

**Pender County Zoning Ordinance Text Amendment**

**Section 8.10 Schedule of District Requirements (Note: 20)  
Section 9 – Supplementary District Regulations (9.16 – Maximum Building Height)**

**SUBJECT: Zoning Ordinance Text Amendment**

**ACTION REQUESTED:**

Consider a Text Amendment to the Zoning Ordinance to raise the County height limit for all Dry Storage Boat Facility via Special Use Permit in the PD, R-20, R-20C, B-1, B-2, B-3, I-1, I-2, RT, RA & FA zoning districts.

**HISTORY/BACKGROUND:**

*Description of Request:* The request consists of amending the current Pender County Zoning Ordinance 8.10 – Schedule of District Requirements; Section 9 – Supplementary District Regulations and Section 15 -Special Uses. This amendment proposes that Dry Storage Boat Facility may request a height that exceeds the thirty five foot (35') current limit by applying for a Special Use Permit, being granted by the Board of County Commissioners.

**History/Background Relating to Proposed Amendment:**

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

**EVALUATION:**

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

**B) Planning Staff Recommendation to Planning Board:**

Planning Staff would like to receive input from the Planning Board as to their options for exploration on raising the height limits Dry Storage Boat Facilities. Staff has researched other jurisdictions in our geographical area and their height limits. You will find attached, a summary of Planning Staff's findings.

**C) Planning Board Recommendation:**

The Pender County Planning Board is requested to hold a public hearing on increasing the height limit of Dry Storage Boat Facilities from 35 feet to the height of 48 Feet via Special Use Permit.

**AMENDMENTS:**

Planning Board

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

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

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

**Zoning Text Amendment –**  
*\*proposed amendments*

**8.10 Schedule of District Requirements (20)**

(20) Note: The Board of County Commissioners may grant approval of construction where heights are greater than 35 feet for Dry Boat Storage Facility up to height of 48 feet via Special Use Permit. Please see Section 9 – Supplementary District Regulations (9.16 – Maximum Building Height)

**SECTION 9 – SUPPLEMENTARY DISTRICT REGULATIONS**

***\*9.16 Maximum Building Height for Dry Boat Storage***

**MAXIMUM HEIGHT FORTY -EIGHT FEET (48')**

*Any Dry Boat Storage Facility exceeding thirty-five feet (35') to a maximum of 48' must meet the following requirements:*

- A. Any height limit above thirty-five feet (35') to a maximum of forty-eight feet (48') shall require a Special Use Permit approved by the Pender County Board of Commissioners. This requirement shall apply to all Dry Boat Storage facilities in the PD, R-20, R-20C, B-1, B-2, B-3, I-1, I-2, RT, RA & FA zoning districts.*
- B. The proposed use must meet all requirements and is subject to all provisions of Section 15 (Special Uses) of the Pender County Zoning Ordinance.*
- C. For buildings exceeding thirty-five feet (35'), the applicant shall be required to submit expert evidence that sufficient safeguards regarding fire protection and rescue area are in place.*
- D. All Yard Setbacks (front, side & rear) must meet the district standard as set in section 8.10 District Requirements plus an additional 1 foot, for each additional foot in height over thirty-five feet (35').*

*EXAMPLE: A building of 45 feet in height is 10 feet over the standard. So in a R-20 Residential District the front yard setback would be...  
 $30' + (10*1) =$  the front yard  
So the required front yard setback for a building in the R-20 district at a height of 45' would be 40'*