

Pender County Planning and Community Development

Planning Division

805 S. Walker Street
PO Box 1519
Burgaw, NC 28425



Phone: 910-259-1202
Fax: 910-259-1295
www.pendercountync.gov

AGENDA

**Pender County Planning Board Meeting
Tuesday, January 4, 2011 7:00 p.m.
Pender County Public Meeting Room
805 S. Walker Street, Burgaw, North Carolina**

Call to Order: Chairman Reynolds

Roll Call: Chairman Reynolds

Pender County Planning Board Members:

Reynolds: ____ Garrett: ____ Boney: ____ Marshburn: ____ Millette: ____ Smith: ____ Williams: ____

1. Election of Officers – Chairman/Vice-Chairman

2. Adoption of the Agenda

3. Approval of Minutes: December 7, 2010

4. Public Comment

(Public Hearing)

5. Zoning Map Amendment

Pender County, applicant and owner, is requesting to rezone three tracts totaling 24.38 acres, from EC, Environmental Conservation District, to OI, Office and Institutional District. The properties are located east of US Highway 117 along the north side of the Cape Fear River. The properties may be identified as PIN # 3232-39-3398-0000, 3232-38-3246-0000, and 3232-36-0099-0000.

6. Zoning Text Amendment

Pender County, applicant, is requesting approval of an amendment to the Pender County Unified Development Ordinance, Article 6 - Development Standards and Subdivision Design and Appendix A-Definitions:

1. Article 6.2-Family Division Submission and Approval Requirements
2. Article 6.4-3-Lot Division on an Access Easement
3. Article 6.23-Access Management Standards
4. Appendix A-Definitions

7. Discussion Items

- a. Planning Staff
 - i. Articles 3 and 6 Revisions
 - ii. Off-Premise Real Estate Signage
- b. Planning Board Members

8. Adjournment

PLANNING STAFF REPORT
Zoning Map Amendment

SUMMARY:

Hearing Date: January 4, 2011 – Planning Board
February 21, 2011 - Board of County Commissioners
Application Number: ZMA 11-02-21-01 Pender County
Applicant: Pender County
Property Owner: Same

Rezoning Proposal: The request consists of rezoning three tracts from EC, Environmental Conservation, to OI, Office and Institutional District.

Property Record Numbers, Acreage, and Location: The property consists of three separate tracts which are identified as PIN 3232-39-3398-0000, 3232-38-3246-0000, and 3232-36-0099-0000. The total area is 24.38 acres. The property is located east of US Highway 117 and north of Northeast Cape Fear River.

Staff Recommendation: Staff respectfully recommends approval of the request.

DESCRIPTION:

The applicant is proposing a general use rezoning for 24.38 acres from EC, Environmental Conservation District, to OI, Office and Institutional District. The rezoning presented would accommodate a future county park on the tracts. The property is currently vacant, underdeveloped land, with access to US Highway 117.

The subject property is proposed for use as a County owned and managed nature-oriented passive recreation area with limited development consisting of an ADA-accessible picnic shelter and restroom facility, ADA-accessible pond overlook, canoe and kayak launch area, parking area, and sidewalk. The development proposed for the park is proposed to be performed in a manner that limits impervious surfaces and utilizes low-impact development stormwater management. The majority of the subject property will remain undeveloped and preserved as natural area, remaining in harmony with the 2005 Land Use Plan and Comprehensive Land Use Plan classifications.

EVALUATION:

- A) Public Notifications:** Public Notice of the proposal for map change has been advertised in the Pender Post and Topsail Voice. Adjacent property owners have been given written notice of the request.
- B) Existing Zoning in Area:** The property lies within an EC, Environmental Conservation District. The property immediately north of the site is zoned as OI, Office and Institutional. The properties located to the east, south, and west of the site are zoned as RP, Residential Performance.
- C) Existing Land Use in Area:** The property to the north contains Riley’s Victory Baptist Church of Rocky Point, the property to the east and southwest are vacant, and the property to the northwest contains very low net density residential uses.
- D) 2005 Land Use Plan Compliance:**
Conservation 1 Area: The plan indicates that this classification includes land and water features where there are serious hazards to personal safety or property, where new development would cause

serious damage to the values of natural systems, or where new development is not permitted by local, state, or federal policy. Managed open space and natural areas are included in this classification. Therefore the rezoning request is consistent with this land classification.

E) Comprehensive Land Use Plan Compliance:

1. Conservation: The conservation land classification defines those areas that are owned in fee simple or have protective easements. These areas represent areas of special significance and unique characteristics that make them worthy of preservation. Current conservation areas are typically owned by federal or State agencies or private conservation groups and are often designated as Areas of Environmental Concern (AECs). This rezoning request is consistent with this land use classification.

2. Comprehensive Plan Policies and Goals

a. Parks, Recreation, Open Space and Waterway Access Goal 7A.1: Ensure adequate, appropriately located parks, recreation and open spaces to serve the needs of Pender County residents and visitors.

b. Policy 7A.1.2: Ensure that the updated plan adequately reflects current and future recreation needs. Adopt implementation measures to acquire and develop parks, recreation areas and open spaces.

F) Unified Development Ordinance Compliance: Article 3.3.8 of the Unified Development Ordinance provides for standards that shall be followed by the Planning Board before a favorable recommendation of approval for rezoning can be made. The proposed rezoning meets the standards of Article 3.3.8 of the Unified Development Ordinance.

3.3.8 Review Criteria for Rezoning

The Planning Board and Board of Commissioners shall consider the following matters in considering a rezoning request:

- A. *Whether the range of uses permitted by the proposed change would be appropriate to the area concerned (including not being detrimental to the natural environment, not adversely affecting the health or safety of residents or workers in the area, not being detrimental to the use or development of adjacent property, and not materially or adversely affecting the character of the general neighborhood);*
- B. *Whether adequate public facilities/services (i.e., water, wastewater, roads) exist, are planned, or can be reasonably provided to serve the needs of any permitted uses likely to be constructed as a result of such change;*
- C. *Whether the proposed change is consistent with the County's Comprehensive Land Use Plan and CAMA Land Use Plan or any other adopted land use document.*
- D. *Whether the proposed amendment is reasonable as it relates to the public interest.*

G) Summary & Staff Recommendation: The proposal consists of rezoning three tracts totaling 24.38 acres. The request complies with the criteria set forth in Article 3.3.8 of the Unified Development Ordinance. The request is also consistent with the 2005 CAMA Land Use Plan and Comprehensive Land Use Plan. Therefore, staff respectfully recommends that the request be approved.

VOTING AND RESOLUTION:

Planning Board

Motion: _____ Seconded _____

Approved: _____ Denied: _____ Unanimous _____

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

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED, that on February 21, 2011, the Pender County Board of Commissioners (approved, modified, denied) a rezoning request for property as described herein and George R. Brown, Chairman to the Board, is authorized to execute the order implementing this resolution and provide notice to the applicant of the action taken herein.

AMENDMENTS:

MOVED _____ **SECONDED** _____

APPROVED _____ **DENIED** _____ **UNANIMOUS** _____

YEA VOTES: Brown _____ Tate _____ Rivenback _____ Ward _____ Williams _____

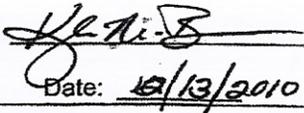
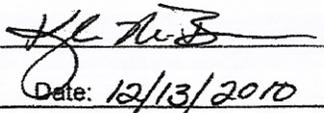
George R. Brown
Chairman

February 21, 2011
Date

ATTEST

DATE

APPLICATION FOR REZONING

THIS SECTION FOR OFFICE USE			
Application No.	ZMA 11-02-21-01	Date	12-12-10
Permit Fee		Receipt No.	
APPLICANT INFORMATION			
Applicant Name Pender County		Owner Name Pender County	
Address: PO BOX 1047 Burgaw, NC 28425		Address: PO BOX 1047 Burgaw, NC 28425	
Phone No: 910-259-1202		Phone No: 910-259-1202	
Legal relationship of applicant to owner: N/A			
PROJECT INFORMATION			
Property Identification Number: #3232-39-3398-0000 #3232-38-3246-0000 #3232-36-0099-0000 Zoning District: EC, Environmental Conservation		Total property acreage: 24.38 acres Proposed Zoning District: <u>OI, Office and Institutional</u>	
Project location or address: Located east of US Highway 117 and north of the Cape Fear River.			
SIGNATURES			
Applicant:  Date: 12/13/2010		Owner:  Date: 12/13/2010	
NOTICE TO APPLICANT			
<ol style="list-style-type: none"> 1. Applicant must also submit the information described on page three (3) of this form. 2. Applicant or agent authorized in writing must attend the public hearing. 3. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Board of Commissioners or other authorized person agrees to table or delay the hearing. 			

REZONING CHECKLIST

<input checked="" type="checkbox"/>	Signed application form
<input checked="" type="checkbox"/>	Application fee
<input checked="" type="checkbox"/>	Tax property card with the Tax Card print date from the Pender County Tax Office of the property and all adjacent property owners.
<input checked="" type="checkbox"/>	One business size envelope legibly addressed with first class postage for each of the adjacent property owners on the above list.
<input checked="" type="checkbox"/>	One business size envelope legibly addressed with certified postage for each of the adjacent property owners on the above list.
<input checked="" type="checkbox"/>	Accurate legal description or a map drawn to scale showing the property boundaries that are to be rezoned, in sufficient detail to for the rezoning to be located on the Official Zoning Map.
<input checked="" type="checkbox"/>	18 (11"x17") map copies to be distributed to the Planning Board
<input checked="" type="checkbox"/>	20 (11"x17") map copies to be distributed to the Board of Commissioners
<input checked="" type="checkbox"/>	Digital (.pdf) submission of all application materials
<input checked="" type="checkbox"/>	A description and/or statement of the present and proposed zoning regulation or district boundary and stating why the request is being made and any information that is pertinent to the case. If the owner and applicant are different, the letter must be signed by both parties.
<input checked="" type="checkbox"/>	Application received by <u>N/A - initiated by staff</u> Date _____
<input checked="" type="checkbox"/>	Application completeness approved by <u>Ashley Moncada</u> Date <u>12.13.10</u>
<input checked="" type="checkbox"/>	Dates scheduled for public hearing: Planning Board <u>Jan. 4, 2011</u> Board of Commissioners <u>Feb. 21, 2011</u>

RETURN COMPLETED APPLICATION TO:

Pender County
 Planning & Community Development
 P.O. Box 1519
 Burgaw, NC 28425

Pender County Planning and Community Development

Planning Division

805 S. Walker Street
PO Box 1519
Burgaw, NC 28425



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December 10, 2010

Dear Pender County Board of Commissioners and Planning Board,

Pender County is applying for a general use rezoning of three separate tracts of land totaling 24.38 acres located along the Cape Fear River in the southern portion of the county. The three tracts of land are currently zoned as EC, Environmental Conservation. The applicant and owner, Pender County, is proposing a general use rezoning to OI, Office and Institutional, in order to create a County park on the tracts. The current property is vacant, underdeveloped land with access to US Highway 117. Adjacent properties to the east and southwest of the site are underdeveloped and those properties to the northwest contain very low net density residential uses. The property to the north of the site does contain Riley's Victory Baptist Church of Rocky Point.

The subject property is proposed for use as a County owned and managed nature oriented recreation area with limited development on site. The proposed site will include ADA-accessible picnic shelter and restroom facility, ADA-accessible pond overlook, canoe and kayak launch area, parking area, and sidewalk. The development proposed for the park is proposed to be performed in a manner that limits impervious surfaces and utilizes low-impact development stormwater management. The majority of the subject property will remain undeveloped and preserved as natural area, remaining in harmony with the 2005 Land Use Plan and Comprehensive Land Use Plan classifications. Please feel free to contact me with any additional questions or comments.

Thank You,

Ashley E. Moncado
Planner I
Pender County Planning and Community Development
Division of Planning
805 S. Walker Street
Burgaw, NC 28425

910-259-2110
910-259-1295 (fax)

TECHNICAL REVIEW COMMITTEE (TRC) RESPONSES:

Cape Fear Council of Governments RPO

DOT should be consulted about driveway permit requirements.

Four County Electric Company

No response.

NC DENR Division of Coastal Management

A portion of this project may fall within the Estuarine Shoreline Area of Environmental Concern (AEC) and if so, the proposed project would require a CAMA Major Permit. The Estuarine Shoreline AEC extends 75' landward from the high water line of the NE Cape Fear River. Coastal Wetlands may also be present, which is also a designated CAMA AEC. I can be contacted at the number below for a determination as to whether or not the project will require a CAMA permit. As there are also Section 404 wetlands on site, a 401 Water Quality Certification from the NC Division of Water Quality and a permit from the US Army Corps of Engineers may be required if the project would impact any wetland areas. If the proposed disturbance would exceed one acre, a state stormwater permit and Sediment & Erosion Control plan will likely also be required.

NC DENR Division of Forestry

No response.

NC DENR Division of Land Resources

No response.

NC DENR Division of Waste Management

No response.

NC DENR Division of Water Quality

No response.

NC DOT Division of Highways

Would like to see a master plan showing the access points when available.

NC DOT Transportation Planning Branch

No response.

NC Office of State Archaeology

No response.

NC Wildlife Resources Commission

No response.

Pender County Building Inspections

No response.

Pender County Emergency Management

No response.

Pender County Environmental Health

No response.

Pender County Fire Marshal

No comment.

Pender County Parks and Recreation

No comment.

Pender County Public Library

No response.

Pender County Public Utilities

Public water is available and connection would be mandatory, unless exempted (single lot greater than 10 acres). Public sewer is not likely feasible for this type of facility. Suggest limiting impervious rather than pervious surfaces for low impact.

Pender County Schools

No response.

Pender County Sheriff's Department

No comment.

Pender County Soil and Water Conservation District

No comment.

Progress Energy Corporation

No response.

US Army Corps of Engineers

A jurisdictional determination for this property has been issued and the property does contain waters of the US which will require a Department of the Army permit if any impacts to the waters of the US are anticipated.

Wilmington Metropolitan Planning Organization

No response.

SD

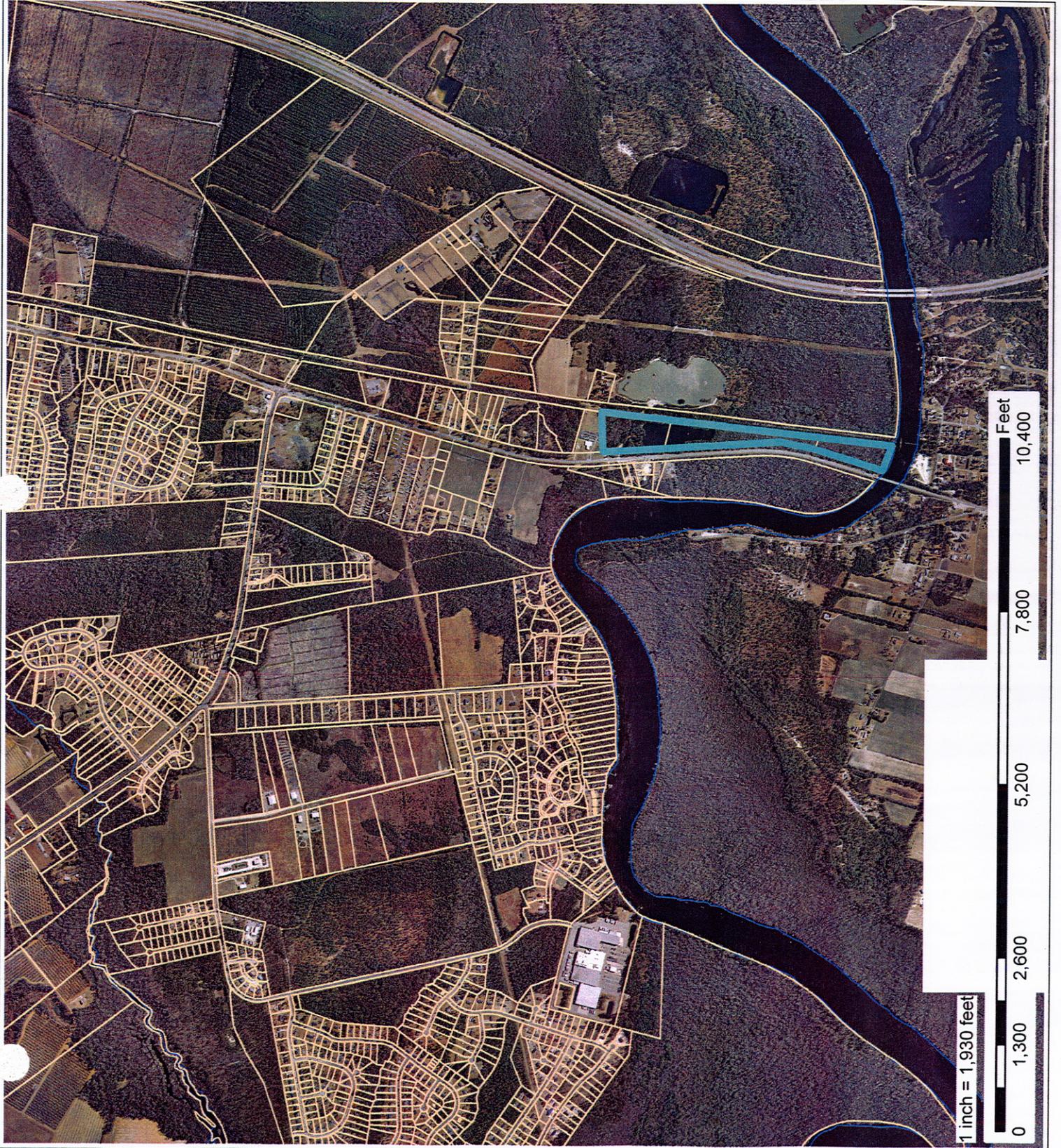


**Applicant & Owners:
Pender County**

Rezoning 11-02-21-01



Aerial Map





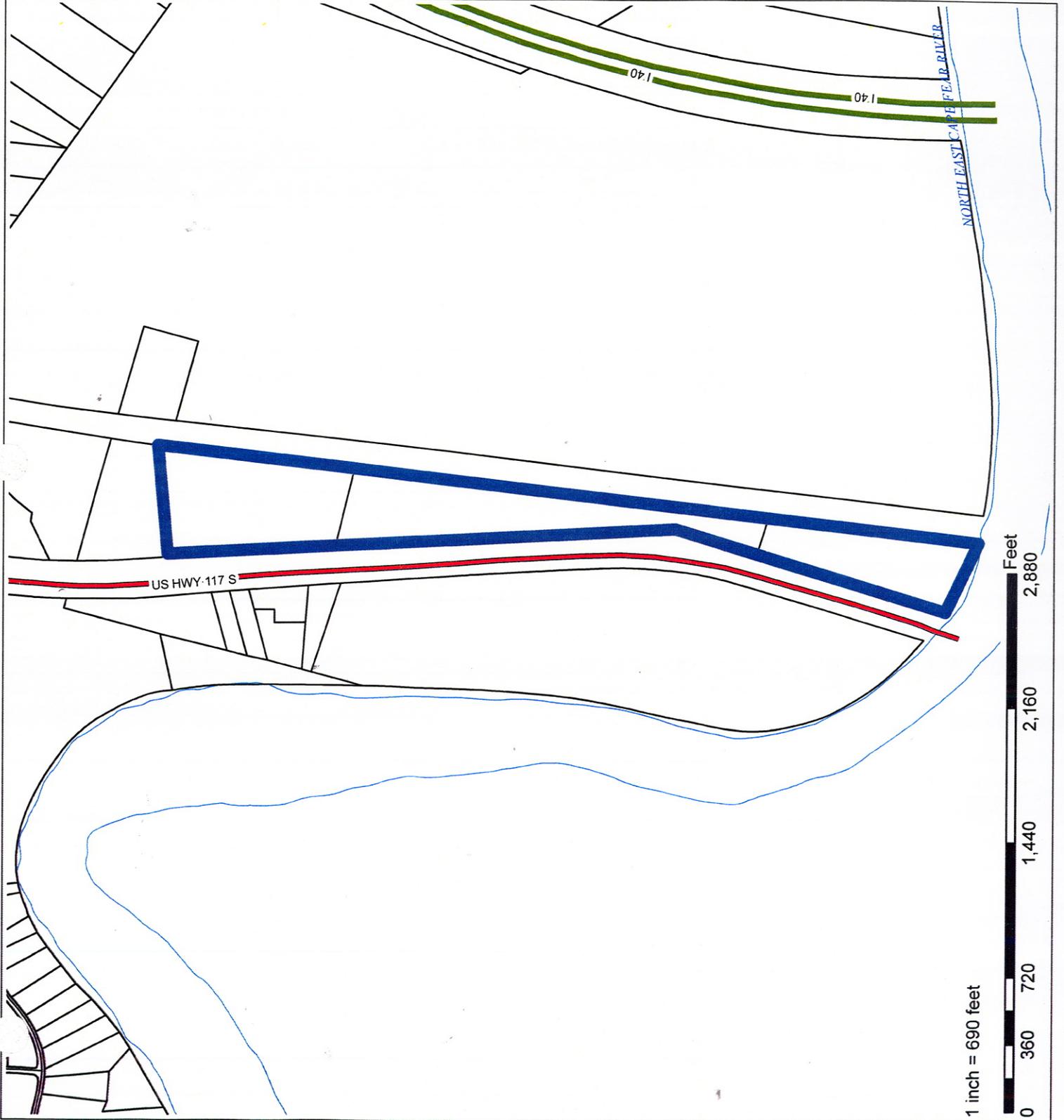
Applicant & Owners:
Pender County

Rezoning 11-02-21-01

	Subject Property
	Future Land Use
	Conservation
	Mixed Use
	Suburban Growth



**2010 Comprehensive
Future Land Use**

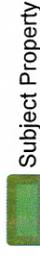




**Applicant & Owners:
Pender County**

Rezoning 11-02-21-01

Legend



VICINITY MAP





Applicant & Owners:
Pender County

Rezoning 11-02-21-01

Legend

-  Subject Property
-  Future Land Use (CAMA)
-  Conservation Area I
-  Conservation Area II
-  Transition Areas
-  Urban Growth Areas
-  Rural Clusters
-  Rural Areas



**CAMA (2005)
LAND USE MAP**



1 inch = 620 feet





Applicant & Owners:
Pender County

Rezoning 11-02-21-01

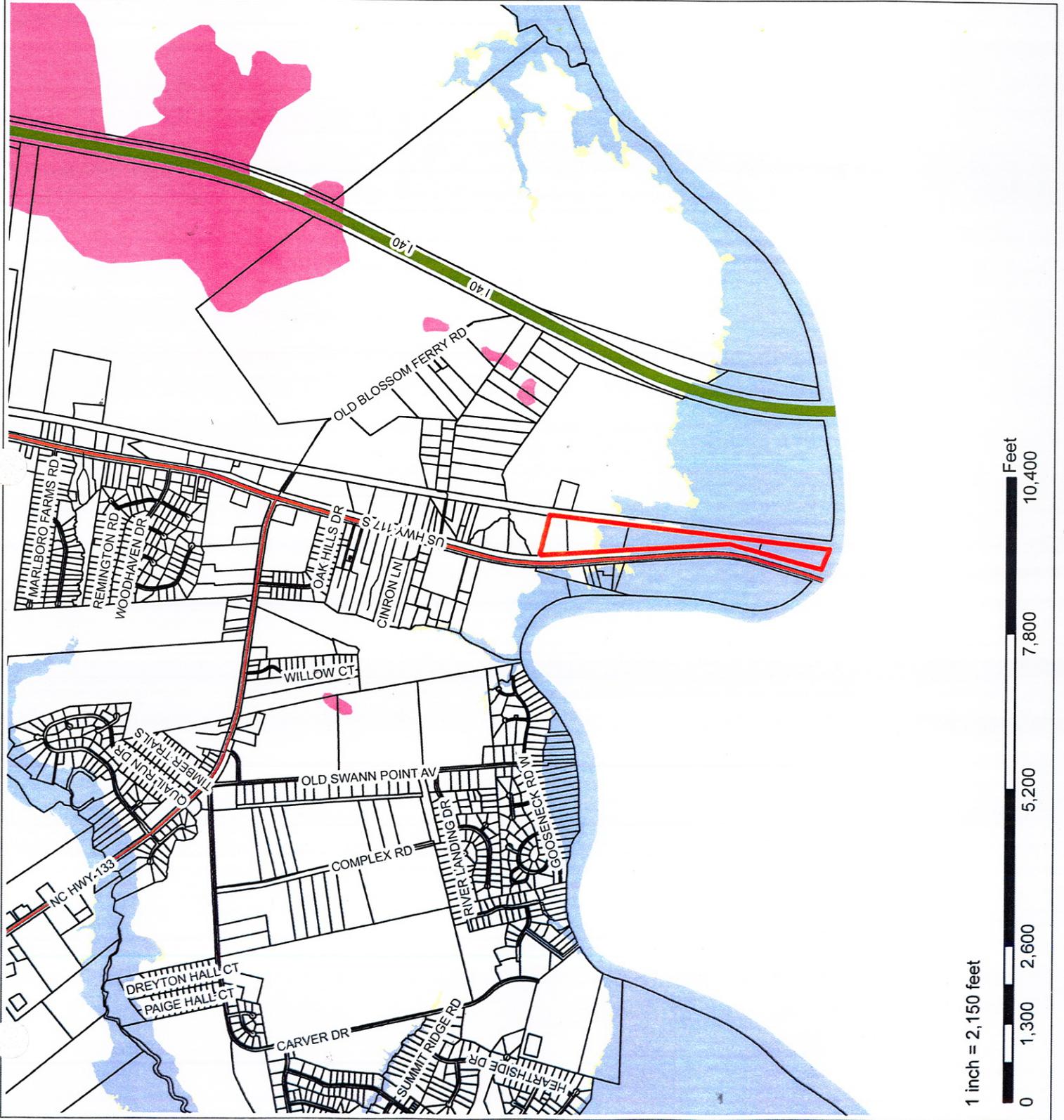
Subject Property
 Subject Property

Flood Hazard Area

-  A
-  AE
-  AEFW
-  SHADED X
-  VE



Flood Hazard Areas





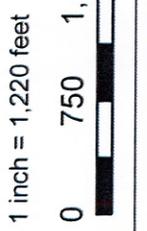
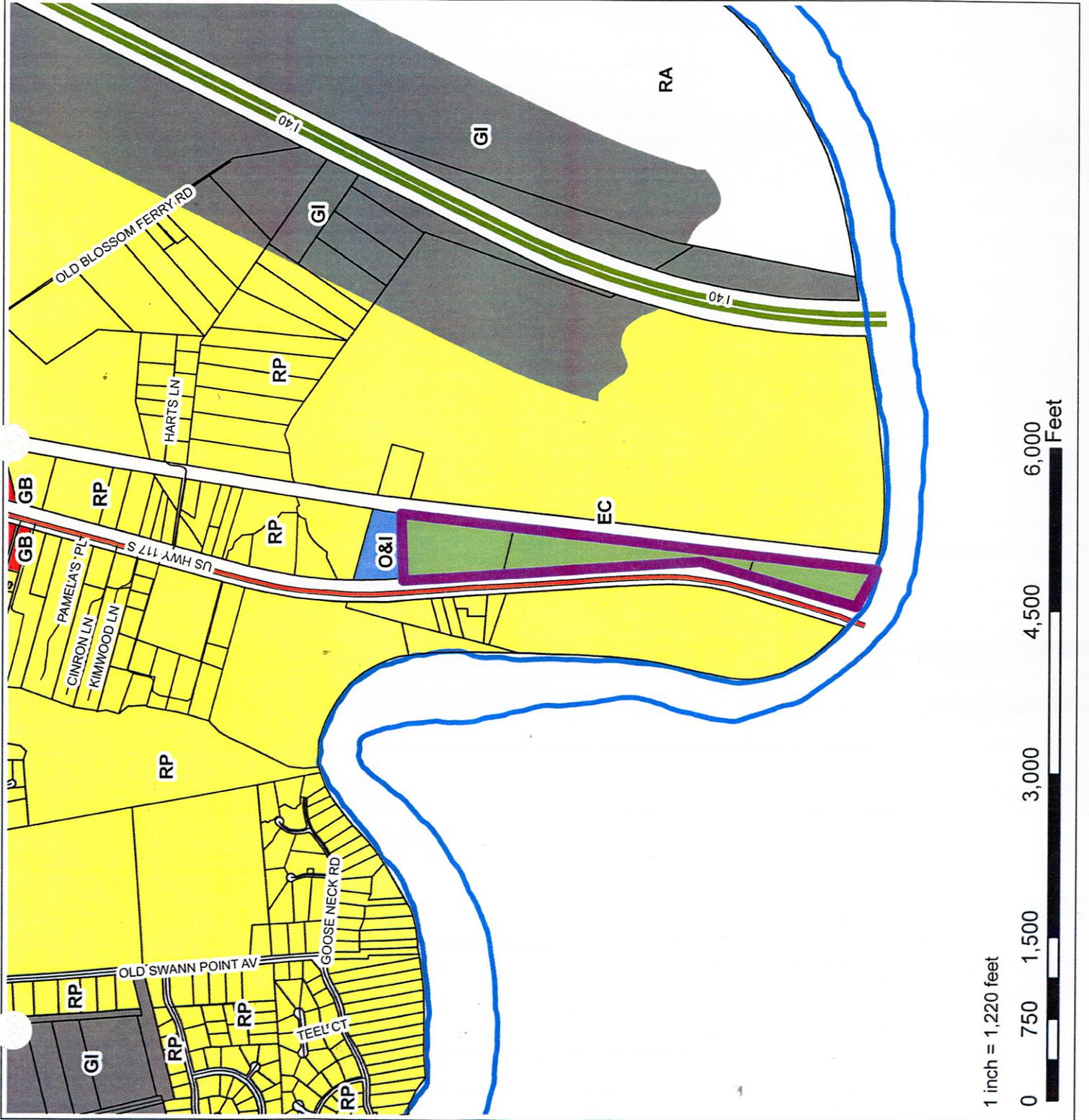
Applicant & Owners:
Pender County

Rezoning 11-02-21-01

	Subject Property
Zoning Classification	
	General Business (GB)
	General Industrial (GI)
	Industrial Transition (IT)
	Office & Institutional (OI)
	Rural Agricultural (RA)
	Planned Development (PD)
	Residential Performance (RP)
	Environmental Conservation (EC)
	Incorporated Areas (INCORP)
	Manufactured Home Park (MH)
	Residential Mixed (MF)



ZONING MAP



PLANNING STAFF REPORT
Zoning Text Amendment

SUMMARY:

Hearing Date: Planning Board – January 4, 2011
 Board of Commissioners – February 21, 2011

Applicant: Administrator, Division of Planning

Application Number: 11-02-21-01 Pender County

Text Amendment Proposal: The request consists of amending the Pender County Unified Development Ordinance (UDO): Article 6 and Appendix – A Definitions.

Background: The following text amendments are the result of various administrative discussions and situational circumstances that have been brought to Staff's attention since the last text amendment had been approved.

Administrator Recommendation: Administrator respectfully recommends **amending** the requested Articles as follows:

6.2 FAMILY DIVISION SUBMISSION AND APPROVAL REQUIREMENTS

6.2.1 Limitations

- 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.

6.2.2 Requirements

- A. The following shall be submitted to the Administrator with each proposal for a Family Division:
 - 1) Plat prepared as required by NCGS §47-30,
 - 2) The plat shall be clearly designated "Family Subdivision" in bold letters,
 - 3) 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"

- 4) 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 toward 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,
- 5) The plat shows any designated Special Flood Hazard Areas located within the subdivision,
- 6) The plat shows any designated Areas of Environmental Concern located within the subdivision
- 7) 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
- 8) The lots, other than those restricted for building development, shown on the plat meet the requirements of this Ordinance,
- 9) Waste water disposal requirements – One of the following must be met:
 - a) An Improvement Authorization Permit has been issued for each of the parcels,
 - b) 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,
 - c) Approval has been granted to connect to public sewer or community sewer or
 - d) 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 AN APPROVED WASTE WATER DISPOSAL METHOD HAS BEEN APPROVED AND PERMITTED BY THE PENDER COUNTY ENVIRONMENTAL HEALTH DEPARTMENT OR APPROPRIATE STATE AGENCY OR UNLESS A NEW PLAT IS APPROVED AND RECORDED AS REQUIRED UNDER THIS ORDINANCE."
 - i) For alternative, see Design Requirements, Lots Section of this ordinance for "Special Purpose Lots"
- 10) The lots created have either direct access to a public street, private street or private access easement as defined in this ordinance,
- 11) A minimum passable travel way 20 feet wide shall be provided within a forty five (45') foot easement at time of zoning approval.
- 12) Clearing and grubbing shall be completed five feet of each edge of the travel way;
- 13) Maintenance. Upon determination by the Administrator that such travel way as approved are not passable, the Administrator may, in addition to other remedies, prevent issuance of any further development approvals until such travel ways are in a proper state of maintenance as determined by the Administrator.
- 14) The Administrator shall review the subdivision to insure that the development will not block future access to properties that are adjacent to the lots.
- 15) 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."
- 16) 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."

6.4 3-LOT DIVISION ON AN ACCESS EASEMENT

6.4.1 Submission and Approval Requirements

- A. Limitations - The following limitations will apply to three lot subdivisions:
 - 1) Three lot subdivisions located on an access easement 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.
 - 2) The division does not create a new public or private street.
- B. 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:
 - 1) Plat prepared as required by NCGS §47-30,
 - 2) The plat shall be clearly designated "Three Lot Subdivision on Access Easement" in bold letters,
 - 3) 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,
- 4) The plat shows any designated Special Flood Hazard Areas located within the subdivision,
 - 5) The plat shows any designated Areas of Environmental Concern located within the subdivision,
 - 6) 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.
 - 7) 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,
 - 8) Waste water disposal requirements – One of the following must be met:
 - a) An Improvement Authorization Permit has been issued for each of the parcels,
 - b) 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,
 - c) Approval has been granted to connect to public sewer or community sewer, or
 - a) 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 AN APPROVED WASTE WATER DISPOSAL METHOD HAS BEEN APPROVED AND PERMITTED BY THE PENDER COUNTY ENVIRONMENTAL HEALTH DEPARTMENT OR APPROPRIATE STATE AGENCY OR UNLESS A NEW PLAT IS APPROVED AND RECORDED AS REQUIRED UNDER THIS ORDINANCE."
 - d) For alternative, see Design Requirements, Lots Section of this ordinance for "Special Purpose Lots."
 - 9) The lots created have access to an access easement as defined in this ordinance,
 - 10) The access easement that provides access to a public street is no longer than 500 ft.
 - 11) A minimum passable travel way 20 feet wide shall be provided within a forty five (45') foot easement at time of zoning approval.
 - 12) Clearing and grubbing shall be completed five feet of each edge of the travel way;
 - 13) Maintenance. Upon determination by the Administrator that such travel way as approved are not passable, the Administrator may, in addition to other remedies, prevent issuance of any further development approvals until such travel ways are in a proper state of maintenance as determined by the Administrator.
 - 14) The Administrator determines that the subdivision complies with the limitations on Three Lot Subdivisions contained in the General Provisions Section of this ordinance.
 - 15) The plat contains an ownership and dedication statement signed by the owner or owners.
 - 16) 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."
 - 17) 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."

6.23 ACCESS MANAGEMENT

6.23.1 Number of Curb Cuts Permitted

- A. The maximum number of curb cuts for each property shall be determined by length of road frontage and the maximum speed limit of the road.

Length of Street Frontage	Number of Curb Cuts Maximum Number of Curb Cuts*
600 feet or less	1
601 – 1100 feet	2
1001 – 1500 feet	2
More than 1500 feet	3

*Where lots are contiguous, a common ingress/egress drive is encouraged to minimize curb cuts and better facilitate traffic.

Travel Speed Permitted	Distance Between Curb Cuts	
	Minimum Distance Between Curb Cuts	
35 mph		100 feet
45 mph		250 feet
50 mph		300 feet
55 mph		350 feet

6.23.2 Offset

- A. Either the centerline of opposing nonresidential driveways shall align, or shall be offset no less than seventy-five (75') feet. This condition shall not apply where a permanent median exists without break for these driveways.

APPENDIX A DEFINITIONS

PASSABLE TRAVEL WAY: Conditions which allow a passenger or emergency vehicle to negotiate the travel path using reasonable care. A passable travel way must be free of obstacles or obstructions.

The proposed changes have been advertised in the Pender Post and Topsail Voice on Wednesday, December 22, 2010 and Wednesday, December 29, 2010.

Evaluation:

As prescribed in the Pender County Unified Development Ordinance (UDO) Article 3.16.5 in evaluating any proposed ordinance text amendment, the Planning Board and the County Commissioners shall consider the following:

- 1) The extent to which the proposed text amendment is consistent with the remainder of the Ordinance, including, specifically, any purpose and intent statements;
- 2) The extent to which the proposed text amendment represents a new idea not considered in the existing Ordinance, or represents a revision necessitated by changing circumstances over time;
- 3) Whether or not the proposed text amendment corrects an error in the Ordinance; and
- 4) Whether or not the proposed text amendment revises the Ordinance to comply with state or federal statutes or case law.

In deciding whether to adopt a proposed Ordinance text amendment, the central issue before the County Commissioners is whether the proposed amendment advances the public health, safety or welfare and is consistent with any adopted County Land Use Plan documents, the CAMA Land Use Plan, and the specific intent of this Ordinance.

Comprehensive Land Use Plan Compliance:

Policy 2B.1.12

The County should consider conducting studies and engaging in special planning initiatives for major transportation corridors within its jurisdiction to implement supportive plans and ordinances to assist in accomplishing the following objectives: *preserving and maintaining existing and future transportation facilities and corridors; improving safety, site access and design standards*; enabling continuity and community identity; enhancing aesthetic appearances of non-residential developments using reasonable architectural standards; enhancing landscaping regulations, and flexible yard, bulk, and area requirements.

Staff Recommendation:

The proposed text amendment is consistent with the remainder of the Ordinance, including, specifically, any purpose and intent statements; therefore, staff is recommending approval of the amendments as presented.

VOTING AND RESOLUTION:

Planning Board

Motion: _____ Seconded _____

Approved: _____ Denied: _____ Unanimous _____

Reynolds __ Garrett __ Boney __ Marshburn __ Millette __ Smith __ Williams __

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED, that on February 21, 2011 the Pender County Board of Commissioners (approved, modified, denied) a zoning text amendment request, as described herein, and the Chairman/County Manager is authorized to execute any/all documents necessary to implement this resolution.

AMENDMENTS:

MÓVED _____ **SECONDED** _____

APPROVED _____ **DENIED** _____ **UNANIMOUS** _____

YEA VOTES: Brown: _____ **Tate:** _____ **Rivenbark:** _____ **Ward:** _____ **Williams:** _____

George R. Brown, Chairman 2-21-2011
Date

ATTEST 2-21-2011
Delivered **DATE**