

To: Pender County Planning Board

From: Patrick T. Davenport, Director

Date: October 24, 2008

RE: Discussion: Zoning Ordinance revisions- Industrial Districts and requirements

The County is beginning the process in preparing marketing and design plans for the 421 South Industrial Park. An analysis of the County's Industrial District and Industrial Park zoning regulations revealed several items which are either unnecessary, over burdensome or confusing which may cause difficulty in marketing and developing the County's site and other future sites. Please find attached current district, park and buffer regulations to stimulate the discussion.

Discrepancies in use classification systems and permitted/special uses are noted between uses in industrial parks and uses in "stand alone" sites. Also discrepancies are noted in the buffer requirements for industrial parks and "stand alone" sites. Staff has been directed to begin the revision process immediately and pending comments received from the Planning Board and Commissioners, a public hearing could be held at the Planning Board by March 2009.

Staff is available for questions, inputs and concerns.

PTD

## 15.5 Specific Provisions Concerning Certain Listed Special & Permitted Uses

A. Industrial Parks- In addition to the other provisions listed in this Section, Industrial Parks (Parks) approved as a special use shall be subject to the following provisions:

- 1) Utility Systems- Parks approved as a special use must have water, sewer, electric and tele-communications systems provided by a Public Entity, Electric Membership Corporation, or Public Utility, as defined by the North Carolina Utilities Commission, or a written commitment from such entity to provide the service.
- 2) Access- The Parks shall have direct access to a road designated by the NCDOT as a US, or NC Highway, or at least a portion of the property shall be within 5000' of such a road and have direct access to a state maintained road or substantial guaranty provided to construct such access. The access roads to the park that are non US or NC designated roads shall not be through primarily residential areas in which individual residential lots have direct access to the non US or NC Roads.
- 3) Park Roads- All roads providing access to the Park or lots within the Park shall be maintained by the NCDOT, or provisions made for NCDOT to accept maintenance of such roads.
- 4) Buffers- Prior to occupancy of any parcel in the Park, a landscape buffer shall be provided by new plantings or existing vegetation that has at least 4 canopy (evergreen or deciduous) and 4 under story (evergreen) trees, every 100', in a 10' wide (minimum) restricted area around the perimeter of the designated project boundary of the property. The under story trees shall be capable of obtaining a spread of 15' or their number shall be increased to obtain a cumulative spread of 60' each 100'. The 4 under story trees may be substituted with 12 evergreen hedge type scrubs that will attain a spread of 5' and height of at least 6'. Plantings shall be spaced evenly along the buffer area. As an alternative to the above plantings, a double row of evergreen canopy trees, with 4 trees per row per 100' alternately spaced in a 25' wide restricted buffer area, may be provided. Prior to occupancy, a plat shall be recorded of the property showing the property boundaries, required buffer, responsibility for maintenance of the buffer plantings and notations that above ground building activity (other than utility related structures) shall not take place within or beyond the interior buffer boundary. Plantings shall not be required within 50' of an approved entrance to the Park or within 10' of a utility easement. Buffer requirements shall apply to all designated project boundaries other than boundaries that front a US or NC designated Highway. Along such project boundaries the under story or hedge type scrubs may be substituted with a decorative scrub of any height or spread. Plantings required by this section shall be shown on the site plan submitted for special use permit approval. The plan shall show the name, type and location of all plantings and the proposed restricted buffer area and entity or entities responsible for installation and maintenance. The plantings shall be of a type that are adaptable to the soil and other natural conditions of the site and shall be of a type that are not susceptible to damage from natural environmental occurrences of the region. The plan shall be reviewed, approved & signed by the NC Agricultural Extension Service Agency or signed & sealed by a NC Licensed Landscape Architect with a statement that the plan complies with the provisions of this section. When the Park complies with the provisions of this section, individual properties will not be required to comply with the other "Buffer" provisions of the zoning ordinance.
- 5) Protective Covenants- A copy of the proposed protective covenants to be recorded on the Park shall be submitted with the special use application. The covenants shall address: owner's association, organization, responsibilities & membership, use and other restrictions on the property, term, revisions & renewal of the covenants, nuisances on the property and maintenance of facilities in the park. The covenants as approved under the special use permit shall be recorded prior to division or sale of any parcels and prior to issuance of any zoning permit for or within the Park.

- 6) Storage- Storage outside an enclosed building will only be permitted for raw materials used in process on the site, finished products produced on the site or temporary storage of construction materials to be used on the site for an activity for which a building permit has been obtained. These materials must be stored inside a fenced area. The area shall be enclosed with a 6' high chain link or equivalent fence.
- 7) Setbacks- Principal Buildings shall be setback from side & rear property lines a minimum of 25' and 10' from any restricted buffer areas or easements. Principal Building setbacks from the front property line shall be a minimum of 40' and 10' from restricted buffers or easements. Parking, access areas and accessory structures shall be set back a minimum of 20' from the front property line and 10' from any side or rear property lines or easements and restricted buffer areas.
- 8) Minimum Park Size- In order to be considered for an industrial park special use permit, the park shall have a gross area of at least 15 acres.
- 9) Drainage Plan- A drainage system plan for the park designed, signed & sealed, by a registered engineer, in compliance with the drainage requirements for subdivisions as contained in the Pender County Subdivision Checklist shall be submitted and approved by the Planning Director prior to issuance of a zoning permit for construction of the park. Any assumptions utilized in design of the drainage system shall be submitted as part of the plan. Easements shall be dedicated for all drainage facilities by recorded map or other instrument. The drainage plan may be amended as additional uses are added within the park. The drainage plan or each amendment shall contain facilities on and off the site sufficient to accommodate anticipated growth on the site. The main drainage facilities to serve the entire park will be constructed or their construction guaranteed prior to issuance of a zoning permit for construction of the park. Subsequent facilities required to serve each additional use shall be constructed or guaranteed prior to issuance of a zoning permit for the individual use.
- 10) Compliance- The park and all individual uses shall comply with and be maintained in accord with all provisions of this section, all applicable sections of Pender County Ordinances and all state and federal regulations, including, but not limited to sediment & erosion control, storm water management and wetlands rules. The park and its individual uses shall be consistent with the Pender County Land Use Plan and Other Development Policies adopted by the Board of Commissioners. When the buffer and use requirements of this section are met, the park or its uses will not be required to comply with the Buffer, Setback or Permitted Use Table Sections of the Zoning Ordinance, unless specified otherwise in the special use permit.
- 11) Uses Permitted- The uses listed in this section will be permitted within the Park after review and approval of a site plan of each site and use by the Pender County Planning Director. The use and plan shall comply with the provisions of this section and other applicable provisions of all Pender County Ordinances. A site plan shall not be approved by the Planning Director until an agent authorized to act for the company submits a statement providing the four digit SIC Industry No. for the use that is to locate on the site. Uses permitted will be those listed as permitted in Appendix A of the Pender County Zoning Ordinance.

## APPENDIX A, Uses Permitted in Industrial Parks Approved as a Special Use

The Uses Indicated below and only those uses will be allowed in an approved Industrial Park, after review and approval of the site plan and use by the Planning Director for compliance with the provisions applicable to the Special Use Permit approved for the Park. The uses permitted will be those included under the Categories listed below as contained in the Standard Industrial Classification (SIC) Manual, 1987 Edition. The uses listed are those that are included in the SIC Manual under Division D., Manufacturing. The industry will be placed in the category or group that is appropriate to the primary and predominant activity on the site. Those groups or industries listed as exceptions or not listed, will be allowed only after approval of a special use permit for each individual use or the special use permit for the park, specifies that the group or industry will be permitted in the Park.

SIC Group or Industry Number	Title of Group or Industry
Major Group 20, <b>except</b> the following:	Food and Kindred Products
Industry Group No. 201	Meat Products
Industry No. 2047	Dog and Cat Food
Industry No. 2048	Prepared Feeds & Feed Ingredients
Industry Group No. 207	Fats & Oils
Major Group 22	Textile Mill Products
Major Group 23	Apparel & Other Finished Products Made From Fabrics & Similar Materials
Major Group 25	Furniture & Fixtures
Major Group 26, <b>except</b> the following:	Paper & Allied Products
Industry Group No. 261	Pulp Mills
Industry Group No. 262	Paper Mills
Industry Group No. 263	Paperboard Mills
Major Group 27	Printing, Publishing, & Allied Industries
Major Group 28, <b>only</b> the following Permitted:	Chemicals & Allied Products
Industry Group No. 283	Drugs
Industry Group No. 284	Soap, Detergents, & Cleaning Preparations; Perfumes, Cosmetics, & Other Toilet Preparations
Major Group 30	Rubber & Misc. Plastics Products
Major Group 31, <b>except</b> the following:	Leather & Leather Products
Industry Group No. 311	Leather Tanning & Finishing
Major Group 32, <b>only</b> the following:	Stone, Clay, Glass, & Concrete Products

Industry Group No. 321	Flat Glass
Industry Group No. 322	Glass & Glassware, Pressed or Blown
Industry Group No. 323	Glass Products, Made of Purchased Glass
Industry Group No. 326	Pottery & Related Products
Major Group 34, <b>except</b> the following:	Fabricated Metal Products, Except Machinery & Transportation Equipment
Industry Group No. 347	Coating, Engraving, & Allied Services
Industry Group No. 348	Ordnance & Accessories
Major Group 35	Industrial & Commercial Machinery & Computer Equipment
Major Group 36	Electronic & Other Electrical Equipment & Components
Major Group 37	Transportation Equipment
Major Group 38	Measuring, Analyzing, & Controlling Instruments; Photographic, Medical & Optical Goods; Watches & Clocks
Major Group 39	Miscellaneous Manufacturing Industries

**APPENDIX B, Uses Included in the Light Manufacturing/Processing Use Category**

**The uses included in the following NAIC codes with the exceptions noted will be included in the Light Manufacturing/Processing Category as listed in Section 8.9, Table of Permitted Uses. (Rev. 2.18.08)**

SIC/NAIC Group, Subsector, or Industry Number	Name and/or Description of Industry	SIC/NAIC Group, Subsector, or Industry Number	Name and/or Description of Industry
311712	Fresh and Frozen Seafood Processing	3352	Household Appliance Manufacturing
311811	Retail Bakeries	33632	Motor Vehicle Electrical and Electronic Equipment Manufacturing
312111	Soft Drink Manufacturing	336321	Vehicular Lighting Equip. Mfg.
312112	Bottled Water Manufacturing	336322	Other Motor Vehicle Electrical and Electronic Equipment Manufacturing
312113	Ice Manufacturing	3366	Ship and Boat Building
31213	Wineries	337110	Wood Kitchen Cabinet and Countertop Manufacturing
3222 All	Converted Paper Product Mfg.	337920	Blind and Shade Mfg.
323 All	Printing and Related Support Activities	33911	Medical Equipment and Supplies Manufacturing
325412	Pharmaceutical Preparation Manufacturing	339112	Surgical and Medical Instrument Manufacturing
325611	Soap and Other Detergent Manufacturing	339113	Surgical Appliance and Supplies Manufacturing
325620	Toilet Preparation Mfg.	339114	Dental Equip & Supplies Mfg.
325910	Printing Ink Manufacturing	339115	Ophthalmic Goods Mfg.
327390	Other Concrete Product Mfg. <sup>1</sup>		
333313	Office Machinery Mfg.	339116	Dental Laboratories

<sup>1</sup> Limited to operations with all manufacturing processes inside an enclosed bldg. & atmospheric curing process only. No heat or kiln curing. Products include cast stone, chimney caps, post, furniture, tiles & terrazzo products all with dimensions of less than 3' by 12'.

333314	Optical Instrument and Lens Manufacturing	33991	Jewelry and Silverware Manufacturing
333315	Photographic and Photocopy Equipment Manufacturing	339911	Jewelry (except Costume) Manufacturing
3342 All	Communications Equip. Mfg.	339914	Costume Jewelry and Novelty Manufacturing
3343 All	Audio and Video Equip. Mfg.	33993 All	Doll, Toy, and Game Mfg.
3344 All	Semiconductor and Other Electronic Component Manufacturing	33994 All	Office Supplies (except Paper) Manufacturing
3345 All except the following	Navigational, Measuring, Electromedical, and Control Instruments Manufacturing	339992	Musical Instrument Manufacturing
334517	Irradiation Apparatus Manufacturing	339993	Fastener, Button, Needle, and Pin Manufacturing
3346 All	Manufacturing and Reproducing Magnetic and Optical Media	339994	Broom, Brush, and Mop Manufacturing
3351	Electric Lighting Equip. Mfg.		

PERMITTED USES	I-1	I-2	PERMITTED USES	I-1	I-2
<b>MANUFACTURING</b>			<b>MANUFACTURING</b>		
Apparel & Other Finished Products	P	P	Petroleum & Related Terminals/Storage	S	S
Bakery Products	P	P	Primary Metal		S
Beverages	P	P	Printing & Publishing	P	P
Boat Building & Repairing (SIC 3732 Only)	S	P	Rubber & Misc. Products	S	P
Cabinet & Woodworking Shop	P	P	Slaughter House		S
Chemical & Allied Products		S	Stone, Clay, & Glass Products	S	S
Concrete & Asphalt Plants	S	S	Textile Manufacturing	P	P
Electric & Electronic Machines, Equipment & Supplies	P	P	Tobacco Manufacturing	S	P
Fabricated Metal Products	S	S	Transportation Equipment	S	P
Food & Kindred Products	P	P			
Furniture & Fixtures	P	P			
Instruments & Related Products	P	P			
Industrial Parks (See Section 15.5)	S	S			
Leather & Leather Products	P	P			
Leather Tanneries	S	S			
Light Manufacturing/Processing(Uses Listed in Appendix B)	P	P			
Lumber & Wood Products	S	S			
Machinery, Incl. Machinery Electrical	P	P			
Paper & Allied Products		S			
Petroleum & Related Products		S			

**A. Buffers Required For The Industrial Districts And Industrial Uses In The Rural Districts -**  
 All uses in the Industrial Districts shall be required to have the following buffers:

Location of Buffer for Industrial Districts	Type Buffer
Along all street boundaries	Buffer D
Along all non street boundaries adjacent to Residential Districts (R-10, R-15 R-20 & R-20C) and including the RT and RA Districts <i>when</i> adjacent to single family residential structures within 50' of the project boundary	Buffer C
Along all other boundaries	Buffer D

**A. Buffer "C"** This buffer is designed to provide a high density screen primarily along non street boundary lines to provide buffer and separation between different categories of uses such as commercial adjacent to residential uses or other non residential uses adjacent to high density single family residential uses. The requirements for buffer "C" shall be met by any one of the following:

C-1) 10 foot wide strip with a 6 foot high wood stockade, basket weave, or other solid wood fence and 2 canopy trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet, or

C-2) 15 foot wide strip with a 6 foot high wood stockade, basket weave, or other solid wood fence or an evergreen hedge that will provide a continuous screen at least 6' high within 4 years and 1 canopy tree, 4 understory trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet, or

C-3) 20 foot wide strip with an evergreen hedge that will provide a continuous screen at least 6' high within 4 years and 1 canopy tree or 3 understory trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet, or

C-4) 25 foot wide strip with an evergreen hedge that will provide a continuous screen at least 6' high within 4 years, 2 understory trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet.

**B. Buffer "D"** This buffer is a low density planting area to be used along boundary lines in rural areas between large lots or tracts with substantial buffer width and set backs to provide spatial separation between uses that are developed at very low density. The requirements for buffer "D" shall be met by any one of the following:

D-1) 15 foot wide strip with 3 canopy trees and a grass or other approved vegetative ground cover of at least 98 % coverage (except within 4 feet of the base of any tree) per 100 linear feet, or

D-2) 20 foot wide strip with 2 canopy trees, 2 understory trees and a grass or other approved vegetative ground cover of at least 98 % coverage (except within 4 feet of the base of any tree) per 100 linear feet, or

D-3) 25 foot wide strip with 1 canopy tree, 3 understory trees and a grass or other approved vegetative ground cover of at least 98 % coverage (except within 4 feet of the base of any tree) per 100 linear feet.