

**Pender County Zoning Ordinance Text Amendment**  
**Section 8.9, Freestanding Drive-up Automatic Ice Vending Machines shall be regulated as follows**

**SUBJECT:** Zoning Ordinance Text Amendment

**ACTION REQUESTED:** Consider a Text Amendment to the Zoning Ordinance to allow Freestanding Drive-up Automatic Ice Vending Machines as an accessory use to all commercial uses permitted within the PD, B-1, B-2, B-3, RT, I-1, I-2 and RA zoning districts.

**HISTORY/BACKGROUND:**

**Description of Request:** The request consists of amending the current Pender County Zoning Ordinance Table of Permitted Uses, Section 8.9, to allow Freestanding Drive-up Automatic Ice Vending Machines as a Permitted Use as an accessory use to all commercial uses permitted within the PD, B-1, B-2, B-3, RT, I-1, I-2 and RA zoning districts (*see attached applicant's application & description of request*).

**History/Background Relating to Proposed Amendment:** The Zoning Ordinance currently does not contain text that allows for Freestanding Drive-up Automatic Ice Vending Machines as an accessory use. Staff is proposing that this use be regulated in a similar manner to section 9.6 Free Standing Drive-Up Automatic Teller Machines.

**EVALUATION:**

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

**B) Planning Staff Recommendation to Planning Board:** Planning staff would like to possibly add this use under Supplementary District Regulations (Section 9.16, Pender County Zoning Ordinance). Staff is presenting this to the Planning Board for possible input on conditions set for this request: Freestanding Drive-up Automatic Ice Vending Machines as a Permitted Use as an accessory use to all commercial uses located in the PD, B-1, B-2, B-3, RT, I-1, I-2 and RA zoning districts as defined by the Pender County Zoning Ordinance as districts in which commercial activities are permitted. These zones allow for commercial activities that are compatible within their respective zoning districts.

In order to maintain the character within these districts, specific provisions concerning this use may be needed. Examples are; buffers and landscaping, visual conformity with tracts primary use, and lighting and site safety regulations.

Other jurisdictions regulations have included;

- Shall not be permitted in any required parking areas, loading areas, or buffers.
- Minimum separation between units shall be one (1) mile
- A roof structure constructed of either metal or wood (not fabric) shall be required to screen the mechanical equipment

Accompanying this report, staff has drafted an ordinance governing this use and district. .

**PLANNING BOARD RECOMMENDATION:** The Pender County Planning Board is requested to hold a public hearing for a text amendment.

**AMENDMENTS:**

**Planning Board**

**Motion:** \_\_\_\_\_ **Seconded** \_\_\_\_\_

**Approved:** \_\_\_\_\_ **Denied:** \_\_\_\_\_ **Unanimous** \_\_\_\_\_

Walton \_\_\_\_ Reynolds \_\_\_\_ Garrett \_\_\_\_ Gonzales \_\_\_\_ Marshburn \_\_\_\_ Millette \_\_\_\_ Smith \_\_\_\_

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

**AMENDMENTS:**

**MOVED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**APPROVED** \_\_\_\_\_ **DENIED** \_\_\_\_\_ **UNANIMOUS** \_\_\_\_\_

**YEA VOTES:** Williams \_\_\_\_ Tate \_\_\_\_ Blanchard \_\_\_\_ Brown \_\_\_\_ Rivenbark \_\_\_\_

\_\_\_\_\_  
**James David Williams Jr.,**  
**Chairman** 1-22-08  
Date

\_\_\_\_\_  
**ATTEST** 1-22-08  
**DATE**

## SECTION 9 – PENDER COUNTY ZONING ORDINANCE

### 9.16 Freestanding Drive-up Automatic Ice Vending Machines

- A. Shall not be considered as an accessory structure
- B. Shall allow for proper ingress and egress and proper traffic flow
- C. Shall be approved by Planning Staff
- D. Shall not be located on any minimum required parking spaces
- E. Shall have landscaping around exterior of building
  - Along any exterior wall exceeding 20 ft in length will require a minimum of 2 shrubs per 10 ft of wall length
  - Wood mulch, pine straw or other mulch like material approved by Planning staff must be placed in a 3 ft wide landscaped area adjoining any exterior wall in excess of 10 ft excluding doorways and product distribution areas
- F. Shall conform with surrounding commercial architecture and landscaping
- G. Signage shall be permitted on one side of structure and shall not exceed one (1) square foot for each lineal foot of building wall

SECTION 8 ZON. DISTRICTS & REGS.

PERMITTED USES	PD	R-20C	R-20	R-15	R-10	B-1	B-2	B-3	I-1	I-2	A	RT	RA	FA	WS
<b>TRADE (Retail Unless Noted) (See Sect. 2 Definitions) (Con't)</b>															
Furniture, Outdoor & Play Equip. (No Outside Display Or Storage Of Merchandise, Equip. Or Materials) (SICM Maj. Grp. 57 & 59, Excluding Ind. Grp. 592, 593 596 597 598 & any explosives or fire works.	P					P	P					S			
Furniture, Outdoor & Play Equip. (With Outside Display Or Storage Of Merchandise, Equip. Or Materials) (SICM Maj. Grp. 57 & 59, Excluding Ind. Grp. 592, 593 596 597 598 & any explosives or fire works.						S						S			
General Retail Merchandise Stores	P						P	P				S			
Gun Sales	P						S								
Handicrafts	P					P	P	P	P			S	S		
Hardware	P					P	P	P	P			S	P		
Livestock Sales							S		S				S		
Mobile Home Dealers & Prefabricated Buildings							S		P			S			
Miscellaneous Retail (SIC Major Group 59. Excluding 593, 596, 598, 5999)							P	P							
Pawn Shops							P								
Restaurants	P					P	P	P	P	P		S	S	S	
Shopping Centers(see def. & ZI 13 & 14)	P					S	S	S				S	S		
Trailer Sales (As Defined Herein)							S		P	P					
Wholesaling(see ZI 28)	P						S		P	P		S			
<b>SERVICES</b>															
Appliance Repair	P					P	P	P				S	S		
Automobile, Truck & Small Machinery Repair	P					S	P	S	P	P		S	S		
Automobile Rentals	P										P	S			
Auto Teller Machines (See Sect. 14.9)	P					P	P	P				P	P		
Drive-up Auto Ice Vending Machine	P					P	P	P	P	P		P	P		



# Pender County Planning Department

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## PLANNING BOARD APPLICATION FOR ZONING TEXT AMENDMENT

Date <u>Oct 29, 2007</u>	Application Fee <u>200<sup>00</sup></u>	Receipt No. <u>077073</u>
Application No. _____	Postage Fee _____	Receipt No. _____

### I. TEXT AMENDMENT INFORMATION

**Text to be Amended or Reviewed** (please refer to necessary section of Pender County Zoning Ordinance):

Section 8.9, Zoning Regulations, Table of Permitted Uses.  
Section 9, Supplemental District Regulations

**Proposed Amendment:**

Provide text that permits free standing, Automated ice vending machine in a manner similar to a freestanding Automated teller machine (reference Section 9.6)

**Reason for Amendment:**

Zoning ordinance does not contain text that provides for this type of facility.

### II. APPLICANT INFORMATION:

Applicant <u>Craig Wilson</u>	Address <u>390 Whitebridge</u>
Phone <u>(910) 270-3023</u> Fax _____	_____
Email <u>Craigw@SISWA.com</u>	_____

### III. SIGNATURE OF APPLICANT:

Craig Wilson

October 24, 2007

To: Pender County Planning Department

Regarding: Zoning Text Amendment Request for Automated Ice Vending Machine

Hello,

I would like to request that the Zoning Ordinance be amended to provide text that permits free standing, automated ice vending machines in a manner similar to a freestanding automated teller machine. I have met with the planners and we were unable to find any text that identified the type of facility that I would like to install in various locations throughout the county.

The ice machine provides a revolutionary means for the production and sale of recreational ice through the introduction of a self-contained ice plant that produces, stores, bags and sells ice utilizing a vending machine concept. This results in the ability to provide consumers with a better ice product, at a lower cost, more efficiently than ever before. In addition, the ice is never touched by human hands, possibly making it the cleanest, safest ice on the market today. The ice vending machines are fully automated and unmanned, that save the consumer both time and money.

All materials that come in contact with the ice during production are made of 100% food grade stainless steel. Once produced, the ice is stored in a self-contained food grade stainless steel bin. After the customer deposits their money, ice is cracked and mechanically dropped into a chute and delivered to the consumer all in about 8 seconds. The ice is available in either 16 pounds bagged or 20 pounds bulk options.

The machine is proven to be environmentally friendly when you compare this new technique to the traditional process of obtaining an 8 pound bag of ice at a convenience store or gas station. That ice traveled from regional ice plants that mass produce bags of ice and distributes them to specific territories. This method is subjected to the increasing costs of fuel, human error and the potential damage to the end product due to distribution and handling.

The ice machine is approximately 200 square feet. The dimensions are 8'4" x 24' and 15' high. It weighs approximately 10,000 pounds. The machine is built and anchored to withstand Hurricane winds of 150 mile per hour. It is built with 4" thick insulated refrigerator panels. The inside components are 100% food grade stainless steel. It is manufactured to NAMA specifications' and is approved by the FDA. The machine meets all applicable building codes for North Carolina. North Carolina approved engineering drawings are available for review.

Over 900 of these machines are installed in the United States. Approximately 70 are located in North Carolina with 30 of those being present in the Eastern counties.

Thank your for your time and attention,  
Craig Wilson

