



## REQUEST FOR BOARD ACTION

ITEM NO. 20.

**DATE OF MEETING:** October 18, 2010

**REQUESTED BY:** Kyle Breuer, Director, Department of Planning and Community Development

**SHORT TITLE:** Public Hearing and Resolution Requesting Approval of a Zoning Text Amendment

**BACKGROUND:** Staff has identified several areas within the adopted Unified Development Ordinance (UDO) which need to be addressed. The amendments proposed correct minor errors in the Ordinance, and also revises the Ordinance to maintain consistency with state statutes.

**SPECIFIC ACTION REQUESTED:** To hold a public hearing and consider the request to amend the Unified Development Ordinance. Articles 3.8.4.D.19, 4.14.1, 5.2, 6, and Appendix A-Definitions.

**PLANNING STAFF REPORT**  
**Zoning Text Amendment**

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**SUMMARY:**

**Hearing Date:** Planning Board – September 7, 2010  
 Board of Commissioners – October 18, 2010  
**Applicant:** Administrator, Division of Planning  
**Application Number:** 10-10-18-01 Pender County

**Text Amendment Proposal:** The request consists of amending the Pender County Unified Development Ordinance (UDO), Articles 3,4,5,6, and Appendix A-Definitions

**Background:** The Text Amendments were first introduced to the Pender County Planning Board at the August 3, 2010 meeting as discussion items. The Pender County Planning Board directed staff to submit the various Text Amendments at the September 7, 2010 Meeting.

**Administrator Recommendation:** Administrator respectfully recommends **amending** the requested Articles as follows:

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**Article 3            Review Procedures**

**3.8.4. D.19 Contents of a Minor Site Plan**

**A.        Site plan and details section**

- 1) The location of all adjoining lots with the owner's name, specific use, zoning, and zoning boundaries shown.
- 2) The location of all existing or planned rights-of-way and easements that adjoin the property, with street names, widths, and speed limits shown.
- 3) All nearby entrances that are within 200 feet of any existing or proposed entrances to the site. Existing or proposed interconnections to adjoining sites as applicable.
- 4) All existing and proposed driveways, parking and loading spaces, parking lots and a description of surfacing material and construction details to be used. The size and angle of parking spaces, aisles, maneuvering areas, and loading spaces shall be shown.
- 5) A North arrow.
- 6) A graphic scale and statement of scale.
- 7) A legend describing all symbols and other features that need description.
- 8) The present zoning of all portions of the site, with the location of zoning boundaries.
- 9) The location of all existing and proposed structures, with the height, specific use, ground floor area, and total floor area labeled.
- 10) The location of all existing and proposed outdoor uses, with the height, specific use, and land area labeled.
- 11) The location of the front, side, and rear yard setback lines required by the applicable zoning district.
- 12) The location of outdoor trash receptacles.
- 13) Signage requirements per Article 9.
- 14) Landscaping requirements per Article 7.
- 15) The location of sidewalks and walkways.
- 16) The location and width of proposed easements and dedications.
- 17) The location and size of sewage disposal and water supply systems.
- 18) Facilities necessary to meet the requirements of the Fire Code.
- ~~19) A signed seal of the certified design professional who prepared the plan.~~
- 20) A space labeled "Approved by the Pender County Unified Development Administrator" for the signature of the Administrator, approval date, and a statement that reads "site plan valid for five years from approval date."
- 21) Other information or statements may be required on the site plan by the Administrator to ensure that all requirements of the Pender County Code and Land Use Plans are met.



## Article 6 Development Standards and Subdivision Design

### 6.189.3 Release of Guarantee Requirements

- A. The Administrator shall release the Performance Guarantee when all requirements of this ordinance have been met and construction and installation of all required and proposed improvements have been completed and certified and a Defects Guarantee has been submitted and approved. Certification must include the following:
- B. Certification from a Professional Land Surveyor that all monuments and markers required by this ordinance and NCGS 39-32.1-4 have been installed and,
- C. Certification from the District Engineer that public streets have been constructed to NCDOT Secondary Road Standards or,
- D. Certification from a Registered Engineer that construction of private streets and all other required and proposed improvements have been completed specifically in compliance with the provisions of this ordinance
- E. Certification of completion and performance of the Drainage System by a Registered Engineer and,
- F. Certification by the Administrator or his designee that the improvements required have been installed and such approval is issued to the subdivider in writing and entered into the record file.
- G. Performance guarantees shall require construction and installation of improvements within one year after the date of issuance of a permit or approval of construction plans if no permit is required.
- H. The applicant may request up to two (2) extensions of up to six months of the time limit for compliance if circumstances beyond the control of the applicant warrant an extension. The request for an extension shall be in writing and accompanied by a schedule for completion of remaining work. Approval of such request shall be at the Administrator's sole discretion.

#### 6.2.2.A.9.d.

- 9) Waste water disposal requirements – One of the following must be met:
  - a) An Improvement Authorization Permit has been issued for each of the parcels,
  - b) The soil suitability analysis shows that at least 5,000 sq. ft. of each lot is suitable for traditional on site waste disposal and the required 5000 sq. ft. is not within 10 ft of any lot boundary,
  - c) Approval has been granted to connect to public sewer or community sewer or
  - d) Lots not meeting the requirements of a, b, or c are indicated by the following note: **"THIS PARCEL CANNOT BE USED FOR BUILDING DEVELOPMENT, UNLESS AN APPROVED WASTE WATER DISPOSAL METHOD HAS BEEN APPROVED AND PERMITTED BY THE PENDER COUNTY ENVIRONMENTAL HEALTH DEPARTMENT OR APPROPRIATE STATE AGENCY OR UNLESS A NEW PLAT IS APPROVED AND RECORDED AS REQUIRED UNDER THIS ORDINANCE."**
  - e) For alternative, see Design Requirements, Lots Section of this ordinance for "Special Purpose Lots"

#### 6.3.1. B.7.d.

- 7) Waste water disposal requirements – One of the following must be met:
  - a) an Improvement Authorization Permit has been issued for each of the parcels,
  - b) the soil suitability analysis shows that at least 5,000 sq. ft. of each lot is suitable for traditional on site waste disposal and the required 5,000 sq. ft. is not within 10 ft of any lot boundary,
  - c) approval has been granted to connect to public sewer or community sewer or
  - d) Lots not meeting the requirements of a., b., or c. are indicated by the following note: **"THIS PARCEL CANNOT BE USED FOR BUILDING DEVELOPMENT, UNLESS AN APPROVED WASTE WATER DISPOSAL METHOD HAS BEEN APPROVED AND PERMITTED BY THE PENDER COUNTY ENVIRONMENTAL HEALTH DEPARTMENT OR APPROPRIATE STATE AGENCY OR UNLESS A NEW PLAT IS APPROVED AND RECORDED AS REQUIRED UNDER THIS ORDINANCE."**
  - e) For alternative, see Design Requirements, Lots Section of this ordinance for "Special Purpose Lots."

Appendix A      Definitions

**Child Care Services:**

*Definition to be removed:*

**DAY-CARE FACILITY:** A facility in which more than five children, not including children who are related by blood, marriage or adoption to the people who maintain the facility, are received for care, protection and guidance during only part of the twenty-four-hour day.

*Definitions to be added:*

**CHILD CARE CENTER** - An arrangement where, at any one time, there are three or more preschool-age children or nine or more school-age children receiving child care, regardless of the time of day, wherever operated, and whether or not operated for profit, unless excluded by NC G.S. 110-82(2)

**Family Child Care Home** - A child care arrangement located in a residence where, at any one time, more than two children, but less than nine children, receive child care, regardless of the time of day, wherever operated, and whether or not operated for profit, unless excluded by NC G.S. 110-82(2)

*Definition to be added:*

**MARINA:** Any publicly or privately owned dock, basin, or wet storage facility constructed to accommodate five (5) or more boats and providing any of the following commercial/retail services: permanent or transient docking spaces, dry storage, fueling facilities, haul out facilities, or repair services. Excluded from this definition are boat ramp facilities allowing access only, temporary docking that includes none of the previous listed services, and community boating facilities with five (5) or fewer slips (No commercial activities of any kind shall be allowed within the confines of the facility).

