

REQUEST FOR BOARD ACTION / CONTRACT CONTROL FORM

Tracking Number: 22.

Date of Request: January 7, 2008

Date Request Received:

Board Meeting: January 22, 2008

Board Meeting: January 22, 2008

Date Requested:

Date Assigned:

Short Title: Consideration Of A Text Amendment To The Pender County Zoning Ordinance Section 8.9, Table Of Permitted Uses.

Request Status:

- Request is proceeding to Board of Commissioners
- More information is needed – see attached
- Request on hold – no further information needed
- Other:

Background: The applicant, Mr. Don O'Neil, is requesting a text amendment to the Pender County Zoning Ordinance Section 8.9, Table of Permitted Uses. It is requested that "Office Only, Single Unit, Business, Government Services and Professional Activities" be permitted in the R-20, Residential District with a Special Use Permit.

(Administrative Use Only)

Specific Action Requested: The Board of Commissioners is requested to consider a text amendment to the Pender County Zoning Ordinance, Section 8.9, Table of Permitted Uses.

CONTRACT TYPE

Requested by: Planning Staff
Department: Planning Department
Title: Planning
Contact Phone: 910.259.1202
Contact Fax: 910.259.3735

- Renewal
- For Service(s)
- Intergovernmental – County as Grantee
 - Federal Grantor
 - State Grantor
 - Grantor
- County as Grantor
 - County Funds
 - Other Funds:
- Revision
- For Equipment

PURCHASING Budgeted Item: Yes No
Date Rec'd: Reviewed and Approved
 Comments on Reverse

Date Sent: Signed:

ATTORNEY Reviewed and Approved
Date Rec'd: Legal Problem(s)
 Comments on Reverse

Date Sent: Signed:

FINANCE Sufficient Funds Available
Date Rec'd: Not Available
 Budget Amendment Necessary
 Budgeted Amendment is Attached
 Comments on Reverse

Date Sent: Signed:

CLERK Signature(s) Required:
 Board Chairman/County Manager
 Other:

Date Rec'd Approved by Board: Yes No
At meeting on

INTRODUCED BY: Planning Staff DATE: January 22, 2008 ITEM NO: _____

Pender County Zoning Ordinance Text Amendment
Section 8.9, Services – Office Only, Single Unit, Business, Government Services and Professional Activities

SUBJECT: Zoning Ordinance Text Amendment

ACTION REQUESTED: Consider a Text Amendment to the Zoning Ordinance to allow Office Only, Single Unit, Business, Government Services & Professional Activities as a Permitted Use in the R-20, Residential District, requiring a Special Use Permit.

HISTORY/BACKGROUND:

Description of Request: The request consists of amending the current Pender County Zoning Ordinance Table of Permitted Uses, Section 8.9, to allow Office Only, Single Unit, Business, Government Services & Professional Activities as a Permitted Use with a Special Use Permit in the R-20, Residential District (*see attached applicant's application & description of request*).

History/Background Relating to Proposed Amendment: The Zoning Ordinance currently does not permit Single Unit, Business, Government Services & Professional Activities as a use by-right or by Special Use Permit in the R-20, Residential District.

EVALUATION:

A) Public Notifications: Public Notice of the request for text change has been advertised in the Pender Post and Topsail Voice.

B) Planning Staff Recommendation to Planning Board: After further review, the planning staff would like to possibly add this use under special provisions (Section 15.5, Pender County Zoning Ordinance). Staff is presenting this to the Planning Board for possible input on conditions set for this request: Office Only, Single Unit, Business, Government Services and Professional Activities permitted by Special Use in an R-20 Residential District as defined by the Pender County Zoning Ordinance as a district in which the principal use of land is for moderate density single-family residential purposes. The regulations of this district are to permit development compatible with moderate density standards while providing limited growth. It is designed to accommodate residential opportunities for those who desire a moderate density lifestyle and are willing to assume the cost of providing many of their own services and amenities while maximizing the protection of resources and the conservation of open space.

In order to protect the residential uses in this district, specific provisions concerning this use may be needed. Examples are opaque fencing between uses, limiting hours of operation, and lighting and site safety regulations.

Accompanying this report, staff has drafted an ordinance governing this use and district. The Planning Board tabled this request at their October 2, 2007 meeting to allow staff to draft additional conditions. This request was fulfilled, and the Planning Board proceeded to vote on their recommendation.

PLANNING BOARD RECOMMENDATION: The Pender County Planning Board, at their October 7, 2007 meeting, voted unanimously to recommend approval of this zoning text amendment.

AMENDMENTS:

Planning Board

Motion: Millette **Seconded** Gonzales

Approved: x **Denied:** Unanimous x

Walton Reynolds Garrett Gonzales Marshburn Millette Smith

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED, that on January 22, 2008, the Pender County Board of Commissioners (approved, denied, modified) a text amendment to the Pender County Zoning Ordinance (section 8.9 table of permitted used), as described herein and James David Williams Jr., Chairman to the Board, is authorized to execute the order implementing this resolution and provide notice to the applicant of the action taken herein.

AMENDMENTS:

MOVED _____ **SECONDED** _____

APPROVED _____ **DENIED** _____ **UNANIMOUS** _____

YEA VOTES: Williams _____ Blanchard _____ Brown _____ Rivenbark _____ Tate _____

James David Williams Jr.,
Chairman 1-22-2008
Date

ATTEST 1-22-2008
DATE

SECT. 8 TABLE OF PERMITTED USES

PERMITTED USES	PD	R-20C	R-20	R-15	R-10	B-1	B-2	B-3	I-1	I-2	A	RT	RA	FA	WS
TRADE CONT.															
Pawn Shops															
Restaurants	P					P	P	P	P	P		S	S	S	
Shopping Centers(see def. & ZI 13 & 14)	P					S	S	S				S	S		
Wholesaling(see ZI 28)	P						S		P	P		S			
SERVICES															
Appliance Repair	P					P	P	P				S	S		
Automobile, Truck & Small Machinery Repair	P					S	P	S	P	P		S	S		
Automobile Rentals	P						P	P		P		S			
Auto Teller Machines (See Sect. 14.9)	P					P	P	P				P	P		
Bank, Credit Agencies, Savings & Loan	P					P	P	P				P	S		
Barber & Beauty	P					P	P	P				P	P		
Boat Repair	P					S	P	S	P	P		S	S		
Car Wash							S								
Office Only, Single Unit, Business, Government Services & Professional Activities	P		S			P	P	P	P			P	P		
Office Complex, Business, Government Service & Professional Activities	P					S	P	S	P			S			
Printing, Copy Shops, Retail	P					P	P	P	P			S	S		
Camping, Travel Trailer Parks(See ZI 3 & TT Park Regs)	SP			S	S		S					S	S	S	
Catering	P					P	P	P	P	P	P	S	S		
Cemeteries (all types)							S	S	S	S	S	S	S		
Crematories (all types)						S	S	S	S	S	S	S	S		
Day Care Facility, Child, (6 or more children) (see ZI 3 & 7)	P	S	S	S	S	S	S	S		S	S	S	S		
Drive-In Theater							S								
Dry Cleaning/Laundry Plant/Laundromat	P					P	P	P	P	P		S			
Electrical Repair Shop	P					P	P	S	P	P		S			
Equipment Rental & Leasing	P					S	P	S	P	P		S			
Fire, Rescue and Medical Transport	P					P	P	P	P	P		P	P		

SECTION 15 – SPECIAL USES PENDER COUNTY ZONING ORDINANCE

15.5 Specific Provisions Concerning Certain Listed Special & Permitted Uses

F. Office Only, Single Unit, Business, Government Services & Professional Activities in the R-20, Residential District, approved by Special Use Permit shall meet the following provisions:

- 1) Character of the site shall match the existing neighborhood in which the specified use is located.
- 2) Provide buffers (residential) along all property lines including all road frontages. (see section 14)
- 3) Shall be limited to major county thoroughfares including US HWY 17, US HWY 421, NC 210, NC 117, NC 11 and NC 53, having direct access
- 4) Hours shall be limited to normal operating hours of 8:00 a.m. to 6:00 p.m.
- 5) The site shall be able to provide adequate ingress and egress to the adjoining road way.
- 6) There shall be minimal lighting to not disturb neighboring property owners and traffic.
- 7) Traffic impacts shall be limited to volume customary to residential uses.

DRAFT