

To: Pender County Planning Board

From: Patrick T. Davenport, Director

Date: November 18, 2008

RE: Public Hearing: Comprehensive Zoning Map revisions- FA and FA\_Dash Districts

Several years ago the County implemented a new zoning district titled Flood Hazard Area (FA). This district mirrored the Flood Hazard Areas (FHAs) delineated on the then current Flood Insurance Rate Maps (FIRMs). Since then, the FHAs have been revised by the Federal Emergency Management Agency (FEMA) but the FA District lines did not get revised in concurrence. Some confusion and misunderstandings exist in the original intent of the FA District and how the district boundaries are to be revised when the FIRMs are revised. Additionally, it is an unusual and counterintuitive planning and zoning practice to establish a "stand alone" zoning district in which a federally approved flood hazard area determines the district's boundaries. The County has a Flood Damage Prevention ordinance which ties its regulations to the current boundary and designations as shown on current FIRMS not the FA zoning district.

In many instances, several properties have had their property's removed from the FIRM flood hazard area designation but still have the Flood Hazard zoning district designation. At the current time, staff must still apply (usually more strict) FA district regulations to properties containing the designation even though the property's designation of a flood hazard area may have been removed from the federally designated FIRM.

Staff is proposing a comprehensive zoning map revision which will eliminate the FA and FA\_Dash zoning district and rezone the affected parcels to the most appropriate district according to the attached report and methodology. Please find attached ordinance amendments which will establish a Flood Hazard Overlay District and eliminate the FA and FA\_Dash zoning districts. The Flood Hazard Overlay District would be revised concurrently when the FEMA FIRM's are revised. The Flood Damage Prevention ordinance is still in effect and is referenced by the Flood Hazard Overlay District. Also attached, please find three examples representing the effects and methodology of the rezoning.

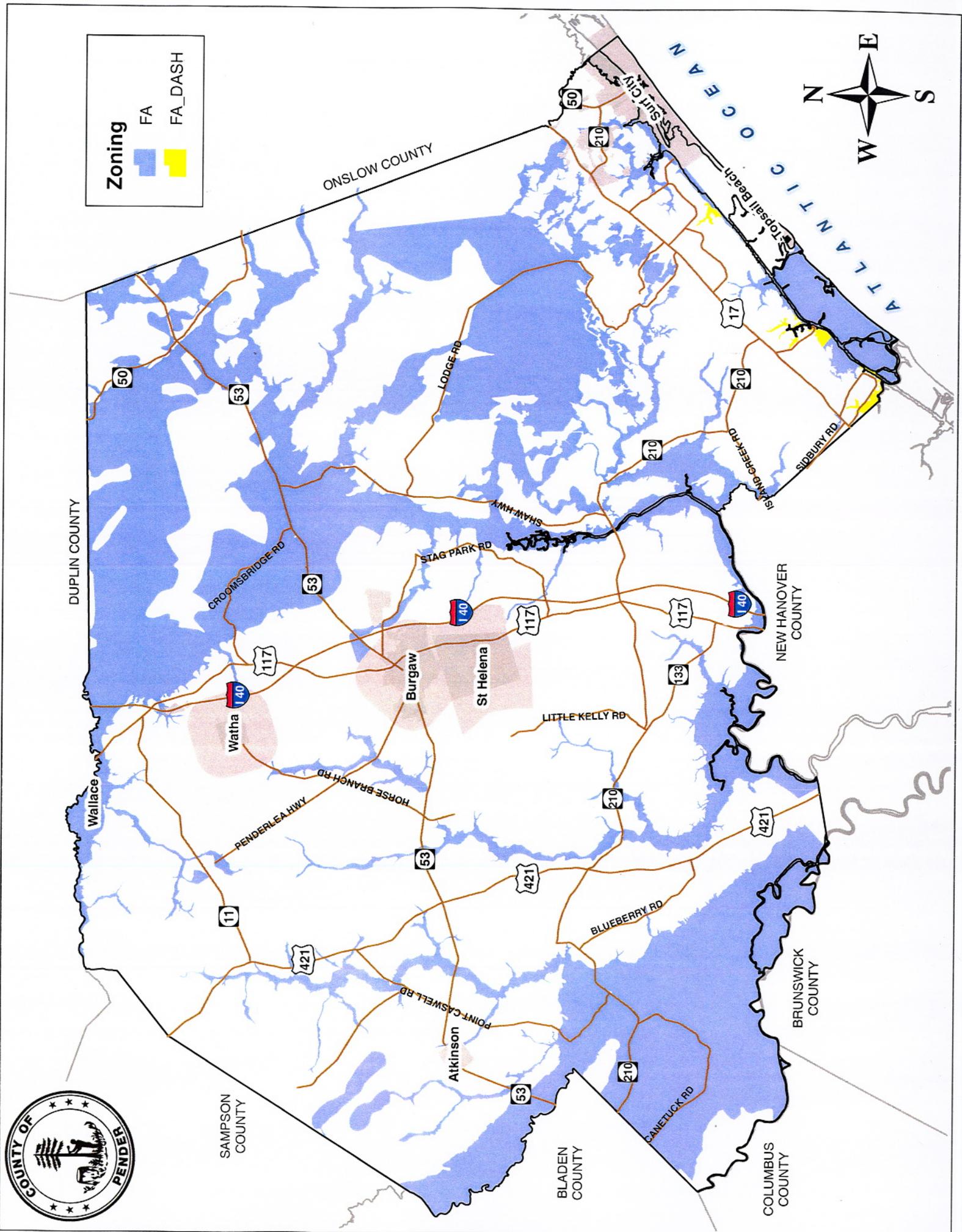
Staff is requesting the Planning Board conduct a public hearing during the December 2, 2008 meeting and forward a recommendation of approval to the Board of County Commissioners. Staff is available for questions, input and recommendations.

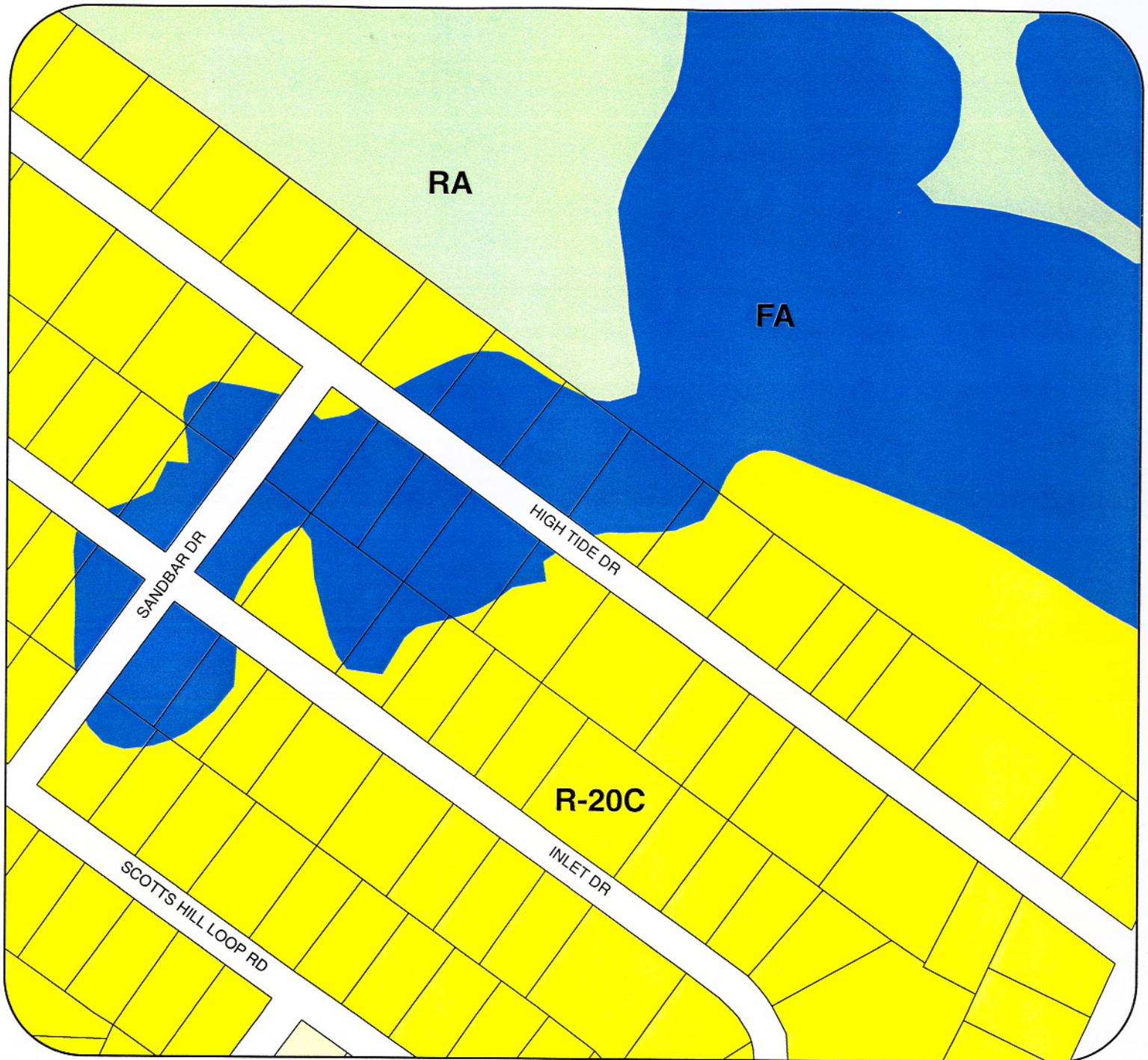
## Methodology

1. Extraction of the existing FA and FA\_dash attribute from the current zoning layer.
  - a. This represents approximately 182,062.14 acres or 34% of the county's total zoning area
  - b. Currently the FA and FA\_dash include hydrologic and roadways
2. The current tax parcels were CLIPPED with the FA and FA\_dash areas
  - a. This process produces the parcels that will be affected by the zoning update
  - b. 8,395 parcels will be affected, with 170,573.16 acres will have a zoning change
3. Each of the 8,395 parcels were assigned a new zoning classification with these variables used to assign the new classification
  - i. If a parcel intersected with 1 zoning classification- the parcel was assigned that classification (see example 1-a , 1-b)
  - ii. If no zoning existed in the area, then a down zone of RA was assigned to the parcel (see example 3-a, 3-b)
  - iii. In a few cases where the parcel was truly split 50-50, then the portion that was FA and FA\_dash was down zoned to RA and the remainder of the split zone held the original zoning classification (see example 2-a, 2-b).
4. The newly assigned zoning classification does not include streets and hydrologic features
5. This only affects the **UNINCORPORATED** portions of Pender County.

**Zoning**

- FA
- FA\_DASH





1 inch equals 250 feet

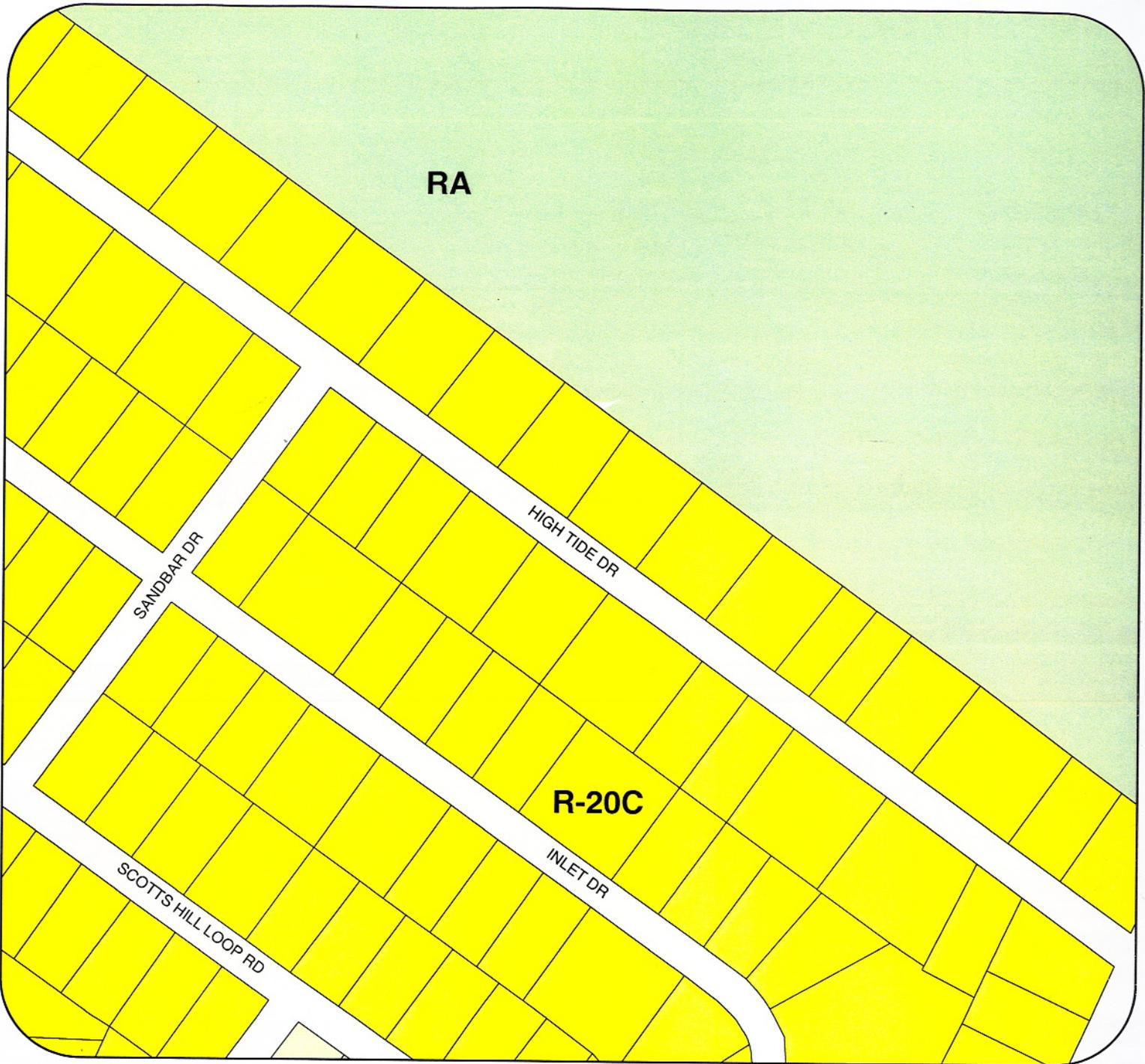


# Flood Hazard Area Rezoning

## Example 1-A

**Legend**

FA and FA_dash Areas	R-10
<b>Zoning Classification</b>	R-15
B-1	R-20
B-2	R-20C
B-3	RA
I-1	RT
I-2	WSCA
PD	WSPA



RA

R-20C

SANDBAR DR

HIGH TIDE DR

INLET DR

SCOTTS HILL LOOP RD

1 inch equals 250 feet

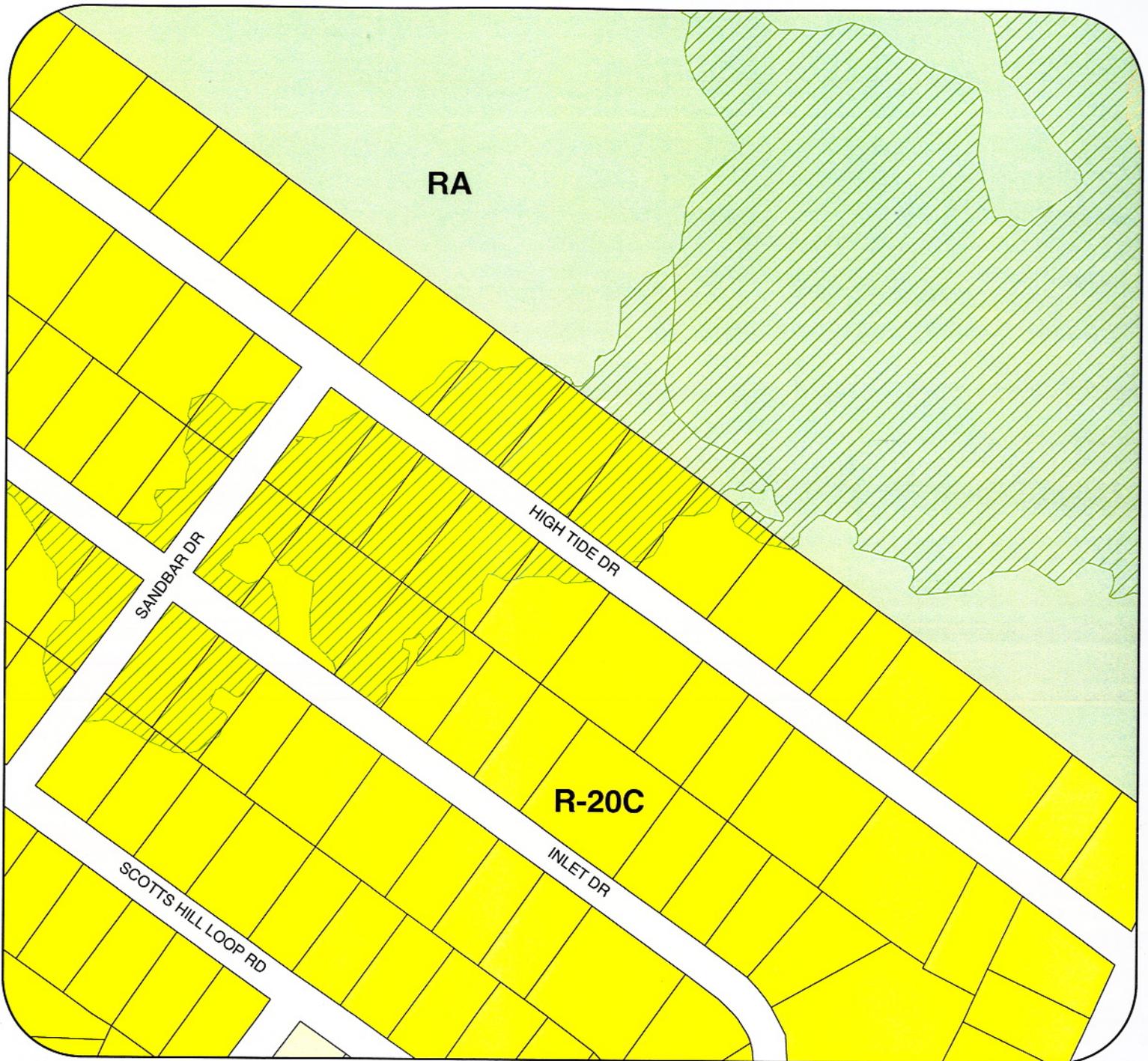


# Flood Hazard Area Rezoning

## Example 1-B

**Legend**

Zoning Classification	
	B-1
	B-2
	B-3
	I-1
	I-2
	PD
	R-10
	R-15
	R-20
	R-20C
	RA
	RT
	WSCA
	WSPA



1 inch equals 250 feet

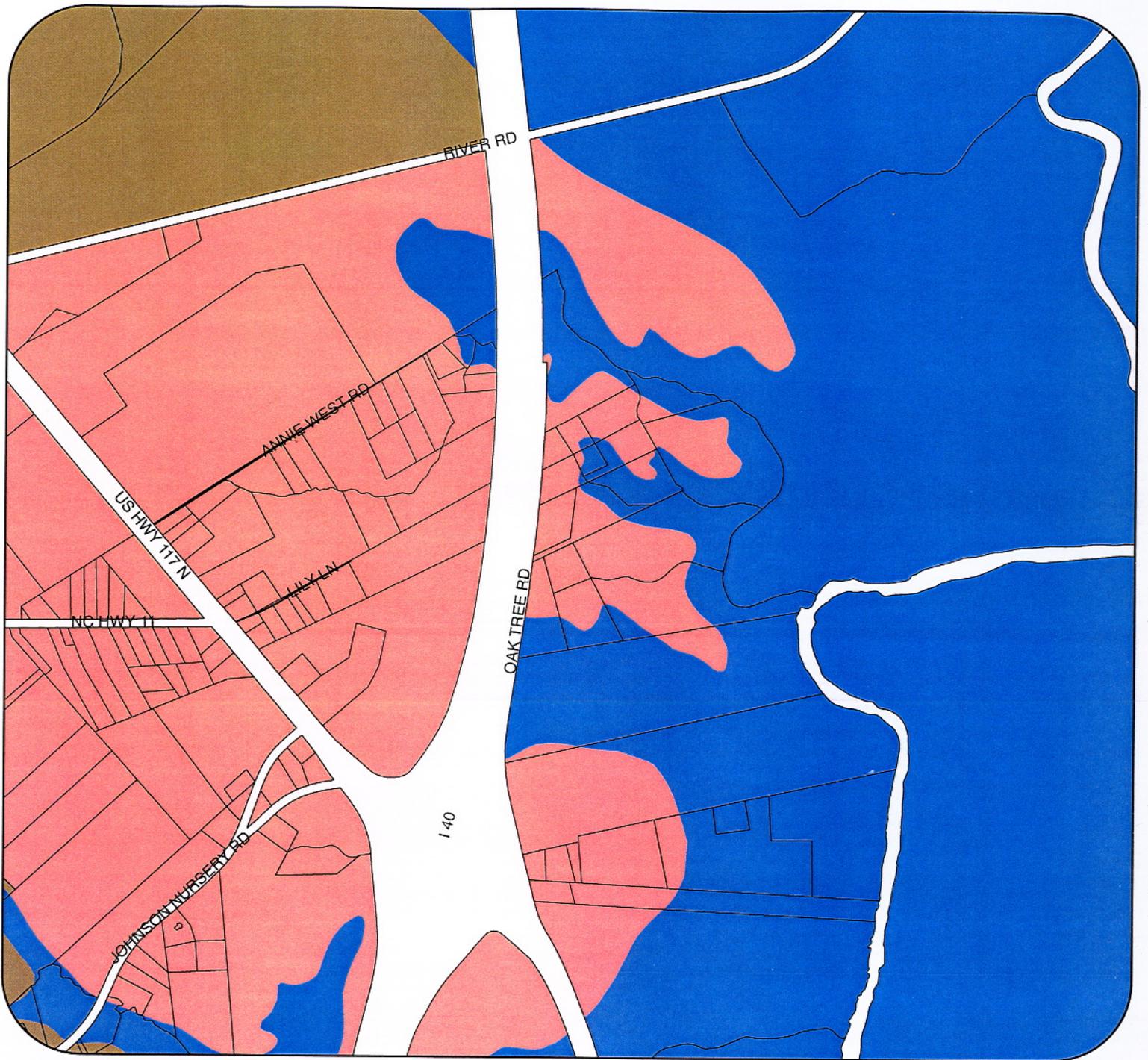


# Flood Hazard Area Rezoning

## Example 1-C

**Legend**

<b>Flood Hazard (2007)</b>	<ul style="list-style-type: none"> <li> I-2</li> <li> PD</li> <li> R-10</li> <li> R-15</li> <li> R-20</li> <li> R-20C</li> <li> RA</li> <li> RT</li> <li> WSCA</li> <li> WSPA</li> </ul>
<ul style="list-style-type: none"> <li> A</li> <li> AE</li> <li> AEFW</li> <li> VE</li> </ul>	<ul style="list-style-type: none"> <li> B-1</li> <li> B-2</li> <li> B-3</li> <li> I-1</li> </ul>



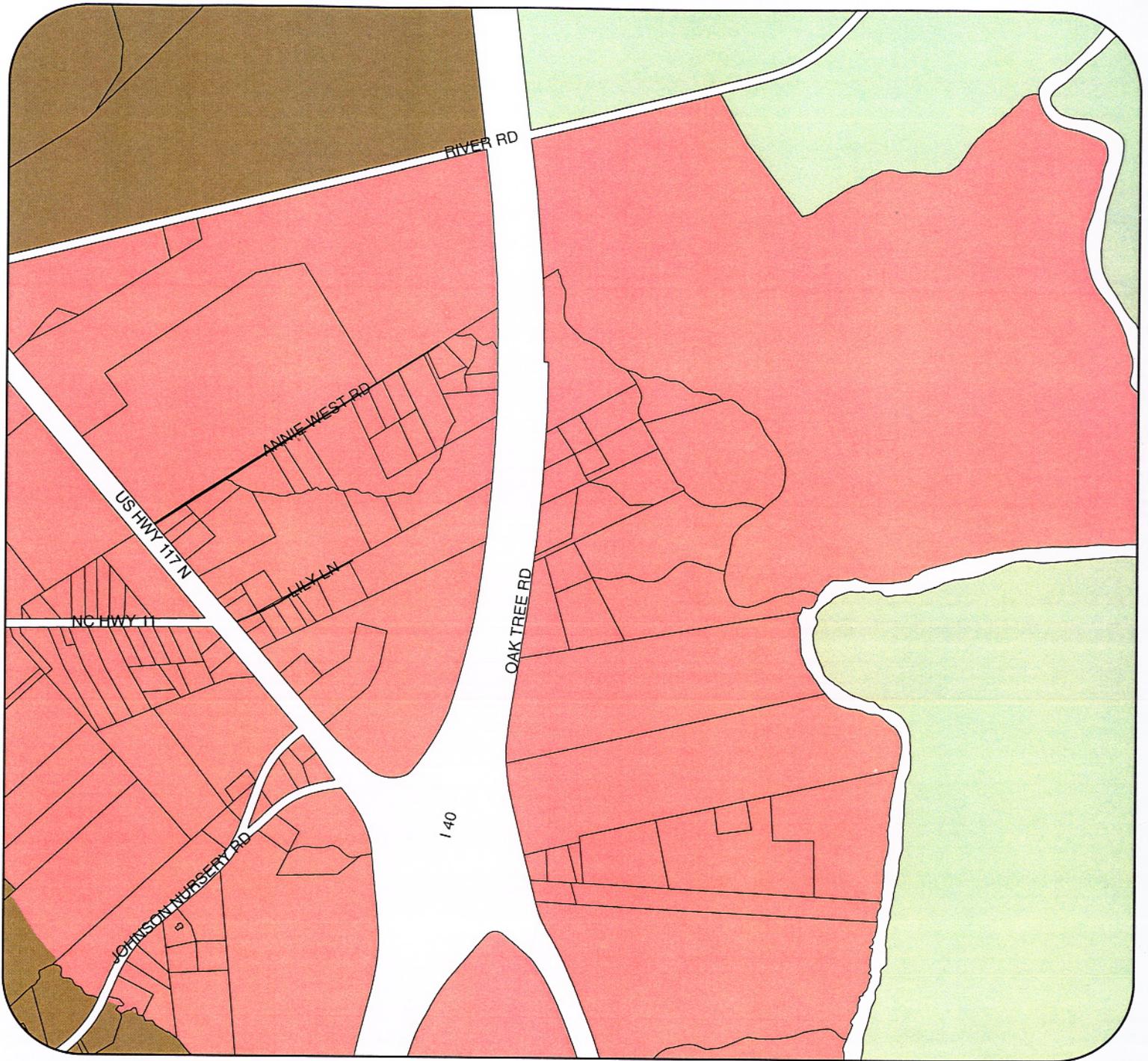
1 inch equals 1,000 feet

# Flood Hazard Area Rezoning

## Example 2-A

### Legend

- |                              |       |
|------------------------------|-------|
| FA and FA_dash Areas         | R-10  |
| <b>Zoning Classification</b> | R-15  |
| B-1                          | R-20  |
| B-2                          | R-20C |
| B-3                          | RA    |
| I-1                          | RT    |
| I-2                          | WSCA  |
| PD                           | WSPA  |



1 inch equals 1,000 feet

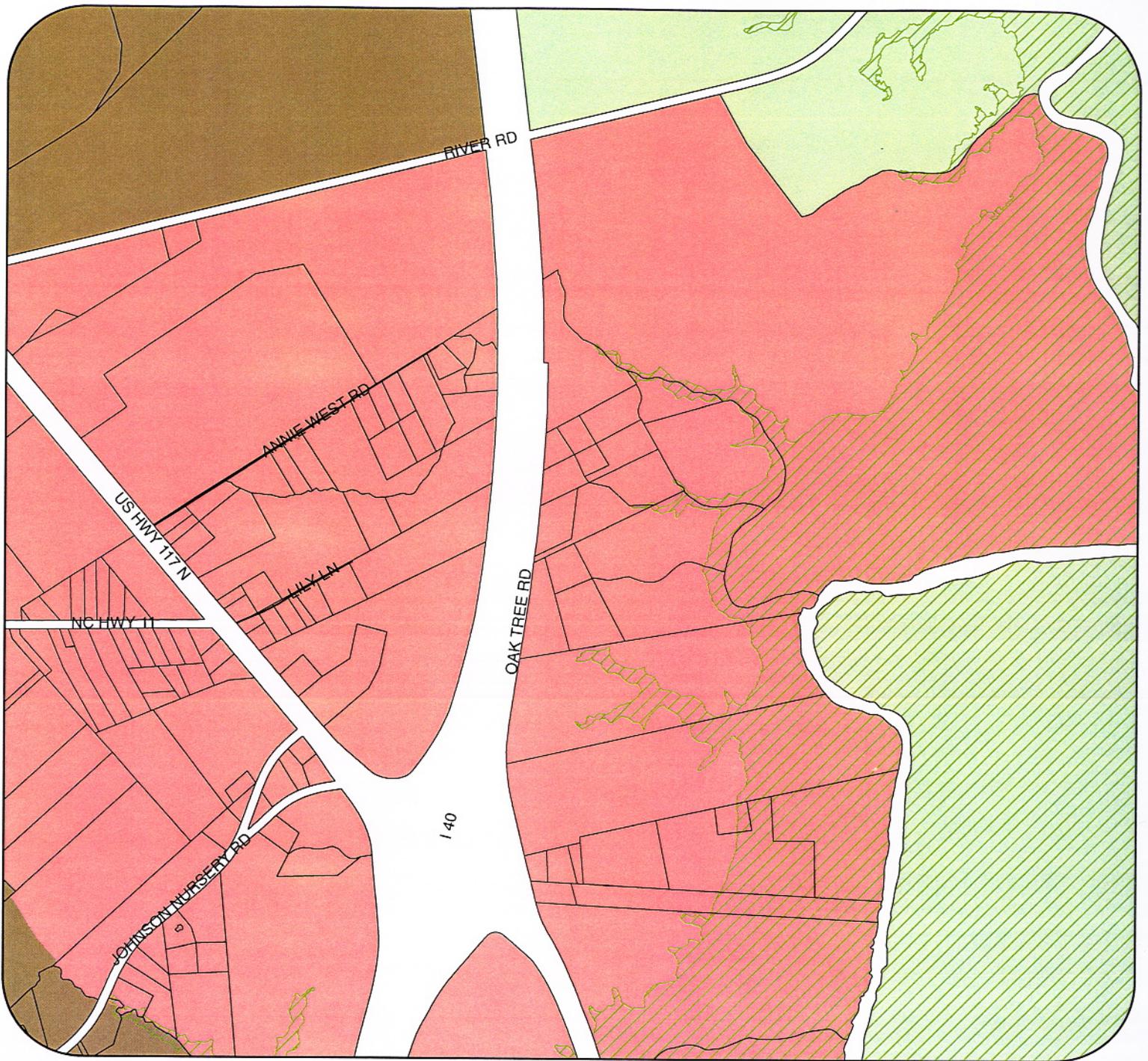
# Flood Hazard Area Rezoning

## Example 2-B

**Legend**

**Zoning Classification**

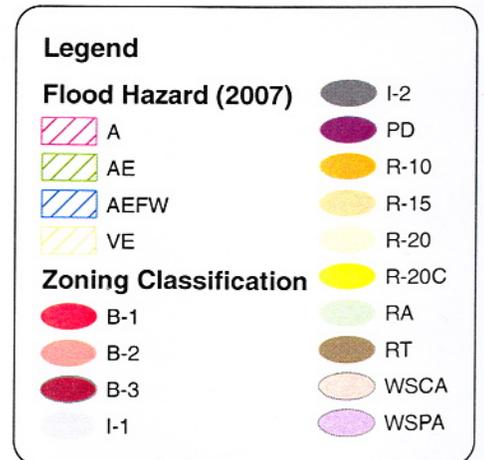
	B-1		R-15
	B-2		R-20
	B-3		R-20C
	I-1		RA
	I-2		RT
	PD		WSCA
	R-10		WSPA



1 inch equals 1,000 feet

# Flood Hazard Area Rezoning

## Example 2-C



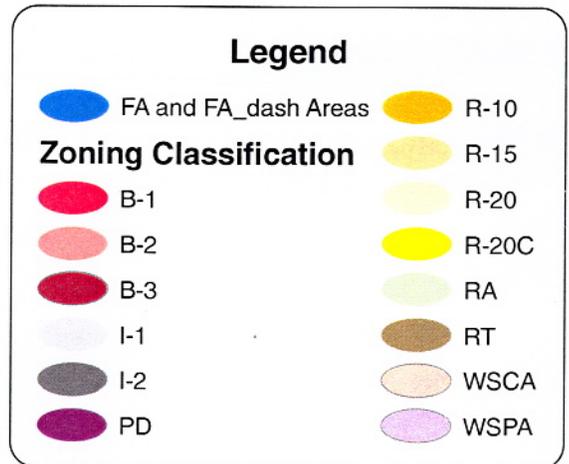


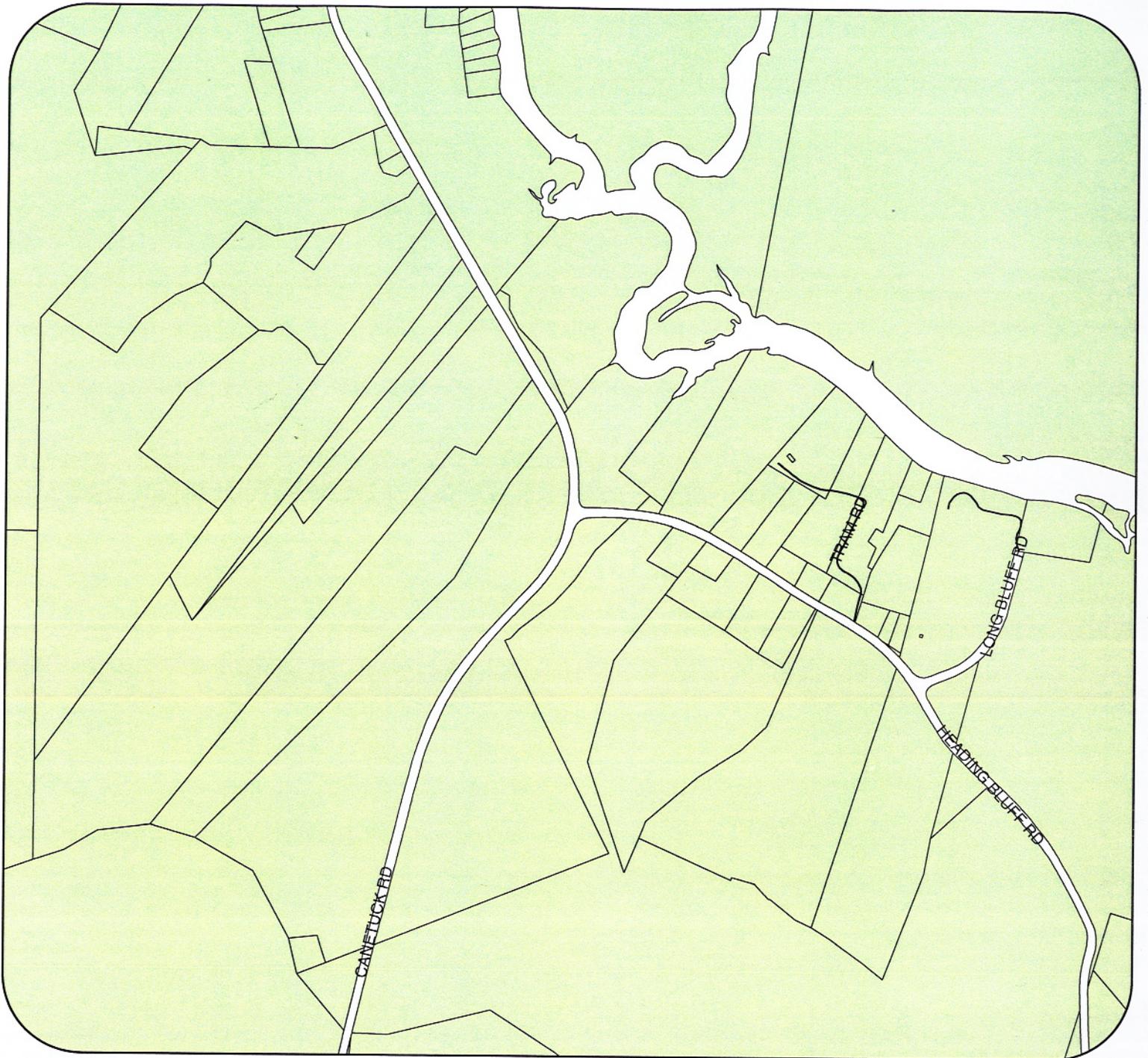
1 inch equals 1,000 feet



# Flood Hazard Area Rezoning

## Example 3-A



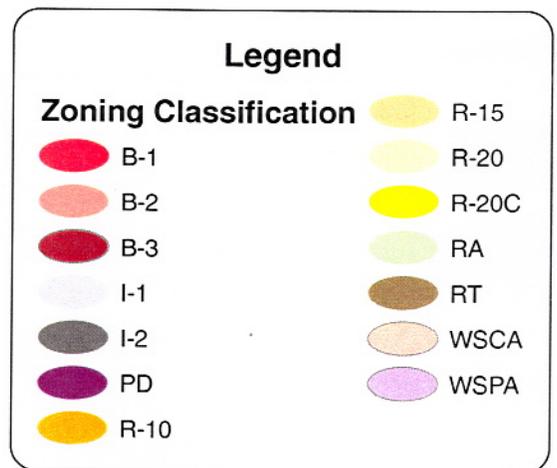


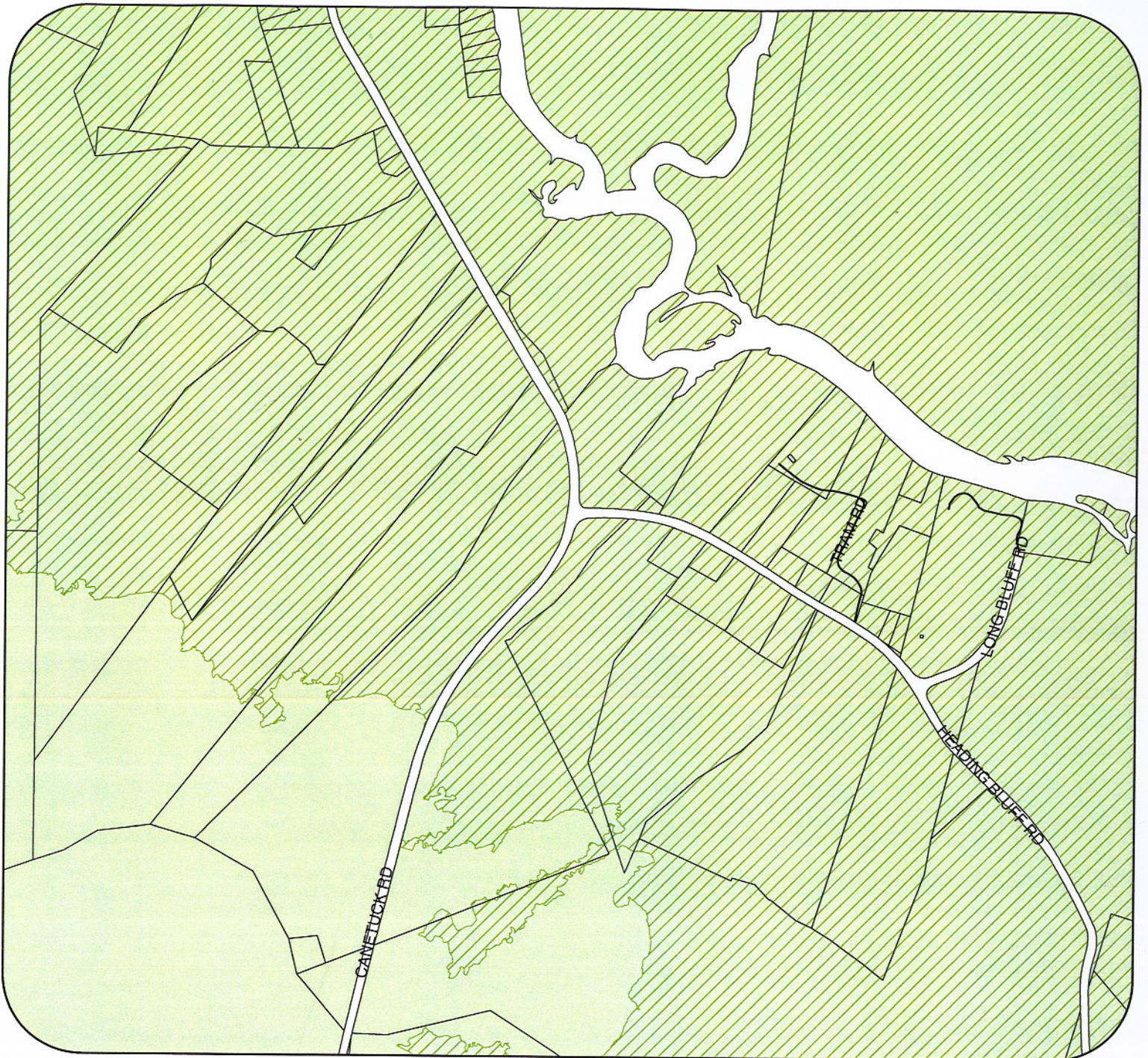
1 inch equals 1,000 feet



# Flood Hazard Area Rezoning

## Example 3-B





1 inch equals 1,000 feet



# Flood Hazard Area Rezoning

## Example 3-C

**Legend**

<b>Flood Hazard (2007)</b>		I-2
A		PD
AE		R-10
AEFW		R-15
VE		R-20
<b>Zoning Classification</b>		R-20C
B-1		RA
B-2		RT
B-3		WSCA
I-1		WSPA

**PUBLIC HEARING DOCUMENT**

PENDER COUNTY PLANNING BOARD-December 2, 2008 meeting

Revisions to existing ordinance text associated with Flood Hazard Area zoning districts

8.1 Zoning Districts Established

In order to implement the intent of this ordinance, there are hereby created zoning districts with the following designations and general purposes:

R-20 Residential District	I-2 Industrial District (Heavy)
R-20C Residential District (Conventional Housing)	A Airport District
R-15 Residential District	RT Rural Transitional District
R-10 Residential District	RA Rural Agricultural District
B-1 Business District (Neighborhood)	FA Flood Hazard Area District
B-2 Business District (Highway)	PD Planned Development District
B-3 Business District (Scenic Gateway)	WS-CA Watershed Critical Area
I-1 Industrial District (Light)	WS-PA Watershed Protected Area

8.6 Descriptions and Purposes of the Districts (See ZI 36)

M. ~~FA Flood Hazard Area District~~

~~The FA Flood Hazard Area District is established to include the riverine and coastal water connected FEMA designated Special Flood Hazard Areas. The boundaries of this district coincide with the boundaries of Flood Hazard Areas shown on the FEMA Flood Maps. This district will provide a special designation for Flood Hazard Areas until new Flood Maps become available in 2004. Additional requirements will be proposed at that time to discourage intense development using septic tanks in this district. Activities in this district are all subject to the Pender County Flood Hazard Prevention Ordinance.~~

8.9 Table of Permitted Uses

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 All
<b>AGRICULTURE</b>															
Bona fide Farm Activities (see ZI 37)	PE	PE	PE	PE	PE	PE	PE	PE	PE	PE	PE	PE	PE	PE	
Kennels, Indoor (See Definition)	S		S			P	P	P	P	P		S	P		
Kennels, Outdoor (See Definition)						S	S		P	P		S	P		
Retail/Wholesale Nurseries & Greenhouses						P	P	P	P	P		P	P	P	
Swine Operation													S		
Veterinarians						P	P	P	P			P	P		
Farm Product Warehousing & Storage (NAICS 493130)							S		P	P			P		
<b>MINING</b>															
Mining as Defined in GS 74-49 by means of explosives, dewatering, or excavation below sea level										S				S	
Mining defined herein as a "Borrow Pit"	SPB						S		S	S			S	S	
Mining as Defined in GS 74-49 & Not Included Above										S			S	S	
<b>CONSTRUCTION</b>															
Licensed Building Contractor (see ZI 29)						S	P	S	P	P		S	S		
Licensed Contractors Other Than Building (see ZI 29)						S	P	S	P	P		S	S		
Landscaping & Other Contractors (see ZI 29)						S	P	S	P	P		S	S		

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 All
<b>CONSTRUCTION (Con't)</b>															
All Contractors & Licensed Professionals, Single Office Only,  No Storage of Unlicensed Equip. or Equip. w/ more than 6 wheels &  No Storage of Materials on Site, Inside or Outside	P					P	P	P	P	P		P	P		
All Contractors and Licensed Professionals, No More Than Two  Offices, With Storage of Equipment or Materials on Site Inside an  Enclosed Building Only	P					S	P	S	P	P		S	P		
<b>MANUFACTURING</b>															
Apparel & Other Finished Products							S		P	P			S		
Bakery Products							P	S	P	P		S	S		
Beverages							P		P	P		S	S		
Boat Building & Repairing (SIC 3732 Only)	SPB		S				S	S	S	P			S		
Cabinet & Woodworking Shop							P		P	P		P	S		
Chemical & Allied Products										S			S		
Concrete & Asphalt Plants									S	S			S		
Electric & Electronic Machines, Equipment & Supplies							S		P	P		S	S		
Fabricated Metal Products									S	S		S	S		
Food & Kindred Products									P	P			S		
Furniture & Fixtures									P	P			S		
Instruments & Related Products									P	P		S	S		



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 All
<b>TRANSPORTATION, COMMUNICATION, UTILITIES</b>															
Air Transportation(Landing Strip, Air Terminal or Airport)	P									S	S		S	S	
Boat Access Facility	SPB	S	S	S	S	S	S	S	S	S		S	S	S	
Bus & Taxi Terminals						P	P	P	P	P	P	S			
Dry Storage Boat Facility	P	S	S			S	S	S	S	S		S	S	S	
Liquid Propane, Natural Gas, Sewer & Water, Collection, Distribution/Transmission Lines	PN	PN	PN	PN	PN	PN	PN	P N	PN	PN	PN	PN	PN	PN	
Liquid Propane, Natural Gas Storage & Processing Facilities	S	S	S	S	S	S	S	S	S	S	S	S	S		
Sewer/Water Treatment, Storage & Processing Facilities, Including Lifts and/or Pump Stations	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Electric/Communication Distribution Lines	PN	PN	PN	PN	PN	PN	PN	P N	PN	PN	S	PN	PN	PN	
Electric/Communication Transmission Lines	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Electrical Sub-Stations	S	S	S	S	S	S	S	S	S	S	S	S	S		
Electric Gen. Facility, Excluding Nuclear & Facilities Incinerating Waste Materials									S	S	S	S	S	S	
Electric, Liquid Propane, Nat Gas, Sewer & Water, Materials, Equipment, Maintenance Facility									P	P					
Marina (As Defined Herein)(ZI 38)	P	S	S	S	S	S	S	S	S	S		S	S	S	
Motor Freight Terminals & Warehousing							S		P	P	S		S		

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 All
<b>TRANSPORTATION, COMMUNICATION, UTILITIES (Con't)</b>															
Communication Towers (75' or higher)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Post Offices	P					P	P	P	P			P	P		
Railroad Transportation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Recycling of Waste or Salvage Material									S	S			S		
Telephone & Telegraph Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
TV, Radio or Other Broadcasting & Communication Facilities (Offices or Studios Only)	P					P	P	P	P	P		S	P		
<b>TRADE (Retail Unless Noted)(See Sect. 2 Definitions)</b>															
Adult Entertainment									S	S					
Apparel & Accessory Store	P					P	P	P	P			P	S		
Automobile Service Station	P					P	P	P	P	P		P	S		
Automobile Dealers & Truck Sales (Wholesale & Retail, New & Used)							S		P	P					
Boat Dealers	P					S	S	S	P	P			S	S	
Building Materials	P					S	P		P	P			S		
Garden & Landscape Plants & Supplies	P					P	P	P	P	P		P	P		
Convenience Food Store	P					P	P	P	P	P		S	P		
Drug Store	P					P	P	P					P		
Entertainment Establishments Bar, Cabarets, Discos (Not including Adult Ent.)	P					S	S		S	S					

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 All
<b>TRADE (Retail Unless Noted)(See Sect. 2 Definitions)</b>															
Farm Implement Sales	P					S	S		P	P			P		
Flea Markets						S	S		P			S			
Food Stores	P					P	P	P				P	P		
Fruit & Vegetable Stand						P	P	P				P	P	S	
Fruit & Vegetable Stand, Temporary												PN	PN	S	
Furniture, Home Furnishing & Equipment	P						P	P				S			
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			



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 All
<b>SERVICES</b>															
Office Complex, Business, Government Service & Professional Activities	P					S	P	S	P			S			
Printing, Copy Shops, Retail	P					P	P	P	P			S			
Camping, Travel Trailer Parks (See ZI 31& TT Park Regs)	SP B			S	S		S					S	S	S	
Catering	P					P	P	P	P	P	P	S	S		
Cemeteries (all types)							S	S	S	S	S	S	S		
Crematories (all types)						S	S	S	S	S			S		
Day Care Facility, Child, (6 or more children) (see ZI 3 & 7)	P	S	S	S	S	S	S	S		S	S	S	S		
Drive-In Theater							S								
Dry Cleaning/Laundry Plant/ Laundromat	P					P	P	P	P	P		S			
Electrical Repair Shop	P					P	P	S	P	P		S			
Equipment Rental & Leasing	P					S	P	S	P	P		S			
Fire, Rescue & Medical Transportation	P					P	P	P	P	P		P	P		
Funeral Home	P					P	P	P				S	S		
Golf Courses	P	S	S	S	S							S	S	S	
Golf Driving Ranges	P						S	S					S	S	
Miniature Golf Courses	P					S	S	S							
Indoor & Outdoor Recreation Establishments Privately Operated (See Note 3 Above)	P					S	S	S			S	S	S	S	



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 All
<b>INSTITUTIONAL SERVICES &amp; FACILITIES</b>															
Family Care Home(6 or less patients) (see ZI 7)	P	P	P	P	P	P	P	P				P	P		
Hospital						S	S	S				S	S		
Medical Care Office, Single Unit	P					P	P	P	P			P	P		
Medical Care Offices Complex	P					S	P	P				S	S		
Mental Health or Handicap Care Facility (Inpatient-More Than 6 Patients, See ZI 7)	P						S	S				S	S		
Nursing, Convalescent & Other; Residential Care Facilities	P	S	S	S	S		P	P				S	S		
Schools, and Technical Institutions															
Schools, Other (As Defined Herein) (NAISC # 611610, 611630 &611691)	P					P	P								
Community Center	P	S	S	S	S	S	S	S				S	S		
Elementary, Secondary Schools	P	S	S	S		S	S	S				P	P		
Libraries	P	P	P	P	P	P	P	P				P	P		
Museums	S					S	S	S				S	S		
Churches	P	P	P	P	P	P	P	P	P	P		P	P		
Civic and Chamber of Commerce Organizations						P	P	P				S	P		
Lodges, & Fraternal Organizations	P					P	P	P				S	S		
Social Organizations	P						S						S		



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 All
<b>OTHER USES</b>															
Carnivals, Circuses, Fairs and side shows of no more than 30 days duration per year						S	S	S				S	S	P	
Incinerator, Vegetative Only(as defined herein)									S	S			S		
Landfill, Land Clearing & Inert Debris(LCID)									S	S			S		
Landfill, Sanitary									S	S					
Motion Picture Production Facilities, Excluding Adult Entertainment (Permanent Structures Only Require Zoning Permits)	SPB						P	S	S	S	S		S		
Salvage Yards, Junkyards, Scrap Processing									S	S			S		
Outdoor Advertising (See Sign Regulations)	P					P	P	P	P	P		P	P	P	

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 All
<b>OTHER USES</b>															
Research Facilities	P						P	P	P	P	P	S	S		
Private Pier (5 slips or less) (See ZI 35)	P	P	P	P	P	P		P				P	P	P	P
Sludge Disposal (Land Application)									S	S	S	S	S		
Storage of Merchandise, Materials or Equipment Inside An Enclosed Building, Excluding Salvage						P	P	P	P	P		S	S		
Storage of Merchandise, Materials or Equipment On Site Outside An Enclosed Building, Excluding Salvage							S		S	S		S	S		
Temporary Sign (See Sign Regulations)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Temporary Modular/Mobile Offices (See Section 11.1A)	P					P	P	P	P	P	P	P	P	P	
Temporary Building for Construction & Development (See Section 11.1D)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Temporary Events (See Section 11.1E)						P	P	P	P	P		P	P	P	
Transfer Station/Convenience Center	P		S	S	S	S	S	S	P	P		S	S		