



REQUEST FOR BOARD ACTION

ITEM NO. 18

DATE OF MEETING: April 20, 2015

REQUESTED BY: Kyle Breuer, Director, Planning & Community Development

SHORT TITLE: Resolution to Amend the Pender County Unified Development Ordinance, to revise the review procedures for by-right development and to clarify requirements for the Planned Development zoning district.

BACKGROUND: Pender County, applicant, is requesting the approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance. The request is to revise the review procedures for by-right development by amending Sections 2.3, 2.5, 2.9, 2.11, 3.4, 3.5, 3.7, and 3.10 and to clarify requirements for the Planned Development zoning district by amending Sections 4.8, 4.14, and 6.1.

SPECIFIC ACTION REQUESTED: To hold a public hearing and consider a resolution to amend the Pender County Unified Development Ordinance; Sections 2.3, 2.5, 2.9, 2.11, 3.4, 3.5, 3.7, and 3.10 to revise the review procedures for by-right development and Sections 4.8, 4.14, and 6.1 to clarify requirements for the Planned Development zoning district.

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED by the Pender County Board of Commissioners that:

on April 20, 2015 the Pender County Board of Commissioners (approved, modified, denied) a zoning text amendment request, as described herein. The Chairman/County Manager is authorized to execute any/all documents necessary to implement this resolution.

AMENDMENTS:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Williams ___ Brown ___ McCoy ___ Piepmeyer ___ Tate ___

J. David Williams, Chairman 4/20/2015
Date

ATTEST 4/20/2015
Delivered DATE

PLANNING STAFF REPORT
Zoning Text Amendment

SUMMARY:

Hearing Date: April 8, 2015– Planning Board
April 20, 2015– Board of Commissioners
Applicant: Pender County
Case Number: ZTA 11326

Text Amendment Proposal: Pender County, applicant, is requesting the approval of a zoning text amendment to the Pender County Unified Development Ordinance (UDO). The request is to revise the review procedures for by-right development approval by amending Sections 2.3, 2.5, 2.9, 2.11, 3.4, 3.5, 3.7, and 3.10 and to clarify requirements for the Planned Development zoning district by amending Sections 4.8, 4.14, and 6.1.

Background: The zoning text amendment proposal is the result of various administrative discussions and situational circumstances that have been brought to the attention of Planning Staff since the effective date of the Pender County Unified Development Ordinance. Staff has been working closely with the Planning Board, presenting preliminary information and receiving input at work sessions and their February 3rd and March 3rd, 2015 meetings. Additionally, Staff presented preliminary information to the Board of Commissioners and received input at their March 16th, 2015 meeting. Discussion concentrated on the need to revise review procedures for by-right development and clarify requirements for the Planned Development zoning district in order to better provide citizens and developers with information and seamless processes for development approval.

Planning Board Recommendation: The Pender County Planning Board, on April 8, 2014, voted unanimously in favor of passing a motion to recommend approval of the aforementioned zoning text amendment request.

Administrator Recommendation: The Administrator respectfully recommends approval of the zoning text amendment to the Unified Development Ordinance as described in the following report.

Requested Amendment: Revision of the Process for By-Right Development Review (Exhibit 1)

Intent

The first portion of the zoning text amendment seeks to improve customer service and efficiency by revising the process for by-right development proposal review. By-right development is a project that meets all Ordinance criteria, allowing for no subjective criteria that necessitates approval from the Planning Board public hearing. If the project meets all outlined Ordinance standards, then it shall be approved.

Current Process

Currently, by-right development proposals require a Master Development Plan submittal, for which the Planning Board holds a public hearing and reviews the request. The Planning Board has the authority to approve the Master Development Plan. Following approval of the Master Development

Plan, the applicant may submit a Preliminary Plat, for which again, the Planning Board holds a public hearing and reviews the request, granting approval if all Ordinance standards have been met for the submittal.

The **CURRENT** approval process for by-right development is as follows:

1. Applicant attends a pre-submittal meeting with Staff and submits a complete application and Master Development Plan;
2. Planning Staff reviews the submittal;
3. Technical Review Committee (TRC) reviews the development proposal;
4. Planning Board reviews the Master Development Plan in public hearing and has the authority to approve if all Ordinance standards have been met;
5. Following Master Development Plan approval, applicant may submit a by-right development proposal (Major Site Development Plan 3.7 or Major Subdivision Preliminary Plat 3.10);
6. Planning Staff reviews the submittal;
7. Technical Review Committee (TRC) reviews the development proposal;
8. Planning Board reviews the Major Subdivision Preliminary Plat in public hearing and has the authority to approve if all Ordinance standards have been met;
9. Planning Staff has authority to approve Major Site Development Plan or Major Subdivision Final Plat if all Ordinance standards have been met.

Proposed Process

The proposed text amendment removes the requirement of Planning Board public hearing and approval for the Master Development Plan and Major Subdivision Preliminary Plat for by-right development. This text amendment is applicable to the following development proposals: Major Site Development Plans (Section 3.7) and Major Subdivisions (Section 3.10) located in by-right zoning districts: RA, Rural Agricultural, RP, Residential Performance, GB, General Business, OI, Office Institutional, GI, General Industrial, and IT, Industrial Transitional zoning districts. *(Note: A Master Development Plan is not required in the RA, Rural Agricultural zoning district. Additionally, the review of a Master Development Plan with public hearing and Planning Board approval is still required for PD, Planned Development, RM, Residential Mixed, and MH, Manufactured Housing Community zoning districts, which require design standards such as lot sizes, setbacks, and separations to be established at the Master Development Plan hearing.)* The text amendment modifies Sections 2.3, 2.5, 2.9, 2.11, 3.4, 3.5, 3.7, and 3.10 of the Pender County Unified Development Ordinance, in accordance with North Carolina General Statues.

The **PROPOSED** approval process for by-right development is as follows:

1. Applicant attends a pre-submittal meeting with Staff and submits a complete application and Master Development Plan;
2. Planning Staff reviews the submittal;
3. Technical Review Committee (TRC) reviews the development proposal;
4. Planning Staff has the authority to approve the Master Development Plan if all Ordinance standards have been met;
5. Following Master Development Plan approval, applicant may submit a by-right development proposal (Major Site Development Plan 3.7 or Major Subdivision Preliminary Plat 3.10);
6. Planning Staff reviews the submittal;

7. Technical Review Committee (TRC) reviews the development proposal;
8. Planning Staff has authority to approve the development proposal if all Ordinance standards and all local, state, and federal requirements have been met;
9. Planning Staff has authority to approve Major Site Development Plan or Major Subdivision Final Plat if all Ordinance standards have been met.

Public Notifications

If the Planning Board public hearing requirement is removed, it is still important that the public be notified of development proposals. In order to provide consistent reporting and adequate information to the public and to the Planning Board, the following methods are proposed:

- Planning Staff will provide a report of recently submitted by-right development proposals as a discussion item at Planning Board meetings;
- Planning Staff will input all by-right development proposals to a Pending and Approved Projects section on the Pender County website (Exhibit 2);
- Planning Staff will mail notification of by-right development proposals to adjacent property owners, including how to access the Pending and Approved Projects section of the Pender County website and which Planning Staff member to contact for more information (Exhibit 3);
- Planning Staff will post a sign on the subject property to inform citizens of development proposal. The sign will include Planning Department contact information (Exhibit 4).

The proposal to remove the requirement of Planning Board public hearing and approval for by-right development will benefit the applicant, Planning Board, Planning Staff, and the community in multiple ways. The process will be more efficient, thereby saving time for all parties involved. Additionally, the applicant will have the ability to focus on input from the Technical Review Committee to address specific concerns from technical experts. Finally, the community will benefit from having readily-available access to information for all proposed by-right development within the County.

Requested Amendment: Clarification of Requirements for the PD Zoning District (Exhibit 5)

Intent

The second portion of the zoning text amendment seeks to clarify requirements for the PD, Planned Development zoning district. The PD zoning district, as defined by Section 4.8.1, is intended to provide an alternative to conventional development and standards of other zoning districts. The PD zoning districts allow projects of innovative design and layout that would not otherwise be permitted under the Ordinance because of the strict application of zoning district or general development standards. The PD District encourages progressive land planning and design concepts.

The current Ordinance language for PD zoning district standards targets larger developments that are able to accommodate a mix of uses within one overall project with innovative design and layout of the project site. The intent of the innovative design “tradeoff” in the Ordinance allows for flexible regulations to suit a specific project and incorporate other progressive land planning and design concepts, all of which would be captured in the Master Development Plan for the property. The PD zoning district requires an approved Master Development Plan.

In 2003 a comprehensive rezoning of County properties designated many parcels as PD zoning district, without identifying whether a Master Development Plan existed for the specific property. If an

approved Master Development Plan does not exist for a PD-zoned tract, issues arise when development approval is sought on these properties. Planning Staff, as well as the Planning Board, need objective guidance for development or change of use on these PD-zoned properties that do not have an approved Master Development Plan.

Proposed Amendments

The proposed amendment will address the five types of PD properties that currently exist:

1. 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;
2. PD tracts that were recorded under previously adopted development regulations and are part of a platted subdivision or an approved Master Development Plan as of April 20, 2015;
3. Vacant PD tracts that are less than one hundred (100) acres in area and are not part of an approved Master Development Plan as of April 20, 2015;
4. Vacant PD tracts that are one hundred (100) acres in area or larger and are not part of an approved Master Development Plan as of April 20, 2015;
5. PD tracts that are requesting a change of use from one NAICS sector classification to another, expansion of existing use(s), or revision of existing standards.

Currently, proposed development for existing PD properties that are not part of an approved Master Development Plan must submit a Master Development Plan in accordance with the Ordinance standards of Section 6.1. The project is reviewed by the Planning Board for approval. This subjective review causes difficulty for Planning Staff to provide guidance to the applicant and does not provide the developer with enough objectivity or level of certainty of approval by the Planning Board. Text is proposed to clarify standards of the PD zoning district to assist the applicant with their site plan design, to assist Planning Staff with guidance to the applicant, and to assist the Planning Board with review of the proposal.

The proposed zoning text amendment modifies Sections 4.8, 4.14, and 6.1 of the Ordinance and focuses on eliminating any ambiguity within the PD zoning district standards.

2010 Comprehensive Land Use Plan Compliance:

There are no conflicting policies within any adopted land use documents for the proposed zoning text amendment within any adopted planning documents. The proposed text amendment is in compliance with the following goals and policies in the 2010 Pender County Comprehensive Land Use Plan:

Growth Management Goal 1A.1 Manage the physical growth and development of Pender County by promoting more intensive land uses in key locations identified for such growth while preserving and protecting the unique physical character and social assets of the predominant rural lifestyle and coastal environment that makes the County a unique place to live.

Policy 1A.1.1 Encourage development in and around municipal corporate limits and other developed areas within the County to yield a more compact pattern of development that will reduce suburban/rural sprawl.

Policy 1A.1.2 Encourage development in areas where the necessary infrastructure – roads, water, sewer, and schools - are available, planned or can be most cost effectively provided and extended to serve existing and future development.

Policy 1A.1.3 The County shall actively direct growth towards suitable land areas and away from fragile natural resources areas, conservation areas, and hazardous areas.

Policy 1A.1.4 The County should develop and utilize innovative and flexible land planning techniques that encourage developments to efficiently use land resources that result in more compact urban areas, infill development, redevelopment, and the adaptive re-use of existing buildings.

Policy 1A.1.5 The County supports a pro-business/pro-growth attitude, balanced by a concern for preserving the natural assets and quality of life factors that make the area attractive to visitors and permanent residents alike.

Preferred Development Patterns Goal 3A.1 Develop a preferred growth pattern that includes traditional suburban communities but also allows for higher density residential development and for innovative mixed-use developments to encourage more compact, sustainable growth patterns.

Policy 3A.1.1 Use the creation of the Unified Development Ordinance (UDO) as an opportunity to allow more development flexibility while setting higher standards for sustainable development.

Policy 3A.1.2 To the extent possible, incorporate more flexible zoning categories that establish performance standards and do not exclude uses as much as encourage compatible co-location of uses to encourage sustainable land use patterns. Neo-traditional or traditional neighborhood planning standards should provide for a compatible mix of uses to encourage more livable communities.

Policy 4A.1.3 Establish flexible development regulations which encourage a variety of mixed use infill and re-development along the US Highway 17 corridor.

The Coastal Pender Small Area Plan (Exhibit 6) shows a high concentration of Mixed Use land use classification along the US HWY 17 corridor. According to Section 3 of the 2010 Pender County Comprehensive Land Use Plan, the mixed use land use classification designates locations where a mixture of higher density/intensity uses is to be encouraged. Mixed Use areas should be characterized by physically and aesthetically unified developments containing a mixture of commercial, office, institutional, and high- and medium-density residential uses, arranged in a walkable, compact, pedestrian and transit friendly manner (Exhibit 7).

Evaluation:

As prescribed in the Pender County Unified Development Ordinance Section 3.18.5, in evaluating any proposed Ordinance text amendment, the Planning Board and the County Commissioners shall consider the following:

- 1) The extent to which the proposed text amendment is consistent with the remainder of the Ordinance, including, specifically, any purpose and intent statements;
- 2) The extent to which the proposed text amendment represents a new idea not considered in the existing Ordinance, or represents a revision necessitated by changing circumstances over time;
- 3) Whether or not the proposed text amendment corrects an error in the Ordinance; and
- 4) Whether or not the proposed text amendment revises the Ordinance to comply with state or federal statutes or case law.

In deciding whether to adopt a proposed Ordinance text amendment, the central issue before the County Commissioners is whether the proposed amendment advances the public health, safety or welfare and is consistent with any adopted County Land Use Plan documents and the specific intent of this Ordinance.

Staff Recommendation:

The proposed zoning text amendment is consistent with the Pender County Unified Development Ordinance, the 2010 Pender County Comprehensive Land Use Plan, and other adopted planning documents. Staff, with recommendation from the Pender County Planning Board, respectfully recommends approval of the zoning text amendment as presented.

Pender County Planning and Community Development

Planning Division

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Burgaw, NC 28425



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MINUTES

**Pender County Planning Board Meeting
Wednesday April 8, 2015 7:00 p.m.
Pender County Public Meeting Room
805 S. Walker Street, Burgaw, North Carolina**

Call to Order: Chairman Williams at 7:06 pm.

Roll Call: Chairman Williams

Pender County Planning Board Members:

Williams: McClammy: Baker: Edens: Fullerton: Marshburn: Nalee:

- 1. Adoption of the Agenda:** Board member Marshburn made the motion to adopt the agenda; seconded by Board member Edens. The vote was unanimous.
- 2. Adoption of the Minutes: (March 3, 2015)** Board member Baker made the motion to adopt the minutes; seconded by Board member Marshburn. The vote was unanimous.
- 3. Public Comment:** No sign-ups for public comment. Hiram Williams stated that he would like to go on record and congratulate Attorney Thurman on the Duke Blue Devils winning the championship.

(Public Hearings Open)

Director Breuer Thanked Chairman Williams for attending the March 16, 2015 Board of Commissioners' meeting.

4. Zoning Text Amendment:

Pender County, applicant, is requesting the approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance. The request is to clarify requirements for the Planned Development zoning district by amending Sections 4.8, 4.14, and 6.1 and to revise the review procedures for by-right development review by amending Sections 2.3, 2.5, 2.9, 2.11, 3.4, 3.5, 3.7, 3.8, 3.9, 3.10, and 6.1. Director Breuer presented the requested Zoning Text Amendment in two (2) parts, part one (1) of Director Breuer's presentation was the request to revise the review procedures for by-right development; Director Breuer gave a very detailed presentation of the proposed revisions, which included the changes within the Unified Development Ordinance, the process of review, and approval authority. Staff also presented the Board with a revised flow chart of the Master Development Plan process, an example of the interactive project chart that would be available on the Pender County website, an example letter that would be sent to adjacent property owners of proposed projects, that would include a site map with details regarding the project; and an example of the information that would be on signs posted on the proposed site. Director Breuer concluded part one (1) of the Zoning Text Amendment request by asking the Board if they had any questions or comments. Board member Baker made the following comments; his request for the Planning Board minutes be provided to the Board of Commissioners was supported by the statement included on the first page of the Text Amendment application, which stated that *"Before taking action on a text amendment, the County Commissioners shall consider the recommendations of the Planning Board"*, letters sent to adjacent property owners needed to be dated, and an expiration date for comments

needed to be stated in the letter and on the posted sign. Director Breuer noted Board member Baker's comments and stated that the purpose of the letters and the posted signs was to inform the public and give contact information for anyone that may want additional information but if the Board felt such a date was needed staff could align a closed comment date with the Technical Review Committee meeting date. Board member Baker asked when projects would be posted on the website; Director Breuer replied immediately after a complete application was submitted. Chairman Williams commented that he would prefer no dates on any notices be tied to the Technical Review Committee meeting, that it was a public meeting and anyone could attend but, the purpose of the meeting could get interrupted if the public came to voice their comments or concerns. Board member Nalee suggested that language explaining what By-right means should be included on the website, Director Breuer noted Board member Nalee's suggestion and stated that the definition was included in the proposed notification letter.

Director Breuer presented part two (2) of the Zoning Text Amendment, to clarify requirements for the Planned Development zoning district. Director Breuer gave a very detailed presentation of the proposed revisions, which included the changes within the Unified Development Ordinance. Director Breuer concluded part two (2) of the Zoning Text Amendment request by asking the Board if they had any questions or comments. Board member Edens commented that the text amendment was a step in the right direction. Chairman Williams asked if current Master Development plans in the Planned Development District be effected by the proposed amendment; Director Breuer answered no.

Board member Edens made a motion to approve the requested Zoning Text Amendment as presented; seconded by Board member Nalee. The vote was unanimous.

(Public Hearings Closed)

5. Discussion Items:

a. Planning Staff Items:

- i. **Collector Street Plan Steering Committee Makeup:** Director Breuer reviewed the memorandum provided to the board and stated that the process of selecting a consultant would take about nine (9) months, and asked if any of the Board members would be interested in serving on the Steering Committee. Board member Edens asked what type of commitment it would be; Director Breuer stated that there would be four (4) meetings over a nine (9) month period. Chairman Williams and Board member Edens volunteered to serve on the Collector Street Plan Steering Committee.
- ii. **Comprehensive Plan Update – Draft Schedule:** Director Breuer reviewed the memorandum provided to the board and stated that the update would depend on budget approval, if approved a consultant would be hired and the process of selecting a consultant would take about eighteen (18) months.
- iii. **MPO Meeting:** Director Breuer encouraged the Board to attend the MPO open house meeting being held on April 23, 2015 at the Hampstead Annex. Chairman Williams also recommended that the Board members attend the meeting.
- iv. **Senior Planner O'Hare** gave the Board a brief update on the Technical Review Committee meeting agenda. Chairman Williams stated that he would be in attendance.

b. Planning Board Members Items:

Chairman Williams asked Director Breuer to explain the outcome of the previous Zoning Text Amendment case the Planning Board denied; Director Breuer explained that in February the Board denied Four Points Recycling's request for the approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance, to amend Section 5.2.3 to add a Solid Waste Compost Facilities as a permitted use in the GB, General Business zoning district; the Zoning Text Amendment was presented to the Board of Commissioners at their March 16, 2015 meeting where they voted unanimously to pass a motion to approve the Zoning Text Amendment request, specifically to amend Section 5.2.3 to allow for Other Nonhazardous Waste Treatment and Disposal permitted by Special Use in the GB, General Business zoning district. The change from the originally requested permitted by-right in the GB, General Business zoning district was agreed upon by the applicant at the time of the public hearing with the Board of County Commissioners. The Board held a brief discussion on their thoughts of the outcome.

6. Next Meeting: May 5, 2015, Chairman Williams announced that he would not be able to attend the meeting in May and asked that Vice-Chairman McClammy be advised.

7. Adjournment: 8:30 pm

DRAFT

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TEXT AMENDMENT

A request to amend the text of this Ordinance may be initiated by the County Commissioners, Board of Adjustment, Planning Board, Administrator, or a citizen of Pender County.

Approval Criteria (*Section 3.18.5*)

In evaluating any proposed ordinance text amendment, the Planning Board and the County Commissioners shall consider the following:

- a. The extent to which the proposed text amendment is consistent with the remainder of the Ordinance, including, specifically, any purpose and intent statements;
- b. The extent to which the proposed text amendment represents a new idea not considered in the existing Ordinance, or represents a revision necessitated by changing circumstances over time;
- c. Whether or not the proposed text amendment corrects an error in the Ordinance; and
- d. Whether or not the proposed text amendment revises the Ordinance to comply with state or federal statutes or case law.
- e. In deciding whether to adopt a proposed Ordinance text amendment, the central issue before the County Commissioners is whether the proposed amendment advances the public health, safety or welfare and is consistent with any adopted County Land Use Plan documents, the CAMA Land Use Plan, and the specific intent of this Ordinance.

Action by the Planning Board

1. Before making any recommendation on a text amendment, the Planning Board shall consider any recommendations from the Administrator and shall conduct a public hearing where interested parties may be heard.
2. The Planning Board shall make a recommendation based on the approval criteria.
3. The Planning Board shall make its recommendation following the initial public hearing.

Action by County Commissioners

1. Before taking action on a text amendment, the County Commissioners shall consider the recommendations of the Planning Board and Administrator and shall conduct a public hearing.
2. The County Commissioners shall make a decision based on the approval criteria.
3. Following the public hearing, the County Commissioners may approve the text amendment, deny the amendment, or send the amendment back to the Planning Board or a committee of the County Commissioners for additional consideration.

In deciding whether to adopt a proposed Ordinance text amendment, the central issue before the County Commissioners is whether the proposed amendment advances the public health, safety or welfare and is consistent with any adopted County Land Use Plan documents, the CAMA Land Use Plan, and the specific intent of this Ordinance.

APPLICATION FOR TEXT AMENDMENT

THIS SECTION FOR OFFICE USE			
Application No.	ZTA 11326	Date	1-15-2015
Application Fee	\$ NA	Receipt No.	—
Pre-Application Conference	—	Hearing Date	PB 4-8-15 BOLL 4-20-15
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Pender County, UDO Administrator		
Applicant's Address:	PO Box 1519		
City, State, & Zip	Burgaw, NC 28425		
Phone Number:	910-259-1202		
SECTION 2: UDO TEXT TO BE AMENDED			
Current Text to be Amended (Please site accurate Article number referenced):			
Articles 2.3, 2.5, 2.9, 2.11, 3.4, 3.5, 3.7, 3.9, 3.10, 4.8, 4.14, and 6.1.			
Proposed Text to be added:			
The request is to clarify requirements for the Planned Development zoning district to address existing and vacant tracts zoned PD that do not have an approved Master Development Plan through the provisions of the adopted Unified Development Ordinance. Additionally, the request is to revise the review procedures for by-right development approval, eliminating the requirement for Planning Board review and public hearing.			
SECTION 3: SIGNATURE			
Applicant's Signature	<i>Anels H. Cing</i>	Date:	1-15-15
NOTICE TO APPLICANT			
If the applicant makes significant changes to the application for a text amendment after the Planning Board has made its recommendation, the Administrator may refer the modified request back to the Planning Board for an additional public hearing.			
TEXT AMENDMENT CHECKLIST			
<input checked="" type="checkbox"/>	Signed application form		
<input type="checkbox"/>	Application fee		
<input checked="" type="checkbox"/>	A letter describing, in detail the intent and purpose of the amendment presented, meeting the approval criteria set forth in Section 3.18.5 of the Pender County UDO (shown on page 1 of this application)		
Office Use Only			
<input type="checkbox"/> ZTA Fees: \$250 NA		Total Fee Calculation: —	
Payment Method:	Cash:	Credit Card:	Check:
NA	<input type="checkbox"/> \$ _____	<input type="checkbox"/> Master Card <input type="checkbox"/> Visa	<input type="checkbox"/> Check # _____
Application Received By:	<i>AHL</i>	Date:	1-15-15
Application completeness approved by:	<i>Anels H. Cing</i>	Date:	1-15-15
Dates Scheduled for Public Hearings:	<input checked="" type="checkbox"/> Planning Board: <i>4-8-15</i>	<input checked="" type="checkbox"/> BOC: <i>4-20-15</i>	

Print Form

2.3 PLANNING BOARD

2.3.1 Establishment, Membership and Procedure

The Planning Board is charged with carrying out the land use planning activities and setting zoning policy and regulation in Pender County. The Planning Board is established by § 2-66, Code of Ordinances, Pender County, N.C. As stated in that Article and hereby reaffirmed, the Planning Board is that planning agency designated by N.C.G.S. 153A-321 and 153A-344. In addition to the duties and responsibilities assigned by § 2-66, Code of Ordinances, Pender County, N.C. and by N.C.G.S. 153A-322, the Planning Board shall have the specific powers and duties provided within this Ordinance.

2.3.2 Powers and Duties

- A. Review and Recommendation - The Planning Board shall review and make a recommendation on the following development review procedures:
 - 1) Ordinance Text Amendment (Section 3.18)
 - 2) Rezoning (Section 3.3)
 - 3) **Conditional Rezoning (Section 3.4)**
- B. Final Action - The Planning Board shall hear and take final action on the following development review procedures **within PD, RM, and MH zoning districts**:
 - 1) Master Development Plan Review (Section 3.5)
 - 2) Major Subdivision - Preliminary Plat (Section 3.10)

2.5 UNIFIED DEVELOPMENT ORDINANCE ADMINISTRATOR

2.5.1 General

The Unified Development Ordinance Administrator (referred to as the Administrator) shall be responsible for administering the provisions of this Ordinance as set forth in this Section. The Administrator is considered a County official and its authority is delegated by the County Manager. In any absence of a formal position established for the Administrator, the County Manager may delegate this authority to whomever staff member deemed best qualified.

2.5.2 Powers and Duties

- A. Review and Recommendation: The Administrator shall review or make a recommendation on the following development review procedures:
- 1) Rezoning (Section 3.3)
 - 2) Master Development Plan (Section 3.5) (within PD, RM, and MH zoning districts)
 - 3) Minor Site Development Plan (Section 3.6)
 - 4) Major Site Development Plan (Section 3.7) (within PD zoning district)
 - 5) Minor Subdivision (Section 3.9)
 - 6) Major Subdivision (Section 3.10)
 - 7) Special Use Permit (Section 3.12)
 - 8) Variance (Section 3.14)
 - 9) Appeal of Administrative Decision (Section 3.16)
 - 10) Ordinance Text Amendment (Section 3.18)
- B. Final Action: The Administrator shall hear and take final action on the following development review procedures:
- 1) Master Development Plan (Section 3.5) (within RP, GB, OI, GI, and IT zoning districts)
 - 2) Minor Site Development Plan (Section 3.6)
 - 3) Major Site Development Plan (Section 3.7) (within RA, GB, OI, GI, and IT zoning districts)
 - 4) Minor Subdivision (Section 3.9)
 - 5) Major Subdivision (Section 3.10)
 - 6) Sketch Development Plan (Section 3.11)
 - 7) Administrative Adjustment (Section 3.15)
 - 8) Written Interpretation (Section 3.17)
 - 9) Zoning Approval (Section 3.2.1)
 - 10) Sign Approval (Article 10)
 - 11) Temporary Use Permit (Section 5.3.11.1)

2.9 TECHNICAL REVIEW COMMITTEE

2.9.1 Establishment, Membership, and Procedure

- A. Establishment: A Technical Review Committee shall be established to provide a coordinated and centralized technical review process. The members of the Technical Review Committee shall be composed of persons from various departments and agencies which have an interest in the development review process.
- B. Membership
- 1) Chair: The Administrator shall serve as Chair of the Technical Review Committee and shall be responsible for all final decisions of the Committee.
 - 2) Other Members: In addition to the Chair, the Technical Review Committee shall be comprised of the following members or their designated representatives:
 - a) County Manager's Office
 - b) Pender County Utilities
 - c) Pender County Environmental Health
 - d) Pender County Emergency Management
 - e) Pender County Fire Marshal
 - f) Pender County Parks and Recreation
 - g) Pender County Board of Education
 - h) Pender County Sheriff's Department
 - i) Pender County Information Technology Department (Addressing Coordinator)
 - j) Pender County Soil and Water Conservation
 - k) Pender County Planning Board
 - l) Pender County Building Inspections
 - m) Pender County Floodplain Manager
 - n) Pender County Code Enforcement
 - o) North Carolina Department of Transportation (NCDOT)- District Engineer Office and NCDOT- Planning Office
 - p) Wilmington Metropolitan Planning Organization (WMPO)
 - q) Cape Fear Rural Planning Organization (RPO)
 - r) NC Department of Environment and Natural Resources (DENR) – Division of Water Quality
 - s) DENR – Division of Coastal Management
 - t) DENR – Division of Land Quality
 - u) DENR – Division of Environmental Health
 - v) Progress Energy
 - w) Four County Electric
 - x) US Army Corps. of Engineers
 - y) Any other County staff or external agencies the Chair deems necessary for the professional review of an application
 - 3) Procedures: The Technical Review Committee shall meet as often as necessary to fulfill its duties or upon call of the Chair of the committee to review and discuss development applications. The meeting notes of each meeting shall be filed with the Administrator. An official quorum shall not be required; all written comments shall be deemed necessary as proper input.

2.9.2 Powers and Duties

A. Review and Recommendation: The Technical Review Committee shall make a recommendation on the following development review procedures:

- 1) Conditional Rezoning (Section 3.4)
- 2) Master Development Plan (Section 3.5)
- 3) Minor Site Development Plan (Section 3.6)
- 4) Major Site Development Plan (Section 3.7)
- 5) Minor Subdivision (Section 3.9)
- 6) Major Subdivision (Section 3.10)
- 7) Any other review requested by an approving authority.

2.11 SUMMARY OF REVIEW AUTHORITY

The following table summarizes review and approval authority under this Ordinance.

	Technical Review Committee	UDO Administrator	Zoning Board of Adjustment	Planning Board	Board of County Commissioners
Master Development Plan – PD					
Master Development Plan – PD	R	R		<D>	
Major Site Development Plan and/or Preliminary Plat	R	R/D		<D>(w)	
Final Plat		R RD			
Master Development Plan - Residential					
Master Development Plan	R	R RD		<D>	
Preliminary Plat	R	R/D RD		<D>(w)	
Final Plat		R D			
Master Development Plan – Non Residential					
Master Development Plan	R	R RD		<D>	
Major Site Development Plan	R	R D			
Subdivision					
Minor Subdivision – Preliminary Plat	R	R D			
Minor Subdivision – Final Plat		R D			
Major Subdivision (RA Districts) – Preliminary Plat	R	R D			
Major Subdivision (RA Districts) – Final Plat		R D			
Sketch Development Plan		R D			
Family Divisions/Three Lot Divisions		R D			
Non Residential					
Major Site Development Plan	R	R D			
Minor Site Development Plan	R	R D			
Miscellaneous					
Rezoning		R		<R>	<D>
Conditional Rezoning	R	R		<R>	<D>
Ordinance Text Amendment		R		<R>	<D>
Special Use Permits		R			<D>
Appeal of Zoning Vested Right		R D	<D>		
Variance			<D>		
Administrative Adjustment		D			
Appeal of Administrative Decision		R	D		
Written Interpretation		D			
Telecommunications Tower					<D>
Zoning Approval/Permits		D			

KEY:

R= Review or recommendation authority

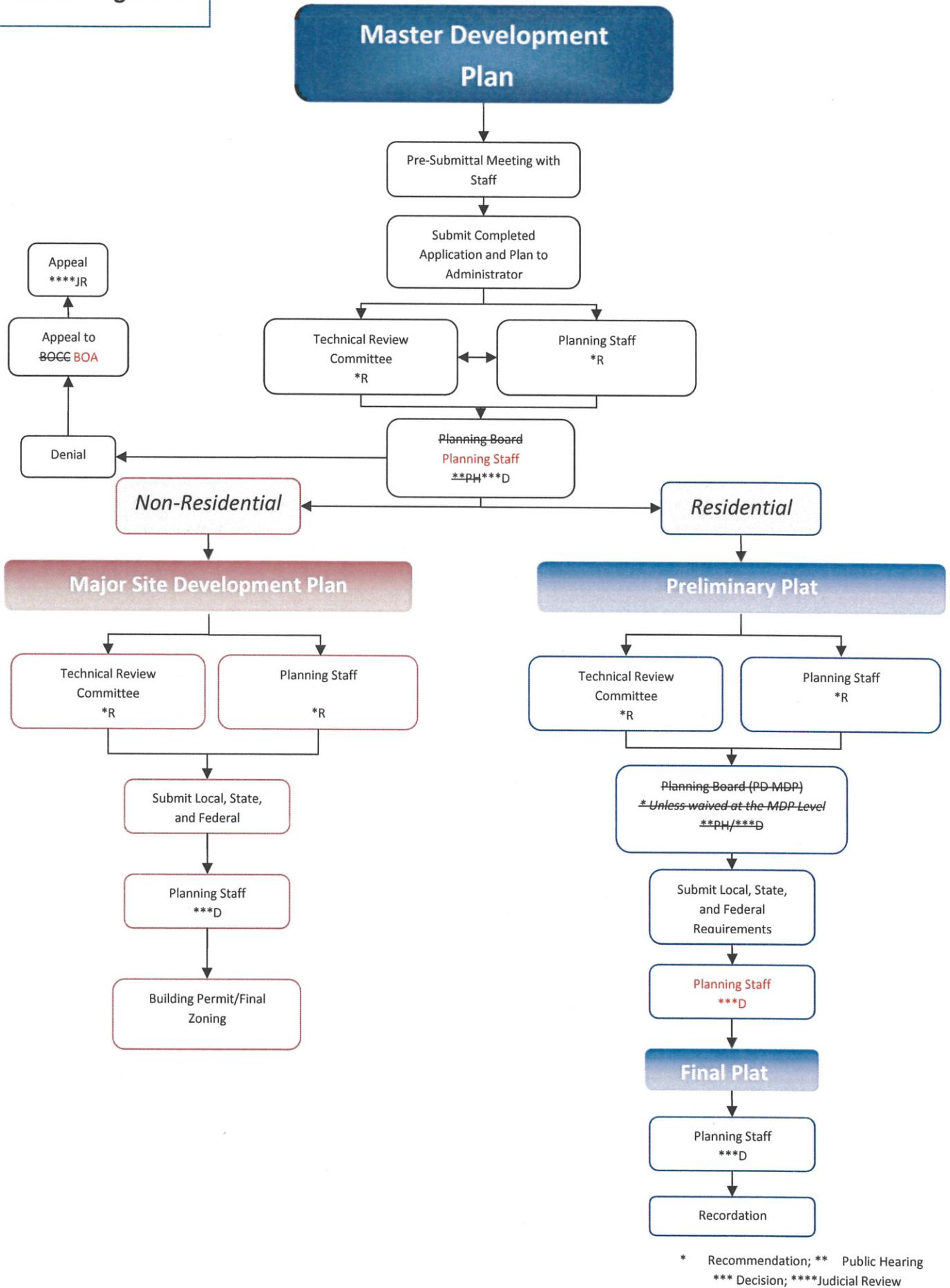
D = Decision authority

R/D= Review and decision authority when waived by Planning Board

< > = Public Hearing required

(w) = Unless waived at the MDP Hearing

Section 3.4 Figure 3



* Recommendation; ** Public Hearing
 *** Decision; **** Judicial Review

3.5 MASTER DEVELOPMENT PLAN

3.5.1 Intent

The purpose of the Master Development Plan (MDP) is to promote orderly and planned development of property within Pender County. ~~It is~~ The purpose of the MDP is to ensure that such development occurs in a manner that suits the characteristics of the land, is harmonious with adjoining property, is in substantial compliance with the goals and policies of the adopted Land Use Plans, Unified Development Ordinance, and is in the best interest of the general public. The MDP shall be used to illustrate the characteristics of the property proposed for development and of surrounding properties. All proposed Master Development Plans must follow the review process illustrated in Figure 2 and 3 at the end of Section 3.4.

3.5.2 Applicability

A Master Development Plan (MDP) shall be submitted to the Administrator for ~~Planning Board~~ approval prior to any subdivision or development of property in any of the following zoning district:

ZONING DISTRICTS SUBJECT TO MDP		
Symbol	Name	MDP Decision Authority
Residential Districts		
RP	Residential Performance	Administrator
RM	Residential Mixed	Planning Board
MH	Manufactured Home Housing Community	Planning Board
Commercial Districts		
GB	General Business	Administrator
OI	Office Institutional	Administrator
Industrial Districts		
IT	Industrial Transitional	Administrator
IG GI	Industrial General General Industrial	Administrator
Mixed Use Districts		
PD	Planned Development	Planning Board

- A. The MDP shall at least include all contiguous land under single or common ownership in the above zoning districts.
- B. A preliminary MDP may be submitted with an application for a conditional rezoning, but shall not be considered binding until approval of a final MDP.
- C. Waivers to MDP – Residential Districts: The Administrator may waive the requirements of an MDP in the Residential Districts if the proposed development contains all of the following criteria:
 - 1) Contains 10 or less traditional detached single-family dwelling units;
 - 2) Is not an integral portion of a property proposed or planned for future development or subdivision;

- 3) Is planned to be developed in a manner that is harmonious with surrounding properties and land uses; and
 - 4) Does not substantially affect the purpose and intent of its zoning district and the intent of this Article.
- D. Waivers to MDP – Commercial & Industrial Districts: The Administrator may waive the requirement of an MDP in the Commercial and Industrial District:
- 1) If the proposed development contains all of the following criteria:
 - a) If the proposed subdivision or development is less than 5 acres in size;
 - b) Includes no new streets, roads or rights-of-way, does not further extend any existing or dedicated street, road or rights-of-way and does not significantly change the layout of any existing or dedicated street, road or rights-of-way;
 - c) Is not an integral portion of a property proposed or planned for future development or subdivision;
 - d) That such development is limited to one individual parcel and one single use in accordance with Section 5.2.
 - 2) If the proposed development is located within an approved Industrial Park and meets the Design Standards as outlined in Section 5.3.11.

3.5.3 Pre Application Conference

- D. Prior to submission of a Master Development Plan for approval, the applicant shall request a pre-application review conference with the Administrator.
- 1) The purpose of the pre-application conference shall be to discuss the proposal in relation to the requirements of the Land Use Plan and Unified Development Ordinance and to obtain advice on the preparation of the Master Development Plan.
 - 2) At the pre-application conference, the applicant shall provide a land use plan describing the following:
 - a) The general location of the site.
 - b) The general location of proposed roads.
 - c) The general location of proposed uses, environmental areas, housing types or open space.
 - d) The uses on adjoining properties.
 - e) Utility requirements.

3.5.4 Review

- D. Applicants shall submit the MDP to the Administrator, together with completed application materials.
- E. Application form must be completed and fee paid at the time of submission.
- F. The Master Development Plan must meet all the requirements prescribed in Section 6.1, Master Development Plan Contents.
- G. The Administrator will forward the MDP to the Technical Review Committee for review. The TRC shall make recommendations concerning whether the plan meets the requirements and or plans of their particular state agency, county department or utility authority.

- H. When the submission is complete, the Administrator shall submit the plans, application materials and comments to the Planning Board for its consideration, **if required in accordance with Section 3.5.2.**
- I. The Planning Board shall act on the MDP within 90 days of the date of the presentation of the plan to the Board. The Planning Board shall approve the plan, approve it with required changes, or deny the plan. If the Planning Board fails to act within 90 days, the plan shall be deemed approved. The applicant may request additional time if he/she deems it necessary.
- J. If the MDP is denied by the Planning Board, the applicant may choose to withdraw the application and resubmit it with changes as a new plan, or appeal the Planning Board's decision to Zoning Board of Adjustment.
- K. Any decision rendered by the Planning Board is appealable to the Zoning Board of Adjustment within thirty (30) days of the decision.
- L. Planning Board Master Development Plan approval shall be valid for two (2) years.

3.5.5 Final Master Development Plan

- D. The final MDP shall conform to the requirements of this Article.
- E. Descriptions of changes made since approval of the preliminary MDP or as required with approval of the preliminary MDP shall be provided.
- F. An approval block and signature lines for the Administrator shall be provided.
- G. Applicants shall submit the final MDP to the Administrator. Final approval of the final MDP shall be given by the Administrator.
- H. The Administrator shall approve the final MDP if a preliminary MDP was approved by the Planning Board, **or the Administrator as required in accordance with Section 3.5.2,** and if all required changes have been made and all requirements of the County Code have been met, within 60 days of its submission. Failure of the Administrator to act in 60 days, without proper cause, shall be deemed approved.

3.5.6 Changes to Approved Plans

- D. Changes to an approved MDP shall occur only after approval by the Planning Board, **or Administrator as required in accordance with Section 3.5.2,** using the procedures required for the approval of a new plan.
- E. The Administrator may approve minor changes without following the full procedures, if such approval does not violate the intent of this chapter and section.
- F. Such minor changes shall not include increases in the density or intensity of development, changes to entrance or street layout, changes to stormwater layout or other major design changes.
- G. Modifications to approved Planned Developments shall be submitted to the Administrator and shall proceed in the same manner as the original PD Approval Process.
- H. Changes requiring modification include reduction in buffer widths or standards, increases in density, change in access points or circulation plans, transfer of permitted uses contained in the plan and/or changes to the overall concept of the plan.

3.7 MAJOR SITE DEVELOPMENT PLAN

3.7.1 Intent

The intent of the Major Site Development Plan is to enable non-residential and other development types not requiring a preliminary plan to be illustrated at sufficient scale and with detailed design and engineering efforts by a licensed professional. This type of plan is suitable for all non-residential and multi-family developments.

3.7.2 Activities Requiring Major Site Development Plans

- A. In order to ensure that the requirements of this Article have been met, a site plan shall be required to be submitted to the Administrator for the following uses:
- 1) Any non-residential, multi-family, or mixed uses in the RA, OI, GB, IT and GI zoning districts.
 - 2) Any type of development greater than 2,501 square feet in area that does not qualify for a minor site development plan.
 - 3) Multifamily (condominium/apartment) development not requiring a preliminary plan.
 - 4) Required recreational facilities or amenities.
- B. No permit shall be issued for the construction of any building or improvement on the site of any of the above uses until the site plan is approved

3.7.3 Review

- A. Applicants shall submit two copies of the site plan to the Administrator for review, along with applicable applications and completed materials. Final approval of the site plan shall be issued by the Administrator.
- B. Major Site Development Plans located in the PD, Planned Development District must include a Master Development Plan as prescribed in Section 3.5, Master Development Plan.
- C. Major Site Development Plans will be required to follow the MDP process outlined in Section 3.5 or if specifically waived in accordance with Section 3.5.2.D.
- D. The site plan must meet all the requirements prescribed in Section 6.3, Major Site Development Plan Contents.
- E. The Administrator shall forward the site plan to the Technical Review Committee for review. The Committee shall make recommendations to the Administrator concerning whether the plan meets the requirements of any Pender County codes or Ordinances and other State or Federal regulations as appropriate within ten (10) business days.
- F. The Administrator shall determine and provide comments to the applicant whether the site plan is in conformance with a previously approved Master Development Plan or if an MDP is not required, the site plan is in conformance with applicable sections of this Ordinance.
- G. For projects in the PD zoning district, the Planning Board may request that the site plan be presented to the Planning Board for its review and make recommendations to the Administrator concerning the site plan. The Administrator shall incorporate such recommendations into the review of the site plan.
- H. Upon approval of the Master Development Plan as required in accordance with Section 3.5.2 by the Planning Board, applicant may proceed with the preparation of a Major Site Development Plan.
- I. Approval of the site plan shall expire within two years of the approval date unless building permits have been obtained for construction.
- J. The Administrator shall periodically inspect the site during construction to ensure that the site plan requirements are met.

- K. Final Zoning Approval shall not be issued for any use or site requiring a site plan until all requirements shown on the approved site plan have been met and all improvements shown on the site plan have been provided. If structures and improvements have been provided sufficient to guarantee public health and safety but if all site plan improvements have not been completed, a certificate of occupancy shall only be issued if a bond with surety or other acceptable guarantees have been provided to insure that all approved improvements will be provided. Such guarantees shall be for a limited time period acceptable to the Administrator, during which time said improvements shall be completed.

3.10 MAJOR SUBDIVISION

3.10.1 Intent

Proposed subdivisions consisting of eleven (11) lots or more are classified as Major Subdivisions and are required to follow the Master Development Plan review process found in Figure 2 and 3 at the end of Section 3.4. All major subdivisions shall include a preliminary and final plat. Upon approval of the Master Development Plan by the Planning Board or Administrator as required in accordance with Section 3.5.2, the applicant may proceed with the preparation of the preliminary plat.

3.10.2 Pre-application Conference

- A. Applicants proposing a major subdivision site plan shall request a pre-application conference with the Administrator prior to submitting the documents for review.
 - 1) The purpose of the pre-application conference shall be to discuss the proposal in relation to the requirements of all adopted Land Use Plans and Unified Development Ordinance and to obtain advice on the preparation of the preliminary plat.
 - 2) If applicable, the applicant shall provide a copy of the approved Master Development Plan for discussion at the pre-application conference.

3.10.3 Review

- A. Completed plats, application, fees and other required data must be submitted 45 days before a scheduled Planning Board meeting, if applicable in accordance with Section 2.3.2.B.
- B. When required submission material is submitted as noted above, it shall be placed on the next scheduled Planning Board agenda, if applicable.
- C. Planning Board review and approval shall not be required for a Major Subdivision in a by-right development zoning district in accordance with Section 2.5.2.B.
- D. The Administrator will forward the Major Subdivision application and site plan to the Technical Review Committee for review. The TRC shall make recommendations concerning whether the plan meets the requirements and or plans of their particular state agency, county department or utility authority.
- E. Major subdivision plans must meet all the requirements prescribed in Section 6.4, Preliminary Plat Contents and Section 6.5, Final Plat Contents.
- F. The preliminary plat must be submitted in digital format to the Administrator within the time frame indicated above. The digital submission of the plat will be considered proprietary information. The digital layout will be made available to the Tax Supervisor for parcel update and the digital submission may be returned to the person submitting it.
- G. The plat will be reviewed for compliance with this Ordinance.
- H. Due to the subdivision of land for residential purposes a portion of land must be dedicated to open space by means of providing recreational area to the residents or payments in lieu of dedication to the County. Open space requirements may be referenced in Section 7.6, Open Space.
- I. Planning Board, if applicable in accordance with Section 2.3.2.B, will take action on the plat submission within 65 days after completed submission.

- J. ~~Planning Board~~ Master Development Plan approval shall be valid for two years. If all conditions of preliminary plat are met and a phase of the final plat is recorded, the preliminary plat status shall remain valid perpetually for all remaining phases.
- K. Preliminary plat approval constitutes approval of the layout and authorizes the developer to proceed with construction of the subdivision and improvements in accord with the approved plat, conditions attached to the approval, and submittal of required permits.
- L. All conditions of preliminary plat approval must be completed and submitted within two (2) years of the approval date.
- M. If a preliminary plat is not approved, the reasons for disapproval must be specified and provided to the developer in writing. Disapproval of a preliminary plat may be appealed to the Pender County Board of ~~Commissioners~~ Adjustment.
- N. A preliminary plat will not be scheduled for review that is incomplete or does not have the required documents submitted with it.

3.10.4 Dedication and Improvements

- A. In the development of any approved property, the applicant shall be required to reserve any additional right-of-way necessary to the width required by this Ordinance and the County Transportation Plan and by the State as permitted by applicable state law.
- B. The applicant shall bear the costs of the installation of all on-site improvements as required by this Ordinance, including provision for surface drainage, pavement, landscaping, and utilities.

3.10.5 Inspections of Required Improvements

- A. Inspections during the installation of site improvements shall be made by the entity responsible for such improvements as required to certify compliance with approved site plans.
- B. No improvements shall be accepted for maintenance by the County unless and until the requirements regarding public improvements have been met.

3.10.6 Project Completion

- A. Upon certifying that all development conditions of approval, all county requirements, and all required payments have been received, the County shall then issue a final zoning approval for the site.
- B. Upon certifying that all development conditions and construction requirements have been installed, the final plat will be signed by the County staff for recordation at the Register of Deeds Office for Pender County. The Ssubdivider shall file the approved final plat with the Register of Deeds of Pender County for recording within sixty (60) days after the date of approval. Otherwise, such approval shall be null and void.
- C. Improvement Guarantees. The following requirements shall apply to all plans:
 - 1) Prior to the approval of any application, the applicant shall submit a cost estimate and time schedule for installation of each phase of the site improvements.
 - 2) The County shall require a financial guarantee in the form or a bond, letter of credit, or escrow for guaranteeing required on-site and off-site improvements.

3.10.7 Appeals

Denial by County staff or Planning Board of any preliminary plat can be appealed to the Pender County Zoning Board of Adjustments. Upon review by the Board of Adjustments, a final judicial review will be determined on the request for consideration.





Monday, March 30, 2015

Register | Login

Divisions

- + Administration
- + Fee Schedule
- + Central Permitting
- + Code Enforcement
- + Inspections
- + Planning & Zoning

Government » Departments » Planning & Community Development » Planning & Zoning » Pending and Approved Projects » Major Site Development Plans

Major Site Development Plans

Staff Contact: Pat O'Mahony, 910-259-1734, pomahony@pendercountync.gov

Application Number	Applicant	Owner	Property Identification Number	Zoning District	Hearing Date	Attachments	Status
11217	Carolina Water Service Inc.	Carolina Water Service Inc.	4204-62-8798-0000	RP	TRC 3/10/15	Application Site Plan	Pending
11287	The Pantry Inc.	Fred Albrecht, et al	3292-08-2849-0000	GB	TRC 11/4/14	Application Site Plan	Pending
11190	Timothy Same	Duke Energy Progress	4215-12-8272-0000	RA/RP	TBD	Application Site Plan	Pending
10151R2	Jeb Bradshaw	B & M Holdings	3280-26-2979-0000	RP	TRC 2/10/15	Application Site Plan	Pending
11070	Maurice Gallarda	Pluris Hampstead Inc.	3721-25-1909-0000	PD	TRC 11/4/14	Application Staff Report Site Plan	Pending

Pender County Planning and Community Development



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

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

April 9, 2015

Dear Property Owner:

A complete application was submitted to our office on [April 7th, 2015] for a [MAJOR SUBDIVISION] consisting of [50] lots at [location]. This is a by-right development. By-right development is a project that meets all Unified Development Ordinance criteria, allowing for no subjective criteria that necessitates approval from the Planning Board public hearing. If the project meets all outlined Ordinance standards, then it shall be approved. You are receiving this notice because you own property adjacent to the site.

The applicant is scheduled to present all aspects of the project to the Pender County Technical Review Committee (TRC) on [May 12th, 2015]. The TRC is established to provide a coordinated and centralized technical review process and is composed of members from various departments and agencies that have an interest in the development review process.

The site details are as follows:

PROJECT DETAILS

Tract Acreage: 25.04 acres

Zoning District: RP, Residential Performance District

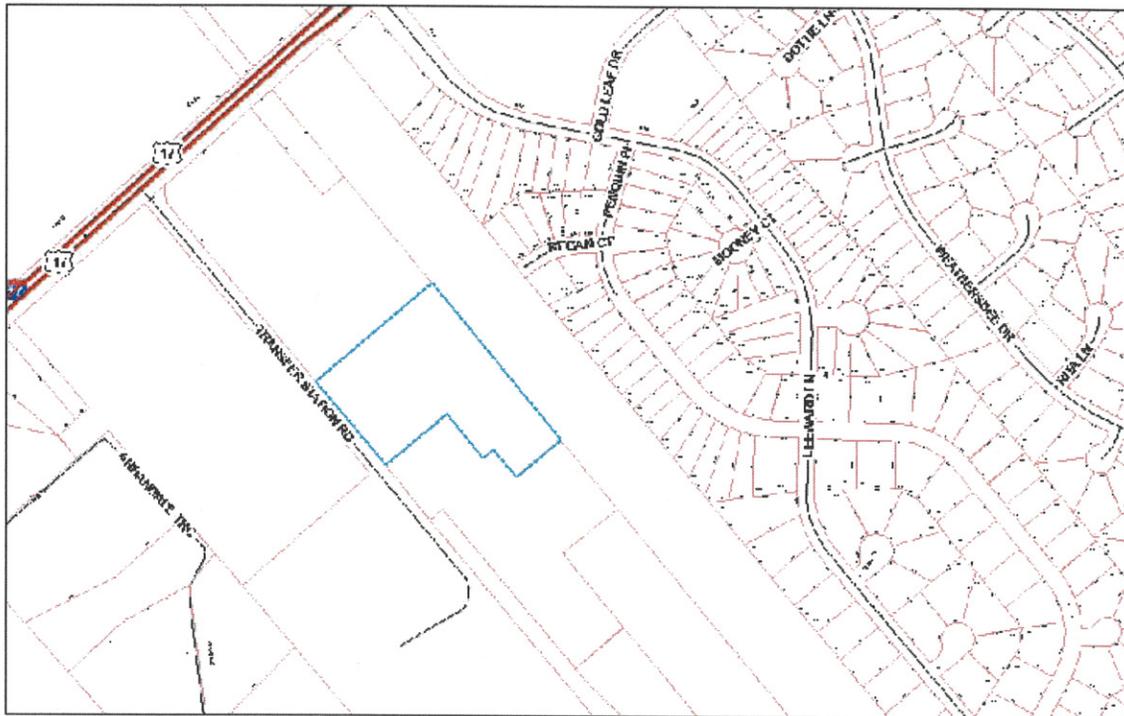
Minimum Lot Size: 15,000 square feet

Site Access: The main point of access will be from Johnson Drive (SR XXXX), a 60' public right-of-way. Secondary access will be through existing Smith Lane (SR XXXX). The property will include a stub for future connection to the vacant tract to the north.

Further information: For further information about this development, please contact our office or refer to the website below. The application and all supporting materials associated with the request can be found on the Pender County Planning and Community Development website by navigating to the following URL:

www.pendercountync.gov/Government/Departments/PlanningCommunityDevelopment/PlanningZoning/PendingandApprovedProjects.aspx

Site Map:

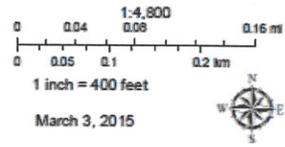


PIN: 4203-28-0305-0000
 Owner: J.L MORRIS ENTERPRISES OF HAMPSTEAD INC
 P O BOX 280
 HAMPSTEAD, NC 28443
 Deed Ref: 2687/112
 Property Address: 229 TRANSFER STATION RD
 Description: 6.52 AC S/S HWY 17 OFF HWY 17

Sale Price: \$Null
 Sale Date: 2005-06-08
 Plat: NOPLAT
 Account No: 876787
 Township: TOPSAIL
 Subdivision: Null
 Tax Codes: G01 F22 R40 363

Acres: 6.52
 Land Value: \$143,500
 Building Value: \$272,039
 Total Value: \$415,539
 Deferred Value: \$0
 Exempt Amount: Null
 PCL Class: R
 Heated Sq Feet: 5000
 NBRHD: 2007

Pender County



Staff Contact: Mr. Ron Meredith, Current Planner
 (910) 259-6701
rmeredith@pendercountync.gov
 805 S. Walker Street, Burgaw, NC 28425

Pender County

Planning & Community Development

NOTICE OF APPLICATION

[Major Subdivision]

[Case #24042]

[Website URL]

For Information Call

910-259-1202

4.8 MIXED USE DISTRICTS

4.8.1 PD: Planned Development District

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

A. Purpose of the PD District

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

- ~~12) To promote interconnected greenways and corridors throughout the County.;~~
- ~~13) Encouraging quality urban design and environmentally sensitive development by allowing increases in base densities when such increases can be justified by superior design or the provision of additional amenities such as public and/or private open space.~~
- ~~14) The PD District shall not be used as a means of circumventing the county's adopted land development regulations for routine developments.~~

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

B. General Use Types

- 1) ~~Uses Allowed and Size~~ Uses allowed in the A planned development PD District shall be consistent with the Table of Permitted Uses in Section 5.2.3, the Comprehensive Land Use Plan, and shall also be ~~may contain any or all of the uses specified in the table of uses and in accordance with a master~~ Master Development plan-Plan as prescribed in Section 3.5 and Section 4.8.1.B.2 below. ~~provided such uses are consistent with the Table of Uses in Section 5.2 and the Comprehensive Plan. In order to develop under the PD District a minimum of two types of uses will be required. This must be a mix of residential and non-residential uses. Mixed use development may occur by having two or more principal uses located in the same building (e.g., retail on ground floor, office space above) or by having two or more principal uses located in different buildings sited on the same lot or parcel (e.g., freestanding child day care center located on the same parcel as an office building).~~
- 2) ~~Properties that are currently zoned PD shall submit for review based upon the following:~~
 - a) ~~PD tracts that were recorded under previously adopted development regulations and are part of a platted subdivision or an approved Master Development Plan as of April 20, 2015 shall follow the prescribed standards of the time of approval.~~
 - b) ~~PD tracts that were recorded under previously adopted development regulations and are part of a platted subdivision or master planned development but lack specific standards, shall be subject to the following dimensional requirements: minimum lot width of fifty (50) feet, minimum front yard setback of twenty-five (25) feet, side yard setback of ten (10) feet, rear yard setback of fifteen (15) feet, maximum structure height of thirty-five (35) feet, and minimum required principle structure separation of twenty (20) feet. Requested changes to the dimensional standards outlined above will require submission of a Master Development Plan in accordance with Section 4.8.1.B.2.e.~~
 - c) ~~Vacant PD tracts that are less than one hundred (100) acres in area and are not part of an approved Master Development Plan as of April 20, 2015 shall submit a Master Development Plan in accordance with Section 6.1. A mix of uses shall be required. However, a mix of residential and non-residential uses shall not be required. The Planning Board shall review the proposed use(s) and overall design to determine if the Master Development Plan is in accordance with the standards of this Ordinance and any other adopted plans.~~
 - d) ~~Vacant PD tracts that are one hundred (100) acres in area or larger and are not part of an approved Master Development Plan as of April 20, 2015 shall submit a Master Development Plan in accordance with Section 6.1. A mix of residential and non-residential uses shall be required. The Planning Board shall review the proposed use(s)~~

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

- e) PD tracts that are requesting a change of use from one NAICS sector classification to another, expansion of existing use(s), or revision of existing standards shall submit a Master Development Plan in accordance with Section 6.1. A mix of uses shall not be required. The Planning Board shall review the proposed use(s) and overall design to determine if the Master Development Plan is in accordance with the standards of this Ordinance and any other adopted plans.
- i) Exception –PD tracts that are requesting an expansion of existing use(s) where a building addition of less than ten percent (10%) increase to the floor area of the existing structure or where a new structure will be 2,500 square feet in area or less shall not be required to submit a Master Development Plan.

C. Number of Dwelling Units (Density)

- 1) Determination- The number of dwelling units in a project utilizing the PD development standards shall be a maximum of five (5) units per net density. The density is calculated as total tract acreage subtracting the following:
 - a) Areas reserved as non-residential development;
 - b) Total wetland calculations;
 - c) Rights of way and parking areas;
 - d) Active and Passive open space;
 - i) Passive open space may be subtracted out of from the total wetland delineation at time of in the Master Development Plan if it is calculated to be less than the total wetland area.
- 2) In effort to encourage quality urban design and environmentally sensitive development, an increase in density may be allowed by the Planning Board when such an increase can be justified by superior design or the provision of additional amenities such as public and/or private open space.

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

- 1) Stream buffers required by the State of NC;
- 2) Ownership requirements for any open space, buffers, or streetscapes unless otherwise permitted within this Ordinance;
- 3) Preservation of existing vegetation in streetscapes, floodplains, and/or buffers;
- 4) Minimum distance between structures, minimum lot width, and minimum yard requirements are established with in the Master Development Plan and may be modified by the Planning Board through the PD process however; the minimum distance between structures shall be as required by NC Building Code.;
- 5) Street connectivity requirements;
- 6) Sidewalk and greenway requirements;
- 7) Stormwater control or LID requirements;
- 8) ~~Transportation and Circulation System. The planned development's master plan shall demonstrate a safe and adequate on-site transportation system that addresses~~

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

E. Transportation and Circulation System-

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

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

4.14 ZONING DISTRICT DIMENSIONAL REQUIREMENTS

Dimensional Requirements Table

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

- (1) Dimensional standards in the Planned Development (PD) and Residential Mixed (RM) Districts are required to be specified on a Master Development Plan.
- (2) Maximum Height requirements in the RA, RP, RM and PD Zoning Districts shall be allowed an additional 10' feet if located within any Special Flood Hazard Area (SFHA) at the calculation of five (5) additional feet in building height per every two (2) feet built above the regulatory flood prevention protection elevation, as defined in the Pender County Flood Damage Prevention Ordinance with building height at a maximum of forty-five (45) feet.
- (3) Any parcel of property meeting the guidelines set forth in Sections 3.3 or 3.4 that adjoins an established zoning district that is identical to the district that is applying for a rezoning shall not have to meet the minimum area requirements for rezoning for that district.
- (4) The minimum required separation standards are for principal or primary structures, accessory structures must follow separation and setback requirements as outlined in Sections 4.6.3 and 5.3.3.A.
- (5) Minimum lot sizes in the RP zoning district may be reduced to twelve thousand (12,000) square feet with the evidence of public utilities (water and sewer) availability and connection is demonstrated.
- (6) Minimum lot width in the RP zoning district may be reduced to sixty (60) feet with the evidence of public utilities (water and sewer) availability and connection is demonstrated.
- (7) Dimensional requirements for a Manufactured Home District may be found in Section 5.3.2.D, Manufactured Home Community.
- (8) Dimensional requirements for a Recreational Vehicle Park may be found in Section 5.3.9.B, Recreational Vehicle Park.
- (9) Variations to Dimensional Standards are allowed for projects meeting LID Project Criteria, as overviewed in Section 7.14, Low Impact Development.
- (10) See Figure 4.1
- (11) North Carolina Building Regulations Apply

6.1 MASTER DEVELOPMENT PLAN CONTENTS

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

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

Pender County Comprehensive Land Use Plan

Mixed Use

The Mixed Use land use classification designates locations where a mixture of higher density/intensity uses is to be encouraged. Mixed Use areas should be characterized by physically and aesthetically unified developments containing a mixture of commercial, office, institutional, and high- and medium-density residential uses, arranged in a walkable, compact, pedestrian and transit friendly manner

Mixed Use areas are intended to help reduce sprawl by concentrating a mix of uses in convenient locations; by promoting an efficient sustainable pattern of land uses, and by providing most of the goods and services needed by residents in a coordinated, concentrated manner. Mixed Use areas are intended to reduce the number and length of auto trips by placing higher-density housing close to shopping and employment center. They also should function to improve the quality of life for residents living in higher density housing by placing daily conveniences, shops, and employment within walking distance;



The road network within Mixed Use areas should be designed to ensure that adjacent residential areas will have direct access to the non-residential portions of the mixed use center in lieu of entering and exiting through thoroughfares and/or collector streets. Developments should provide or contribute to a pedestrian and road network that connects non-residential and existing residential uses (multi-family and single-family) developments.

Mixed Use areas are designated within the Coastal Pender and Rocky Point Small Area Plans.