

PLANNING STAFF REPORT
Zoning Map Amendment

SUMMARY:

Hearing Date: November 5, 2008 – Planning Board

Applicant: Brett A. Steiner

Property Owner: Ernestine Redd

Rezoning Proposal: Rezone from RT, Rural Transitional District to B-1, Business District (Neighborhood)

Property Record Numbers, Acreage, and Location: The property contains approximately 1.98 acres and is located about 200 feet north of Union Bethel Road, along the west side of US Highway 17; Topsail Township, NC (see attached vicinity map and boundary survey).

Staff Recommendation: Staff recommends **approval** of the request.

DESCRIPTION:

The proposal consists of rezoning one parcel of land totaling 1.98 acres from RT, Rural Transitional District, to B-1, Business District (Neighborhood). The 1.98 acres are located about 200 feet north of Union Bethel Road, along the west side of US Highway 17. The purpose of the B-1, Business District shall be to provide convenient shopping facilities primarily of necessity goods and personal services required to serve a neighborhood. This is a general use rezoning (See attached project narrative).

EVALUATION:

- A) Public Notifications:* Public Notice of the proposal for map change has been advertised in the Pender Post and Topsail Voice and adjacent property owners have been given written notice of the request.
- B) Existing Zoning in Area:* The property is entirely surrounded by the RT, Rural Transitional Zoning District.
- C) Existing Land Use in Area:* Currently there are single family residences surrounding the subject property.
- D) 2005 Land Use Plan Compliance:* The 2005 Land Use Plan classifies this property as Urban Growth Areas with areas of Conservation II along the northern portion of the property. Any development of this property will take this designated conservation areas in to consideration if it contains any federal jurisdictional wetlands or waters. This rezoning request is consistent with the 2005 Land Use Plan (See attached CAMA Land Use map).
- E) Zoning Ordinance Compliance:* Section 5.3 of the Zoning Ordinance provides for standards that shall be followed by the Planning Board before a favorable recommendation of approval for rezoning can be made. The proposed rezoning does meet the standards of Section 5.3 of the Zoning Ordinance (See Section 5.3 attached).
- F) Summary & Staff Recommendation:* The proposal consists of rezoning 1.98 acres from RT, Rural Transitional, to B-1, Business District (Neighborhood). The request complies with the criteria set forth in Section 5.3 of the Zoning Ordinance. The request is also consistent with the 2005 CAMA Land Use Plan. Therefore, staff recommends that the request be approved.

VOTING AND RESOLUTION:

Planning Board

Motion: _____ Seconded _____

Approved: _____ Denied: _____ Unanimous _____

Reynolds ___ Gonzales ___ Garrett ___ Marshburn ___ Millette ___ Smith ___ Williams ___

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED, that on December 1, 2008, the Pender County Board of Commissioners (approved, modified, denied) a rezoning request for property 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

12-01-2008
Date

ATTEST

12-01-2008
DATE

PLANNING AND COMMUNITY DEVELOPMENT

PLANNING • CODE ENFORCEMENT • BUILDING INSPECTIONS • CENTRAL PERMITTING



ZONING MAP AMENDMENT APPLICATION

Date <u>9/10/08</u>	Application Fee <u>200.00</u>
	Postage Fee <u>TD.</u>

I. PROPERTY INFORMATION:

Record #: <u>PB 42/146</u>	Current Zoning District: <u>RT</u>
Parcel ID #: <u>4215-00-8481-0000</u>	Requested Zoning District: <u>B-1</u>
Lot #: <u>L2</u>	Acreage to Be Rezoned: <u>1.98</u>
Total Acreage of Tract: <u>1.98</u>	
Property Location/Address: <u>20717 US Hwy. 17</u>	

A presubmittal meeting is required 30 days prior to submission. A complete submission must be in the Planning and Community Development Department office 45 days prior to the scheduled Planning Board public hearing date. All of the information listed below must be included for the submission to be considered complete:

- Application Fee
- Tax property card with the Tax Card print date from the Tax Office of the property and all adjacent property owners
- One addressed legal size (4½ x 9) envelope must be received for the for each of the adjacent property owners with a fully completed certified mailing certificate and return receipt attached
- Current postage for each mail certification, payable to Pender County Government
- One additional set of envelopes and first class postage is required to be processed for the Board of Commissioners
- A letter stating why the request is being made and any information that is pertinent to the case. If the owner and applicant are different, a letter must be signed by both
- Legal description and map of the property to be rezoned
- 18 (11x17) map copies for the Planning Board
- 20 (11x17) map copies for the Board of Commissioners
- CD containing maps and/or document files in .pdf format

III. SIGNATURE OF OWNER & APPLICANT:

<u>[Signature]</u>	<u>Ernestina S. Redd</u>
(If owner is different from applicant, both signatures are required)	

Milestone

P.O. Box 16568 Wilmington, NC 28408

August 22, 2008

Planner 1
Pender County Government
805 South Walker Street
Burgaw, NC 28425

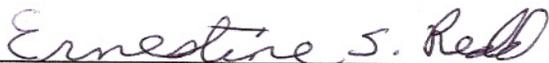
To whom it may concern,

We are requesting that the land located at 20717 US Hwy 17 in Hampstead, North Carolina owned by Ernestine Redd be re-zoned B-1. Currently, this parcel of land is zoned RT. This would allow us the opportunity to utilize this 1.98 acre tract of land for future commercial development. As part of your future land use map, this area will become a major commercial artery. As it is today, there are several tracts of land on both sides of US Highway 17 that are within a 1500 foot radius of this property that are used primarily for commercial activity. In fact, there are several other tracts of land (North of Sloop Point Road) within this RT zone that have currently been re-zoned commercial, or are going through this process. This change in zoning will not change the character, nor will it affect the health, and safety of residents in the area or adjacent properties.

Thank you for your consideration.



Brett Steiner (Contractor)
MILESTONE
910 685-4380



Ernestine Redd (Landowner)



SURVEYORS NOTE:

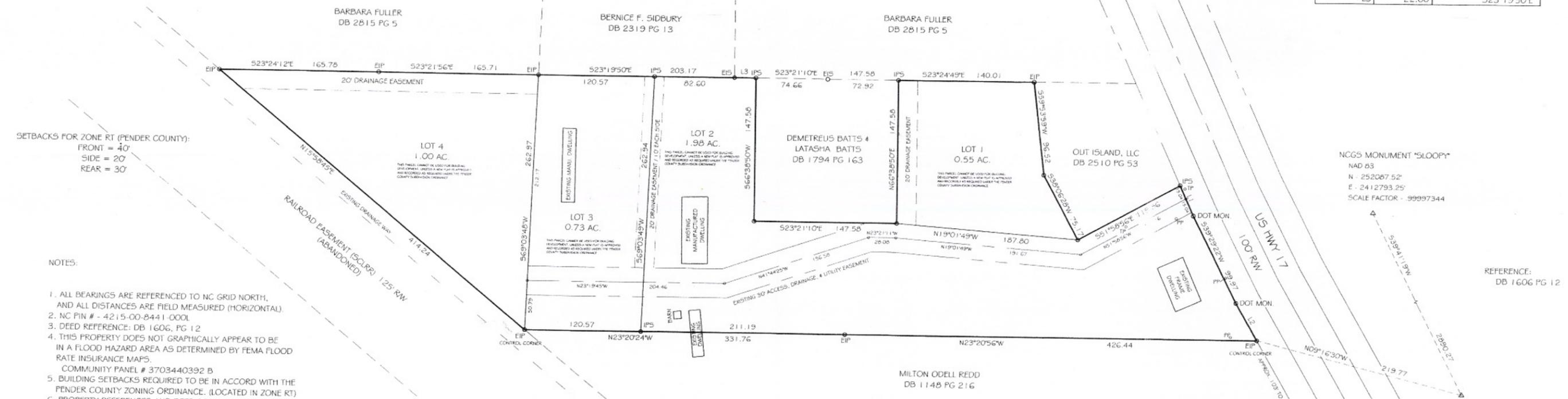
THIS PLAT IS A CORRECT REPRESENTATION OF LAND SURVEYED; HOWEVER A NORTH CAROLINA LICENSED ATTORNEY SHOULD BE CONSULTED CONCERNING CORRECT OWNERSHIP, WIDTH AND LOCATION OF EASEMENTS, ANY CEMETARIES OR FAMILY BURIAL GROUNDS NOT SHOWN ON RECORDED MAPS OR DEEDS MADE AVAILABLE TO THIS SURVEYOR BY THE RECENT OWNERS AT THE TIME OF THIS SURVEY AND OTHER TITLE QUESTIONS REVEALED BY TITLE EXAMINATION. NO CONDITIONS WHICH MAY PRESENTLY EXIST BUT ARE UNKNOWN, SUCH AS: CEMETARIES, FAMILY BURIAL GROUNDS, TOXIC OR HAZARDOUS WASTE MATERIAL, WETLANDS, AND OR FLOOD AREA.

CERTIFICATE OF OWNERSHIP, DEDICATION & JURISDICTION

THE UNDERSIGNED HEREBY ACKNOWLEDGE THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I (WE) HEREBY ADOPT THIS (PLAN OF SUBDIVISION) WITH MY (OUR) FREE CONSENT AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS, EASEMENTS AND OTHER AREAS TO PUBLIC OR PRIVATE USE AS NOTED.

(NAME) _____ (SIGNED) _____ (DATE) _____

LINE TABLE		
LINE	LENGTH	BEARING
L1	34.25	S42°19'36"W
L2	44.23	S36°34'35"W
L3	22.00	S23°19'50"E



SETBACKS FOR ZONE RT (PENDER COUNTY):
FRONT = 40'
SIDE = 20'
REAR = 30'

NOTES:

- ALL BEARINGS ARE REFERENCED TO NC GRID NORTH, AND ALL DISTANCES ARE FIELD MEASURED (HORIZONTAL).
- NC PIN # - 4215-00-8441-000L
- DEED REFERENCE: DB 1606, PG 12
- THIS PROPERTY DOES NOT GRAPHICALLY APPEAR TO BE IN A FLOOD HAZARD AREA AS DETERMINED BY FEMA FLOOD RATE INSURANCE MAPS. COMMUNITY PANEL # 3703440392 B
- BUILDING SETBACKS REQUIRED TO BE IN ACCORD WITH THE PENDER COUNTY ZONING ORDINANCE. (LOCATED IN ZONE RT)
- PROPERTY REFERENCES AND DEED REFERENCES SHOWN ON THIS PLAT WERE TAKEN FROM GIS DATA BASE PENDER COUNTY.
- ALL NEW ACCESS EASEMENTS SHOWN OR DESIGNATED ON THIS PLAT, INCLUDE THE TRANSFER OF AN EASEMENT TO PUBLIC ENTITIES & PUBLIC UTILITIES FOR THE PURPOSE OF INSTALLATION & MAINTENANCE OF MAINTENANCE OF WATER, SEWER, ELECTRIC & COMMUNICATION LINES.
- ALL ACCESS EASEMENTS SHOWN OR DESIGNATED ON THIS PLAT INCLUDE THE TRANSFER OF AN EASEMENT TO PENDER COUNTY, ITS EMPLOYEES & AGENTS FOR ACCESS FOR EMERGENCY PERSONEL (POLICE, FIRE & RESCUE) AND PENDER COUNTY AND ITS EMPLOYEES FOR ADMINISTRATION OF ALL PENDER COUNTY ORDINANCES.
- THIS PLAT IS OF A SURVEY THAT CREATES A SUBDIVISION OF LAND WITHIN THE SUBDIVISION AREA OF A COUNTY OR MUNICIPALITY THAT HAS AND ORDINANCE THAT REGULATES PARCELS OF LAND.

NCGS MONUMENT "SLOOPY"
NAD 83
N - 252067.52'
E - 2412793.25'
SCALE FACTOR - .99997344

REFERENCE:
DB 1606 PG 12

NCGS MONUMENT "BETHEL"
NAD 83
N - 249863.36
E - 2410947.48
SCALE FACTOR - .99997493

PARCEL IDENTIFIER CERTIFICATE

PARCEL IDENTIFIERS HAVE BEEN ISSUED FOR ALL PARCELS SHOWN ON THIS PLAT.

4215-00-8441-000L
TAX SUPERVISOR *fre*
9/19/06
DATE

LEGEND:

- EIP - EXISTING IRON PIPE
- ERB - EXISTING REBAR
- CP - CALCULATED POINT
- IPS - IRON PIPE SET
- EIS - EXISTING IRON STAKE
- PROP - PROPANE TANK
- PP - POWER POLE
- NCGS - "NCGS" MONUMENT
- TP - TELEPHONE PEDESTAL

APPROVED 9/18/06
Janice Warrall
INITIALS
Pender County Planning Dept.

OWNER:

ERNESTINE SHEPARD REDD
20717 US HWY 17 N.
HAMPSTEAD NC, 28443
PROPERTY ADDRESS:
20743 US HWY 17
HAMPSTEAD NC, 28443

AREA BY COORDINATE COMPUTATION



STATE OF NORTH CAROLINA COUNTY OF PENDER I, <u>Janice Warrall</u> certify that this plat was drawn under my supervision from an actual survey made under my supervision or deed description recorded in Book <u>1606</u> page <u>12</u> that the boundaries not surveyed are shown as broken lines plotted from information found in <u>NA</u> page <u>NA</u> that the error closure as cal. by lot, and <u>1:139324</u> that this plat was prepared in accordance with G.S. 42-18.1 and amended. Witness my original signature, registration number and seal this <u>19</u> day of <u>SEPT</u> , A.D. 20 <u>06</u> <i>Janice Warrall</i> Land Surveyor	STATE OF NORTH CAROLINA COUNTY OF PENDER I, <u>Janice Warrall</u> Review Officer of PENDER County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording. <u>Janice Warrall</u> REVIEW OFFICER DATE: <u>9/19/06</u>	STATE OF NORTH CAROLINA COUNTY OF PENDER Filed for Registration at <u>1:51 P.M.</u> <u>September 19</u> 20 <u>06</u> in the Register of Deeds Office Recorded in Book <u>42</u> Page <u>146</u> SL <u>574</u> <u>JOYCE M. SWICKARD</u> REGISTER OF DEEDS <i>David Kennedy</i> Deputy	SOUTHWIND SURVEYING AND ENGINEERING, INC. 201 GLEN ROAD 14888 US HWY 17 N. GARNER, N.C. 27529 HAMPSTEAD, N.C. 28443 919-773-0183 910-270-8617 919-773-0148 (FAX) 910-270-8619 (FAX) SURVEYING/ENGINEERING/LAND DEVELOPMENT	FAMILY SUBDIVISION FOR: ERNESTINE SHEPARD REDD TOWNSHIP TOPSAIL COUNTY PENDER STATE N.C. SURVEYED BY JP (02 14-06) DRAWN BY RJP (09-14-06) DATE 09-14-06 SCALE 1"=50' DRAWING NO. HOG-603C
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MB 42 PG 146 SL 574

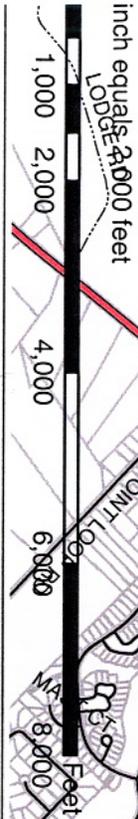
N:\maps\06-07-16\map\06-08-06.dwg, 9/15/2006, 1:44:08 PM, J. WARRALL



**Applicant -
Brett A. Steiner
Milestone**

**Zoning Map
Amendment**

-  Subject Parcel
-  Surf City Limits



VICINITY MAP



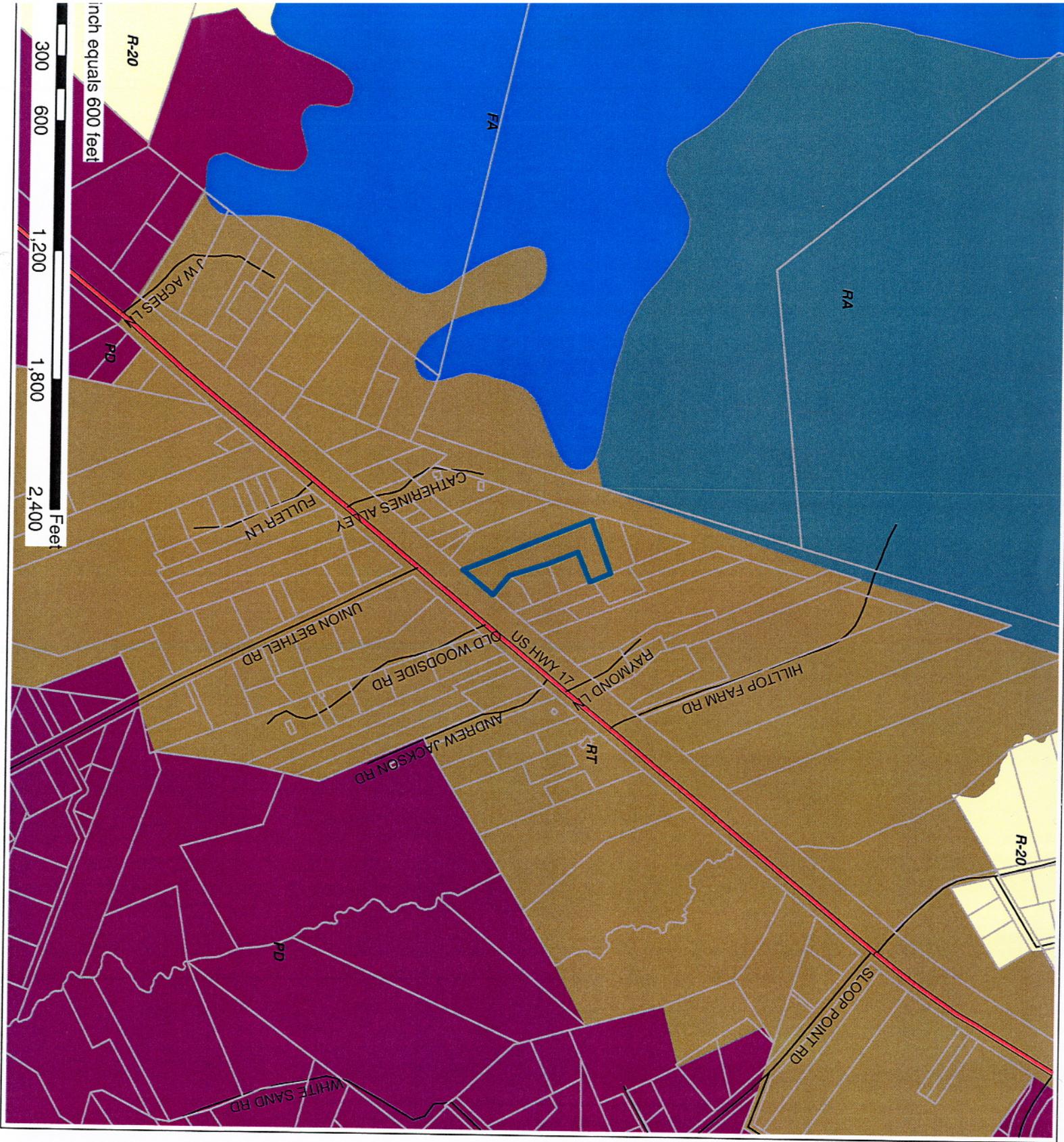
**Applicant -
Brett A. Steiner
Milestone**

**Zoning Map
Amendment**

	Subject Property
	Zoning
	B-1
	B-2
	B-3
	FA
	FA_DASH
	I-1
	I-2
	Incorporated Area
	PD
	R-10
	R-15
	R-20
	R-20C
	RA
	RT
	WSCA
	WSFA



ZONING MAP





**Applicant -
Brett A. Steiner
Milestone**

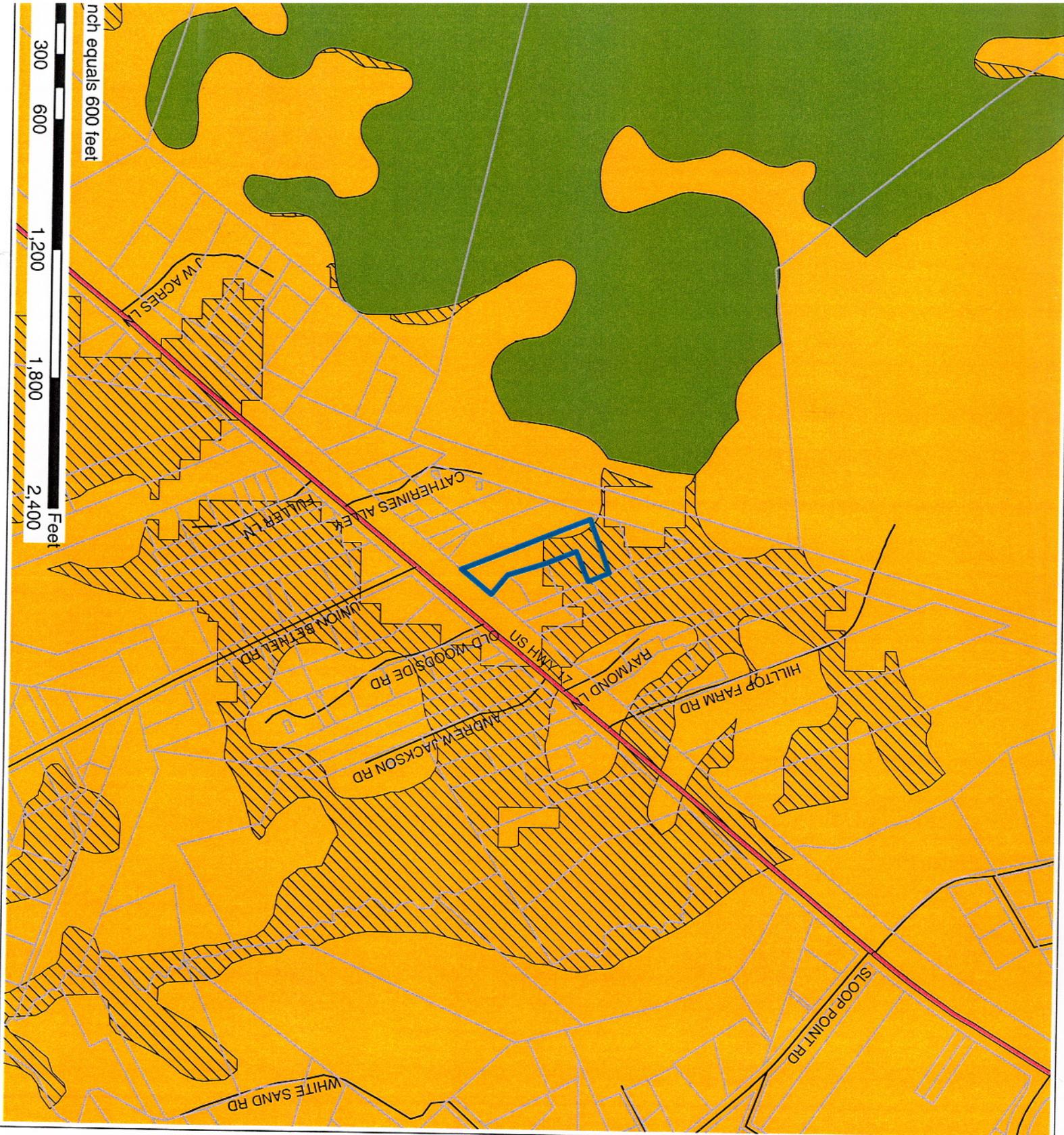
Zoning Map Amendment

Legend

- Subject Property
- Conservation Area I
- Conservation Area II
- Transition Areas
- Urban Growth Areas
- Rural Clusters
- Rural Areas



CAMA Land Use





**Applicant -
Brett A. Steiner
Milestone**

**Zoning Map
Amendment**



Aerial Map



PUBLIC HEARING DOCUMENT

PENDER COUNTY PLANNING BOARD-November 5, 2008 meeting

REVISIONS TO OUTDOOR OFF PREMESIS ADVERTISING SIGNS

16.12 Outdoor Advertising Signs (I-40)(Off Premise)

Permitted only along the I40 corridor:

No outdoor advertising sign shall be located any closer than fifteen hundred (1,500) feet off the state right-of-way on Interstate-40. The maximum height of sign on I-40 shall be thirty (30). The maximum size of any one sign shall be two hundred (200) square feet with a maximum length of forty (40) feet. No two (2) outdoor advertising sign structures shall be spaced less than fifteen hundred (1,500) feet apart.

DELETE SECTION 16.13

~~16.13 Outdoor Advertising Signs (All Other State and Federal Roads)(Off Premise)~~

~~Rev.(2-13-95)~~

- ~~A. No two (2) outdoor advertising sign structures shall be spaced less than one thousand (1,000) feet radius.~~
- ~~B. All outdoor advertising signs shall be set back the equal distance of the maximum height of the sign at a rate of one (1) feet per sign height from right-of way. [Example: If sign height is twenty (20) feet, the setback from the right-of way is twenty (20) feet.] All outdoor advertising signs shall be fifty (50) feet from a right-of way intersection.~~
- ~~C. The area of an outdoor advertising sign shall not exceed two hundred (200) square feet. In no case shall the sign exceed thirty (30) feet in length.~~
- ~~D. No outdoor advertising sign shall exceed twenty five (25) feet in height, measured from ground level, curb line, or right-of way line whichever may apply.~~
- ~~E. An outdoor advertising sign shall be considered as one sign structure when it is designed to be viewed from:
 - ~~1) One direction and consists of a single sign face placed in such a manner to be viewed by one directional flow of traffic, or~~
 - ~~2) Two directions and consists of two sign faces arranged either back to back or in a V-shape. V-shaped or back to back signs shall not be considered as one sign structure if they are not physically connected, or require separate permits for erection. In addition a sign that is not under single ownership will not be considered a single sign. In no case shall there be more than one (1) sign face per directional flow of traffic.~~~~
- ~~F. The backs of all outdoor advertising signs shall be painted in a neutral color to blend with the surrounding area and to prevent the reflection of car lights and sunlight.~~

PUBLIC HEARING DOCUMENT-cont'd

PENDER COUNTY PLANNING BOARD-November 5, 2008 meeting

REVISIONS TO OUTDOOR OFF PREMESIS ADVERTISING SIGNS

~~G. Sign messages which advertise a discontinued activity or use of a building or premise shall be removed within sixty (60) days from the date the activity or use was terminated. Signs advertising events such as shows, displays, festivals, circuses, fairs, fund drives, athletic contests, dances, elections, conventions exhibits, meetings, and the like shall be removed within thirty (30) days after the date of termination of such event.~~

Intent: The intent of this revision is to no longer allow **new** Off Premise Outdoor Advertising Signs (OPOAS) in all areas of the County except along the I 40 corridor. The I 40 corridor regulations would remain unchanged. All existing OPOAS will be allowed to remain and be considered in status as legal, nonconforming.

PUBLIC HEARING DOCUMENT

PENDER COUNTY PLANNING BOARD-November 5, 2008 meeting

REVISIONS TO OUTDOOR OFF PREMESIS ADVERTISING SIGNS

16.12 Outdoor Advertising Signs (I-40)(Off Premise)

NO CHANGES

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PUBLIC HEARING DOCUMENT-cont'd

PENDER COUNTY PLANNING BOARD-November 5, 2008 meeting

REVISIONS TO OUTDOOR OFF PREMESIS ADVERTISING SIGNS

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PUBLIC HEARING DOCUMENT

PENDER COUNTY PLANNING BOARD-November 5, 2008 meeting

ESTABLISHING CONDITIONAL ZONING DISTRICTS

CONDITIONAL ZONING

Sec. 8-7(A). Intent.

Conditional zoning districts hereby included are to allow for the consideration of certain uses that are permitted uses in the underlying zoning district but due to their nature may not be appropriate for a particular location. A conditional zoning district is intended for a development that has a high level of certainty of being constructed and the most commonly expected application will contain a specified use. Although, it is not intended to be used for speculative purposes, a conditional zoning district applicant may include as part of the application, a list of uses which will not be developed on the property. All uses listed as part of any application must be in the same format and description as listed in the Table of Permitted Uses Section 8.9.

The following zoning district categories are approved to be assigned conditional zoning districts:

- B-1
- B-2
- B-3
- I-1
- I-2
- PD
- RT

Sec. 8-7(B). Application

Except as provided herein, all applications to establish a conditional zoning district must follow the regulations prescribed in this section in addition to the standard rezoning process as described in Section 5.2 of this ordinance.

Sec. 8-7(C). Contents of Application

All applications which specify an intended use must include a generalized site development plan drawn to a suitable scale, supporting information and text which specifies the use or uses intended for the property and any development standards to be approved concurrently with the rezoning application. The generalized site development plan shall include the following items:

1. A vicinity map of 1"= 2,000 scale or larger which illustrates adjacent or nearby roadways, railroads, waterways and public facilities.
2. A (metes and bounds) boundary of the parcel or portion of the parcel to be rezoned and developed.
3. All existing easements, reservations and rights of way.
4. Delineation of all Areas of Environmental Concern including but not limited to federal jurisdictional wetlands.
5. For residential uses, the number of units, heights and a generalized location. For non residential uses, the height, approximate footprint and location of all structures.
6. If a known use is proposed: Traffic impact analysis, parking and circulation plans illustrating dimensions, intersections and typical cross sections.
7. All proposed setbacks, buffers, screening and landscaping.

8. Phasing
9. Signage
10. Outdoor lighting
11. Other information deemed necessary by the Planning Director, Planning Board, or Board of Commissioners.

Sec. 8-7(D) Public Input Meeting

Prior to scheduling a public hearing on the rezoning application, the applicant must conduct one public input meeting and file a report of the results with the Planning Director. The report for the public hearing will include a summary of the public input meeting. The applicant shall mail a notice for the public input meeting to adjoining property owners not less than ten (10) days prior to the scheduled meeting. The notice shall include the time, date and location of the meeting as well as a description of the proposal. The applicant's report of the meeting shall include:

1. A copy of the letter announcing the meeting.
2. A list of adjoining property owners contacted.
3. An attendance roster.
4. A summary of the issues discussed
5. The results of the meeting including changes to the project's proposal, if any.

Sec. 8-7(E) Review

When evaluating an application for the creation of a conditional zoning district, the planning board and board of commissioners shall consider the following:

1. The application's consistency to the general policies and objectives of the adopted land use plan.
2. The potential impacts and/or benefits on the surrounding area, adjoining properties.
3. The report of results from the public input meeting

Sec. 8-7(F) Conditions to approval of petition.

In approving a petition for the reclassification of property to a conditional zoning district, the Planning Board may recommend, and the Board of Commissioners request that the applicant add reasonable and appropriate conditions to the approval of the petition. Any such conditions should relate to the relationship of the proposed use to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, stormwater drainage, the provision of open space, and other matters that the participants in the public input meeting, staff, Planning Board and County Commission find appropriate or the petitioner may propose. Such conditions to approval of the petition may include right of way dedication to the state, as appropriate, of any rights-of-way or easements for streets, water, sewer, or other public utilities necessary to serve the proposed development. The petitioner shall consider and respond to any such conditions after the Planning Board meeting and within three (3) days prior to the staff report for the County Commission being published. If the applicant does not agree with the Planning Board or staff's recommendations of additional conditions, the County Commission shall have the authority to accept any or all of the conditions forwarded from the review process.

If for any reason any condition for approval is found to be illegal or invalid or if the applicant should fail to accept any condition following approval, the approval of the site plan for the district shall be null and void and of no effect and proceedings shall be instituted to rezone the property to its previous zoning classification.

Sec. 8-7(G). Effect of approval.

- (a) If a petition for conditional zoning is approved, the development and use of the property shall be governed by the predetermined ordinance requirements applicable to the district's classification, the approved general development plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to these regulations and to the zoning maps.
- (b) If a petition is approved, only those uses and structures indicated in the approved petition and site plan or land use area indicated on the general development plan shall be allowed on the subject property.
- (c) Following the approval of the petition for a conditional zoning district, the subject property shall be identified on the zoning maps by the appropriate district designation. A parallel conditional zoning shall be identified by the same designation as the underlying general district followed by the letters "CD" (for example "PD-CD").
- (d) The general development plan does not substitute for an approved master plan as required in the applicable zoning district.
- (d) No permit shall be issued for any development activity within a conditional zoning district except in accordance with the approved petition and site plan for the district.
- (e) Any violation of the approved site plan or any rules, regulations and conditions for the district shall be treated the same as any other violation of this Chapter and shall be subject to the same remedies and penalties as any such violation.

Sec. 8-7(H). Alterations to approval.

Except as provided in subsection (b) below, changes to an approved petition or to the conditions attached to the approved petition shall be treated the same as amendments to these regulations or to the zoning maps and shall be processed in accordance with the procedures in this chapter.

- (a) The Planning Director shall have the delegated authority to approve an administrative amendment to an approved site plan. The Planning Director shall have no authority to amend the conditions of approval of a petition. The standard for approving or denying such a requested change shall be that the change does not significantly alter the approved site plan and that the change does not have a significant impact upon abutting properties. Any decision must be in writing stating the grounds for approval or denial.
- (b) The Planning Director has the discretion to decline to exercise the delegated authority either because of uncertainty about approval of the change pursuant to the standard or because a rezoning petition for a public hearing and County Commission consideration is deemed appropriate under the circumstances. If the Planning Director declines to exercise this authority, then the applicant can amend the conditions of the original application by filing a new rezoning petition for a public hearing with Planning Board review and County Commission decision.
- (c) Any request for an administrative amendment shall be pursuant to a written letter, signed by the property owner, detailing the requested change. Upon request, the applicant must provide any additional information that is requested. Upon an approval of an administrative amendment, the applicant must file a sufficient number of copies of a revised site plan as deemed necessary by the Planning Director.

Sec. 8-7(I). Review of approval of a conditional zoning district.

It is intended that property shall be reclassified to a conditional zoning district only in the event of firm plans to develop the property. Therefore, no sooner than three (3) years after the date of approval of the petition, the Planning Board may examine the progress made toward developing the property in accordance with the approved petition and any conditions attached to the approval. If the Planning Board determines that progress has not been made in accordance with the approved petition and conditions, the Planning Board shall forward to the County Commission a report which may recommend that the property be rezoned to its previous zoning classification or to another district.

To: Pender County Planning Board
From: Patrick T. Davenport, Director
Date: October 24, 2008
RE: Comprehensive Plan and UDO projects: Update

The two day Planning workshop was held on October 14 and 15, 2008. It was a success and was attended by most of the Planning Board and one County Commissioners. The attendance report by the Committee members is as follows:

- One CPPC member, Bob Constine, did not attend either day.
- One other CPPC member, James Fentress, missed the second day.
- One DRRC member, Walter Baker, missed the second day.
- Jason Turner, the County's Extension Agent and potential alternate CPPC member attended both days.

As you are aware, the Planning Board established operating guidelines for the committees. Attendance to both days of the Workshop is a requirement. Staff is requesting the Planning Board to decide the membership status update in regards to the Workshop attendance and Jason Turner's potential involvement.

The next meeting dates for the Committees are:
CPPC: Monday November 10th 10AM to 12PM
DRRC: Monday December 8th 10AM to 12PM

The Planning Board is welcome and encouraged to attend these meetings.

Staff is available should you have any questions.

PTD

To: Pender County Planning Board

From: Patrick T. Davenport, Director

Date: October 24, 2008

RE: Discussion: Zoning Ordinance revisions- Expiration dates for SUP's

Staff has been directed to investigate potential revisions to the County's zoning ordinance regarding the expiration of approved Special Use Permits. The current expiration in the zoning ordinance reads:

15.4 General Provisions Concerning Special Use Permits

A. Procedures for Reviewing Applications

B. Revocation

C. **Expiration**

Unless approved otherwise as a condition of the permit, a Special Use Permit shall expire and become void, if a final zoning permit has not been issued for the project within 12 months after the Notice of Approval of the Special Use Permit has been served on the applicant. The Zoning Administrator may provide up to two extensions of the expiration date by no more than 3 months each, for complex projects requiring major state or federal permits, upon receipt of a written request for such extension by the applicant detailing the reasons for delay in completion of the requirements for the zoning permit.

This expiration period does not allow enough time for an applicant/developer to obtain complex State permits such as wastewater treatment plants and their associated infrastructure, storm water facilities and State road entrance permits. Staff is requesting that the Board discuss the SUP expiration issues and provide staff with input and direction toward possible ordinance revisions. Staff is available for input and recommendations if necessary.

PTD