

# REQUEST FOR BOARD ACTION / CONTRACT CONTROL FORM

**Tracking Number:** 29.

**Date of Request:** January 7, 2008

**Date Request Received:**

**Board Meeting Date Requested:** January 22, 2008

**Board Meeting Date Assigned:** January 22, 2008

**Short Title:** Consideration Of A Text Amendment To The Pender County Zoning Ordinance Section 2, 8.10, And Section 9.

**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. Glen Lewis, is requesting a text amendment to the Pender County Zoning Ordinance Section 2, Definitions, Section 8.10, Schedule of District Requirements, and Section 9, Supplementary District Regulations. All Relating to Building Height.

*(Administrative Use Only)*

**Specific Action Requested:** The Board of Commissioners is requested to consider a text amendment to the Pender County Zoning Ordinance, Section 2, 8.10, and Section 9.

**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 2, Definitions (Building, Height of)**  
**Section 8.10 Schedule of District Requirements (Note: 6)**  
**Section 9 – Supplementary District Regulations (9.16 – Maximum Building Height)**

**SUBJECT:** Zoning Ordinance Text Amendment

**ACTION REQUESTED:** Consider a Text Amendment to the Zoning Ordinance to raise the County height limit for all residential and commercial structures in all current zoning districts.

**HISTORY/BACKGROUND:**

**Description of Request:** The request consists of amending the current Pender County Zoning Ordinance Sections 2 – Definitions; 8.10 – Schedule of District Requirements; and section 9 – Supplementary District Regulations (*see attached applicant's application & description of request*). The applicant requests that any structure exceeding thirty five feet (35') could have the option to apply for a Special Use Permit, being granted by the Board of County Commissioners.

**History/Background Relating to Proposed Amendment:** The Zoning Ordinance currently does not allow structures to exceed the height of thirty five feet (35'), only with the exception of Section 10.3 – Height Limit Exceptions, which includes but is not limited to non-human occupancy structures above the roof line and necessary mechanical appurtenances.

**EVALUATION:**

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

**B) Planning Staff Recommendation to Planning Board:** Planning Staff would like to receive input from the Planning Board as to their options for exploration on height limits. Staff has researched other jurisdictions in our geographical area and their height limits. You will find attached, a summary of Planning Staff's findings.

**C) Planning Board Recommendation:** The Pender County Planning Board, at its January 8, 2008 meeting, recommended denial of this rezoning request in a unanimous vote.

**AMENDMENTS:**

**Planning Board**

Motion: Smith **Seconded** Gonzales

Approved: \_\_\_\_\_ **Denied:** x **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 2 – definitions; 8.10 – schedule of district requirements; section 9 – supplementary district regulations), 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 \_\_\_\_\_ Tate \_\_\_\_\_ Blanchard \_\_\_\_\_ Brown \_\_\_\_\_ Rivenbark \_\_\_\_\_

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

\_\_\_\_\_  
**ATTEST** 1-22-2008  
**DATE**

## Zoning Text Amendment – Glen Lewis

*\*proposed amendments*

### SECTION 2 - DEFINITIONS

19) Building, Height of  
The vertical distance from the average sidewalk grade or street grade or finished grade at the building line, whichever is the highest, to the highest point of the building.

\*19) Building, Height of  
*The vertical distance from the highest adjacent grade, to the first 'eave' of the building.*

#### Eave

1. *The lower border of a roof that overhangs the wall. (Source: Merriam-Webster)*
2. *The overhanging lower edge of a roof. (Source: dictionary.com)*

### 8.10 Schedule of District Requirements (9)(12)(15)

(6) Note: The Board of Adjustment may grant approval of construction where heights are greater than those listed in the District Requirements in any area. See also Section 10.3.

\* (6) *Note: The Board of Commissioners may grant approval of construction where heights are greater than those listed in the District Requirements in any area. See also Section 10.3 and 9.16.*

### SECTION 9 – SUPPLEMENTARY DISTRICT REGULATIONS

#### \*9.16 Maximum Building Height

*Any building exceeding thirty-five feet (35') must meet the following requirements:*

- A. Any height limit above thirty-five feet (35') shall require a special use permit approved by the Pender County Board of County Commissioners. This requirement shall apply to any use, in all zoning districts.*
- B. The proposed use must meet all requirements and is subject to all provisions of Section 15 (Special Uses) of the Pender County Zoning Ordinance.*
- C. For buildings exceeding thirty-five feet (35'), the applicant shall be required to submit expert evidence that sufficient safeguards regarding fire protection and rescue area are in place.*