a commercial vehicle designed or used to transport ~~more than 15 passengers,~~ 16 or more passengers, including the driver, shall be disqualified as follows:

- (1) A person is disqualified for a period of 180 days no less than 180 days and no more than two years if convicted of a first violation of an out-of-service ~~order.~~order while operating a commercial motor vehicle.
- (2) A person is disqualified for a period of three years no less than three years and no more than five years if convicted of a second or subsequent violation of an out-of-service order while operating a commercial motor vehicle during any 10-year period, arising from separate incidents.
- (3) A person is disqualified for a period of no less than three years and no more than five years if convicted of a third or subsequent violation of an

out-of-service order while operating a commercial motor vehicle during any 10-year period arising from separate incidents."

SECTION 6.(e) Article 2C of Chapter 20 of the General Statutes is amended by adding the following new section to read:

"§ 20-37.13A. Medical qualifications standards; waiver for intrastate drivers.

(a) Medical Qualifications Standards Applicable to Commercial Drivers. – All commercial drivers license holders and applicants for commercial drivers licenses must meet the medical qualifications standards set forth in 49 C.F.R. § 391.41.

(b) Intrastate Medical Waiver. – Any person unable to meet the standards in 49 C.F.R. § 391.41, as adopted by the Division, may apply for a medical waiver that, if approved, will authorize intrastate operation of a commercial motor vehicle. Applications for the medical waiver must be submitted to the Division in writing. Waivers may be granted for no more than two years.

(c) Intrastate Operation Subject to Waiver. – Any person granted an intrastate commercial drivers license medical waiver is permitted to maintain a commercial drivers license and operate a commercial motor vehicle in intrastate commerce subject to the following conditions:

- (1) The commercial drivers license must display a restriction to signify it is only valid for intrastate operation.
- (2) The holder of the license must submit to medical recertification at intervals set by the Division.
- (3) The holder of the license must timely submit all documentation required by the Division.
- (4) Failure to meet any condition within the time period allowed will result in an automatic downgrade of the license holder's commercial drivers license to a Class C regular drivers license."

SECTION 6.(f) This section becomes effective January 1, 2017, and applies to offenses committed on or after that date.

EXTEND REGISTRATION PERIOD FOR CERTAIN PLATES

SECTION 7.(a) G.S. 20-66 is amended by adding a new subsection to read:

"(g1) Expiration of Registration by Other Means. – The registration of a vehicle renewed by means of a new registration plate expires at midnight on February 15 of each year."

SECTION 7.(b) This section becomes effective October 1, 2016, and applies to registration renewals on or after that date.

TEMPORARY DRIVING CERTIFICATE/USE AND UNIFORMITY

SECTION 8.(a) G.S. 20-7(f)(5) reads as rewritten:

"(f) Duration and Renewal of Licenses. – Drivers licenses shall be issued and renewed pursuant to the provisions of this subsection:

- ...
- (5) License to be sent by mail. – The Division shall issue to the applicant a temporary driving certificate valid for ~~20 days, and 60 days for a commercial drivers license, 60 days,~~ unless the applicant is applying for renewal by mail under subdivision (4) of this subsection. The temporary driving certificate shall be valid for driving purposes ~~only~~ and shall not be valid for identification purposes. purposes, except when conducting business with the Division and not otherwise prohibited by federal law. The Division shall produce the applicant's drivers license at a central location and send it to the applicant by first-class mail at the residence address provided by the applicant, unless the applicant is ineligible for mail delivery by the United States Postal Service at the applicant's residence. If the United States Postal Service documents that it does not deliver to the residential address provided by the applicant, and the Division has verified the applicant's residential address by other means, the Division may mail the drivers license to the post office box provided by the applicant. Applicants whose only mailing address prior to July 1, 2008, was a post office box in this State may continue to receive their license at that post office box, provided the applicant's residential address has been verified by the Division."

SECTION 8.(b) This section becomes effective January 1, 2017. The extended period of validity applies to temporary driving certificates issued on or after that date.

DMV DRIVERS LICENSE TESTING REQUIREMENTS/REMOTE RENEWAL

SECTION 9.(a) G.S. 20-7(c) reads as rewritten:

"(c) Tests. – To demonstrate physical and mental ability, a person must pass an examination. The examination may include road tests, vision tests, oral tests, and, in the case of literate applicants, written tests, as the Division may require. The tests must ensure that an applicant recognizes the handicapped international symbol of access, as defined in G.S. 20-37.5. The Division may not require a person who applies to renew a license that has not expired to take a written test or a road test unless one or more of the following applies:

- (1) The person has been convicted of a traffic violation since the person's license was last issued.
- (2) The applicant suffers from a mental or physical condition that impairs the person's ability to drive a motor vehicle.

The Division shall require sign and symbol testing upon initial issuance of a license. The Division shall require vision testing as a part of required in-person, in-office renewals of a license.

The Division may not require a person who is at least 60 years old to parallel park a motor vehicle as part of a road test. A person shall not use an autocycle to complete a road test under this subsection."

SECTION 9.(b) This section becomes effective October 1, 2016.

DMV/ELECTRONIC NOTICE

SECTION 10.(a) G.S. 20-7.1 reads as rewritten:

"§ 20-7.1. Notice of change of address or name.

(a) Address. – A person whose address changes from the address stated on a drivers license must notify the Division of the change within 60 days after the change occurs. If the person's address changed because the person moved, the person must obtain a duplicate license within that time limit stating the new address. A person who does not move but whose address changes due to governmental action may not be charged with violating this subsection. A person who has provided an e-mail or electronic address to the Division pursuant to G.S. 20-48(a) shall notify the Division of any change or discontinuance of that e-mail or electronic address within 30 days after the change or discontinuance.

(b) Name. – A person whose name changes from the name stated on a drivers license must notify the Division of the change within 60 days after the change occurs and obtain a duplicate drivers license stating the new name.

(c) Fee. – G.S. 20-14 sets the fee for a duplicate license."

SECTION 10.(b) G.S. 20-43.1 reads as rewritten:

"§ 20-43.1. Disclosure of personal information in motor vehicle records.

(a) The Division shall disclose personal information contained in motor vehicle records in accordance with the federal Driver's Privacy Protection Act of 1994, as amended, 18 U.S.C. §§ 2721, et seq.

(b) As authorized in 18 U.S.C. § 2721, the Division shall not disclose personal information for the purposes specified in 18 U.S.C. § 2721(b)(11).

(c) The Division shall not disclose personal information for the purposes specified in 18 U.S.C. § 2721(b)(12) unless the Division receives prior written permission from the person about whom the information is requested.

(d) As authorized in 18 U.S.C. § 2721, the Division may disclose personal information to federally designated organ procurement organizations and eye banks operating in this State for the purpose of identifying individuals who have indicated an intent to be an organ donor. Personal information authorized under this subsection is limited to the individual's first, middle, and last name, date of birth, address, sex, county of residence, and drivers license number. Employees of the Division who provide access to or disclosure of information in good-faith compliance with this subsection are not liable in damages for access to or disclosure of the information.

(e) As authorized in 18 U.S.C. § 2721, the Division may also provide copies of partial crash report data collected pursuant to G.S. 20-166.1, partial driver license data kept pursuant to G.S. 20-26(a), and partial vehicle registration application data collected pursuant to

G.S. 20-52 in bulk form to persons, private companies, or other entities, for uses other than official, upon payment of a fee of three cents (3¢) per individual record. The Division shall not furnish such data except upon execution by the recipient of a written agreement to comply with the Driver's Privacy Protection Act of 1994, as amended, 18 U.S.C. §§ 2721, et seq. The information released to persons, private companies, or other entities, for uses other than official, pursuant to this subsection, shall not be a public record pursuant to Chapter 132 of the General Statutes.

(f) E-mail addresses or other electronic addresses provided to the Division are personal information for purposes of this section and shall only be disclosed in accordance with this section."

SECTION 10.(c) G.S. 20-48 reads as rewritten:

"§ 20-48. Giving of notice.

(a) Whenever the Division is authorized or required to give any notice under this Chapter or other law regulating the operation of vehicles, unless a different method of giving such notice is otherwise expressly prescribed, such notice shall be given either by personal delivery thereof to the person to be so notified or by deposit in the United States mail of such notice in an envelope with postage prepaid, addressed to such person at his address as shown by the records of the Division. The giving of notice by mail is complete upon the expiration of four days after such deposit of such notice. In lieu of providing notice by personal delivery or United States mail, the Division may give notice under this Chapter by e-mail or other electronic means if the person to be notified has consented to receiving notices via electronic means and has provided the Division an e-mail address or other like electronic address for receiving the notices. Proof of the giving of notice in ~~either~~ any such manner pursuant to this section may be made by a notation in the records of the Division that the notice was sent to a particular ~~address~~ address, physical or electronic, and the purpose of the notice. A certified copy of the Division's records may be sent by the Police Information Network, facsimile, or other electronic means. A copy of the Division's records sent under the authority of this section is admissible as evidence in any court or administrative agency and is sufficient evidence to discharge the burden of the person presenting the record that notice was sent to the person named in the record, at the physical or electronic address indicated in the record, and for the purpose indicated in the record. There is no requirement that the actual notice or letter be produced.

(a1) A person may consent to receive any notice under this Chapter by electronic delivery by completing a written or electronic authorization for this method of delivery. The authorization must advise the person that all of the following apply to consent to electronic delivery of a notice:

- (1) Consent is effective until it is revoked in accordance with the procedure set by the Division.
- (2) At the option of the Division, electronic delivery may be the only method of delivery.
- (3) A notice sent by electronic delivery to an e-mail or electronic address is considered to have been received even if the person to whom it is sent does not receive it.

(a2) A person who consents to electronic notification pursuant to this section shall notify the Division of any change or discontinuance of any e-mail or electronic address provided to the Division in accordance with the provisions of this section and G.S. 20-7.1(a). Upon the failure of a person to notify the Division of any change or discontinuance of an electronic notification pursuant to this section, any notices sent to the original or discontinued electronic address shall be deemed to have been received by the person and a copy of the Division's records sent under the authority of this section is sufficient evidence that notice was sent to the person named in the record, at the physical or electronic address indicated in the record, and for the purpose indicated in the record.

(b) Notwithstanding any other provision of this Chapter at any time notice is now required by registered mail with return receipt requested, certified mail with return receipt requested may be used in lieu thereof and shall constitute valid notice to the same extent and degree as notice by registered mail with return receipt requested.

(c) The Commissioner shall appoint such agents of the Division as may be needed to serve revocation notices required by this Chapter. The fee for service of a revocation notice by personal delivery shall be fifty dollars (\$50.00)."

SECTION 10.(d) This section becomes effective October 1, 2016.

DMV TO PROVIDE OPTION FOR JOINT TENANCY WITH RIGHT OF SURVIVORSHIP ON APPLICATION FOR REGISTRATION AND CERTIFICATE OF TITLE

SECTION 10.5.(a) G.S. 20-52(a) reads as rewritten:

"(a) An owner of a vehicle subject to registration must apply to the Division for a certificate of title, a registration plate, and a registration card for the vehicle. To apply, an owner must complete an application provided by the Division. The application shall contain a preprinted option that co-owners may use to title the vehicle as a joint tenancy with right of survivorship. The co-owners' designation of a joint tenancy with right of survivorship on the application shall be valid notwithstanding whether this designation appears on the assignment of title. The application must request all of the following information and may request other information the Division considers necessary:

(1) The owner's name.

(1a) If the owner is an individual, the following information:

a. The owner's mailing address and residence address.

b. One of the following at the option of the applicant:

1. The owner's North Carolina drivers license number or North Carolina special identification card number.
2. The owner's home state drivers license number or home state special identification card number and valid active duty military identification card number or military dependent identification card number if the owner is a person or the spouse or dependent child of a person on active duty in the Armed Forces of the United States who is stationed in this State or deployed outside this State from a home base in this State. The owner's inability to provide a photocopy or reproduction of a military or military dependent identification card pursuant to any prohibition of the United States government or any agency thereof against the making of such photocopy or reproduction shall not operate to prevent the owner from making an application for registration and certificate of title pursuant to this subdivision.
3. The owner's home state drivers license number or home state special identification card number and proof of enrollment in a school in this State if the owner is a permanent resident of another state but is currently enrolled in a school in this State.
4. The owner's home state drivers license number or home state special identification card number if the owner provides a signed affidavit certifying that the owner intends to principally garage the vehicle in this State and provides the address where the vehicle is or will be principally garaged. For purposes of this section, "principally garage" means the vehicle is garaged for six or more months of the year on property in this State which is owned, leased, or otherwise lawfully occupied by the owner of the vehicle.
5. The owner's home state drivers license number or home state special identification card number, provided that the application is made pursuant to a court authorized sale or a sale authorized by G.S. 44A-4 for the purpose of issuing a title to be registered in another state or country.
6. The co-owner's home state drivers license number or home state special identification card number if at least one co-owner provides a North Carolina drivers license number or North Carolina special identification number.
7. The owner's home state drivers license number or special identification card number if the application is for a motor

home or house car, as defined in G.S. 20-4.01(27)d2., or for a house trailer, as defined in G.S. 20-4.01(14).

- (1b) If the owner is a firm, partnership, a corporation, or another entity, the address of the entity.
- (2) A description of the vehicle, including the following:
 - a. The make, model, type of body, and vehicle identification number of the vehicle.
 - b. Whether the vehicle is new or used and, if a new vehicle, the date the manufacturer or dealer sold the vehicle to the owner and the date the manufacturer or dealer delivered the vehicle to the owner.
- (3) A statement of the owner's title and of all liens upon the vehicle, including the names and addresses of all lienholders in the order of their priority, and the date and nature of each lien.
- (4) A statement that the owner is an eligible risk for insurance coverage as defined in G.S. 58-37-1(4a).
- (5) For registration and certificate of title for a nonfleet private passenger motor vehicle, a statement that providing incorrect or false and misleading information as to the owner's status as an eligible risk can result in criminal prosecution and the denial of insurance coverage for any loss of the owner under any insurance policies for which application is made if the owner provides false and misleading information as to eligible risk status.
- (6) For registration and certificate of title for a nonfleet private passenger motor vehicle, a statement that the owner will inform the insurer before the next policy renewal if the owner ceases to be an eligible risk."

SECTION 10.5.(b) This section becomes effective January 1, 2017.

DMV/INSPECTION OF PRE-1981 MOTOR VEHICLES/TITLING

SECTION 11.(a) G.S. 20-53(e) reads as rewritten:

"(e) No title shall be issued to an initial applicant for (i) out-of-state vehicles that are ~~35~~ 1980 model years-old-year or older or (ii) a specially constructed vehicle prior to the completion of a vehicle verification conducted by the License and Theft Bureau of the Division of Motor Vehicles. These verifications shall be conducted as soon as practical. For an out-of-state vehicle that is ~~35-1980 model years-old-year~~ or older, this inspection shall consist of verifying the public vehicle identification number to ensure that it matches the vehicle and ownership documents. No covert vehicle identification numbers are to be examined on an out-of-state vehicle ~~35-1980 model years-year~~ or older unless the inspector develops probable cause to believe that the ownership documents or public vehicle identification number presented does not match the vehicle being examined. However, upon such application and the submission of any required documentation, the Division shall be authorized to register the vehicle pending the completion of the verification of the vehicle. The registration shall be valid for one year but shall not be renewed unless and until the vehicle examination has been completed.

If an inspection and verification is not conducted by the License and Theft Bureau of the Division of Motor Vehicles within 15 days after receiving a request for such and the inspector has no probable cause to believe that the ownership documents or public vehicle identification number presented does not match the vehicle being examined, the vehicle shall be deemed to have satisfied all inspection and verification requirements and title shall issue to the owner within 15 days thereafter. If an inspection and verification is timely performed and the vehicle passes the inspection and verification, title shall issue to the owner within 15 days of the date of the inspection."

SECTION 11.(b) This section becomes effective January 1, 2017.

REPEAL SIGNATURE REQUIREMENT/REGISTRATION CARD

SECTION 12.(a) G.S. 20-57(c) reads as rewritten:

"(c) ~~Every owner upon receipt of a registration card, shall write his signature thereon with pen and ink in the space provided.~~ Every such registration card shall at all times be carried in the vehicle to which it refers or in the vehicle to which transfer is being effected, as provided by G.S. 20-64 at the time of its operation, and such registration card shall be displayed upon demand of any peace officer or any officer of the Division: Provided, however, any person

charged with failing to so carry such registration card shall not be convicted if he produces in court a registration card theretofore issued to him and valid at the time of his arrest: Provided further, that in case of a transfer of a license plate from one vehicle to another under the provisions of G.S. 20-72, evidence of application for transfer shall be carried in the vehicle in lieu of the registration card."

SECTION 12.(b) G.S. 20-176(a1)(2) is repealed.

SECTION 12.(c) This section becomes effective December 1, 2016, and applies to registration cards issued on or after that date.

REVISE DEFINITION OF "AUTOCYCLE"

SECTION 12.5.(a) G.S. 20-4.01(27)a. reads as rewritten:

"a. Autocycle. – A three-wheeled motorcycle that has a steering wheel, pedals, seat safety belts for each occupant, antilock brakes, ~~air bag protection, completely~~ or partially enclosed seating that does not require the operator to straddle or sit astride, and is otherwise manufactured to comply with federal safety requirements for motorcycles."

SECTION 12.5.(b) G.S. 20-140.4(a)(2) reads as rewritten:

"(2) Unless the operator and all passengers thereon wear on their heads, with a retention strap properly secured, safety helmets of a type that complies with Federal Motor Vehicle Safety Standard (FMVSS) 218. This subdivision shall not apply to an operator ~~of an autocycle of,~~ or any passengers ~~within~~ within, an autocycle. autocycle that has completely enclosed seating."

SECTION 12.5.(c) G.S. 20-135.3(c) reads as rewritten:

"(c) For purposes of this section, the term "motorcycle" shall not include autocycles. Every autocycle registered in this State shall be equipped with sufficient anchorage units at the attachment points for attaching seat safety belts for the rear ~~seat~~ seats of the autocycle. The anchorage unit shall meet the same construction, design, and strength requirements under this section for anchorage units in motor vehicles."

MOPED INSURANCE CHANGES

SECTION 12.6.(a) G.S. 58-36-3 reads as rewritten:

"§ 58-36-3. Limitation of scope; motorcycle and moped endorsements allowed; Department of Insurance report.

(a) The Bureau has no jurisdiction over:

...
(8) ~~Liability insurance and~~ Insurance against theft of or physical damage insurance on to mopeds, as defined in G.S. 105-164.3. G.S. 20-4.01(27)d1.

(b) Member companies writing motorcycle or moped liability insurance under this Article and writing insurance against theft of or physical damage to motorcycles or mopeds under Article 40 of this Chapter may incorporate motorcycle or moped theft and physical damage coverage as an endorsement to the liability policy issued under this Article. ~~Member companies writing moped liability insurance or theft and physical damage insurance under Article 40 of this Chapter may incorporate either or both types of insurance as an endorsement to liability and physical damage policies issued under this Article.~~

...."

SECTION 12.6.(b) G.S. 58-37-1 reads as rewritten:

"§ 58-37-1. Definitions.

As used in this Article:

...
(6) "Motor vehicle" means every self-propelled vehicle that is designed for use upon a highway, including trailers and semitrailers designed for use with such vehicles (except traction engines, road rollers, farm tractors, tractor cranes, power shovels, and well drillers). "Motor vehicle" also means a motorcycle, as defined in G.S. 20-4.01(27)d. ~~"Motor vehicle" does not mean a moped, as defined in G.S. 105-164.3. Notwithstanding any other provisions of this Article, liability insurance on a moped is not eligible for cession to the Facility.~~ G.S. 20-4.01(27)d., and a moped, as defined in G.S. 20-4.01(27)d1.

...."
SECTION 12.6.(c) G.S. 58-37-35 reads as rewritten:
"§ 58-37-35. The Facility; functions; administration.

...
(b) The Facility shall reinsure for each coverage available in the Facility to the standard percentage of one hundred percent (100%) or lesser equitable percentage established in the Facility's plan of operation as follows:

- (1) For the following coverages of motor vehicle insurance and in at least the following amounts of insurance:
 - a. Bodily injury liability: thirty thousand dollars (\$30,000) each person, sixty thousand dollars (\$60,000) each accident;
 - b. Property damage liability: twenty-five thousand dollars (\$25,000) each accident;
 - c. Medical payments: one thousand dollars (\$1,000) each person; except that this coverage shall not be available for ~~motoreycles;~~motorcycles or mopeds;
 - d. Uninsured motorist: thirty thousand dollars (\$30,000) each person; sixty thousand dollars (\$60,000) each accident for bodily injury; twenty-five thousand dollars (\$25,000) each accident property damage (one hundred dollars (\$100.00) deductible);
 - e. Any other motor vehicle insurance or financial responsibility limits in the amounts required by any federal law or federal agency regulation; by any law of this State; or by any rule duly adopted under Chapter 150B of the General Statutes or by the North Carolina Utilities Commission.
- (2) Additional ceding privileges for motor vehicle insurance shall be provided by the Board of Governors up to the following:
 - a. Bodily injury liability: one hundred thousand dollars (\$100,000) each person, three hundred thousand dollars (\$300,000) each accident;
 - b. Property damage liability: fifty thousand dollars (\$50,000) each accident;
 - c. Medical payments: two thousand dollars (\$2,000) each person; except that this coverage shall not be available for ~~motoreycles;~~motorcycles or mopeds;
 - d. Underinsured motorist: one million dollars (\$1,000,000) each person and each accident for bodily injury liability; and
 - e. Uninsured motorist: one million dollars (\$1,000,000) each person and each accident for bodily injury and fifty thousand dollars (\$50,000) each accident for property damage (one hundred dollars (\$100.00) deductible).
- (2a) For persons who must maintain liability coverage limits above those available under subdivision (2) of this subsection in order to obtain or continue coverage under personal excess liability or personal "umbrella" insurance policies, additional ceding privileges for motor vehicle insurance shall be provided by the Board of Governors up to the following:
 - a. Bodily injury liability: two hundred fifty thousand dollars (\$250,000) each person, five hundred thousand dollars (\$500,000) each accident.
 - b. Property damage liability: one hundred thousand dollars (\$100,000) each accident.
 - c. Medical payments: five thousand dollars (\$5,000) each person; except that this coverage shall not be available for ~~motoreycles;~~motorcycles or mopeds.
 - d. Uninsured motorist: one hundred thousand dollars (\$100,000) each accident for property damage (one hundred dollars (\$100.00) deductible).
- (3) Whenever the additional ceding privileges are provided as in G.S. 58-37-35(b)(2) for any component of motor vehicle insurance, the same additional ceding privileges shall be available to "all other" types of risks subject to the rating jurisdiction of the North Carolina Rate Bureau.

...."

SECTION 12.6.(d) G.S. 58-40-10 reads as rewritten:

"§ 58-40-10. Other definitions.

As used in this Article and in Articles 36 and 37 of this Chapter:

(1) "Private passenger motor vehicle" means:

...

c. A motorcycle, motorized ~~seoter-scooter, moped,~~ or other similar motorized vehicle not used for commercial purposes. ~~A moped, as defined in G.S. 105-164.3, is not considered a motorcycle, motorized scooter, or other similar motorized vehicle.~~

...."

SECTION 12.6.(e) G.S. 58-40-15 reads as rewritten:

"§ 58-40-15. Scope of application.

The provisions of this Article shall apply to all insurance on risks or on operations in this State, except for all of the following:

- (1) Reinsurance, other than joint reinsurance to the extent stated in G.S. 58-40-60.
- (2) Any policy of insurance against loss or damage to or legal liability in connection with property located outside this State, or any motor vehicle or aircraft principally garaged and used outside of this State, or any activity wholly carried on outside this State.
- (3) Insurance of vessels or craft, their cargoes, marine builders' risks, marine protection and indemnity, or other risks commonly insured under marine, as distinguished from inland marine, insurance policies.
- (4) Accident, health, or life insurance.
- (5) Annuities.
- (6) Repealed by Session Laws 1985, c. 666, s. 43.
- (7) Mortgage guaranty insurance.
- (8) Workers' compensation and employers' liability insurance written in connection therewith.
- (9) For private passenger (nonfleet) motor vehicle liability insurance, automobile medical payments insurance, uninsured motorists' coverage and other insurance coverages written in connection with the sale of such liability insurance; ~~except this Article applies to motor vehicle liability insurance, automobile medical payments insurance, uninsured motorists' coverage, and theft or physical damage insurance on mopeds, as defined in G.S. 105-164.3, insurance.~~
- (10) Theft of or physical damage to nonfleet private passenger motor vehicles; except this Article applies to insurance against theft of or physical damage to motorcycles, as defined in ~~G.S. 20-4.01(27)d.~~G.S. 20-4.01(27)d., and ~~moped, as defined in G.S. 20-4.01(27)d1.~~
- (11) Insurance against loss to residential real property with not more than four housing units located in this State or any contents thereof or valuable interest therein and other insurance coverages written in connection with the sale of such property insurance. Provided, however, that this Article shall apply to insurance against loss to farm dwellings, farm buildings and their appurtenant structures, farm personal property and other coverages written in connection with farm real or personal property; travel or camper trailers designed to be pulled by private passenger motor vehicles unless insured under policies covering nonfleet private passenger motor vehicles; residential real and personal property insured in multiple line insurance policies covering business activities as the primary insurable interest; and marine, general liability, burglary and theft, glass, and animal collision insurance except when such coverages are written as an integral part of a multiple line insurance policy for which there is an indivisible premium.

The provisions of this Article shall not apply to hospital service or medical service corporations, investment companies, mutual benefit associations, or fraternal beneficiary associations."

SECTION 12.6.(f) This section becomes effective July 1, 2016.

AMEND "MOPED" DEFINITION

SECTION 13.(a) G.S. 20-4.01 reads as rewritten:

"§ 20-4.01. Definitions.

Unless the context requires otherwise, the following definitions apply throughout this Chapter to the defined words and phrases and their cognates:

...
(7a) Electric Assisted Bicycle. – A bicycle with two or three wheels that is equipped with a seat or saddle for use by the rider, fully operable pedals for human propulsion, and an electric motor of no more than 750 watts, whose maximum speed on a level surface when powered solely by such a motor is no greater than 20 miles per hour.

~~(7a)~~(7b) Electric Personal Assistive Mobility Device. – A self-balancing nontandem two-wheeled device, designed to transport one person, with a propulsion system that limits the maximum speed of the device to 15 miles per hour or less.

~~(7b)~~(7c) Employer. – Any person who owns or leases a commercial motor vehicle or assigns a person to drive a commercial motor vehicle and would be subject to the alcohol and controlled substance testing provisions of 49 C.F.R. § 382 and also includes any consortium or third-party administrator administering the alcohol and controlled substance testing program on behalf of owner-operators subject to the provisions of 49 C.F.R. § 382.

...
(21a) ~~Moped.~~— ~~A type of passenger vehicle as defined in G.S. 105-164.3.~~

...
(23) Motor Vehicle. – Every vehicle which is self-propelled and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle. Except as specifically provided otherwise, this term shall not include ~~mopeds as defined in G.S. 20-4.01(27)~~d1. mopeds or electric assisted bicycles.

...
(27) Passenger Vehicles. –

...
c2. Motor-driven bicycle. – A vehicle with two or three wheels, a steering handle, one or two saddle seats, pedals, and a motor that cannot propel the vehicle at a speed greater than 20 miles per hour on a level surface. This term shall not include an electric assisted bicycle as defined in subdivision (7a) of this section.

d. Motorcycles. – Vehicles having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, including autocycles, motor scooters, and motor-driven bicycles, but excluding tractors and utility vehicles equipped with an additional form of device designed to transport property, three-wheeled vehicles while being used by law-enforcement agencies ~~agencies, electric assisted bicycles, and mopeds as defined in subdivision d1-sub-subdivision d1. of this subsection-subdivision.~~

d1. Moped. – ~~Defined in G.S. 105-164.3.~~A vehicle, other than a motor-driven bicycle or electric assisted bicycle, that has two or three wheels, no external shifting device, a motor that does not exceed 50 cubic centimeters piston displacement and cannot propel the vehicle at a speed greater than 30 miles per hour on a level surface. The motor may be powered by electricity, alternative fuel, motor fuel, or a combination of each.

...
(49) Vehicle. – Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon fixed rails or tracks; provided, that for the purposes of this Chapter bicycles and electric assisted bicycles shall be deemed vehicles and every rider of a bicycle or an electric assisted

bicycle upon a highway shall be subject to the provisions of this Chapter applicable to the driver of a vehicle except those which by their nature can have no application. This term shall not include a device which is designed for and intended to be used as a means of transportation for a person with a mobility impairment, or who uses the device for mobility enhancement, is suitable for use both inside and outside a building, including on sidewalks, and is limited by design to 15 miles per hour when the device is being operated by a person with a mobility impairment, or who uses the device for mobility enhancement. This term shall not include an electric personal assistive mobility device as defined in ~~G.S. 20-4.01(7a)~~subdivision (7b) of this section.

...."

SECTION 13.(b) G.S. 20-10.1 reads as rewritten:

"§ 20-10.1. Mopeds.

It shall be unlawful for any person who is under the age of 16 years to operate a moped as defined in ~~G.S. 105-164.3~~G.S. 20-4.01(27)d1. upon any highway or public vehicular area of this State."

SECTION 13.(c) G.S. 20-171.1 reads as rewritten:

"§ 20-171.1. Definitions.

As used in this Part, except where the context clearly requires otherwise, the words and expressions defined in this section shall be held to have the meanings here given to them:

Bicycle. – A nonmotorized vehicle with two or three wheels tandem, a steering handle, one or two saddle seats, and pedals by which the vehicle is ~~propelled~~propelled, or an electric assisted bicycle, as defined in G.S. 20-4.01(7a)."

SECTION 13.(d) G.S. 20-175.6 reads as rewritten:

"§ 20-175.6. Electric personal assistive mobility devices.

(a) Electric Personal Assistive Mobility Device. – As defined in ~~G.S. 20-4.01(7a)~~G.S. 20-4.01(7b).

...."

SECTION 13.(e) Reserved.

SECTION 13.(f) G.S. 58-37-1 reads as rewritten:

"§ 58-37-1. Definitions.

As used in this Article:

...

(6) "Motor vehicle" means every self-propelled vehicle that is designed for use upon a highway, including trailers and semitrailers designed for use with such vehicles (except traction engines, road rollers, farm tractors, tractor cranes, power shovels, and well drillers). "Motor vehicle" also means a motorcycle, as defined in G.S. 20-4.01(27)d. "Motor vehicle" does not mean a moped, as defined in ~~G.S. 105-164.3~~G.S. 20-4.01(27)d1., or an electric assisted bicycle, as defined in G.S. 20-4.01(7a). Notwithstanding any other provisions of this Article, liability insurance on a moped is not eligible for cession to the Facility.

...."

SECTION 13.(g) Reserved.

SECTION 13.(h) G.S. 105-164.3 reads as rewritten:

"§ 105-164.3. Definitions.

The following definitions apply in this Article:

...

(22) Moped. – ~~A vehicle that has two or three wheels, no external shifting device, and a motor that does not exceed 50 cubic centimeters piston displacement and cannot propel the vehicle at a speed greater than 30 miles per hour on a level surface.~~As defined in G.S. 20-4.01(27)d1.

...."

SECTION 13.(i) G.S. 20-51(14) reads as rewritten:

"§ 20-51. Exempt from registration.

The following shall be exempt from the requirement of registration and certificate of title:

...

- (14) Electric personal assistive mobility devices as defined in ~~G.S. 20-4.01(7a)~~-G.S. 20-4.01(7b).

...."

SECTION 13.(j) This section becomes effective December 1, 2016, and applies to offenses committed on or after that date.

SECTION 13.1. Reserved.

ALLOW DEALER PLATES FOR EMPLOYEES OF INDEPENDENT DEALERS AND FAMILY MEMBERS

SECTION 13.5. G.S. 20-79(d)(5)f. reads as rewritten:

"(d) Restrictions on Use. – A dealer license plate may be displayed only on a motor vehicle that meets all of the following requirements:

...
(5) Is driven on a highway by a person who meets one of the following descriptions:

...
f. Is an officer, sales representative, or other employee of ~~a~~an independent or franchised motor vehicle dealer or is an immediate family member of an officer, sales representative, or other employee of ~~a~~an independent or franchised motor vehicle dealer."

LAW ENFORCEMENT/PROVIDE ACCIDENT REPORT TO INSURER

SECTION 13.8. G.S. 20-166.1(e) reads as rewritten:

"(e) Investigation by Officer. – The appropriate law enforcement agency must investigate a reportable accident. A law-enforcement officer who investigates a reportable accident, whether at the scene of the accident or by subsequent investigations and interviews, must make a written report of the accident within 24 hours of the accident and must forward it as required by this subsection. The report must contain information on financial responsibility for the vehicle driven by the person whom the officer identified as at fault for the accident.

If the officer writing the report is a member of the State Highway Patrol, the officer must forward the report to the Division. If the officer is not a member of the State Highway Patrol, the officer must forward the report to the local law enforcement agency for the area where the accident occurred. A local law enforcement agency that receives an accident report must forward it to the Division within 10 days after receiving the report. Upon request of the driver of the motor vehicle involved in the accident or the insurance agent or company identified by the driver under subsection (b) of this section, and notwithstanding any provision of Chapter 132 of the General Statutes to the contrary, the officer writing the report may forward an uncertified copy of the report to the insurance agent or company identified by the driver under subsection (b) of this section if evidence satisfactory to the officer is provided showing a certified copy of the report has been requested from the Division and the applicable fee set in G.S. 20-42 has been paid. Nothing in this section shall prohibit a law enforcement agency from providing to the public accident reports or portions of accident reports that are public records.

When a person injured in a reportable accident dies as a result of the accident within 12 months after the accident and the death was not reported in the original report, the law enforcement officer investigating the accident must file a supplemental report that includes the death."

SECTION 14. Reserved.

PART V. UNMANNED AIRCRAFT SYSTEM TECHNICAL CHANGE

SECTION 14.5. G.S. 63-96 reads as rewritten:

"§ 63-96. Permit required for commercial operation of unmanned aircraft systems.

(a) No person shall operate an unmanned aircraft system, as defined in G.S. 15A-300.1, in this State for commercial purposes unless the person is in possession of a permit issued by the Division valid for the unmanned aircraft system being operated. Application for the permit shall be made in the manner provided by the Division. Unless suspended or revoked, the permit shall be effective for a period to be established by the Division not exceeding eight years.

(b) No person shall be issued a permit under this section unless all of the following apply:

(1) The person is at least ~~17~~16 years of age.

- (2) The person possesses a valid drivers license issued by any state or territory of the United States or the District of Columbia.
- (3) The person has passed the knowledge test for operating an unmanned aircraft system as prescribed in G.S. 63-95(b).
- (4) The person has satisfied all other applicable requirements of this Article or federal regulation.

...."

PART VI. MAP ACT CHANGES

MODIFY USE OF STI FUNDS

SECTION 15. Notwithstanding any provision of law to the contrary, damages, right-of-way costs, and planning and design costs related to litigation concerning the adoption of a transportation corridor official map under Article 2E of Chapter 136 of the General Statutes shall be paid from the tier under Article 14B of Chapter 136 of the General Statutes in which the project covered by the transportation corridor official map was funded under or is programmed to be funded under. For projects covered by a transportation corridor official map that were not funded, or are not programmed to be funded, under Article 14B of Chapter 136 of the General Statutes, damages, right-of-way costs, and planning and design costs related to litigation concerning the adoption of the transportation corridor official map shall be paid from the regional allocation of funds under Article 14B of Chapter 136 of the General Statutes for the region covered by the transportation corridor official map.

ONE YEAR MORATORIUM ON NEW MAPS UNDER MAP ACT

SECTION 16. G.S. 136-44.50 is amended by adding a new subsection to read:

"(h) No new transportation corridor official map may be adopted pursuant to this section from July 1, 2016, to July 1, 2017."

ALL MAP ACT CORRIDOR MAPS RESCINDED

SECTION 17.(a) All transportation corridor official maps adopted pursuant to Article 2E of Chapter 136 of the General Statutes, and any amendments thereto, are hereby rescinded, and all restrictions under Article 2E of Chapter 136 of the General Statutes shall no longer apply to properties or portions of properties within the affected transportation corridors.

SECTION 17.(b) The Department shall post information concerning each map rescinded pursuant to subsection (a) of this section on its Web site, and provide notice of each map rescinded pursuant to subsection (a) of this section to all of the following for the affected jurisdictions:

- (1) The office of the city clerk.
- (2) The county tax supervisor and city tax collector.
- (3) The register of deeds.
- (4) The city and county planning agency.

SECTION 17.(c) Nothing in subsection (a) of this section shall be construed as tolling, delaying, or otherwise modifying the time in which a complaint must be filed under G.S. 136-111.

MODIFY DOT CONDEMNATION INTEREST RATE

SECTION 18.(a) G.S. 24-1 reads as rewritten:

"§ 24-1. **Legal rate is eight percent.**

~~The~~ Except as otherwise provided in G.S. 136-113, the legal rate of interest shall be eight percent (8%) per annum for such time as interest may accrue, and no more."

SECTION 18.(b) G.S. 136-113 reads as rewritten:

"§ 136-113. **Interest as a part of just compensation.**

To said amount awarded as damages by the commissioners or a jury or judge, the judge shall, as a part of just compensation, add interest at the legal rate ~~as provided in G.S. 24-1~~ on said amount from the date of taking to the date of judgment; but interest shall not be allowed from the date of deposit on so much thereof as shall have been paid into court as provided in this Article. For purposes of this section, the term "legal rate" means the prime lending rate, as published by the Board of Governors of the Federal Reserve System on the first business day of

the calendar month immediately preceding the date of taking. The legal rate established under this section shall not exceed the legal rate set in G.S. 24-1."

SECTION 18.(c) This section is effective when it becomes law and applies to causes of action filed on or after that date.

DOT/STUDY PROCESS FOR PROTECTING PROPOSED TRANSPORTATION CORRIDORS

SECTION 19. The Department of Transportation shall study the development of a process that equitably balances the interest of the State in protecting proposed transportation corridors from development, the property rights of affected landowners, and the taxpayers of the State. Beginning October 1, 2016, the Department shall report quarterly to the General Assembly and to the Joint Legislative Transportation Oversight Committee on its progress in completing the study required under this section. By July 1, 2017, the Department shall submit a final report to the General Assembly and to the Joint Legislative Transportation Oversight Committee detailing its findings and recommendations, including any legislative proposals.

PART VII. EFFECTIVE DATE

SECTION 20. Except as otherwise provided, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 1st day of July, 2016.

s/ Philip E. Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

Pat McCrory
Governor

Approved _____ .m. this _____ day of _____, 2016



Applicant:
Harrison Cove, LLC.

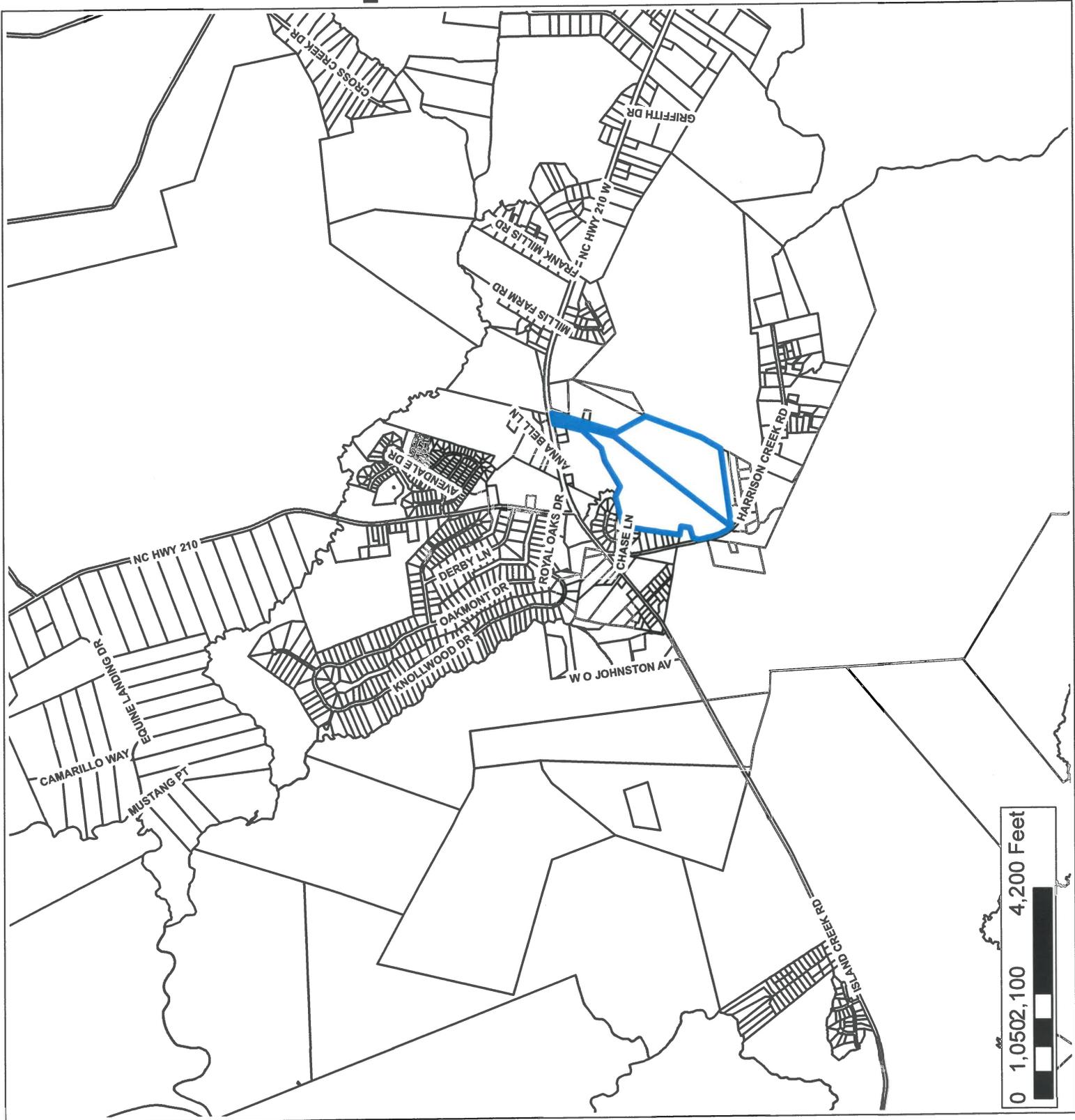
Owner:
Parks Family Forestry, LLC.

Case Number:
286-2016

Legend
 Subject Properties



VICINITY





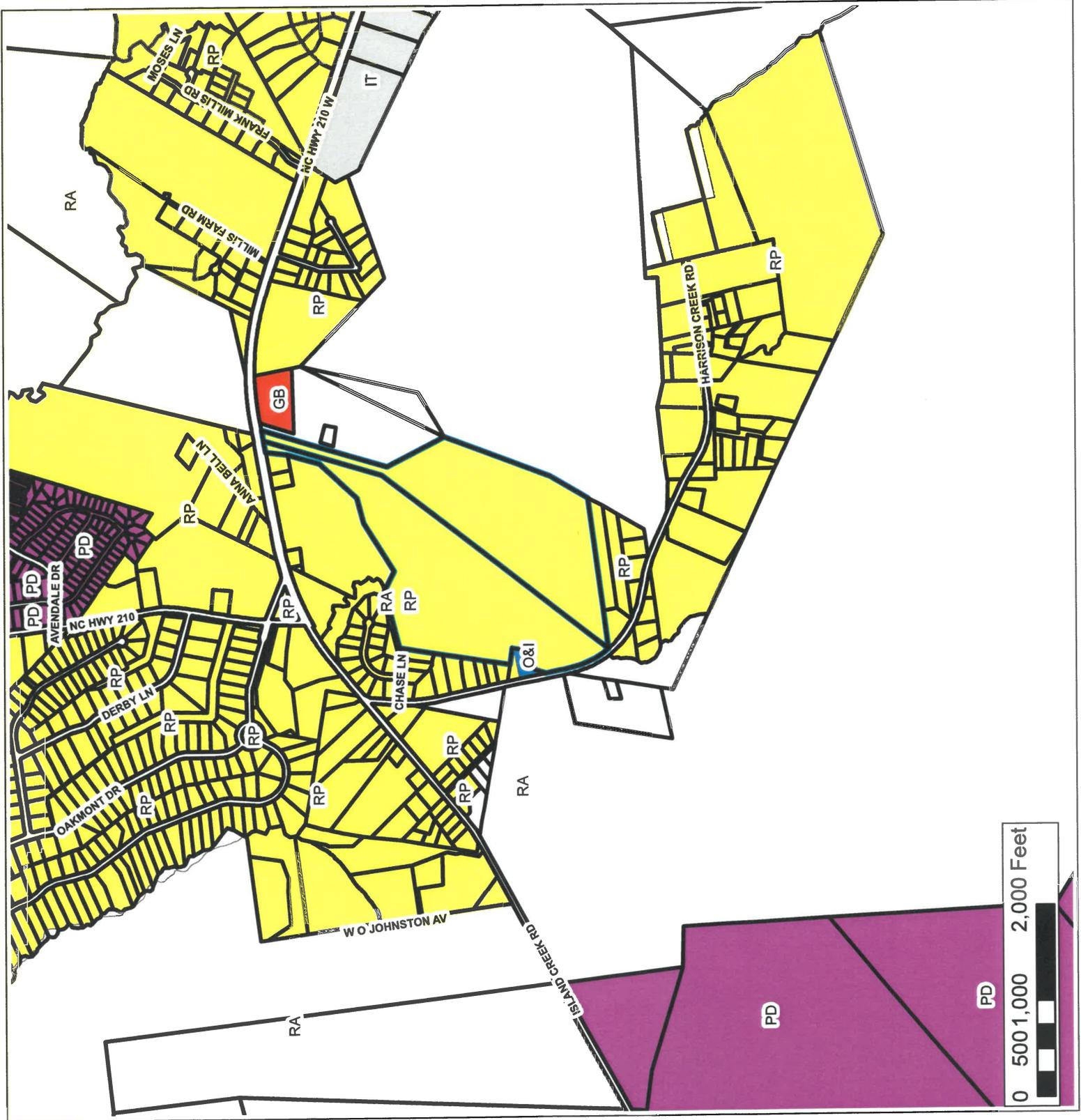
Applicant:
Harrison Cove, LLC.

Owner:
Parks Family Forestry, LLC.

Case Number:
286-2016

Legend

- Subject Properties
- EC, Environmental Conservation
- GB, General Business
- GI, General Industrial
- IT, Industrial Transitional
- O&I, Office & Institutional
- PD, Planned Development
- RA, Rural Agricultural
- RP, Residential Performance



CURRENT ZONING



Applicant:
Harrison Cove, LLC.

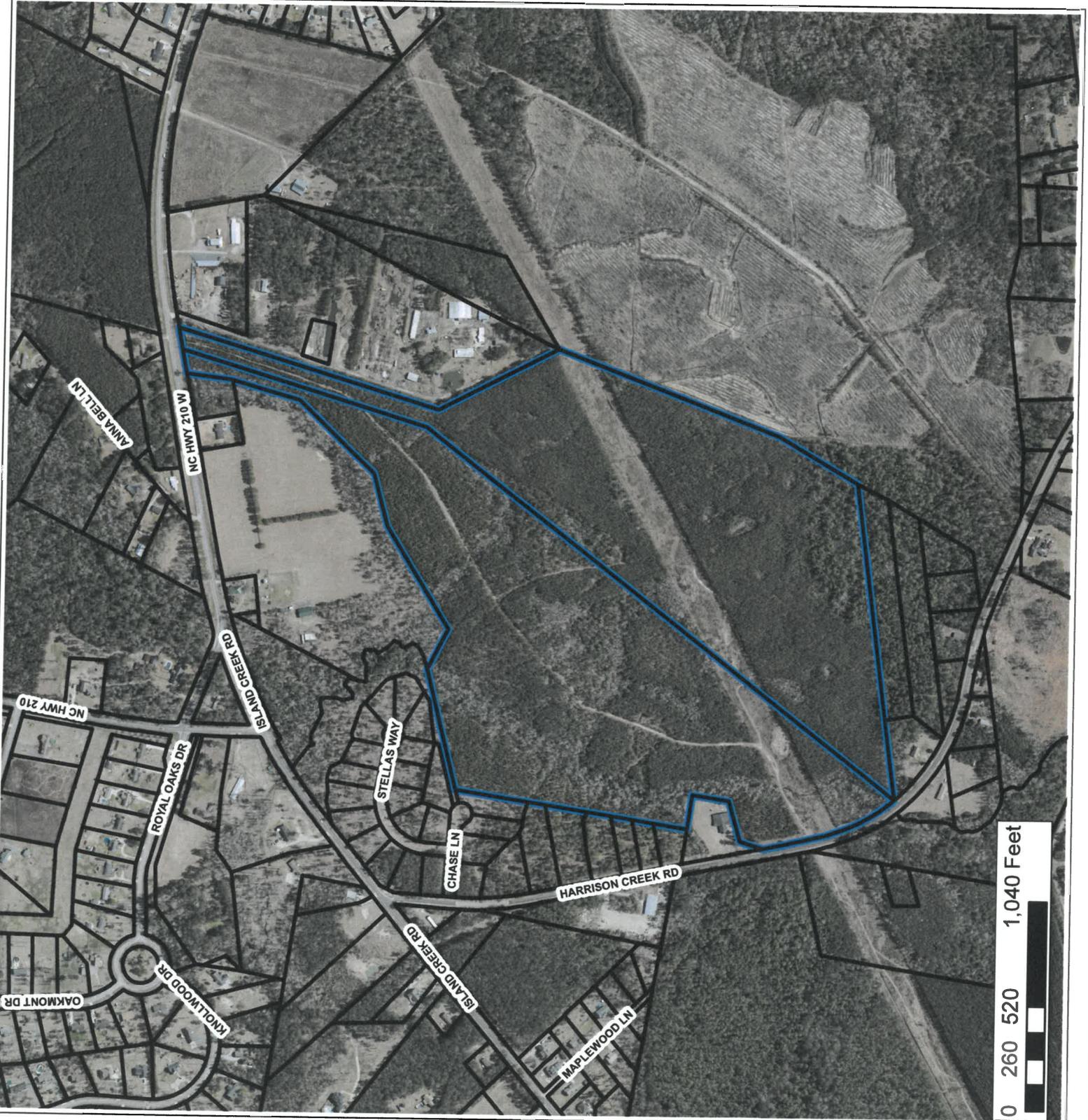
Owner:
Parks Family Forestry, LLC.

Case Number:
286-2016

Legend



2012 AERIAL





Applicant:
Harrison Cove, LLC.

Owner:
Parks Family Forestry, LLC.

Case Number:
286-2016

Legend

-  Hampstead Bypass Corridor
-  Subject Properties



**PROPOSED
HAMPSTEAD
BYPASS**

