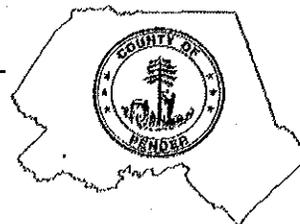


PLANNING AND COMMUNITY DEVELOPMENT

PLANNING • CODE ENFORCEMENT • BUILDING INSPECTIONS • CENTRAL PERMITTING



AGENDA

**Pender County Planning Board Meeting
February 2, 2010 6:00 p.m.
Pender County Public Meeting Room
805 S. Walker Street, Burgaw, North Carolina**

Note: The Pender County Planning Board Meeting adjourns at 11:00 p.m. Any item not discussed shall be placed on the next regular Planning Board Meeting agenda, unless otherwise stated. The items may not be discussed in the order as shown on the agenda. The agenda may be revised by the Planning Board.

Call to Order: Chairman Reynolds

Roll Call: Chairman Reynolds

Pender County Planning Board Members:

Reynolds ___ Garrett ___ Marshburn ___ Millette ___ Smith ___ Williams ___ Boney ___

1. **Adoption of the Agenda**
2. **Approval of Minutes:** January 5, 2009
3. **Public Comments**

Subdivision Review

1. **The Manor at Cypress Lakes** – Staff has initiated this agenda item to address conditions related to access requirements, historical feature preservation, and any other issues as needed for The Manor at Cypress Lakes. The subdivision was previously approved by the Planning Board for 33 lots on 25 acres on February 6, 2007. The property is zoned R-20, Residential District and is accessed off of Thomas Lane via Washington Acres Rd in Hampstead, NC.

2. Discussion Items

Planning Staff

- **Announcement: February 15, 2010 Joint meeting with Board of Commissioners**
- **Decision for additional meeting during March to continue review of UDO**
- **Project updates:**
 - 2010 Comprehensive Land Use Plan
 - 2010 Unified Development Ordinance
- **2010 UDO**
 - Zoning Map revisions continued
 - Development regulations and Subdivision Design
 - Landscaping
 - Signs

Planning Board Members

3. Adjournment

#1

MEMORANDUM

**TO: Pender County Planning Board
Mr. Trey Thurman, Pender County Attorney**

FROM: Pender County Planning and Community Development Staff

DATE: February 2, 2010

RE: The Manor at Cypress Lakes

The subdivision review item on tonight's meeting agenda is to address conditions related to Thomas Lane, the point of ingress and egress for the subdivision, and potential preservation of a historical feature, recently discovered onsite.

The Preliminary Plat for a 33-lot, single family residential development was approved by the Pender County Planning Board on February 6, 2007. Conditions of preliminary and final plat approval were not satisfied and the project expired on February 6, 2009. However, the project was renewed under the Permit Extension Act of 2009. Upon staff's review of the project status to determine what requirements must be accomplished in order to complete the development process, it was indicated to the developer that Thomas Lane would have to be upgraded to NCDOT Subdivision Roads Minimum Construction Standards as prescribed in the Pender County Subdivision Ordinance. Currently, Thomas Lane exists as a gravel 30' wide private right-of-way. Upon further research into the original staff report, condition #9 states "When any street layout or geometric design does not specifically meet the NCDOT Secondary Road Standards or the adopted Pender County Private Street Standards, a narrative explanation, justification detailed drawing of the design shall be submitted for review." Staff has asked the applicant to furnish such explanation, justification, and drawing for Planning Board review and disposition.

In conjunction with the Pender County Historical Society, NCDENR and UNCW faculty, staff has been informed that a portion of a Civil War breastworks feature, commonly known in the area as the Topsail Battery, exists on this development site. Staff is working with the developer to preserve this feature to the maximum extent possible. However, this may entail minor lot reconfigurations. As there are not any anticipated changes in density or road network configuration, staff recommends these reconfigurations be carried out administratively. Although there are no specific ordinances mandating the preservation of historical/archeological features, the CAMA Land Use Plan Section- Local Concerns, General Development Patterns #10 states that: "Efforts to identify, designate and preserve sites, buildings, equipment, uses and areas of significance shall be supported as a means of enhancing the County's economy by tourism development." Preservation and interpretation of this feature could also be a significant amenity for future home purchasers in this subdivision.

Please find attached the original staff report and supplemental materials from the February 6, 2007 meeting and correspondences from NCDENR staff for your reference.

TL VENTURES, LLC
P.O. Box 1189
Hampstead, North Carolina 28443
Tel: (910) 352-2969
e-mail: e.litvak@yahoo.com

January 14, 2010

Kyle Breuer, Planner
Pender County Planning Department
805 South Walker Street
Burgaw, NC 28425

Re: The Manor at Cypress Lakes

Dear Mr. Breuer:

In anticipation of appearing before the Planning Board on February 2, 2010 at 6:00 p.m., please allow this letter to serve as a response to your letter of December 21, 2009.

Most importantly, we understand and share the Planning Department's concern that Thomas Lane be a safe access for vehicular traffic. Apparently the various documents, correspondence, and plats from 2006 all indicate that Thomas Lane was to remain a thirty (30') foot wide, unpaved road; however, it was never our intention to complete the subdivision without improving that road.

Accordingly, we do intend to improve Thomas Lane from Washington Acres Road to the entrance of the subdivision by making full use of the easement's thirty (30') foot width. The travelled portion of the road will be widened to facilitate an eighteen (18') foot pavement width. The pavement section will consist of one and one-half (1 1/2") inches of asphalt over six (6") inches of aggregate base course. These dimensions are typical of NCDOT subdivision roadways without curb and gutter. The ditches will be reconfigured in the remaining width of the easement. As you know from discussions with our engineer, Jimmy Fentress, once these improvements are in place, Thomas Lane will function safely and efficiently, in accordance with Pender County's regulations.

With regard to the Civil War breastworks, we recognize their historical significance and will file an amended plat in order to protect them. Specifically, we will recombine Lots 6 and 7 and designate the street side of those two Lots with the breastworks as open space. The back side of those recombined Lots will remain as one buildable lot, while the open space that was to be used for a clubhouse will be re-designated as a buildable lot, leaving the number of buildable lots the same, at thirty-three (33).

As for the water supply, I refer you to the various e-mails exchanged between you, the Utility Authority Director, Michael Mack, and myself, in which Mr. Mack confirms that the Utility Authority will provide public water service to the subdivision upon completion of the water line infrastructure.

Finally, with regard to the other various permits and approvals, I have not received any notice from any of the issuing agencies that we are in violation of any of these permits or approvals, or that any of them have been revoked or otherwise terminated.

I hope this letter will be sufficient to resolve your concerns regarding The Manor at Cypress Lakes and I look forward to putting these issues to rest at the Planning Board meeting on February 2, 2010. Meanwhile, if you have any questions, please do not hesitate to contact either Jimmy Fentress or myself.

Sincerely,

Eric A. Litvak, Manager/Member

Pender County Historical Society
P.O. Box 1380
Burgaw, NC 28425

January 15, 2010

Pender County Planning/Zoning Dept.
805 S. Walker St.
Burgaw, NC 28425

Attn: Patrick Davenport

Dear Patrick,

The Pender County Historical Society asks the Pender County Planning Department to do everything feasible to preserve the historically important Topsail Battery earthworks. Much of this site has been developed or used for highways. It would be a shame to lose all of it.

If there is anything that we as a group of concerned citizens can do toward this effort please let me know.

Shelby Battle

Shelby Battle, Pres.
Pender County Historical Society
Pchs1875@hotmail.com



North Carolina Department of Cultural Resources

State Historic Preservation Office

Peter B. Sandbeck, Administrator

Beverly Eaves Perdue, Governor
Linda A. Carlisle, Secretary
Jeffrey J. Crow, Deputy Secretary

Office of Archives and History
Division of Historical Resources
David Brook, Director

January 7, 2010

Patrick Davenport
Pender County Planning and Community Development
805 South Walker Street
Burgaw, NC 28425-5001

Re: The Manor at Cypress Lakes, Pender County, ER 09-3036

Dear Mr. Davenport:

We have received notice that the Pender County Planning Board will be reviewing the proposed development *The Manor at Cypress Lakes* to be located near Hampstead in Pender County. We are concerned because the development, as it is currently laid out, will cause the destruction of an approximately 200-foot section of the Topsail Battery, a system of historic Civil War breastworks and batteries designed to defend the northern approach into Wilmington. The defenses consisted of a reinforced check point on the New Bern Plank Road (US 17) with the right wing reinforcing the natural impediment of Mill Creek and the left wing extending into the swamp west of the road. Although the forts never faced a direct confrontation with the enemy, they provided an important deterrent to a major attack and harassing sabotage from the Federal Army at New Bern.

A short section of the line enters the proposed subdivision at the northwest corner of the tract along the boundary between Lots 1 and 2, terminating at a low area of wetlands passing through the tract (see Preliminary Plan). The line begins again east of the wetlands and passes through Lots 5, 6, and 7, terminating at the Turtle Cove Court cul-de-sac. The line begins again just east of the cul-de-sac and continues out of the subdivision through Lot 9.

While it is desirable to preserve the line of breastworks by avoidance, this will be difficult with the current layout of the lots. The section between Lots 1 and 2 provides a natural boundary between the lots and avoidance should be possible. The section leading out of the subdivision through Lot 9 is located at the northern corner of the lot and should likewise be avoidable by construction. The primary concern is the well preserved breastwork extending through Lots 5, 6, and 7. While the breastwork exists in only a portion of Lot 5, the line bisects Lots 6 and 7 making it impossible to avoid during residential construction. It is recommended that the developer of *The Manor at Cypress Lakes* be consulted to change the arrangement of lots to protect these earthworks.

The above comments are made pursuant to Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's Regulations for Compliance with Section 106 codified at 36 CFR Part 800.

Thank you for your cooperation and consideration. If you have questions concerning the above comment, please contact Renee Gledhill-Earley, environmental review coordinator, at 919-807-6579. In all future communication concerning this project, please cite the above-referenced tracking number.

Sincerely,

Renee Gledhill-Earley

Peter Sandbeck

cc: Richard Kimmel, ACOE, Wilmington

**STAFF REVIEW FOR PLANNING BOARD APPROVAL
THE MANOR AT CYPRESS LAKES MAJOR SUBDIVISION PRELIMINARY PLAT
REVIEW**

DEVELOPER'S PROPOSAL:

The applicant is requesting approval for the Preliminary Plat of The Manor at Cypress Lakes Subdivision, located at the end of Thomas Lane just off of Washington Acres Drive, in Hampstead, NC. The subdivision is situated on 25.04 acres and is zoned R-20 Residential District. The PIN is 3281-59-9775-0000. The applicant is proposing a total of 33 residential lots on the property with a minimum proposed residential lot size of 20,355 sq.ft.

All lots will be served by individual water wells and septic systems. Approximately 3.76 acres of open space are provided in this proposal, meeting the 15% open space requirement of 3.75 acres. All land use and setback requirements under the Pender County Zoning Ordinance for the R-20 District will apply to this subdivision.

The road system will consist of 4 private roadways with Cypress Lakes Drive serving as the spine road for the development. Cypress Lakes Drive, Egret Point Place, and Turtle Cove Court will have cul-de-sacs, while Lakeside Way will stub-out allowing possible connection to future developments. The proposed roads will be dedicated as private, consisting of 45 ft ROWs, built to NCDOT residential road standards. A Homeowners Association is required to maintain the private roads. The subdivision will have one point of entry along Thomas Lane (which is a 30'ft wide private ROW), allowing access to the subdivision from Washington Acres Drive.

Storm water management is to be provided via a combination of road-side, side-yard, and rear-yard swales that will carry runoff to the development's natural drainage areas.

STAFF RECOMMENDATION:

Planning Staff is submitting the Preliminary Plat layout for Planning Board approval. The submission as presented tonight is substantially complete. Planning Staff recommends approval. Final Preliminary Approval will not be effective until all requirements of preliminary submission, as prescribed in the subdivision ordinance are complete, the submission shows compliance with all subdivision requirements and the Director has signed a copy of the Preliminary Plat. The approval is also subject to the following conditions:

Mandatory Items for Final Preliminary Plat Approval:

All requirements of the Pender County Subdivision Ordinance for Preliminary Plats, including items 1 thru 13 pages 22, 23 & 24 must be submitted to and approved by the Director.

1. Soil suitability analysis indicating the suitability of the property for individual septic tanks or an Improvement Authorization Permit for each lot unless community sewer is available and a conditioned approval for connection is submitted. The soil suitability analysis of the property shall also indicate the suitability of the soil for the type structure proposed.
2. Sufficient information shall be provided so that a corner of the property can be located on the ground and found with a measurement from the intersection of two state maintained roads.
3. A copy of the Preliminary Map with the street names as approved by the Pender County Emergency Management Co-ordinator (EMC) or his designee. The plat shall be signed by the EMC representative indicating approval of the road names indicated on the plat. The copy of this plat must be submitted no

later than 30 days after approval of the preliminary plat of the development by the Pender County Health Department.

4. Verification of receipt of the preliminary plat of the development by the Pender County Health Department.
5. Verification of receipt of the preliminary plat of the development by the NCDOT District Engineer or his designee.
6. General description and map of the proposed drainage for the subdivision shall include the following:
 - a. The boundaries of all drainage basins that flow through the property from upstream.
 - b. All drainage facilities that flow through the property and receive any storm water discharge from upstream.
 - c. The boundaries of all drainage basins that receive discharge from the property that is located from the discharge point on the property to the recipient perennial stream.
 - d. All drainage facilities that receive storm water discharge from the property from the discharge point to the recipient perennial stream.
 - e. This information can be described in a narrative submission and shown on a copy of a USGS 7.5 Minute Quad or other similar topographical map (11 x 17 map submission).
7. Detailed description of any proposed waste water system and system maintenance arrangements and procedures to serve lots that are not suitable for traditional on site septic systems, along with a map showing the proposed location of the off-site components of the system, including lines.
8. When any development proposes private streets a description of the method to provide Pender County Emergency Service personnel and vehicles immediate access shall be submitted.
9. When any street layout or geometric design does not specifically meet the NCDOT Secondary Road Standards or the adopted Pender County Private Street Standards, a narrative explanation, justification detailed drawing of the design shall be submitted for review.
10. When the subdivision entrance does not connect to a NCDOT maintained road, recorded documents shall be submitted that confirm the property and the proposed lots have access to a NCDOT maintained road by a public or private street that meets the standards of this ordinance.
11. The Director or the Planning Board may request additional information be submitted that is pertinent to review of the proposed subdivision for compliance with the provisions of this ordinance or other Pender County ordinances.

The Following Material May Be Submitted As A Condition Of Approval Of The Preliminary Plat, When Approved By The Planning Board Or Director:

All requirements of the Pender County Subdivision Ordinance for Preliminary Plats, including items 1 thru 11 pages 23 & 24.

1. Approval by NCDOT of connection of subdivision roads with DOT maintained roads (Driveway Permit).
2. Street construction & street drainage plans as approved by DOT District Engineer with letter of approval (for public streets).
3. Street construction & street drainage plans in accord with DOT submittal requirements, design and construction standards or in accord with Private Street Standards, Pender County. The plans must be signed and sealed by a registered surveyor or engineer. A letter from the design professional will accompany the plans certifying that they meet the NCDOT submittal requirements, design and construction standards or Private Street Standards, Pender County (for private streets).
4. One of the following items will be required for any development with any lot sizes less than 20,000 sq. ft. or net densities of 2.1 units per acre or more and both items will be required when any lot sizes are less than 15,000 sq. ft. or net densities of 2.9 units per acre or more:
 - a. Water System

- (1) Construction plans sealed by a registered engineer, as approved by DENR,
 - (2) Acceptance of operation and maintenance of the system by a Public or Community Water system as defined in this ordinance,
 - (3) Certification that the system will be owned by a Public or Community Water system as defined in this ordinance with conditional acceptance of ownership or certification that the system will be owned by a homeowners association established under the provisions of this ordinance.
- b. Wastewater system
- (1) Construction plans sealed by a registered engineer, as approved by DENR,
 - (2) Acceptance of operation and maintenance of the system by a Public or Community Water system as defined in this ordinance,
 - (3) Certification that the system will be owned by a Public or Community Water system as defined in this ordinance with conditional acceptance of ownership or certification that the system will be owned by a homeowners association established under the provisions of this ordinance.
5. Approval from the Division of Coastal Management when the development is located in an Area of Environmental Concern.
 6. Sediment & Erosion Control Plans as approved by Land Quality (with letter of approval).
 7. Storm water management plan as approved by the Water Quality Division (with letter of approval).
 8. Approval of Wetlands Delineation by Corp. of Eng. (if wetlands in development).
 9. Wetlands fill authorization or permit if construction in wetlands is involved.
 10. A drainage plan that will include all portions of the development shall be submitted. This plan shall be prepared and sealed by a registered surveyor or engineer. The plan and facilities shall provide for a drainage system for these areas that will accommodate the ten-year storm event without flooding or substantial ponding of water in the areas included in the plan. The plan must also accommodate any discharge from properties in upland portions of the drainage basin that flows through the property for the same storm event for the type development for which that property is zoned. The boundary of any drainage area on a portion of the site and/or upland from the site and drainage areas between storm water discharge points from the site to the recipient perennial stream shall be shown on a map (copy of 7.5 min. USGS Quad or similar map). Any drainage facility receiving storm water discharge from the development shall have the capacity to carry the anticipated storm water flow from areas that discharge through them for the 10 year storm event from the point of discharge at the development to the recipient perennial stream without overflowing their banks. The location, size and/or capacity of all structures included in the drainage system and receiving discharge from the development to the recipient perennial stream shall be shown on the plan and calculations used in designing the drainage system shall be submitted in a legible format. This plan may be included in the street and drainage plan, storm water management plan or on the preliminary plat, as long as the design professional certifies that the specific drainage plan submitted complies with these requirements and the information required is shown or submitted as noted (See Required Drainage Certification in development Manual).
 11. When any proposed subdivision of land with lots or areas other than open space where structures are prohibited is located in a "Designated Floodway," a "No Rise Certification" prepared by a Registered Engineer shall be submitted for the development.
 12. When a proposed subdivision is located in a SFHA the Base Flood Elevation (BFE) shall be determined and shown along with the SFHA boundary on the Preliminary Plat. In SFHA's where the BFE has not been previously determined, the Developer shall be responsible for providing the BFE as determined by a Registered Professional in the manner prescribed by FEMA Regulations.
 13. When a proposed subdivision is located within a SFHA and any water or sewer systems are not located on the site of the structure served, a statement from the Registered Professional responsible for design of the off site system shall be provided that "all public or community (off site) sewer and water systems and

drainage facilities are designed to minimize flood damage and reduce exposure to flood hazards in accord with FEMA Guidelines.”

Informational Notes for Developer:

1. A copy of the preliminary plat signed by EMC representative approving the street names will be required to be submitted within 30 days of Preliminary Plat approval by the Planning Board and before final Preliminary Plan approval by Planning Department.
2. Any reduction in open space, if applicable to this subdivision, will require Planning Board approval.
3. The applicant should be fully aware of the certification and guarantee requirements for roads, drainage plans, facilities and other improvements in the development. The certification forms are found on the Pender County Website. All documented certifications must be delivered to Planning Department prior to Final Plat Approval.
4. Any changes in the development name or road names after approval by the planning board will require an additional review fee with lot assessments to be paid in full.

Mandatory Items For Final Plat Approval:

1. The final plat shall be reviewed and approved or disapproved and notice of action taken provided to the applicant within 20 working days of completed submission. When the final plat is approved the signed original will be provided to the applicant and a signed copy placed in the Record File for the subdivision.
2. Plat Submission – the final plat must be submitted in digital format to the Director. The digital submission of the plat will be considered proprietary information. The digital layout will be made available to the Tax Supervisor for parcel update and the digital submission may be returned to the person submitting it. A copy on mylar suitable for recording shall be submitted for signing upon review & approval of the final map. The final plat shall be reviewed, approved and signed by the Director, upon approval.
3. All conditions of preliminary plat approval must have been met before any final plat will be considered for review. Confirmation of compliance with all provisions of Preliminary Plat must be submitted at least 10 days before the final plat is accepted for review.
4. All lots shown on the final plat other than open space or other specially approved lots shall meet either a., b., c., d. or e. as follows:
 - a. Be served by an on site waste water system, which is located on the site where the unit served is located, and the system has received an “Improvement Authorization Permit” from Environmental Health,
 - b. Be served by a Community Sewer System as defined in this ordinance and approval for connection to the system is provided,
 - c. Be served by a waste water system that meets the requirements of the “Water And Sewer System Requirements In Streets, Access Easements Or Other Locations Off The Site Of The Unit Served,” of this ordinance,
 - d. The soil suitability analysis as required by this ordinance and submitted with the preliminary plat shows that each lot contains at least 5,000 sq. ft. of area that is “suitable” for traditional on site waste disposal and the required 5,000 sq. ft. is not within 10 ft of any lot boundary,
 - e. Lots not meeting a., b., c. or d. provisions of this paragraph shall be labeled with a bold note as follows:
“The Parcels So Noted Cannot Be Used For Sale Or Building Development, Unless A New Plat Is Approved And Recorded As Required Under The Pender County Subdivision Ordinance.”
 - f. For alternative, see Design Requirements, Lots Section of this ordinance for “Special Purpose Lots.”
5. All improvements proposed in the development must have been constructed and certifications of completion to standards specified provided or their construction guaranteed by a Performance Guarantee.
6. All public streets must have been constructed, inspected and approved in writing by the NCDOT District Engineer or a Performance Guarantee provided.

7. Minimum Number of Lots Required on a Final Plat – the minimum lots included on the final plat shall be as follows:
 - a. Approved Preliminary Subdivision Plat contains less than 100 lots or units – final plat shall contain at least 30 lots or units or the remainder of the lots or units in the subdivision,
 - b. Approved Preliminary Subdivision Plat contains more than 100 lots or units – final plat shall contain at least 50 lots or units or the remainder of the lots or units in the subdivision.
8. The completed final plat must be submitted within 24 months of approval of the preliminary plat or within 24 months of approval of a previously recorded final plat.
9. The final plat must be prepared by a licensed surveyor.
10. The final plat must conform generally to the preliminary plat and specifically to all conditions of approval of the preliminary plat.
11. Upon initial approval of the final plat parcel layout the Director shall immediately notify the Tax Assessor so that parcel identifiers can be issued. The Tax Assessor shall establish parcel identifiers for the parcels on the plat within 10 working days of receipt of notice.
12. The final plat, approved covenants, restrictions and homeowners association documents must be recorded in the Register of Deeds within 60 days after approval by the Planning Board and prior to any sale of lots in the development.
13. The Director must take action on the final plat within 20 days of completed submission and installation of improvements or security for improvements.
14. A final plat will not be accepted for review that is incomplete or for which has not been submitted the documents necessary for verification of the conditions of Preliminary Plat approval.

Additional Materials To Be Submitted With Final Plat.

1. Certification by District Engineer of completion of construction of all public streets or all of the following:
 - a. Estimate of the cost to complete construction of the streets and all other improvements required or proposed in the development that are not complete, prepared, signed and sealed by a licensed engineer,
 - b. Performance Guarantee for the cost of all improvements not certified as complete (see Security Documents Section in the Pender County Development Manual for requirements).
2. Certification by a licensed engineer of the completion of construction of all private streets and other required improvements, or all of the following:
 - a. Estimate of the cost to complete construction of the streets and all other improvements required or proposed in the development that are not complete, prepared, signed and sealed by a licensed engineer,
 - b. Performance Guarantee for the cost of all improvements not certified as complete (see Security Documents Section in the Pender County Development Manual for forms and requirements).
3. Certification by a professional land surveyor of installation of all required monuments and markers.
4. Two copies of Articles of Incorporation of Homeowner's Association and related documents for any development that contains private streets or other non-public facilities, including drainage systems outside public street right of-ways, water systems and sewer systems and open space.
5. Two copies of the restrictive covenants to be recorded on the property.
6. The Defect Guarantee when a Performance Guarantee has not been provided for improvements.
7. Draft document transferring ownership of all common area and facilities to the Homeowners Association as shown on the final plat of the portion of the subdivision to be recorded. A recorded copy of this document must be submitted to the Director within 20 days of recording of the final plat (see "Homeowners Association Requirements" Section).

Certificates Required On Final Plat.

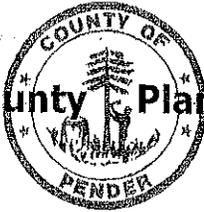
1. Certificate of Ownership, Dedication and Jurisdiction (org. signed)
2. Certificate of Approval Subdivision Public Road Construction by NCDOT District Engineer (must be signed before Map Review Officer signs off on plat)
3. Surveyor Certificate I
4. Surveyor Certificate II
5. Surveyor Certificate II
6. Parcel Identifier Certificate
7. Certificate of Registration by Register of Deeds (unsigned)
8. Certificate of Final Plat Approval

Board Action for The Manor at Cypress Lakes Preliminary Plat:

Motion: _____ **Seconded** _____

Approved: _____ **Denied:** _____ **Unanimous** _____

Walton _____ Reynolds _____ Garrett _____ Gonzales _____ Marshburn _____ Millette _____ Smith _____



Pender County Planning Department

805 South Walker Street
Burgaw, North Carolina 28425

Phone (910) 259-1202
Fax (910) 259-1295

Email: planning1@pender-county.com

PLANNING BOARD APPLICATION FOR SUBDIVISION

Date 1/5/07 Application No. _____ Application Fee \$330.00 Receipt No. 067645

I. PROPERTY INFORMATION:

Record #: DB 2945 Pg. 90 Lot #: _____
 Tax Map #: 3281-59-9775-0000 Zoning District: R-20
 Property Location: South of Hampstead, off Thomas Lane
 Subdivision Name: The Manor @ Cypress Lakes Phase: 1 of 1
 Review Type (check one): Master Preliminary Final

II. REQUIRED NAMES:

| | |
|--|--|
| Applicant <u>Stroud Engineering</u> | Owner <u>T.L. Ventures, LLC</u> |
| Address <u>102 D Cinema Drive</u> <u>Wilmington, NC 28403</u> | Address <u>9 Mirada Rd.</u> <u>Colorado Springs, CO 80906</u> |
| Phone <u>(910) 815-0775</u> Fax <u>815-0593</u> | Phone <u>(719) 667-0466</u> Fax <u>(719) 761-1531</u> |
| Email <u>lmenius@stroudengineer.com</u> | Email _____ |

Legal Relationship of Applicant to Property Owner: Agent

Authorized Project Contact (check one): Applicant Owner

III. SIGNATURE OF OWNER/APPLICANT: _____
 Luke Menius, Stroud Engineering

*****SEE SUBDIVISION Preliminary Checklist 04 FOR SUBMISSION & MAP REQUIREMENTS*****

RECEIVED

JAN 05 2007

PLANNING BOARD

Project Summary

The purpose of this project is to construct residential homes on approximately 25 acres of land located just south of Hampstead, NC on Thomas Lane. Thirty three lots are planned in this development. Access to the site from the nearest public road is provided by a deeded 30' access easement. Water and sewer are to be provided by individual onsite wells and septic systems.

Site Description

The topography of the site is fairly flat throughout with slopes of 0% to 5%. Some slopes approach 10% in the vicinity of a creek that runs through the northern corner of the site. The site is presently wooded. There are a number of isolated wetlands on the site, as well a portion of a larger wetland and the aforementioned creek. The site straddles a ridge such that it drains to the south and north into natural drainage features. Drainage from offsite is largely from Thomas and Pearsons and it drains directly through the project via the creek.

Adjoining Property

Adjoining property to the northwest and northeast is residential. The property to the southwest and southeast is undeveloped and wooded.

Soils

Soils in the project area are mapped in the Pender County Soil Survey as primarily Autryville Fine Sand. Autryville Fine Sand is characterized as a well drained soil with rapid infiltration and slow surface runoff. Wetland portions of the site contain Pactolus and Muckalee loams.

Planned Erosion and Sedimentation Control Practices

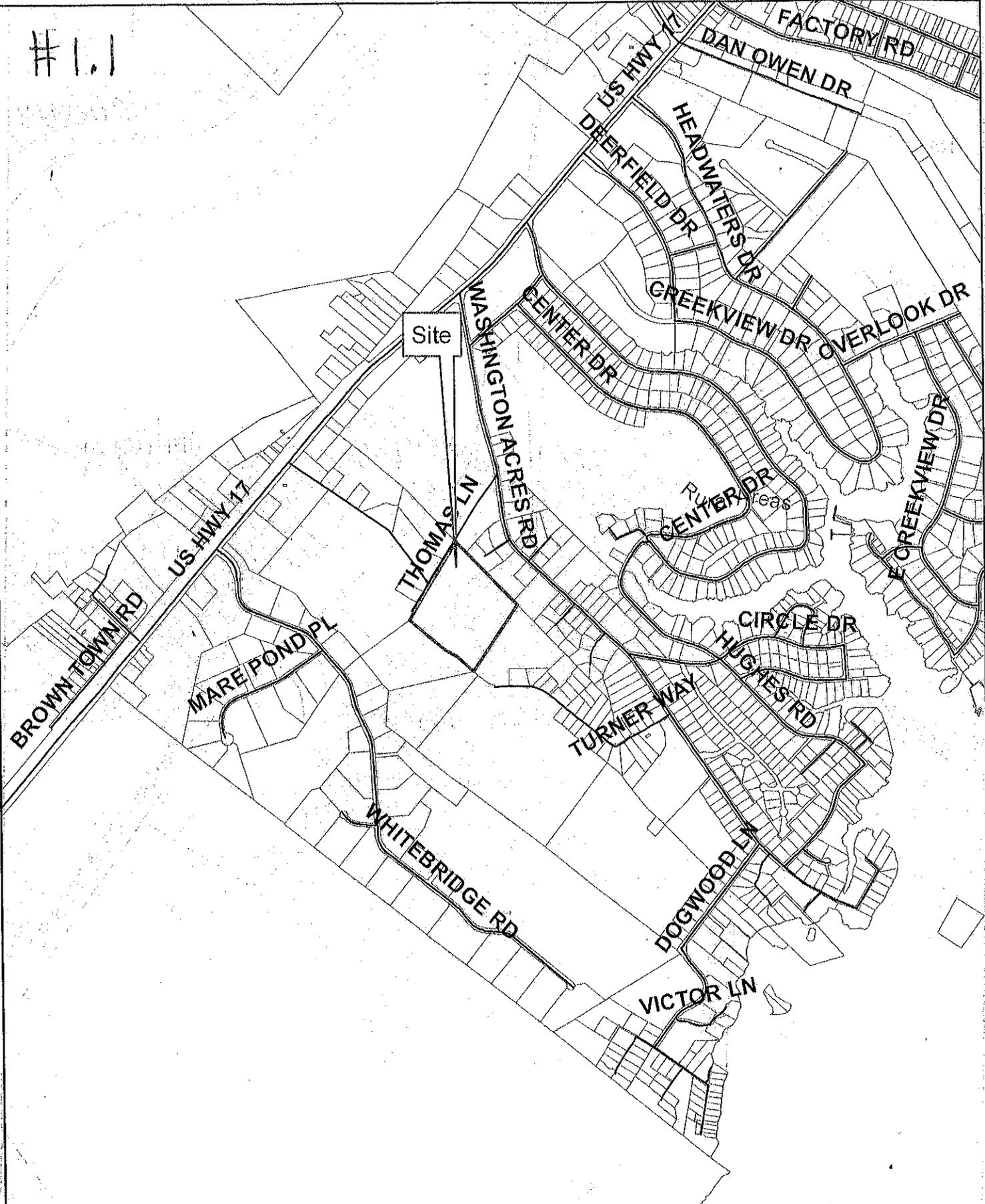
Silt fencing will be where ground disturbance is in close proximity to wetlands to control sedimentation. A construction entrance will be located at the entrance to the site, at the intersection of Pearsons and Thomas. A number of sediment traps will be located in the roadside ditches during construction where channelized flow will be adjacent to construction traffic.

Planned Stormwater Management Practices

This project is a low density, non curb and gutter subdivision. Stormwater from lots will flow to roadside ditched or overland to adjacent wetlands. Stormwater from the roadway will be collected in shallow vegetated roadside ditches and diverted to adjacent wetlands via 5:1 vegetated swales.

JAN 05 2007

#1.1

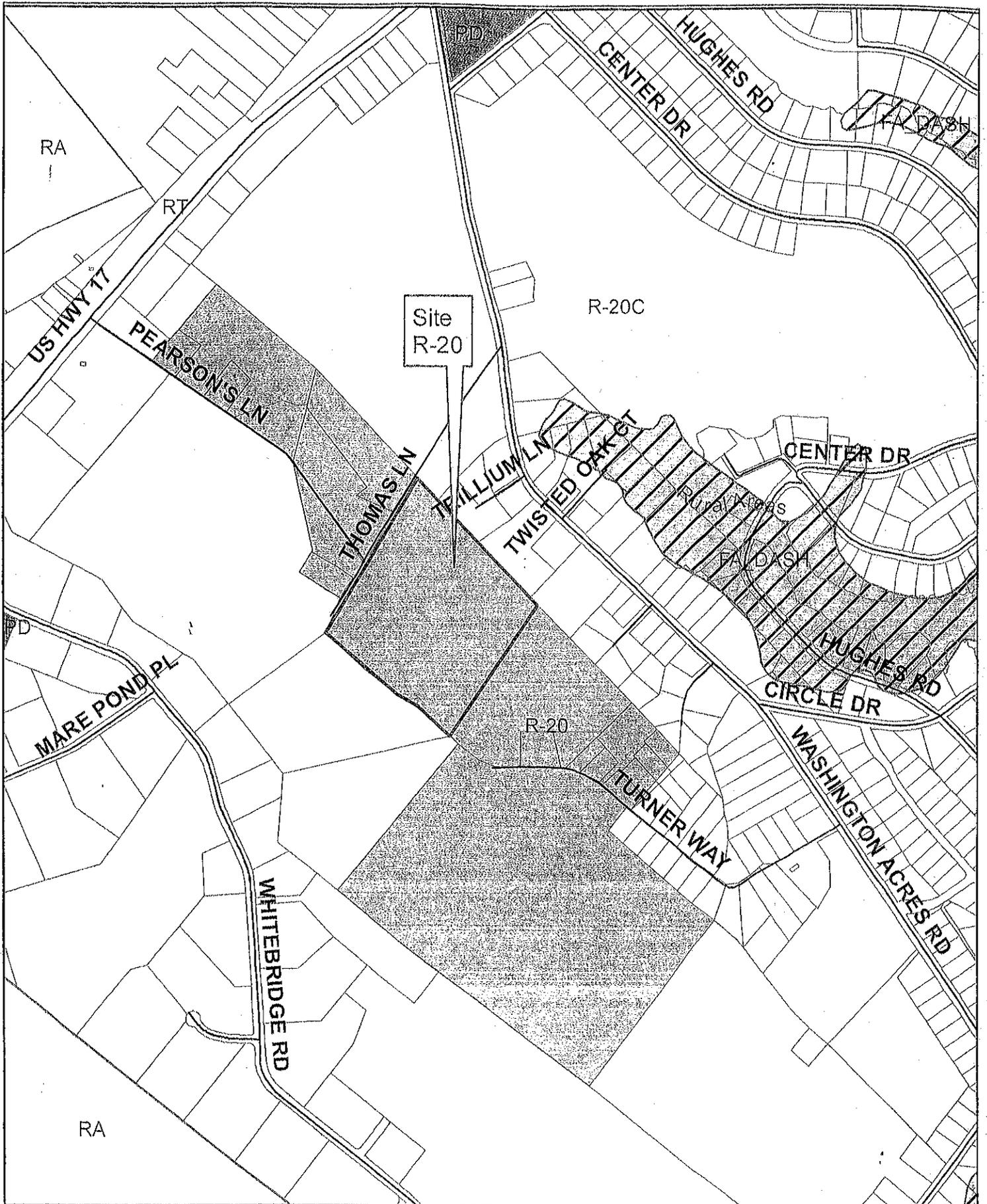


1 inch equals 1,500 feet

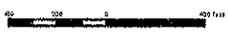


Major Subdivision: Manor at Cypress Lakes
Vicinity Map





1 inch equals 750 feet



Major Subdivision: Manor at Cypress Lakes
Zoning Map



Site
Urban Growth Area
Conservation Area I

Legend

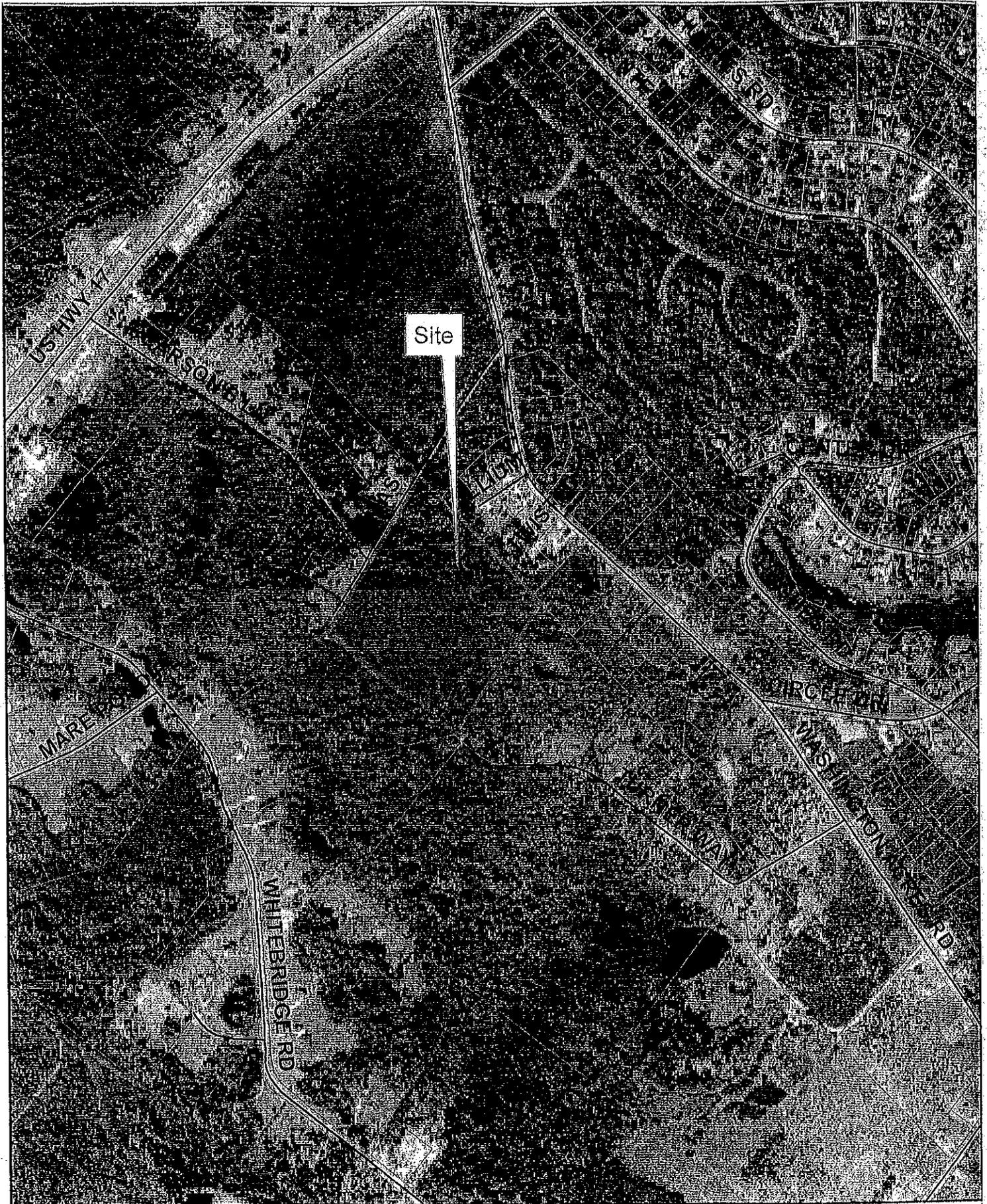
-  Conservation Area I
-  Conservation Area II
-  Rural Clusters
-  Transition Areas
-  Urban Growth Areas
-  Rural Areas

1 inch equals 750 feet



Major Subdivision: Manor at Cypress Lakes
Land Use (2005)





Site

1 inch equals 750 feet



Major Subdivision: Manor at Cypress Lakes

Orthos (2003)





PLANNING AND COMMUNITY DEVELOPMENT

CODE ENFORCEMENT • BUILDING INSPECTIONS • CENTRAL PERMITTING
PARKS AND RECREATION • PLANNING AND ZONING

#2

To: Pender County Planning Board

From: Patrick T. Davenport, Director

Date: January 26, 2010

RE: Discussion: Project updates and 2010 UDO review items continued

Please find attached three draft UDO articles: Article 6 *Development Regulations and Subdivision Design*, Article 7 *Landscaping* and Article 9 *Signs* for Planning Board review. Staff will review and discuss these articles with the Planning Board. It is appropriate to receive public comment on these items if the Planning Board deems necessary. Other topics for discussion are summarized below.

- Revised Agenda format: The Board of Commissioners has directed staff to forward a request to all County-related Boards to consider placing public comments at the beginning of the meeting rather than at the end. The current agenda is formatted to reflect that request but staff is requesting the Planning Board to consider formally approving the revised agenda format with the addition of an "Adoption of the Agenda" item which will allow decisions for deviations to the order and content as necessary.
- Consideration of permanent time change for beginning of meetings: Due to the current workload of project review items and anticipated future needs for additional Planning Board reviews, staff is requesting the Planning Board to consider moving the starting time for the Planning board from 7pm to 6pm.
- February 15, 2010: The County Commissioners have directed staff to schedule and prepare for a joint meeting between the County Commission and the Planning Board. Several issues will be covered including:
 - Public Hearing for the 2010 Comprehensive Land Use Plan
 - Discussion on the progress and overview of the 2010 Unified Development Ordinance and accompanying zoning classification map
 - Discussion on the progress of the 2010 Parks and Recreation Comprehensive Master Plan and its relationship to the Land Use Plan, Unified Development Ordinance and utility infrastructure plans.
 - Review of recent housing construction trends.
 - Other issues as necessary/Open discussion
- Staff is requesting the Planning Board to decide on a date and time for an additional meeting in March. Due to the UDO project schedule, staff recommends that the week of March 8th be considered and offers Tuesday March 9 @ 6pm as a suggestion.
- Zoning Map revisions supporting the 2010 UDO: Staff will continue the presentation and discussion with the Board regarding the proposed revisions to the zoning map. Please bring your copies of last month's exhibits of the zoning map revisions. Staff will have real-time GIS available to zoom into parcel level detail and will be able to instantly reflect revision recommendations from the Board.

ARTICLE 6 – DEVELOPMENT STANDARDS AND SUBDIVISION DESIGN

6.1 GENERAL

6.1.1 Applicability

6.1.1.1 Scope of Coverage & Previous Plat Approvals

- A. This ordinance shall not have any effect on any existing subdivision or lot of record that is recorded in the Pender County Register of Deeds prior to the effective date of this ordinance.
- B. Any subdivision that has received preliminary plat approval by the Pender County Planning Board, prior to the effective date of this ordinance and such approval has not expired, may submit a final plat for approval under the provisions for subdivisions in effect at the time of approval of the preliminary plat. Such final plat must be submitted under the provisions of the previous ordinance, otherwise the plat will be subject to the provisions of this ordinance.

6.1.1.2 Recorded Plats Required For All Divisions of Parcels Less Than 10 Acres

All new parcels of land created after the effective date of this ordinance, that are less than 10 acres in size shall have a plat prepared under the provisions of NCGS §47-30 and recorded in the Register of Deeds of Pender County. When such parcel is exempt from the provisions of subdivision regulations, the Professional Land Surveyor preparing the plat shall provide a certification on the plat as to which exemption under the definition of subdivision in this ordinance the parcel is exempt.

6.1.1.3 Approval of Subdivision Plats by Administrator Required

All plats of new parcels of land created after the effective date of this ordinance shall be approved by the Administrator and such approval shall be indicated by signature on the plat.

6.1.1.4 Prohibition on Issuance of New Parcel Identifiers

The Tax Supervisor of Pender County shall not issue a parcel identifier within the jurisdiction of this ordinance for any new parcel created after the effective date of this ordinance, unless the Administrator has signed the map or approved the instrument creating the parcel.

6.1.1.5 Subdivision classified as exempt under this Section

The following subdivisions of land, as defined in **NC §153A-335** are considered to be exempt from this Ordinance

- A. The combination or recombination of portions of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the county as shown in its subdivision regulations.

- B. The division of land into parcels greater than 10 acres if no street right-of-way dedication is involved.
- C. The public acquisition by purchase of strips of land for widening or opening streets or for public transportation system corridors.
- D. The division of a tract in single ownership the entire area of which is no greater than two acres into not more than three lots, if no street right-of-way dedication is involved and if the resultant lots are equal to or exceed the standards of the county as shown by its subdivision regulations.

6.2 SUBDIVISION DESIGN

6.2.1 Family Division Submission and Approval Requirements

6.2.1.1 Limitations

The following limitations will apply to family subdivisions:

- A. Family subdivisions are permitted on parcels that have been created and recorded in the Registry before the effective date of this ordinance.
- B. A total of three parcels (excluding the remnant parcel, if the remnant parcel meets the requirements of this ordinance and the zoning ordinance) per qualified resident household will be allowed to be created under the family subdivision provisions.
- C. The division does not create a new public or private street.

6.2.1.2 Requirements

- A. The following shall be submitted to the Administrator with each proposal for a Family Division:
 - B. Plat prepared as required by NCGS §47-30,
 - C. The plat shall be clearly designated “**Family Subdivision**” in bold letters,
 - D. The following statement shall appear on the plat and be signed by the Grantor(s) and Grantee(s) prior to approval:

The Grantor(s) and Grantee(s) certify that the Grantee(s) is within three (3) degrees of collateral kinship to the Grantor(s), and that the purpose of this waiver is not to circumvent the provisions of the Pender County Unified Development Ordinance, and that none of the lots shall be conveyed to non-family members for a period of not less than five (5) years.

_____ _____
Grantor **Grantee**

Commentary: “Siblings are related to each other in the second degree and uncle and niece are related to each other in the third degree”

- E. Certification by the Licensed Professional preparing the plat that each lot is adjacent to a natural drainage way or perennial stream or a 20 ft. drainage easement is recorded from each lot to a natural drainage way or a perennial stream or if the lot or lots front on a NCDOT maintained road, approval from NCDOT for such lots to drain to the public road,
- F. The plat shows any designated Special Flood Hazard Areas located within the subdivision,
- G. The plat shows any designated Areas of Environmental Concern located within the subdivision,
- H. An Improvement Authorization Permit from Environmental Health for each lot to be created, a soil suitability analysis for each lot to be created or approval to connect to existing public sewer
- I. The lots, other than those restricted for building development, shown on the plat meet the requirements of this Ordinance,
- J. Waste water disposal requirements – One of the following must be met:
 - i. an Improvement Authorization Permit has been issued for each of the parcels,
 - ii. the soil suitability analysis shows that at least 5,000 sq. ft. of each lot is suitable for traditional on site waste disposal and the required 5000 sq. ft. is not within 10 ft of any lot boundary,
 - iii. approval has been granted to connect to public sewer or community sewer or
 - iv. lots not meeting the requirements of i., ii., or iii. are indicated by the following note: **“THIS PARCEL CANNOT BE USED FOR BUILDING DEVELOPMENT, UNLESS A NEW PLAT IS APPROVED AND RECORDED AS REQUIRED UNDER THIS ORDINANCE.”**
 - v. For alternative, see Design Requirements, Lots Section of this ordinance for “Special Purpose Lots”
- K. The lots created have either direct access to a public street, private street or private access easement as defined in this ordinance,
- L. The Administrator shall review the subdivision to insure that the development will not block future access to properties that are adjacent to the lots.
- M. The plat contains the following note: **“All new access easements shown or designated on this plat, include the transfer of an easement to public entities and public utilities for the purpose of installation and maintenance of water, sewer, electric and communication lines.”**
- N. The plat must contain the following note: **“All new access easements shown or designated on this plat include the transfer of an easement to Pender County, its employees and agents for access for emergency personnel (police, fire & rescue) and Pender County and its employees for administration of all Pender County Ordinances.”**

6.2.2 Lot Division adjacent to an NCDOT Road- Submission and Approval Requirements

6.2.2.1 Limitations

The following limitations will apply to three lot subdivisions:

- A. Three lot subdivisions located on an existing NCDOT maintained or other public road will be limited to no more than three such parcels (excluding the remnant parcel, if the remnant parcel meets the requirements of this ordinance and the zoning ordinance) being created from any parcel that had been created and recorded in the Registry before **March 29, 2004**.
- B. The division does not create a new public or private street.

6.2.2.2 Requirements

The following shall be submitted to the Administrator with each proposal for a division of up to three lots fronting on an existing NCDOT maintained public road:

- A. Plat prepared as required by NCGS §47-30, The plat shall be clearly designated "**Three Lot Subdivision on NCDOT Road**" in bold letters,
- B. Certification by the Licensed Professional preparing the plat that each lot is adjacent to a natural drainage way or perennial stream or a 20 ft. drainage easement is recorded from each lot to a natural drainage way or a perennial stream or if the lot or lots front on a NCDOT maintained road, approval from NCDOT for such lots to drain to the public road,
- C. The plat shows any designated Special Flood Hazard Areas located within the subdivision,
- D. The plat shows any designated Areas of Environmental Concern located within the subdivision,
- E. An Improvement Authorization Permit from Environmental Health for each lot to be created, a soil suitability analysis for each lot to be created or approval to connect to existing public sewer.
- F. The lots, other than those restricted for building development, shown on the plat meet the requirements of this Ordinance,
- G. Waste water disposal requirements – One of the following must be met:
 - i. an Improvement Authorization Permit has been issued for each of the parcels,
 - ii. the soil suitability analysis shows that at least 5,000 sq. ft. of each lot is suitable for traditional on site waste disposal and the required 5,000 sq. ft. is not within 10 ft of any lot boundary,
 - iii. approval has been granted to connect to public sewer or community sewer or

- iv. lots not meeting the requirements of a., b., or c. are indicated by the following note: *“THIS PARCEL CANNOT BE USED FOR BUILDING DEVELOPMENT, UNLESS A NEW PLAT IS APPROVED AND RECORDED AS REQUIRED UNDER THIS ORDINANCE.”*
 - v. For alternative, see Design Requirements, Lots Section of this ordinance for “Special Purpose Lots.”
- H. The lots created have access to a NCDOT maintained public street.
 - I. The lots are adjacent to a natural drainage way or perennial stream or a 20 ft. drainage easement is recorded from each lot to a natural drainage way or a perennial stream or if the lots are proposed to drain to a public road the NCDOT must have approved discharge of storm water to such road.
 - J. The Administrator determines that the subdivision complies with the limitations on Three Lot Subdivisions contained in the General Provisions Section of this ordinance.
 - K. The Administrator shall review the subdivision to insure that the development will not block future access to properties that are adjacent to the lots.
 - L. The plat contains an ownership and dedication statement signed by the owner or owners in the format provided by this ordinance.
 - M. The plat contains the following note: *“All new access easements shown or designated on this plat, include the transfer of an easement to public entities and public utilities for the purpose of installation and maintenance of water, sewer, electric and communication lines.”*

6.2.3 Subdivision on an Access Easement Submission and Approval Requirements

6.2.3.1 Limitations

The following limitations will apply to three lot subdivisions:

- A. Three lot subdivisions located on an existing NCDOT maintained or other public road will be limited to no more than three such parcels (excluding the remnant parcel, if the remnant parcel meets the requirements of this ordinance and the zoning ordinance) being created from any parcel that had been created and recorded in the Registry before **March 29, 2004**.
- B. Three lot subdivisions located on an access easement as defined in this ordinance will be limited to three such parcels (excluding the remnant parcel, if the remnant parcel meets the requirements of this ordinance being created from any parcel that had been created and recorded in the Registry before **March 29, 2004** or any parcel that has been created and approved by the Administrator under the provisions of this ordinance.
- C. The division does not create a new public or private street.

6.2.3.2 Requirements

The following shall be submitted to the Administrator with each proposal for a division of up to three lots fronting on an access easement that provides access to an existing NCDOT maintained public road:

- A. Plat prepared as required by NCGS §47-30,
- B. The plat shall be clearly designated “**Three Lot Subdivision on Access Easement**” in bold letters,
- C. Certification by the Licensed Professional preparing the plat that each lot is adjacent to a natural drainage way or perennial stream or a 20 ft. drainage easement is recorded from each lot to a natural drainage way or a perennial stream or if the lot or lots front on a NCDOT maintained road, approval from NCDOT for such lots to drain to the public road,
- D. The plat shows any designated Special Flood Hazard Areas located within the subdivision,
- E. The plat shows any designated Areas of Environmental Concern located within the subdivision,
- F. An Improvement Authorization Permit from Environmental Health for each lot to be created, a soil suitability analysis for each lot to be created or approval to connect to existing public sewer.
- G. The lots, other than those restricted for building development or designated and reserved for open space, shown on the plat meet the requirements of the Zoning Ordinance,
- H. Waste water disposal requirements – One of the following must be met:
 - i. an Improvement Authorization Permit has been issued for each of the parcels,
 - ii. the soil suitability analysis shows that at least 5,000 sq. ft. of each lot is suitable for traditional on site waste disposal and the required 5,000 sq ft. is not within 10 ft of any lot boundary,
 - iii. approval has been granted to connect to public sewer or community sewer or
 - iv. lots not meeting the requirements of i., ii., or iii. are indicated by the following note: *“THIS PARCEL CANNOT BE USED FOR BUILDING DEVELOPMENT, UNLESS A NEW PLAT IS APPROVED AND RECORDED AS REQUIRED UNDER THE PENDER COUNTY SUBDIVISION ORDINANCE.”*
 - v. For alternative, see Design Requirements, Lots Section of this ordinance for “Special Purpose Lots.”
- I. The lots created have access to an access easement as defined in this ordinance,
- J. The access easement that provides access to a public street is no longer than 500 ft.

- K. The lots are adjacent to a natural drainage way or perennial stream or a 20 ft. drainage easement is recorded from each lot to a natural drainage way or a perennial stream or if the lots are proposed to drain to a public road the NCDOT must have approved discharge of storm water to such road
- L. The Administrator determines that the subdivision complies with the limitations on Three Lot Subdivisions contained in the General Provisions Section of this ordinance.
- M. The plat contains an ownership and dedication statement signed by the owner or owners.
- N. The plat contains the following note: "All new access easements shown or designated on this plat, include the transfer of an easement to public entities and public utilities for the purpose of installation and maintenance of water, sewer, electric and communication lines."
- O. The plat must contain the following note: "All new access easements shown or designated on this plat include the transfer of an easement to Pender County, its employees and agents for access for emergency personnel (police, fire & rescue) and Pender County and its employees for administration of all Pender County Ordinances."

6.2.4 Minor Subdivision Submission and Approval Requirements

- A. When required submission material is submitted as noted above, the Administrator shall review and provide comments or approval to the applicant within fifteen (15) working days.
- B. The plat must be prepared by an authorized Licensed Professional.
- C. Scale of the plat must be no smaller than 1" to 200'.
- D. Plat approval constitutes approval of the layout and authorizes the developer to proceed with construction of the subdivision and improvements in accord with the approved plat and any conditions attached to the approval.
- E. If a plat is not approved, the reasons for disapproval must be specified and provided to the applicants in writing. Disapproval of a plat may be appealed to the Pender County Zoning Board of Adjustment.

6.2.5 Major Subdivision Submission and Approval Requirements

6.2.5.1 Preliminary Plat Submission Requirements & General Provisions

- A. Completed plats, application, fees and other required data must be submitted 45 days before a scheduled Planning Board meeting.
- B. When required submission material is submitted as noted above, it shall be placed on the next scheduled Planning Board agenda.

- C. Plat Submission – the preliminary plat must be submitted in digital format to the Administrator within the time frame indicated above. The digital submission of the plat will be considered proprietary information. The digital layout will be made available to the Tax Supervisor for parcel update and the digital submission may be returned to the person submitting it.
- D. The preliminary plat must be prepared by an authorized Licensed Professional.
- E. Scale of the plat must be no smaller than 1” to 200’.
- F. The plat will be reviewed for compliance with this Ordinance.
- G. All streets will be designated as public or private streets.
- H. Planning Board will take action on the plat submission within 65 days after completed submission.
- I. Application form must be completed and fee paid at the time of submission.
- J. Planning Board Master Development Plan approval shall be valid for two years. If all conditions of preliminary plat are met and a phase of the final plat is recorded, the preliminary plat status shall remain valid perpetually for all remaining phases.
- K. Preliminary plat approval constitutes approval of the layout and authorizes the developer to proceed with construction of the subdivision and improvements in accord with the approved plat and any conditions attached to the approval.
- L. All conditions of preliminary plat approval must be completed and submitted within 24 months of the approval date.
- M. If a preliminary plat is not approved, the reasons for disapproval must be specified and provided to the developer in writing. Disapproval of a preliminary plat may be appealed to the Pender County Board of Commissioners.
- N. A preliminary plat will not be scheduled for review that is incomplete or does not have the required documents submitted with it.

6.2.5.2 Plat Contents

6.2.5.3 Additional Material That Must Be Submitted With the Preliminary Plat

- A. Soil suitability analysis indicating the suitability of the property for individual septic tanks or an Improvement Authorization Permit for each lot unless community sewer is available and a conditioned approval for connection is submitted. The soil suitability analysis of the property shall also indicate the suitability of the soil for the type structures proposed.
- B. Sufficient information shall be provided so that a corner of the property can be located on the ground and found with a measurement from the intersection of two state maintained roads.
- C. A copy of the Preliminary Plat with the street names as approved by the Pender County Addressing Coordinator or his/her designee.

- D. Verification of receipt of the preliminary plat of the development by the Pender County Health Department.
- E. Verification of receipt of the preliminary plat of the development by the NCDOT District Engineer or his designee.
- F. General description and map of the proposed drainage for the subdivision shall include the following:
 - i. The boundaries of all drainage basins that flow through the property from upstream.
 - ii. All drainage facilities that flow through the property and receive any storm water discharge from upstream.
 - iii. The boundaries of all drainage basins that receive discharge from the property that is located from the discharge point on the property to the recipient perennial stream.
 - iv. All drainage facilities that receive storm water discharge from the property from the discharge point to the recipient perennial stream.
 - v. This information can be described in a narrative submission and shown on a copy of a USGS 7.5 Minute Quad or other similar topographical map (11 X 17 map submission).
- G. Detailed description of any proposed waste water system and system maintenance arrangements and procedures to serve lots that are not suitable for traditional onsite septic systems, along with a map showing the proposed location of the offsite components of the system, including lines.
- H. When any development proposes private streets a description of the method to provide Pender County Emergency Service personnel and vehicles immediate access shall be submitted.
- I. When any street layout or geometric design does not specifically meet the NCDOT Secondary Road Standards or the adopted Pender County Private Street Standards, a narrative explanation, justification detailed drawing of the design shall be submitted for review.
- J. When the subdivision entrance does not connect to a NCDOT maintained road, recorded documents shall be submitted that confirm the property and the proposed lots have access to a NCDOT maintained road by a public or private street that meets the standards of this ordinance.
- K. The Administrator or the Planning Board may request additional information be submitted that is pertinent to review of the proposed subdivision for compliance with the provisions of this ordinance or other Pender County ordinances.

6.2.5.4 The Following Material May Be Submitted As a Condition of Approval of the Preliminary Plat, When Approved By the Planning Board or Administrator

- A. Approval by NCDOT of connection of subdivision roads with DOT maintained roads (Driveway Permit).
- B. Street construction & street drainage plans as approved by DOT District Engineer with letter of approval (for public streets).
- C. Street construction & street drainage plans in accord with DOT submittal requirements, design and construction standards or in accord with Private Street Standards, Pender County. The plans must be signed and sealed by a registered surveyor or engineer. A letter from the design professional will accompany the plans certifying that they meet the NCDOT submittal requirements, design and construction standards or Private Street Standards, Pender County (for private streets).
- D. One or both of the following items will be required for any development utilizing a community water or wastewater system:
 - 1. Water System
 - i. Constructions plans sealed by a registered engineer, as approved by DENR,
 - ii. Acceptance of operation and maintenance of the system by a Public or Community Water system as defined in this ordinance,
 - iii. Certification that the system will be owned by a Public or Community Water system as defined in this ordinance with conditional acceptance of ownership or certification that the system will be owned by a homeowners association established under the provisions of this ordinance.
 - 2. Wastewater system
 - i. Construction plans sealed by a registered engineer, as approved by DENR, acceptance of operation and maintenance of the system by a Public or Community Water system as defined in this ordinance
 - ii. Certification that the system will be owned by a Public or Community Water system as defined in this ordinance with conditional acceptance of ownership or certification that the system will be owned by a homeowners association established under the provisions of this ordinance.
- E. Approval from the Division of Coastal Management when the development is located in an Area of Environmental Concern.

- F. Sediment & Erosion Control Plans as approved by Land Quality (with letter of approval).
- G. Storm water management plan as approved by the Water Quality Division (with letter of approval).
- H. Approval of Wetlands Delineation by Corp. of Eng. (if wetlands in development).
- I. Wetlands fill authorization or permit if construction in wetlands is involved.
- J. A drainage plan that will include all portions of the development shall be submitted. This plan shall be prepared and sealed by a registered surveyor or engineer. The plan and facilities shall provide for a drainage system for these areas that will accommodate the ten-year storm event without flooding or substantial ponding of water in the areas included in the plan. The plan must also accommodate any discharge from properties in upland portions of the drainage basin that flows through the property for the same storm event for the type development for which that property is zoned. The boundary of any drainage area on a portion of the site and/or upland from the site and drainage areas between storm water discharge points from the site to the recipient perennial stream shall be shown on a map (copy of 7.5 min. USGS Quad or similar map). Any drainage facility receiving storm water discharge from the development shall have the capacity to carry the anticipated storm water flow from areas that discharge through them for the 10 year storm event from the point of discharge at the development to the recipient perennial stream without overflowing their banks. The location, size and/or capacity of all structures included in the drainage system and receiving discharge from the development to the recipient perennial stream shall be shown on the plan and calculations used in designing the drainage system shall be submitted in a legible format. This plan may be included in the street and drainage plan, storm water management plan or on the preliminary plat, as long as the design professional certifies that the specific drainage plan submitted complies with these requirements and the information required is shown or submitted.
- K. When any proposed subdivision of land with lots or areas other than open space where structures are prohibited is located in a "Designated Floodway," a "No Rise Certification" prepared by a Registered Engineer shall be submitted for the development.
- L. When a proposed subdivision is located in a SFHA the Base Flood Elevation (BFE) shall be determined and shown along with the SFHA boundary on the Preliminary Plat. In SFHA's where the BFE has not been previously determined, the Developer shall be responsible for providing the BFE as determined by a Registered Professional in the manner prescribed by FEMA Regulations.
- M. When a proposed subdivision is located within a SFHA and any water or sewer systems are not located on the site of the structure served, a statement from the Registered Professional responsible for design of the off site system shall be provided that "all public or community (offsite)

sewer and water systems and drainage facilities are designed to minimize flood damage and reduce exposure to flood hazards in accord with FEMA Guidelines.”

6.2.6 FINAL PLAT

6.2.6.1 Submission Requirements and General Provisions

- A. The final plat shall be reviewed and approved or disapproved and notice of action taken provided to the applicant within 30 working days of completed submission. When the final plat is approved the signed original will be provided to the applicant and a signed copy placed in the Record File for the subdivision.
- B. Plat Submission – the final plat must be submitted in digital format to the Administrator. The digital submission of the plat will be considered proprietary information. The digital layout will be made available to the Tax Supervisor for parcel update and the digital submission may be returned to the person submitting it. A copy on mylar suitable for recording shall be submitted for signing upon review & approval of the final map. The final plat shall be reviewed, approved and signed by the Administrator, upon approval.
- C. All conditions of preliminary plat approval must have been met before any final plat will be considered for review. Confirmation of compliance with all provisions of Preliminary Plat must be submitted at least 10 days before the final plat is accepted for review.
- D. All lots shown on the final plat other than open space or other specially approved lots shall meet either i., ii., iii., iv., v., or vi. as follows:
 - i. Be served by an on site waste water system, which is located on the site where the unit served is located, and the system has received an “Improvement Authorization Permit” from Environmental Health,
 - ii. Be served by a Community Sewer System as defined in this ordinance and approval for connection to the system is provided,
 - iii. Be served by a waste water system that meets the requirements of the “Water And Sewer System Requirements In Streets, Access Easements Or Other Locations Off The Site Of The Unit Served,” of this ordinance,
 - iv. The soil suitability analysis as required by this ordinance and submitted with the preliminary plat shows that each lot contains at least 5,000 sq. ft. of area that is “suitable” for traditional on site waste disposal and the required 5,000 sq. ft. is not within 10 ft of any lot boundary,
 - v. Lots not meeting i., ii., iii., iv. v, or .vi. provisions of this paragraph shall be labeled with a bold note as

follows: *“The Parcels So Noted Cannot Be Used For Sale Or Building Development, Unless A New Plat Is Approved And Recorded As Required Under The Pender County Subdivision Ordinance.”*

- vi. For alternative, see Design Requirements, Lots Section of this ordinance for “Special Purpose Lots.”
 - E. All improvements proposed in the development must have been constructed and certifications of completion to standards specified provided or their construction guaranteed by a Performance Guarantee.
 - F. All public streets must have been constructed, inspected and approved in writing by the NCDOT District Engineer or a Performance Guarantee provided.
 - G. Minimum Number of Lots Required on a Final Plat – the minimum lots included on the final plat shall be as follows:
 - 1. Approved Preliminary Subdivision Plat shall contain at least 25% of the total number of proposed lots.
 - H. The completed final plat must be submitted within 24 months of approval of the preliminary plat or within 24 months of approval of a previously recorded final plat.
 - I. The final plat must be prepared by a licensed surveyor.
 - J. The final plat must conform generally to the preliminary plat and specifically to all conditions of approval of the preliminary plat.
 - K. Upon initial approval of the final plat parcel layout the Administrator shall immediately notify the Tax Assessor so that parcel identifiers can be issued.
 - L. The final plat, approved covenants, restrictions and homeowners association documents must be recorded in the Register of Deeds within 60 days after approval by the Administrator and prior to any sale of lots in the development.
 - M. The Administrator must take action on the final plat within 15 working days of completed submission and installation of improvements or security for improvements.
 - N. A final plat will not be accepted for review that is incomplete or for which has not been submitted the documents necessary for verification of the conditions of Preliminary Plat approval.
- 6.2.6.2 Additional Material to Be Submitted With Final Plat
- A. Certification by District Engineer of completion of construction of all public streets or all of the following:
 - 1. Estimate of the cost to complete construction of the streets and all other improvements required or proposed in the development that are not complete, prepared, signed and sealed by a licensed engineer,
 - B. Performance Guarantee for the cost of all improvements not certified as complete.

- C. Certification by a licensed engineer of the completion of construction of all private streets and other required improvements, or all of the following:
 - 1. Estimate of the cost to complete construction of the streets and all other improvements required or proposed in the development that are not complete, prepared, signed and sealed by a licensed engineer,
- D. Certification by a professional land surveyor of installation of all required monuments and markers.
- E. Two copies of Articles of Incorporation of Homeowner's Association and related documents for any development that contains private streets or other non-public facilities, including drainage systems outside public street right-of-ways, water systems and sewer systems and open space.
- F. Two copies of the restrictive covenants to be recorded on the property.
- G. The Defect Guarantee when a Performance Guarantee has not been provided for improvements.
- H. Draft document transferring ownership of all common area and facilities to the Homeowners Association as shown on the final plat of the portion of the subdivision to be recorded. A recorded copy of this document must be submitted to the Administrator within 30 calendar days of recording of the final plat (see "Homeowners Association Requirements" Section).

6.2.6.3 Certificates Required On Final Plat

- A. Certificate of Ownership, Dedication and Jurisdiction (org. signed)
- B. Certificate of Approval Subdivision Public Road Construction by NCDOT District Engineer
- C. Surveyor Certificate I
- D. Surveyor Certificate II
- E. Parcel Identifier Certificate
- F. Certificate of Registration by Register of Deeds (unsigned)
- G. Certificate of Final Plat Approval

6.2.6.4 Drainage Facilities and Utility Easements

A drainage plan that will include all portions of the development shall be submitted. This plan shall be prepared and sealed by the appropriate licensed professional. The plan and facilities shall provide for a drainage system for these areas that will accommodate the ten-year storm event without flooding or substantial ponding of water in the areas included in the plan. The plan must also accommodate any discharge from properties in upland portions of the drainage basin that flows through the property for the same storm event for the type development for which that property is zoned. The boundary of any drainage area on a portion of the site and/or upland from the site and drainage areas between storm water discharge points from the site to the recipient perennial stream shall be shown on a map (copy of 7.5 min. USGS Quad or similar map). Any drainage facility receiving storm water discharge from the development shall have the capacity to carry the anticipated storm water flow from areas that

Discharge through them for the 10 year storm event from the point of discharge at the development to the recipient perennial stream without overflowing their banks. The location, size and/or capacity of all structures included in the drainage system and receiving discharge from the development to the recipient perennial stream shall be shown on the plan and calculations used in designing the drainage system shall be submitted in a legible format. This plan may be included in the street and drainage plan, storm water management plan or on the preliminary plat, as long as the design professional certifies that the specific drainage plan submitted complies with these requirements and the information required is shown or submitted as noted.

- A. Easements for existing and proposed utilities including existing & proposed drainage facilities shall be placed along the centerline of such facilities. Such easements shall be 20 ft. wide and centered along common property lines, unless natural or topographical features indicate otherwise.
- B. Drainage easements along natural drainage ways shall extend at least 10 ft. beyond the top of the bank of the channel (see definition of natural drainage way).

6.4 Lot Design

- A. All lots not designated as open space, recreation, street or other reserved area shall meet all area, usable area, size, dimensional, yard and density requirements contained in Article 4, Zoning Districts and Zoning Map.
- B. All lots in a minor or major subdivision not designated as open space, recreation, street or other reserved area shall front on a public or private street for a distance of 30 ft.
- C. All new lots shall front on a public or private street or an access easement for a distance of 30 ft.
- D. No more than three lots may be created that are provided access by a single access easement.
- E. All lots or parcels shall meet the minimum access requirements established in the Zoning Ordinance.
- F. Access easements may not be included to meet any minimum lot area or dimension requirements for a lot.
- G. Waste water system requirements – All new lots created shall meet one of the following requirements:
 - i. be served by an onsite waste water system, which is located on the site where the unit served is located, and the system has received an “Improvement Authorization Permit” from Environmental Health or
 - ii. a soil suitability analysis has determined that at least 5,000 sq. ft. of the lot is suitable for traditional on site waste disposal and the required 5000 sq. ft. is not within 10 ft of any lot boundary,
 - iii. be served by a Community Sewer System as defined in this ordinance.

- iv. be served by a waste water system that meets the requirements of the “Water And Sewer System Requirements In Streets, Access Easements Or Other Locations Off The Site Of The Unit Served,” section of this ordinance.
- H. Access to Adjacent Properties – Lots shall be arranged to allow for the opening of future streets and logical further subdivision of adjacent properties.
- I. Double Frontage Lots – Lots that have double frontage on streets shall be prohibited except where it provides separation of residential development from traffic arteries. A buffer of at least 10 feet in width with no right of access abutting such traffic arteries shall be provided on these double frontage lots.
- J. Lot Line Configuration – Sidelines of lots shall be at or near right angles or radial to street lines, unless physical features of the property indicate otherwise.
- K. Lot Lines & Drainage – Lot boundaries shall coincide with natural, existing and new drainage ways to the extent practical to avoid lots that require alteration of drainage ways in order to be built upon.
- L. Lots on Thoroughfares – Major or minor subdivisions shall not be approved that provide for individual residential lots to access Principal Arterial, Minor Arterial or Major Collector roads or streets as shown on the Coastal Pender Collector Street Plan, Pender County Transportation Plan or other approved State of Federal Transportation Improvement Plan.
- M. Lots on Collector Streets – Major subdivisions shall not be approved that provide for individual residential lots to access Minor Collector roads or streets as shown on the Coastal Pender Collector Street Plan, Pender County Transportation Plan or other approved State of Federal Transportation Improvement Plan.
- N. Access – All single dwelling subdivision lots shall have frontage upon a public or private street or access easement. All multi-unit developments shall provide access to a public street directly from each unit or from each unit across a common area owned by the multi-unit development or owned by a Homeowners Association to which the dwelling unit owner is required to be a member.
- O. Flag Lots – Flag lots as defined in the Zoning Ordinance shall be subject to the following requirements:
 - i. Flag lots will be approved by the Planning Board or Administrator only where the owner or applicant justifies in writing where the property has unusual topographical, soil or other natural features that would make street construction impractical or unusually expensive,

- ii. The panhandle or access portion of the lot must be at least 30 ft. wide,
- iii. The panhandle or access portion of the lot must be no longer than 250 ft.,
- iv. The panhandle portion of the lot shall not count toward the minimum lot area, usable lot area, dimension or set back requirements for the lot,
- v. No more than three lot panhandles shall be located on any 750 ft. street segment, including both sides of the street,
- vi. Only one single family dwelling unit may be located on a flag lot,
- vii. All flag lot panhandles shall access a public or private street,

- P. Special Purpose Lots – Special purpose lots that do not meet the minimum lot area, minimum lot dimensions, minimum access requirements or other requirements of this ordinance may be approved by the Planning Board or Administrator under the following circumstances:
- i. The lot has a 20 ft. access easement to a public or private road,
 - ii. The final plat contains the following note for the lot: “This lot must meet any buffer and landscape requirements contained in this Ordinance,”
 - iii. The final plat contains the following note for the lot: Lot shall be used only for the purpose of and any structures (other than fences) located on the lot shall be 10 ft. from any property line,”
 - iv. The final plat contains the following note for the lot: “Buildings for permanent human [or animal (as appropriate)] occupancy not allowed on this lot,”
 - v. The use approved for the lot is a use allowed in the Zoning District in which the lot is located,

6.5 Water and Sewer System Requirements

- A. Lots ranging from 15,000 sq. ft. and up may utilize traditional on-site septic and well services
- B. In the Planned Development District, lots ranging from 12,000 sq. ft. to 14,999 sq. ft. must provide at least one of the following:
 - i. Community or Public waste water disposal or,
 - ii. Community or Public water service.

6.6 Homeowners Association Requirements

- A. Required for all (non RA) major residential subdivisions with privately maintained streets and or open space dedications
- B. Must be recorded along with the first phase of a final plat to encompass the entire development with an outline of amenities/land transferred to the said HOA at or before 25% of all units are constructed.

6.7 Street Design

6.7.1 Public and Private Street Design

- A. Layout of streets as to arrangement, width, grade, character, and location shall conform to the following:
 - i. Coastal Pender Collector Street Plan, Pender County Transportation Plan or other approved State of Federal Transportation Improvement Plan.
 - ii. adjoining street systems,
 - iii. existing, planned and proposed streets, topographic, drainage and other natural features of the property,
 - iv. to provide for continuity in existing streets and proposed streets,
 - v. provide adequate right of way for collector streets,
 - vi. reasonable access will be provided to adjacent properties for development.
- B. In major or minor subdivisions that abut or are astride an existing arterial or collector street as designated in the Pender Coastal Pender Collector Street Plan, Pender County Transportation Plan or other approved State of Federal Transportation Improvement Plan, an area shall be reserved equally on each side of the street so that the area reserved and the existing right of way equal 80 ft.
- Q. When collector streets as defined herein and not shown on the Coastal Pender Collector Street Plan, Pender County Transportation Plan or other approved State of Federal Transportation Improvement Plan.
- C. Plans occur in a major or minor subdivision, a right of way of 80 ft. shall be established.
- D. When the collector is adjacent to the subdivision, an area shall be reserved equally on each side of the street so that the area reserved and the existing right of way equal 80 ft.
- E. Spite strips along development boundaries preventing access to streets from adjacent properties are prohibited.
- F. Street Alignment – local residential street intersections should be directly aligned if possible.
- G. When such intersections cannot be aligned, they shall be offset centerline to centerline by not less than 125 ft. Intersections of Collector streets as defined herein or shown on the Pender County
- H. Streets should intersect as nearly as possible at right angles. No street shall intersect another street with an angle of less than 75 degrees.
- I. Half streets along property lines are prohibited.
- J. Permanent dead end streets (cul-de-sacs) or temporary dead end (stub) streets shall be no longer than 1,000 ft. unless it is demonstrated by the developer that the configuration of the property prevents its development without longer streets to provide access to the lots and common area to be subdivided. Temporary dead end or stub streets shall provide turn around capabilities to meet NCDOT requirements. The Cul-de-sac end shall be a bulb type with minimum radii as follows: Curb & Gutter

Section: RW = 45', Pavement = 37' to gutter edge, Shoulder Section: RW =50', Pavement = 35'.

- L. Applicants for subdivision approval shall obtain approval for street names from the Pender County Addressing Coordinator. A copy of the approved preliminary plat with approved street names must be submitted to the Administrator within 30 days of approval of the preliminary plat and prior to final plat submission.
- M. Sight easements as required in the NCDOT Secondary Roads Standards shall be provided at all street intersections.

6.7.2 Public Streets

All designated public streets shall be designed and constructed in compliance with the current NCDOT Subdivision Roads Minimum Construction Standards.

6.7.3 Private Streets

- A. All designated private streets shall be designed and constructed in compliance with the current NCDOT Subdivision Roads Minimum Construction Standards. However, variations to right of way widths and geometric design may be permitted upon Planning Board review and approval where certain features such as topography, environmental features, low impact development design or unique needs of a development exist at the Master Development Plan approval.
- B. Developments with private streets shall make provisions for immediate access for Pender County Emergency Service (Law Enforcement, Fire & Rescue) vehicles and employees to the development and shall provide for an easement for such services and an easement shall be provided to Pender County and its employees for administration of Pender County Ordinances.
- C. Subdivisions with private streets will be subject to requirements to construct public collector streets under any of the following conditions:
 - 1. When the subdivision contains streets that have any dimension of more than 5280 ft.,
 - 2. When any street in the subdivision has the potential to serve more than 200 residential or commercial units,
 - 3. When access to any lot or unit in the subdivision is more than 5280 ft. by a private street to a public street,
 - 4. When existing public streets have been dedicated or constructed to the property line of the subdivision,
 - 5. When access to adjacent properties will be hindered as a result of private streets being allowed in the subdivision,
- D. All subdivisions that have any private streets must meet the minimum qualifying requirements contained in the Required Improvements section of this ordinance.

6.8 Off-Street Parking and Loading

6.8.1 Minimum

Off-street parking spaces shall be provided for all uses listed below in the amounts specified below. Uses not listed shall be reviewed by the Administrator for a determination of the required spaces. Buildings with multiple uses shall calculate parking based on the square footage of each use in the building.

| <u>Use Category</u> | <u>Specific Use</u> | <u>Minimum Spaces</u> |
|------------------------------------|---|--|
| PUBLIC AND CIVIC USES | | |
| Community Services | All community service | 1 per 500 SF floor area |
| | Auditorium | 1 per 200 SF floor area for seating in places of assembly, minimum 20 spaces |
| | Clubs and Lodges | 1 per 100 SF floor area |
| | Museums | 1 per 300 SF floor area, minimum 10 spaces |
| Day Care | All day care | 1 per employee + 1 per each attendees |
| Educational Facilities | all education facilities except as list below | 6 per classroom + 1 per 300 SF floor area of administrative office space |
| | Kindergarten, elementary, middle school | 1 per classroom + 1 per 300 SF floor area of administrative office space |
| | College or University | As determined by the Administrator |
| Government Facilities | City, county, state or federal government office | 1 per 300 SF floor + 1 per 3 employees |
| | Correctional facilities, jail, prison | 1 per 300 SF office area + 1 per 5 beds |
| | Emergency services, fire, sheriff or medical station | 1 per employee per shift + 1 per facility vehicle |
| Medical Facilities | All medical facilities , except listed below | 1 per 250 SF floor area |
| | Medical laboratory | 1 per 500 SF floor area |
| | Hospital | 1 per 2 beds + 1 per doctor and nurse + 1 per 4 employees |
| Parks & Open Areas | All parks & open areas except listed below | As determined by the Administrator |
| | Cemetery, mausoleum columbaria, memorial garden | 1 per 5 seats in chapel or assembly area |
| Passenger Terminals | all passenger terminals | 1 per 200 SF waiting area +1 per 2 employees |
| Places of Worship | All places of worship | 1 per 28 SF available seating in the assembly area(s) |
| Social Service Institutions | All social service institutions, except as listed below | 1 per 1,500 SF floor area + 1 per employee/volunteer |
| Utilities | All utilities, except as listed below | 1 per 1,000 SF enclosed floor area |
| | TV/HDTV/AM/FM broadcast facility | 1 per 300 SF enclosed floor area |

| <u>Use Category</u> | <u>Specific Use</u> | <u>Minimum Spaces</u> |
|----------------------------------|--|---|
| Commercial Uses | | |
| Indoor Recreation | All indoor recreation, except as listed below | 1 per 250 SF enclosed floor area |
| | Adult establishment, bar, nightclub, movie or theater | 1 per 100 SF of seating area |
| Outdoor Recreation | All outdoor recreation, except as listed below | 1 per 500 SF of enclosed floor area + 1 per 1,000 SF of outdoor use area |
| | Campground, summer camp | 1 per campsite + 1 per employee |
| | Circus ground | 1 per 600 SF of the area devoted to the circus arcade, concessions, etc. |
| | Flea market, outdoor | 1 per 300 SF vendor area |
| | Firing range, outdoor such as rifle range, archery, skeet, handgun | Minimum of 5 + 1 per firing position |
| | Golf course, country club (see "restaurants" for additional parking requirements associated with eating facilities) | 4 per hole + 1 per 500 SF floor area |
| | Stadium or arena, commercial amphitheater, ball field | 1 per 4 seats |
| Overnight Accommodations | All overnight accommodations, except as listed below | 1.25 per room + 1 per 100 SF conference/banquet/restaurant |
| | Bed & Breakfast establishment | 1 per guest room + 2 per owner/manager |
| | Diet House, emergency shelter | 1 per 250 SF floor area |
| Restaurants | All restaurants, except as listed below | 1 per 100 SF |
| Retail Sales and Service | All retail sales and service, except as listed below | 1 per 200 SF floor area for the first 50,000 SF of Gross Leasable Area and 1 per 250 SF of leasable area after that |
| | Animal hospital, kennel, or veterinarian | 1 per 250 SF enclosed floor area |
| | Artist gallery, bulk mailing service, psychic, medium, security service, studio, taxidermist | per 400 SF floor area |
| | Repair-oriented services such as appliance, bicycle, canvas product, clock, computer, gun, jewelry, musical, instrument, office equipment, radio, shoe, television or watch repair, locksmith, tailor, milliner, upholsterer | 1 per 500 SF floor area |
| Self-Service Storage | All Self-service storage | Minimum of 5 per 1 per 100 storage units whichever is greater |
| Vehicle Sales and Service | All vehicle sales and service, except as listed below | 3 per service bay |
| | Car wash | 2 per wash bay |
| | Vehicle sales, leasing or rental; manufactured housing sales | 1 per 500 SF enclosed floor area |

| <u>Use Category</u> | <u>Specific Use</u> | <u>Minimum Spaces</u> |
|---------------------------------------|---|--|
| OFFICE USES | | |
| Office | All office uses, except as listed below | 1 per 250 SF floor area |
| | Conference center, retreat house | 1 per 250 SF seating area |
| INDUSTRIAL USES | | |
| Heavy Industrial | All heavy industrial | 1 per 1,000 SF enclosed floor area |
| | Wrecking, junk or salvage yard | 1 + 1 per 10,000 SF of yard area |
| Light Industrial | All light industrial service | 1 per 1,000 SF floor area |
| Resource Extraction | All resource extraction | 1 per 2 employees, minimum 3 |
| Warehouse and Freight Movement | All warehouse and freight movement | 1 per 5,000 SF of floor area |
| Waste-Related Service | All waste-related services | 1 per 500 SF enclosed floor area + 1 per 5,000 SF outside storage area |
| Wholesale Trades | All wholesale trade | 1 per 1,000 SF floor area |

6.8.2 Parking Space Design Standards

Each required off-street parking space shall open directly onto an aisle or driveway which is designed to provide safe and efficient access to each parking space. Parking shall not be allowed to impede traffic movement on alleys or streets or to impede pedestrian or bicycle activities.

A. Dimensions

1. Area

a. Standard Spaces

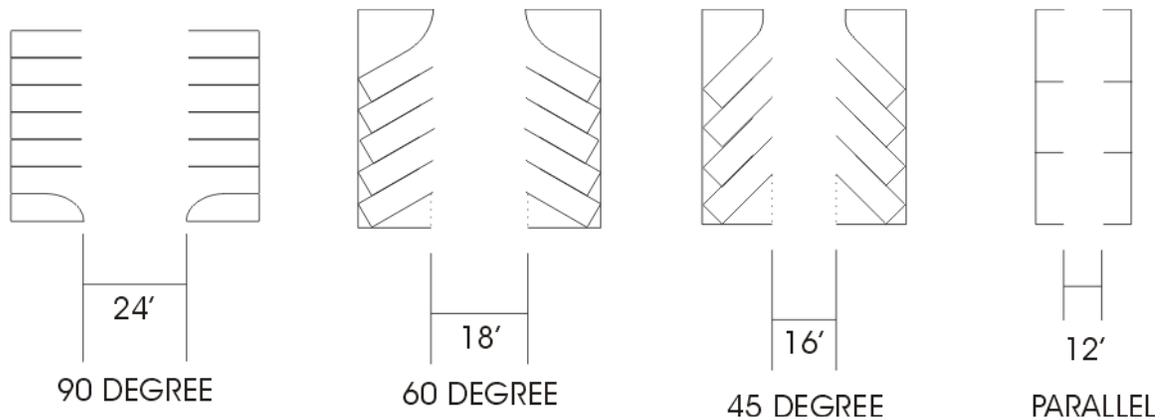
A required off-street parking space shall be at least eight feet, six inches (8'6") in width and 18 feet in length exclusive of any access drives, aisles, or columns; however, for nonresidential uses, parking spaces of a reduced size may be permanently designated, by signs, for compact vehicles.

b. Parallel Parking

Parallel parking spaces shall be increased by five feet in length for regular parking.

2. All spaces shall have a minimum vertical clearance of eight feet.

3. Aisles shall not be less than 24 feet wide for 90 degree parking, 18 feet wide for 60 degree parking, 16 feet wide for 45 degree parking and 12 feet wide for parallel parking. The angle shall be measured between the centerline of the parking space and the centerline of the aisle. No parking shall be allowed in the aisles.



4. The maximum grade permitted for any required parking shall not exceed 8%.
5. Parking spaces using geometric standards other than those specified in this Ordinance may be approved if developed and sealed by a registered engineer with expertise in parking facility design subject to a determination by the Administrator that the proposed facility will satisfy off-street parking requirements as adequately as would a facility using standard Ordinance dimensions.

B. Plan

Parking design for nonresidential and multifamily uses shall be approved as part of site plan review.

C. Lighting

Parking lot lighting shall be shielded so that it does not cast direct light beyond the property line. Parking lots shall be illuminated during night business hours.

D. Surfacing

1. Non-Residential Uses in the RA District

All required off-street parking spaces shall be covered with an all-weather surface designed to support anticipated loads. Loose material surfaces shall be contained with a permanent edging. The surface shall be maintained so that traffic may move safely in and out of the parking area. Parking blocks that help designate individual parking spaces and keep vehicles within the surfaced area shall be required in lots with greater than 10 parking spaces.

2. Non-Residential Uses in all other Zoning Districts

a. Required Parking Spaces

All required off-street parking spaces shall be sealed by an appropriate licensed professional and paved in accordance with NCDOT base course and pavement surface standards as prescribed by the "Secondary Road Manual".

6.9 Outdoor Lighting

6.9.1 Requirements

Outdoor Lighting shall be required only in conjunction of the construction of sidewalks and off-street parking requirements, in which case, they shall be placed at any and all street intersections throughout the development.

6.10 Outdoor Display and Storage

The outdoor storage or processing of products, equipment or raw materials is allowed in the business and industrial districts or in association with business uses allowed in any other zoning district only if the outdoor storage is directly associated with the primary uses of the property.

- A. In such cases, the outdoor storage or processing shall be completely screened from the view of road and street rights-of-way and from surrounding properties by a fence, wall or by screening.
- B. Such outdoor storage and processing shall not be permitted in any required front yard.
- C. The Administrator may require that the storage of hazardous materials or any materials which may contribute to contaminated runoff be fully enclosed. Where such materials are stored outdoors, they shall be contained within an impervious structure designed to contain spillage or contaminated runoff.
- D. The display of vehicles for sale by a vehicle dealer or nursery stock by a commercial nursery, along with other products for sale that are normally displayed outdoors, shall be exempt from the above requirements.
- E. Such requirements shall not apply to motor vehicle parking and loading areas.

6.11 Utility, Dumpster, Recycling and Trash Handling

Screened from view of public or private streets; Use opaque fence or similar

6.12 OPEN SPACE REQUIREMENTS

Every subdivider of land for residential purposes shall dedicate a portion of such land, as set forth herein, for the purpose of providing, **active** and **passive** recreation areas to serve the residents of the immediate neighborhood within the subdivision.

- A. Open Space Areas Can Be Defined By Active Or Passive Open Space As Follows:
 - 1. Active Open Space consists of areas such as park land chosen without regard to natural features for the explicit purposes of enhancing design, such as village commons, or providing space for outdoor recreation activities which may include, but not be limited to, tennis courts, ball fields, swimming pools, and tot lots with play equipment.
 - 2. Passive Open Space areas must consist of undisturbed, unique and sensitive natural features when available, that may include streams, floodplains, wetlands (excluding tidal marsh) conservation

resources, and natural heritage areas if identified. These natural spaces will be characterized by undisturbed soils and natural vegetative cover for wildlife habitat. Passive Open space may become part of designated County greenways. Amenities such as walking paths, piers, picnic areas and other passive recreational uses will be allowed with minimal disturbance of the vegetation.

- B. Required Open Space: All new residential subdivisions shall provide open space in the amount of **0.03** acres per dwelling unit within the subdivision. No more than 50% of the required open space shall be designated as passive open space. 50% or more of the required open space shall be designated as active open space.
- C. Exemptions to Open Space.
 - 1. Density calculations of a development that is one unit per acre or greater in the RP and RA Zoning Districts.
 - 2. Developments consisting of 10 units or less.
- D. Standards for Park, Recreation and Open Space Areas: Except as otherwise approved by the Planning Board, all park, recreation and open space areas shall meet the following criteria:
 - 1. Unity
The dedicated land shall form a single parcel of land, whether or not the subdivision is developed in phases or sections, except where it is determined by the appropriate governing body, that 2 or more parcels would be in the best interests of the residents of the subdivision and the public; and in such case, the appropriate governing body, may require that such parcels be connected.
 - 2. Shape
The portion of dedicated land to be used for active recreation shall be of such a shape to be usable for active recreational facilities including but not limited to tennis courts, racquetball courts, swimming pools, exercise rooms, clubhouses, athletic fields, basketball courts, swings, slides and play apparatus.
 - 3. Greenways
If open space is a greenway, the land shall be a continuous linear parcel through the subdivision of at least 30 feet in width.
 - 4. Location
The dedicated land shall be located so as to reasonably serve the recreation and open space needs of residents of the immediate neighborhood within the subdivision for which the land dedication is made and can be combined with an adjacent park.
 - 5. Access
All dwelling units in the subdivision shall have suitable, safe, and convenient ingress and egress to and from the park, recreation and open space areas provided within the development by means of improved streets or dedicated

walkways. Rights-of-way for such access shall be shown on the preliminary plans and final plats.

6. Required Stormwater Detention/Retention Facilities
Required stormwater detention/retention facilities shall not be accepted to fulfill the requirements set forth by this section. Amenities, such as walking paths, piers, picnic areas, and other passive recreational space that are associated with stormwater management facilities (i.e. Wet ponds) shall receive credit towards the calculation of open space if such amenities are reviewed and approved by appropriate state agencies and the Planning Board at the time of Master Plan approval.
7. Landscaping
Park, recreation and open space areas which include amenities such as tennis courts, racquetball courts, swimming pools, exercise rooms, clubhouses, athletic fields, basketball courts, swings, etc. shall be landscaped and shall be provided with sufficient natural or manmade screening or buffer areas to minimize any negative impacts upon adjacent residences.
8. Encroachments
The park, recreation and open space areas required by this section shall exclude roadways, parking areas and other accessory uses except for areas associated with recreational facilities.
9. Consistency with Pender County Parks and Recreation Comprehensive Master Plan
If any portion of any subdivision proposed for residential development lies within an area designated on the officially adopted Plan as a park, such area shall be included as part of the area set aside to satisfy the requirements of this section. This area shall be dedicated to public use.
10. Procedure for Dedication of Land:
 - i. Designation of Land to Be Dedicated
Subdivider shall designate on the Master Plan, the area or areas to be dedicated pursuant to this section.
 - ii. Review of Land to Be Dedicated
Upon receipt of the Master Plan, the Administrator shall submit a copy thereof to the appropriate governing agency for review. The appropriate governing agency shall submit any and all recommendations concerning the land to be dedicated to the Planning Board at its next scheduled meeting.
 - iii. Ownership
The type of ownership of land dedicated for park, recreation or open space purposes shall be selected by the owner, developer, or subdivider, subject to the approval of the Planning Board. Provided, however, any of such areas

included in the master parks plan shall be dedicated to the county. The type of ownership may include, but is not necessarily limited to, the following:

- a. The county, subject to the acceptance by the Planning Board;
- b. Other public jurisdiction or agencies, subject to their acceptance;
- c. Appropriate non-profit agencies, subject to their acceptance;
- d. Property owner, condominium or cooperative associations or organizations; or
- e. Shared, undivided interest by all property owners in the subdivision.

6.1.2.1 Recreational Units

All developments not meeting the criteria set forth in Section 6.12.C of this Article and contain 34 units or more will be required to provide recreational units equivalent to credits established in the following table. Recreational units are intended to serve the subject development itself but may be suitable or planned to serve the surrounding community. The facilities shall be in a configuration and location that is easily accessible to the dwelling units that they are designed to serve. The design and amount of facilities shall be approved by the Planning Board, Administrator, and Parks and Recreation representative to the TRC at the time of Master Plan approval. Recreational units are assigned a financial unit to be achieved via installation on the subject property or through a payment in lieu of in conjunction with the approved Pender County Parks & Recreation Master Plan. The timing of the installation or payment in lieu of installation shall be confirmed on the master plan.

| Dwelling Units | Recreational Unit(s) | Financial Unit |
|----------------|----------------------|----------------|
| 34-99 | 1.0 | \$10,000 |
| 100-150 | 1.5 | \$15,000 |
| 151-200 | 2.0 | \$20,000 |
| 201-250 | 2.5 | \$25,000 |
| 251-300 | 3.0 | \$30,000 |
| 301-350 | 3.5 | \$35,000 |
| 351-400 | 4.0 | \$40,000 |

**The figures referenced above shall be carried up to 1,000 dwelling units/10.0 recreational units or \$100,000. Developments exceeding 1,000 dwelling units shall not be required to exceed the maximum of 10 recreational units.*

6.1.2.2 Payments in Lieu of Dedication:

A. General Provisions

When the Planning Board determines (upon the recommendation of the Administrator) that the park, recreation and open space requirements of a subdivision can also be adequately met by capital

facilities constructed or to be constructed on county-owned property or property to be acquired by the county within a reasonable time that is located close enough to such subdivision to reasonably serve its residents, the Planning Board may authorize the subdivider to make a payment to the county in lieu of dedication. The Planning Board may also authorize a combination dedication and partial payment in lieu of dedication when such is determined to be in the best interest of the citizens of the area to be served. Any public dedication is subject to review and acceptance by the Planning Board.

B. Procedure

The subdivider shall include with the application for Master Plan approval, a letter requesting approval to make a payment in lieu of dedication. The letter shall include the proposed per acre value and the basis for the determination of such value. Upon receipt of the Master Plan, the Administrator shall submit a copy thereof with the letter requesting a payment in lieu of dedication to the Planning Board. The Administrator shall submit any recommendations concerning the request to the Technical Review Committee.

C. Amount of Payment

If the County approves a payment in lieu of dedication, the amount of such payment shall be the product of the number of acres to be dedicated as outlined in subsection (b) above, and the average fair market value of the land being subdivided at the time of the submission of the Master Plan. The Tax Department shall determine the average fair market value of the land based on the value of the land for property tax purposes, the information submitted by the subdivider and other relevant information.

D. Use of Payments in Lieu of Dedication

All monies received by the county pursuant to this section shall be used only for the acquisition or development of recreation, park, or open space areas that will benefit the new subdivision residents.

E. Required Payment in Lieu of Dedication

In the event the County finds that a land dedication does not meet the long range plans of the county it shall require payment in lieu of a dedication.

F. Time of Payment

If a payment in lieu of dedication is authorized, such payment shall be made before recording the final plat for the subdivision. If a subdivision is developed in phases, a payment relating to each phase must be made prior to the recording of a final plat for each phase.

6.1.2.3 Flexibility in Administration Authorized:

- A. The requirements set forth in this subsection concerning the amount, size, location and nature of park, recreation and open space areas to be provided in connection with residential developments are established by the County as standards that preemptively will result in

the provision of that amount of recreational facilities and open space that is consistent with officially adopted county plans. The County recognizes, however, that due to the particular nature of a tract of land, or the nature of the facilities proposed for installation, or other factors, the underlying objectives of this article may be achieved even though the standards are not adhered to with mathematical precision. Therefore, the Planning Board is authorized to permit minor deviations from these standards whenever it determines that: (i) the objectives underlying these standards can be met without strict adherence to them; and (ii) because of peculiarities in the developer's tract of land or the facilities proposed it would be unreasonable to require strict adherence to these standards.

1. Whenever the County authorizes some deviation from the standards set forth in this section, the official record of action taken on the development application shall contain a statement of the reasons for allowing the deviation.

6.15 Performance Guarantee Requirements

6.16.1 Guarantee Required Prior to Signing Final Plat

Prior to signing the Final Plat for recordation by the Administrator, items 1. or 2. in this paragraph must be complete.

- A. All requirements of this ordinance are complete including the following:
 1. All improvements required by the Pender County Subdivision Ordinance and required as a condition of approval, must be constructed and/or installed and
 2. All improvements required by the Pender County Subdivision Ordinance and required as a condition of approval must be certified by a licensed surveyor and/or engineer that their construction and installation is complete in accord with the standards of this ordinance and
 3. All public streets and related drainage are certified to be complete and in accord with NCDOT requirements by the NCDOT District Engineer.
 4. A Defects Guarantee for the required improvements has been submitted and approved in accord with this ordinance.
- B. Documents Guaranteeing the completion of all required improvements have been submitted and approved including the following:
 1. A Performance Guarantee Agreement for Improvements in favor of Pender County on an approved format in this Ordinance or in a format approved by the Pender County Attorney shall be submitted and approved.
 2. An Irrevocable Letter of Credit, Performance Bond or Escrow Agreement in favor of Pender County or in a format approved by the Pender County Attorney shall be submitted and approved to cover the cost of the incomplete and uncertified improvements. The amount of the Guarantee will be at least equal to the cost of

construction of the improvements as shown on a Construction Cost Estimate prepared, signed and sealed by a licensed engineer.

6.15.2 Type Guarantee Required

The Guaranty shall be in one of the following forms:

- A. Filing an irrevocable letter of credit from a federally insured lending institution specifying the limit of credit dedicated to the subject subdivision which will be extended to the County upon request.
- B. Depositing or placing in escrow a certified check or cash, conditioned upon satisfactory completion of the final plat requirements and improvements.
- C. Filing a performance or surety bond from a licensed surety or bonding company assuring completion of the improvements.

6.15.3 Release of Guarantee Requirements

The Administrator shall release the Performance Guarantee when all requirements of this ordinance have been met and construction and installation of all required and proposed improvements have been completed and certified and a Defects Guarantee has been submitted and approved. Certification must include the following:

- A. Certification from a Professional Land Surveyor that all monuments and markers required by this ordinance and NCGS 39-32.1-4 have been installed and,
- B. Certification from the District Engineer that public streets have been constructed to NCDOT Secondary Road Standards or,
- C. Certification from a Registered Engineer that construction of private streets and all other required and proposed improvements have been completed specifically in compliance with the provisions of this ordinance
- D. Certification of completion and performance of the Drainage System by a Registered Engineer and,
- E. Certification by the Administrator or his designee that the improvements required have been installed and such approval is issued to the subdivider in writing and entered into the record file.

6.16.5 Required Improvements

6.16.5.1 Monuments and Markers

- 1. Control monuments shall be set at the points of curvature (“ PC” and “ PT”) or at the “ PI” of all street centerline curves (one monument per curve if installed at the PI and two if installed at the points of curvature). However no more than two street centerline curve control monuments will be required within a 1000 ft. lineal section of any street. A standard steel 60 penny nail or a standard “PK” or “MAG” nail shall be placed at these points where control monuments are not located. “PK” and “MAG” nails shall be at least 2.5 inches long.

2. Centerline control monuments will not be required on cul de sacs 500 ft. or less in length when “ nails” specified above are located at required monument control points.
3. A control monument shall be placed at all street centerline intersections.
4. Monuments set in the street pavement shall have monument access boxes set on top of a brick, block, other masonry or rock footing.
5. When any portion of the development is in a Special Flood Hazard Area, as defined in this Ordinance, as amended, and set out in the FEMA Rate Index Maps, one (1) permanent monument in each subdivision is required to have its elevation recorded on the final plat.
6. A steel or iron pipe or the equivalent of not less than one-half (1/2) inch in diameter and at least thirty (30) inches in length, where possible, shall be set at all property and lot corners, except those located by monuments. A property marker shall also be set in street right-of- way lines at the point of curvature and point of tangency.
7. Control Corners as described and required in NCGS 39-32.1-4, shall be installed.

6.17 DEVELOPMENT AGREEMENTS

As authorized by this Ordinance, Development Agreements must comply with all state regulations in NCGS §153A-349.1 et. seq.

ARTICLE 7 – LANDSCAPING AND BUFFERING

7.1 GENERAL

7.1.1 Intent

The placement of landscape plants on a property can serve numerous purposes. One of the most obvious is to enhance the appearance of the property and increase the property's value. Other benefits of plants and vegetative buffers in the home and business property landscape are as follows:

- Reduce air pollution by absorbing Carbon Dioxide and releasing Oxygen.
- Reduce erosion by dispersing and absorbing rainfall.
- Reduce stream pollution by stabilizing soil and slowing, dispersing and absorbing storm water runoff.
- Reduce storm water runoff and the potential for flooding.
- As properties provide trees, plants and other landscape vegetation, not only is the appearance of individual properties improved, but community appearance is enhanced. This provides a substantial value to the community and other properties in the community.
- Buffer and Landscape trees and other plants also help reduce noise from auto traffic, glare from auto and other lights and help collect & reduce litter from reaching adjacent properties.

7.1.2 Applicability

The landscaping and buffering requirements found in this Article shall apply to all development within Pender County with the exception of bona fide farming activities and residential development of one housing type in the Residential Performance Districts. Landscaping and buffer requirements shall apply in all business, planned development, industrial, and non-residential uses in other zoning districts when:

- 1) A new principal structure is built, or
- 2) An existing principal structure is expanded sufficiently to increase its interior square footage by fifty percent (50%) or more, in any one or more expansions or
- 3) A change in use from residential related to office, service, commercial or industrial, or from office, service or commercial to industrial or
- 4) In any residential development with two or more types of housing development.

7.1.3 Tree Survey Required

The primary objective of tree survey requirements is to provide better information about the presence and location of significant trees (see Section 7.1.5.B) on sites proposed for development. This information is needed before plans for development are so far advanced that it is unreasonable and impractical to modify the plans to protect the trees identified on the tree survey. Tree survey requirements do not obligate a property owner or developer to save trees by modifying a plan for development. However, knowing the location and size of significant trees helps the staff evaluate possible modifications to the proposed

plans to preserve significant trees and improve the appearance of proposed development.

A. Significant Tree Survey

1. A significant tree survey shall be required for any commercial zoned property and all mixed use districts. The significant tree survey shall show the general location, species and size of any significant tree. However, a significant tree survey shall not be required for land in designated Special Flood Hazard Areas (unless filled or developed in accordance), jurisdictional and coastal wetlands and wetland buffers, designated Areas of Environmental Concern, and stream buffers.
2. For purposes of this Ordinance, a significant tree shall be defined as follows:
 - i. An American holly with a trunk caliper measurement of 6" or greater measured at 4.5 feet above ground;
 - ii. A flowering dogwood with a trunk caliper measurement of 4" or greater measured at 4.5 feet above ground;
 - iii. A redbud with a trunk caliper measurement of 6" or greater measured at 4.5 feet above ground;
 - iv. A live oak with a trunk caliper measurement of 8" or greater measured at 4.5 feet above ground; and
 - v. Any tree species included in the planting table, except a "loblolly pine" (see Appendix C) with a trunk caliper measurement of 12" or greater measured at 4.5 feet above ground.
3. For development plans where specific building locations are not shown, a more generalized survey of vegetation may be provided in lieu of a significant tree survey. This survey shall describe existing forest stands, indicating the average species and size of trees on the tract.
4. Where any significant tree shown on the significant tree survey is proposed to be removed such removal shall be mitigated by the planting on site of two (2) trees of the same species with a minimum caliper of 2" or greater.

7.1.4 Landscape Plan Required

- A. A landscape plan shall be submitted in conjunction with a required site plan. For minor site plan applications, the landscaping may be shown on the site plan, as opposed to a separate landscape plan.
- B. On a case-by-case basis, the Administrator may approve alternative planting materials or substitutions to landscaping and buffer requirements where requirements would not be practical because of overhead power lines, existing vegetation located in the buffer, existing vegetation in adjacent required and protected buffers or other reasons. Such substitutions must be determined to be in keeping of the purpose and intent of this article by the Administrator.

7.1.5 Credit for Existing Vegetation

A. General

Existing native habitat or plant material located within the proposed landscaping or buffer area that meets the requirements of these regulations may be counted toward the total buffer required between adjoining land uses, or toward total landscaping requirements. If the existing vegetation has been counted toward the total required buffer or landscaping and is subsequently removed or dies, it shall be replaced with the appropriate buffer or landscaping material.

B. Credit for Existing Vegetation

In order to encourage the preservation of established vegetation, credit shall be given for preservation within the proposed buffer or other required landscaping areas on a one-for-one basis.

C. Clear-Cutting

1. Prior to Development

Properties shall not be clear-cut prior to undertaking development activities. Along public rights-of-way, a buffer consisting of all existing vegetation located in a required street yard shall be maintained, exclusive of areas required for access to the site.

2. During Development

Properties shall not be clear cut while undertaking development activities. The preservation of the maximum amount of existing vegetation and selective removal of existing trees throughout the site is strongly encouraged during project design and construction to save time and money. Early preparation of a site plan for any proposed development can preclude unnecessary expenditures for buffer and some landscape plantings by preserving existing vegetation on the site. In order to encourage such preservation, the Administrator may count established vegetation preserved during development towards the landscaping requirement.

7.1.6 Design of Landscaping and Buffers

A. Design, Installation and Establishment Standards

Location of plants and design of landscaping, including maintenance, shall be according to sound landscape and horticultural principles. The use of native vegetation and other lower maintenance landscape materials is desired to promote environmental protection, energy efficiency, and water conservation. The preservation of existing trees and vegetation around the perimeter of the site and in other key locations on the site should be considered prior to site design to reduce the cost of installing and maintaining new plantings.

1. Landscape plans submitted for approval for the purposes of satisfying the requirements of this Article shall clearly indicate the name, location, and size of vegetation to be installed as well as trees to be preserved.

2. Plant material shall be chosen from the lists of recommended plant species contained within Appendix C, and shall adhere to the minimum specifications therein. Plant materials shall be reviewed for suitability with regard to the eventual size and spread, susceptibility to diseases and pests, and appropriateness to existing soil, climate and site conditions.
- B. Issuance of Certificate of Occupancy
A permanent certificate of occupancy shall not be issued, until all seeding, trees, and plant material have been placed in accordance with the approved site plan and requirements of this section. A temporary certificate of occupancy may be issued for a period of 120 days under circumstances that would affect the seeding and planting of the site, or until the proper planting season is reached to complete the landscaping requirements.
- C. Plant Material and Minimum Plant Size
The Plant List provided in Appendix C shall be used as a guide in identifying and categorizing the different acceptable types and minimum sizes for any required plant.
1. Trees
 - i. Canopy Trees
Canopy trees shall be of a species having an average minimum height of 15 feet and a minimum mature crown spread of 20 feet. At the time of planting, the tree shall have a minimum caliper of two inches measured at four and one half (4.5') feet above ground.
 - ii. Understory Trees
Understory trees shall be of a species having an average minimum height of eight feet and a minimum mature crown spread of 12 feet. At the time of planting, the tree shall have a minimum height of four (4') feet.
 2. Shrubs
 - i. Shrubs shall have a minimum mature height of 18 inches.
- D. Minimum Planting Areas
1. Canopy trees shall have a planting area no less than 10 feet wide in all dimensions.
 2. Understory trees shall have a planting area no less than eight feet wide in all dimensions.

7.1.7 Requirements for Maintaining Planted Areas

- A. Responsibility
The responsibility for maintenance of a required buffer or other landscaping shall remain with the owner of the property, his or her successors, heirs, assignees or any consenting grantee. Maintenance is required in order to ensure the proper functioning of the plantings as a landscaped area which reduces or eliminates nuisance and/or conflict.
- B. Maintenance

1. All plantings shall be maintained in an attractive and healthy condition. Maintenance shall include, but not be limited to, watering, mulching, fertilizing and pest management, mowing, weeding, removal of litter and dead plant material, and necessary pruning and trimming.
2. Dead or diseased plantings shall be removed. Unless specifically exempted (such as Understory Trees shaded by Canopy Trees), replacement plantings shall be provided for any required plants which die or are removed for any reason and shall meet all minimum standards and conform to these regulations.
3. Natural water courses within a buffer shall be maintained in a natural condition consistent with any applicable regulations.
4. Landscape structural features such as walls, fences, berms or water features shall be maintained in a structurally safe and attractive condition.
5. Where other uses, including pedestrian, bike or other trails, are allowed within a buffer, these uses shall be maintained to provide for their safe use.

C. Failure to Maintain

Any circumstance found to be in violation of the provisions of this Article shall be subject to enforcement procedures as detailed in Article 11 of this Ordinance.

7.2 Required Buffers

7.2.1 Buffer Defined

A buffer is a specified land area, located parallel to and within the outer perimeter of a lot or parcel and extending to the lot or parcel boundary line, together with the planting and landscaping required on the land. A buffer may also contain, or be required to contain, a barrier such as berms, fence or wall, or combination thereof, where such additional screening is necessary to achieve the desired level of buffering between various land use activities. A buffer is not the same as the term "yard" or the term "stormwater management area."

7.2.2 Location

- A. Buffers shall be located within the outer perimeter of a lot or parcel, parallel to and extending to the lot or parcel boundary line. Buffers shall not be located on any portion of an existing, dedicated or reserved public or private street or right-of-way.
- B. Buffers may be located and constructed within any required setback.

7.2.3 Permitted Use of Buffer Area

- A. A buffer may be used for recreation and picnic facilities; and it may contain pedestrian, bike, or equestrian trails, provided that:
 1. Minimal existing plant material is eliminated;
 2. The total depth of the buffer is maintained; and

3. All other requirements of these regulations are met.
- B. Other appurtenances which require high visibility and easy access, such as fire hydrants, public and emergency telephones, mail boxes, and school bus or other bus shelters or benches, are also permitted in a buffer. No screening of such appurtenances is required.
- C. A required buffer is encouraged to retain areas of native habitat and may incorporate water resources including stormwater detention/retention facilities designed as a natural-appearing amenity. However a minimum 10-foot contiguous width of the buffer shall be preserved as a planting area without stormwater facilities.
- D. Ingress and egress to the proposed use, and utility lines and appurtenances, may cross the buffer provided they minimize the amount of buffer taken.
- E. The buffer area may be included as part of the calculation of any required open space.
- F. Identification signs may be located within a buffer as specifically permitted in Article 9, Signs. The landscape buffer shall be designed to address visibility of permitted ground signs.
- G. Other activities and development required by this Ordinance or expressly authorized by the Administrator.

7.2.4 Prohibited Use of Buffer Area

A buffer area shall not be used for any building or use, accessory building or use, parking or loading area, storage area, or other principal or accessory uses except as specifically permitted in this Ordinance.

7.2.5 Planting in Easements

- A. Where required plantings are located in easements, the property owner shall be responsible for replacement of such required vegetation if maintenance or other utility requirements require their removal.
- B. No trees shall be planted in wet retention ponds, drainage maintenance easement, or any utility maintenance easements.
- C. Shrubs may be planted within easements, provided they are only within the outer three feet of the easement. No new trees may be planted in an easement.
- D. Existing trees may remain in dry retention ponds provided that the natural grade is undisturbed to the tree line, they are a species adapted to seasonal flooding and the pond is adequately maintained.

7.2.6 Project Boundary Buffers

The following are the buffering requirements of listed permitted uses in each district and certain special types of development. Special uses may be required to meet additional buffer requirements, but shall in all cases be required to have at a minimum the same buffer as permitted uses. Existing vegetation that meets

or exceeds the requirements of the specific buffer is desired and allowed instead of any required new plantings.

| A. <u>Buffers Required for Mobile Home Parks</u> - Mobile home parks shall be required to have the following buffers: | |
|--|--------------------|
| Location of Buffer for Mobile Home Parks | Type Buffer |
| Along all boundaries adjacent to a street | Buffer A |
| Along all boundaries adjacent to single family residential uses or residential lots with a parcel size of less than 1 acre and <i>when</i> a single family structure is within 50' of the boundary of the park | Buffer C |
| Along all other boundaries | Buffer B |

| B. <u>Buffers Required for Multi-family and Planned Developments</u> - Multi-family and Planned Residential Developments shall be required to have the following buffers: | |
|---|--------------------|
| Location of Buffer for Multi-family & Planned Developments | Type Buffer |
| Along all boundaries adjacent to a street | Buffer A |
| Along all boundaries adjacent to single family residential uses or residential lots with a parcel size of less than 1 acre and <i>when</i> a single family structure is within 50' of the boundary of the development | Buffer C |
| Along all other boundaries | Buffer B |

| C. <u>Buffers Required for Shopping Centers</u> - Shopping centers shall be required to have the following buffers: | |
|---|--------------------|
| Location of Buffer for Shopping Centers | Type Buffer |
| Along all boundaries adjacent to a street | Buffer A |
| Along all boundaries adjacent to Residential Districts (R-10, R-15 R-20 & R-20C) or uses and adjacent to single family residential uses or residential lots with a parcel size of less than 1 acre and <i>when</i> a single family structure is within 50' of the boundary of the development | Buffer C |
| Along all other boundaries | Buffer B |

D. Buffers Required for All Non Residential Uses (Excludes Industrial Uses) in All Residential Districts, (RA, RP, MH) - Residential uses in Residential Districts are not required to have buffers, except as required for mobile home parks, Multi-family and Planned Developments. All commercial or uses other than residential uses (excluding industrial uses) in the Residential Districts shall provide the following buffers: Uses in these districts that require a special use permit will in addition, provide other buffers as specified in the special use permit.

| Location of Buffer for Non Residential Uses in the Residential Districts | Type Buffer |
|---|--------------------|
| Along all street boundaries of the Development | Buffer A |
| Along all boundaries adjacent to single family residential uses or residential lots with a parcel size of less than 1 acre and <i>when</i> a single family structure is within 50' of the boundary of the development | Buffer C |
| Along all other non street boundaries | Buffer B |

E. Buffers Required for the Commercial Districts - All uses in the General Business and Office & Institutional Districts shall be required to have the following buffers:

| Location of Buffer for GB and OI Districts | Type Buffer |
|--|--------------------|
| Along all boundaries adjacent to street right of ways | Buffer A |
| Along all non street boundaries adjacent to Residential Districts and adjacent to single family residential uses or residential lots with a parcel size of less than 1 acre and <i>when</i> a single family structure is within 50' of the boundary of the development | Buffer C |
| Along all other boundaries | Buffer B |

F. Buffers Required For The Industrial Districts And Industrial Uses In Any Other Districts

| Location of Buffer for Industrial Districts | Type Buffer |
|---|--------------------|
| Along all street boundaries | Buffer D |
| Along all non street boundaries adjacent to Residential Districts <i>when</i> adjacent to single family residential structures within 50' of the project boundary | Buffer C |
| Along all other boundaries | Buffer D |

| G. Buffers Required in the Watershed Overlays (WS-PA & WS-CA). | |
|---|--|
| Type Use | Buffer Requirement Watershed Districts |
| Bona fide Farms | Bona fide Farms in the Watershed Critical Area District (WSCA) shall maintain a 10 foot permanently vegetated buffer adjacent to all perennial waters as shown on the most recent edition of the USGS 1:24000 (7.5 minute) topographic map. The buffer shall remain vegetated and shall be used only for access and utilities. |
| <i>Silviculture Activities</i> | Silviculture activities shall maintain buffers (Streamside Management Zones) as described in the Division of Forest Resources Rules and Best Management Practices Manual. |
| <i>All activities, other than bona fide farms and silviculture activities</i> | All activities, other than bona fide farms and silviculture activities shall maintain a 30 foot vegetated buffer adjacent to all perennial waters as shown on the most recent edition of the USGS 1:24000 (7.5 minute) topographic map. The buffer shall remain vegetated and shall be used only for access and utilities. |

7.2.7 Buffer Descriptions and Options

The following descriptions list the specifications of each buffer. The requirements reflect the minimum and the developer may increase the buffer at his/her option. Buffer requirements are stated in terms of width of the buffer and the number of plant units required per one hundred (100) linear feet of buffer. The requirements of a buffer may be satisfied by any of the options under each letter designation or existing equivalent vegetation. All mathematical rounding shall be upward and shall be applied to the total amount of plant material required in the buffer, not to each one hundred (100) foot length. The required canopy and understory trees shall generally be spread uniformly along the buffer. Shrubs may be clustered when a 98% grass cover is provided in all areas of the buffer other than within 4 ft. of the base of any tree or shrub.

| |
|---|
| A. Buffer "A" This buffer is designed primarily for road frontage areas and should run parallel to the street to provide a continuous, aesthetically pleasing streetscape. The requirements for buffer "A" shall be met by any one of the following: |
| A-1) 15 foot wide strip with 3 canopy trees, 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 (width may be reduced to 10' for existing developed lots that are subject to new buffer requirements), or |
| A-2) 20 foot wide strip with 2 canopy trees, 2 understory trees and either a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree or shrub) or 12 shrubs per 100 linear feet, or |
| A-3) 25 foot wide strip with 1 canopy tree, 2 understory trees and either a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree or shrub) or 18 shrubs per 100 linear feet, or |
| A-4) 30 foot wide strip with 1 canopy tree, 1 understory tree and either a grass or other approved vegetative ground cover of at least 98 % coverage (except within 4 feet of the base of any tree or shrub) or 24 shrubs per 100 linear feet. |

B. Buffer "B" This buffer is a medium density planting area to be used primarily along non street boundary lines to provide spatial separation between similar types of uses. The requirements for buffer "B" shall be met by any one of the following:

B-1) 10 foot wide strip with 2 canopy trees, 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

B-2) 15 foot wide strip with 1 canopy tree, 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, or

B-3) 20 foot wide strip with 1 canopy tree, 1 understory tree and either a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree or shrub) or 12 shrubs per 100 linear feet, or

B-4) 25 foot wide strip with 0 canopy trees, 4 understory trees and either a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree or shrub) or 18 shrubs per 100 linear feet.

C. 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.

D. 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.

7.3 Internal Landscaping in Parking areas and other Site areas, other than single family.

- A. Any development other than for single family detached and duplex dwellings shall require that all ground surface areas used on commercial, institutional, community facility, industrial, condominium, recreational vehicle parks, or multifamily sites shall have internal landscaping to provide visual and climatic relief from broad expanses of pavement and channelize and define logical areas for pedestrian and vehicular circulation. The following special landscaping requirements apply to commercial, institutional, community facility, industrial, condominium, recreational vehicle parks and multifamily sites.
- B. *Interior Parking areas.*
 1. Landscape islands shall be provided within parking areas, except parking garages, as described below to prevent excessively long, contiguous runs of parking spaces. These areas shall use control measures to prevent encroachment or damage to trees and vegetation.
 - a) Light poles, fire hydrants, or other necessary features are permitted to be located within landscape islands and parking areas.
 2. Single-Row Terminal Landscape Islands. Each single-row terminal landscape island shall contain at least one (1) canopy tree
 - a) More than ten (10) contiguous parking spaces or extend more than one-hundred and twenty (120) feet, whichever is more restrictive.
 - b) One single-row terminal landscape island, with a minimum pervious area of three hundred (300) square feet and a minimum width of twelve (12) feet, shall be provided at each end of a single-row parking bay.
 - c) Required maximum two (2) foot high screening shrubs shall be utilized the entire length of the landscape island, or as limited by sight distances. Please see below *Figure A – Single and Double-Row Terminal Landscape Island*
 3. Double-Row Terminal Landscape Islands. A double-row parking bay with head-to-head parking shall not contain more than twenty (20) contiguous parking spaces in a 2 rows x 10 spaces configuration or extend more than one-hundred and twenty (120) feet, whichever is more restrictive.
 - a) One double-row terminal landscape island, with a minimum pervious area of six hundred (600) square feet and a minimum width of twelve (12) feet, shall be provided at each end of a double-row parking bay.
 - b) Each double-row terminal landscape island shall contain at least two (2) canopy trees.

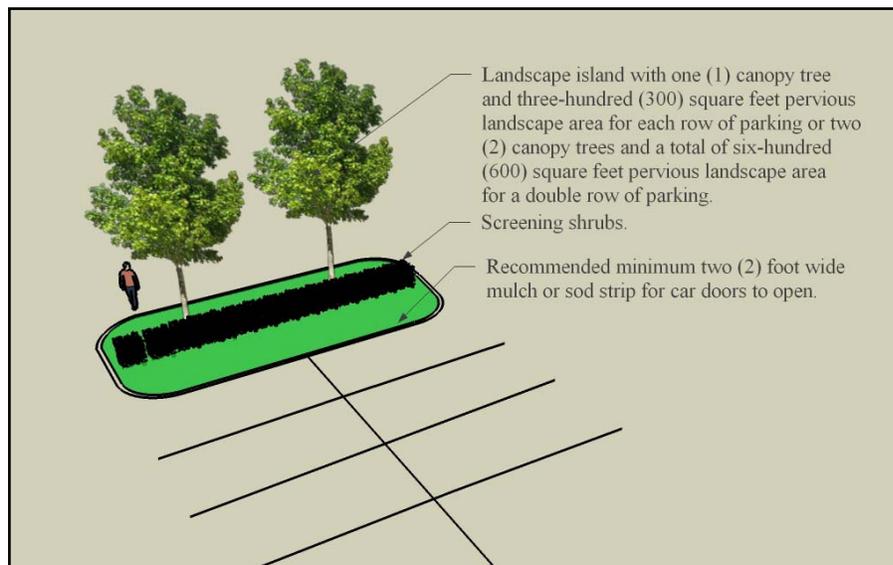
- c) Required maximum two (2) foot high screening shrubs shall be utilized the entire length of the landscape island, or as limited by sight distances.
 - 4. Intermediate Landscape Islands. Intermediate landscape islands shall be provided for any parking lot with eighty (80) or more parking spaces, and an additional intermediate landscape island shall be provided for every additional twenty (20) parking spaces in excess of eighty (80).
 - a) Each intermediate landscape island shall have a minimum pervious area of three hundred (300) square feet and a minimum width of twelve (12) feet, and
 - b) Each intermediate landscape island shall contain at least one (1) canopy tree.
 - c) Required maximum two (2) foot high screening shrubs shall be utilized the entire length of the landscape island, or as limited by sight distances. Alternatively a minimum seven (7) foot wide landscape strip may be provided between head-to-head parking, which may count as the required intermediate landscape island for every three hundred square feet (300) of pervious area provided. If a landscape strip is used, ornamental landscape trees and shrubs shall be planted within the landscape strip on minimum thirty (30) foot centers. Please see below Figure B – Intermediate Landscape Islands.
 - 5. *Limited Off-Street Paved Parking areas.* Interior portions of off-street parking facilities, which are not specifically designed as parking spaces or maneuvering areas, shall not be paved for vehicle use.
 - 6. *Parking Lot Trees and Substitutions.* All trees in the parking lots shall be canopy trees, unless otherwise provided.
 - 7. *Perimeter Trees and Spacing.* Canopy trees shall be planted an average of fifty (50) foot centers around the total perimeter of the parking lot and all vehicular service areas. Clustering may be utilized but spacing shall not exceed one-hundred and fifty (150) foot spacing. The canopy trees shall be planted between eight feet (8) and thirty (30) feet from the edge of pavement. Canopy trees within the landscape buffers may be used if they fall within thirty (30) feet from the edge of paving or vehicular service area as shown in *Figure C – Perimeter Trees and Spacing.*
- C. *Pervious Parking.* Parking spaces provided in excess of the minimum required shall be constructed of pervious materials, including grassed parking areas. Additional pervious parking may be provided, if not otherwise prohibited by other provisions of the UDO, in the following areas:
 - 1. Adjacent to parking lot landscape islands to allow for the percolation of water and the exchange of oxygen for the tree roots.

2. Grass paving or turf block areas may be utilized in low impact areas or infrequent use areas such as churches or the outlying parking areas of malls or other shopping areas.

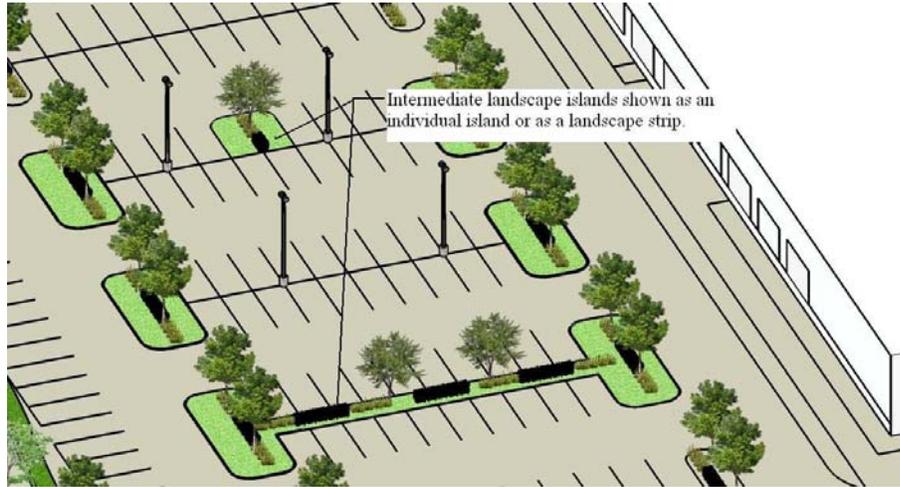
D. *Internal Access Roads*. Developments with internal access roads shall be required to plant one (1) canopy tree on each side of the road approximately every fifty (50) feet. Access roads immediately in front of commercial structures and other buildings do not have to meet the access road tree requirement but do have to meet other parking landscape requirements. Parking lot island canopy trees may be used to meet this requirement if they fall within thirty (30) feet from the edge of the pavement along the internal access road.

1. *Rain Gardens*. Parking lot islands are encouraged to use curb breaks and create swale or depression areas to allow for the percolation of rainwater and parking storm water. Attention shall be given to the selection, placement and durability of landscape material within rain garden areas to ensure their long-term viability. Any proposed rain garden areas must comply with all storm water requirements. Smaller rain gardens that serve as landscape islands shall adhere to all canopy and understory requirements for landscape islands.

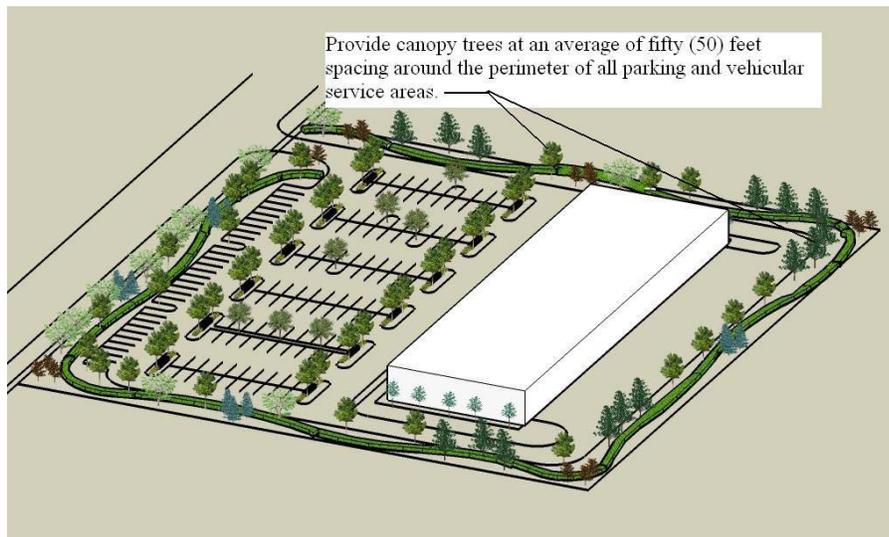
A



B



C



Article 9 Signs

9.1 Purpose and Intent

The intent of this Article is to regulate the erection, number, area, height, location, type and maintenance of signs to promote the health, safety and general welfare of the public and the orderly development of the County by protecting property values, and providing adequate signage for businesses and motorists; protecting and enhancing the image, appearance and economic vitality of the County. Any type of sign not currently listed in this Article shall be prohibited.

9.2 Administration, Filing Procedure and Approvals

A. Approval Procedure

Applications for approval to construct or install all sign shall be submitted on forms obtained from the Administrator showing the following:

1. Surface area of the sign;
2. Size, character, general layout and designs proposed for painted display;
3. The method and type of illumination, if any;
4. The location proposed for such signs in relation to property lines, zoning district boundaries, if applicable, right-of-way lines, and existing signs; and
5. If conditions warrant it, the Administrator may require such additional information that will enable them to determine if such sign is to be erected in conformance with the requirements of this ordinance.

Commentary: Each applicant for sign approval must apply for a building permit, if applicable.

9.3 General Provisions

- A. Traffic Safety No sign shall be erected or constructed that:
Obstructs the sight distance at intersections or along a public right-of-way;
Would, by its location, color, or nature, tend to be confused with or obstruct the view of traffic signs or signals, or would be confused with a flashing light of an emergency vehicle; or which might be confused with traffic directional signals and signs such as "stop", "go", "slow", "danger", etc.
- B. Certain Signs Prohibited: No sign shall be attached to or painted on any telephone pole, light pole, telegraph pole, or other man-made objects not intended to support a sign or any tree, rock, or other natural objects.
- C. A Zoning Approval for uses which require a Special Use Permit shall not be issued until a Special Use Permit is approved by the Board of County Commissioners.

9.4 Exemptions

The following types of signs are exempt from the application of the regulations herein:

- A. Signs unlighted, not exceeding two (2) square feet in area and bearing only property numbers, mail box numbers, post office numbers, and the name of the owner or occupant of the premises. Such signs shall not exceed two (2) square feet in area per occupant. If more than one (1) sign or nameplate is required, the total allowable sign area shall not exceed eight (8) square feet.
- B. Flags and insignia of any government.
- C. Holiday decorations in season.
- D. Integral decorative or architectural features of buildings, including signs which denote only the building name, date of erection or street number.
- E. Signs directing and guiding traffic and parking on private property.
- F. Signs which cannot be seen from public road or right-of-way.
- G. The act of changing advertising copy of messages on any sign designated for the use of replaceable copy such as a ready board or product price sign or on sign having its own changing copy capacity such as a time-and-temperature sign.
- H. Interior Window Signs located on the interior of the windows and with a total area not exceeding 1/2 square foot per lineal foot of the building front wall space.
- I. State required signs, i.e., inspections at service stations etc.

9.5 Signs Not Requiring Zoning Approval

The following signs may be erected, hung, or placed without zoning approval from the Administrator, but shall not be illuminated unless otherwise specified.

- A. Temporary Real Estate Sign

One (1) temporary real estate sign not exceeding ten (10) square feet in area shall be allowed per residential lot. One (1) temporary real estate sign not exceeding thirty-two (32) square feet in area shall be allowed, for commercial or industrial property, and/or for tracts of land five (5) acres or more in area. Where the property on which said sign is to be placed faces more than one (1) road, one (1) such sign shall be allowed on each road frontage.
- B. Temporary Construction Sign

One (1) construction sign may be erected on a site during the period of construction or reconstruction of a building or other similar project.
- C. Other Temporary Signs
 - 1. Two signs, including portable signs and banners, for promotional purposes by an individual business may be displayed on the premises for a period not to exceed forty-five (45) consecutive days during each calendar year, with a maximum total size of sixty (60) square feet. This provision does not apply to Shopping Centers or other multi-unit developments for which signs are approved under Subsection 9.10 of this Article.
 - 2. Pennants, ribbons, posters, streamers, strings of light bulbs, spinners, or other similar devices may be displayed for a period of not more than

- forty-five (45) days on the occasion of the opening of a new business.
3. Directional signs advertising a public event and located off premises may be displayed on private property not more than one (1) week in advance of the event and not more than two (2) days after the completion of the event. No such sign shall exceed six (6) square feet in area.
 4. Political campaign signs may be posted on private property only after the official campaign period has begun and must be removed within 30 days after primary election for the loser, and 30 days after the general election for everyone. Such signs shall not exceed thirty-two (32) square feet in area.

D. Direction, Information or Public Service Signs

Direction or information signs of public or quasi-public nature will not need zoning approval if the sign does not exceed thirty-two (32) square feet in area. Such signs shall only be used for the purpose of stating or calling attention to:

1. The name or location of the county, hospital, community center, public or private school, church, synagogue, or other place of worship, may be illuminated;
2. The name and place of meeting of an official body, may be illuminated;
3. Zoning and subdivision jurisdiction; and
4. An event of public interest such as public hearing, election, rezoning announcement, church and public meeting, local or county fair, and other similar community activities and campaigns.

E. Setback Requirements

Signs which do not require zoning approval shall be set back at least five (5) feet from any public right-of-way or property line whichever is greater. Construction signs shall be set back at least fifty (50) feet from any road construction.

F. Religious and Civic Events

A sign advertising a non-commercial occasional activity of a religious or civic activity or event sponsored by a public body or a private charitable or other non-profit entity. All such signs shall be removed within thirty (30) days after the event.

9.6 Signs Approved in Residential Districts and Rural Agricultural District

A. Subdivisions

Permanent signs for subdivisions and residential developments shall not exceed thirty (30) square feet in area. One (1) sign may be erected at each major entrance to the subdivision, but shall be located on private property no closer than ten (10) feet to any property line. No sign shall exceed six (6) feet in height above ground level, and illumination shall be restricted to indirect white lighting. Two one sided signs no larger than 20 sq. ft. may be approved on either side of the entrance consistent with the above conditions.

B. Mobile Home Parks

Permanent signs for mobile home parks, campgrounds, and residential developments shall not exceed twenty (20) square feet in area. One (1) sign may be erected at each major entrance to the Mobile Home Park or campground but shall be located on private property no closer than ten (10) feet to any property line. No sign shall exceed six (6) feet in height above ground level. Illumination shall be limited to indirect white lighting.

C. Multi-Family

One (1) permanent sign for multi-family residential developments may be erected at each major entrance to the property. Such signs shall not exceed twenty (20) square feet in area and may be flat mounted against the wall of an apartment building or freestanding. If freestanding, such signs shall be set back a minimum of ten (10) feet from any public right-of-way or property line whichever is greater and shall not exceed six (6) feet in height above ground level. Illumination shall be limited to indirect white lighting.

D. Home Occupation

One (1) sign for each home occupation is allowed, but shall not be closer than ten (10) feet to any property line, or road right-of-way, whichever is greater. Such signs shall not project higher than four (4) feet above ground level, and shall not exceed two (2) square feet in area. If more than one home occupation exists on the premises, total signage shall be combined into one sign location, the total sign area not to exceed ten (10) square feet in area.

9.7 Signs Approved in the Commercial and Mixed Use Districts and Non-residential Uses in the Residential Districts

Within the Commercial Districts, Mixed Use Districts and Non-Residential uses in the Residential Districts, the following types of signs are allowed approved. Any residential uses within the Commercial and Mixed Use Districts shall comply with the standards set forth in Subsection 9.7 of this Article.

A. Freestanding Signs

1. 100' To 300' Road Frontage:

One (1) permanent freestanding sign of (32) thirty-two square feet of signage is allowed for the first one hundred (100) feet or less of road frontage. Thereafter the area of the sign may be increased three and two-tenths (3.2) square feet for each ten (10) feet of additional road frontage, up to a maximum sign area of ninety-six (96) square feet for three hundred (300) feet of road frontage.

2. 300' to 1,000 Feet Road Frontage:

Beginning at three hundred (300) feet of road frontage, the area of the sign may be increased 1.5 square feet for each ten (10) feet of additional road frontage, up to a maximum sign area of two hundred (200) square feet for one thousand (1,000) feet of road frontage.

3. Corner Lots

Corner lots may utilize two freestanding signs one for each road frontage, so long as they are not placed closer than fifty (50) feet from the corner intersection and do not exceed the total freestanding

sign area allowed.

4. Sign Height

The maximum height of signs described in this section shall be thirty (30) feet.

B. Wall Signs

A permanent wall sign shall be allowed for each separate business establishment provided the total allowable sign area for the wall signs shall not exceed one (1) square foot for each lineal foot of building wall facing a public street.

C. Canopy/Marquee Signs

One (1) sign per business establishment may be suspended from or attached to the underside of a canopy or marquee, provided such sign does not exceed six (6) square feet in area and maintains a clear distance of at least seven and one-half (7-1/2) feet between the sidewalk and the bottom of the sign.

D. Setbacks

No freestanding sign shall be closer than ten (10') feet from any property line.

9.8 Signs Approved in the Industrial Districts

Within the IT and IG Districts as shown on the Zoning Map, only the following signs shall be allowed:

A. Freestanding Signs

One (1) freestanding sign is allowed for each principal use. The area of the sign shall not exceed eighty (80) square feet in area, and shall not project more than twenty-five (25) feet above ground level. Business fronting on more than one (1) public road shall be allowed one (1) free-standing sign for each frontage; provided, however, the combined area of all such signs shall not exceed the allowable sign area of eighty (80) square feet.

B. Wall Signs

Permanent wall signs are allowed for each business provided they do not project higher than the building eave or thirty (30) feet, whichever is lower. The location of wall signs is at the option of the owner or tenant. The total allowable sign area for wall signs shall not be more than one (1) square feet per lineal foot of building wall facing a public road.

C. Canopy/Marquee Signs

Signs may be suspended from or attached to the underside of a canopy marquee, provided that the total sign area of such signs does not exceed six (6) square feet in area and a clear distance of at least seven and one-half (7-1/2) feet between the sidewalk and the bottom of such signs is maintained.

D. One off-premises advertising sign may be allowed. In which case the sign shall be setback from any road right-of-way or property line by at least fifty (50) feet, shall not be closer than one hundred (100) feet to any residential property line, shall not project higher than twenty-five (25) feet above ground level, shall not exceed two hundred (200) square feet in area and not closer than 1,000 feet to another off premises advertising sign.

9.9 Shopping (multi-unit commercial) Center Signs, Malls, Strip Malls and Office, Business & Industrial Parks/Buildings

Pylon/free Standing Sign: For multi-unit commercial, office & industrial developments under single ownership or under unified control, one (1) pylon or free standing sign shall be allowed for each street frontage not to exceed two signs per development and the total sign area does not exceed 200 sq. ft. When a single frontage development has 400 or more of road frontage, a second sign will be allowed as long as both signs do not exceed 200 sq. ft. Such signs shall be subject to the following:

- A. Content: Such sign shall advertise only the name and location of such center and/or name and type of business of each occupant of the center, or other activities on the site.
- B. Area: The gross area in square feet allowed for the pylon/free standing signs shall be one (1) square foot per lineal foot of development frontage; however such signs shall not exceed a total of two hundred (200) square feet.
- C. Location: The sign shall not be closer than twenty (20) feet to any property line or road right of way and shall not project higher than twenty five (25) feet above ground level.

Wall Signs: In addition to the pylon/free standing sign such developments may have one wall sign, for each tenant. Such wall sign shall be in accord with Subsection 9.9.B of this Article.

Free Standing Signs: Each principal structure in the development will be allowed to have one free standing sign, advertising tenants or activities in that structure only. Such sign shall not exceed 32 sq. ft. in area, 10 ft. in height and not be closer than 20' to any street right of way or 10' to any parking or access way or structure. The sign and structure for which the sign is erected shall be on a separate lot in the development or the sign shall be within 30' of the front entrance of the structure.

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

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) feet. 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 (1500) feet apart.

9.11 Prohibited Signs

Unless otherwise allowed, the following signs are prohibited:

- A. Banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, or other similar devices except as allowed in Subsection 9.5.C.2.
- B. Signs which contain, include, or are lighted by any flashing, intermittent or moving lights are prohibited, except those giving public information such as time, temperature, and date.

- C. Signs advertising an activity, business, product, or service no longer conducted on the premises upon which the sign is located.
- D. Roof signs.
- E. Projecting signs and freestanding signs located within a public right-of-way except erected by a governmental agency.
- F. Rotating or revolving signs.
- G. Portable signs as a permanent use.
- H. Obscene signs are prohibited. No sign shall be erected or maintained which bears or contains statements, words, or pictures of an obscene, offensive character or offensive nature.
- I. Unlicensed, inoperable vehicles or trailers displaying commercial advertising.

9.12 Illumination

Where illuminated signs are allowed, they shall conform to the following requirements:

- A. All signs illuminated under the provisions of this Subsection shall be constructed to meet the requirements of the National Electric Code.
- B. Illuminated signs shall be limited to those lighted internally with glass or plastic faces bearing the advertisements, provided however, that exposed neon tubing and exposed incandescent or other bulbs not exceeding fifteen (15) watts each shall be allowed.
- C. Flood and display lighting shall be shielded so as to prevent direct rays of light from being cast into a residential area or district and/or vehicles approaching on a public right-of-way from any direction. Such lighting shall also be shielded so as to prevent view of the light source from a residence or residential district and/or vehicles approaching on a public right-of-way from any direction.
- D. Flame as a source of light is prohibited.

9.13 Maintenance and Removal of Unsafe Signs

All signs of any nature shall be maintained in a state of good repair. No sign shall be allowed to remain which becomes structurally unsafe, hazardous or endangers the safety of the public or property. Upon determining that a sign is structurally unsafe, hazardous or endangers the safety of the public or property, the Administrator or their designated agent shall order the sign to be made safe or removed subject to the following provisions:

- A. The owner of the sign, the occupant of the premises on which the sign or structure is located, or the persons or firm maintaining the same shall, upon written notice by certified mail, return receipt requested from the Administrator, or their designated agent, forthwith in the case of immediate danger and in any case within ten (10) days, secure or repair the sign or structure in a manner approved by the Administrator or their designated agent or remove it.

- B. If such order is not complied with within ten (10) days the Administrator or their designated agent shall remove the sign at the expense of the owner or lessee thereof.
- C. Whenever a sign has been abandoned, advertises an activity, business, product, or service no longer conducted on the premises or is erected in violation of the provisions of this Section, the Administrator or their designated agent shall initiate action to cause such sign to be removed or brought into compliance in accordance with the method prescribed for nonconforming signs in Article 10.5.