

Pender County Planning and Community Development

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



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

AGENDA

Pender County Planning Board
Tuesday, August 2, 2011 7:00 p.m.
Pender County Public Meeting Room
805 S. Walker Street, Burgaw, North Carolina

Call to Order: Chairman Boney

Roll Call: Chairman Boney

Pender County Planning Board Members:

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

1. Adoption of the Agenda

2. Approval of Minutes: July 12, 2011

3. Public Comment

(Public Hearing)

4. Master Development Plan

Bailey & Fuller, LLC, applicant, on behalf of Jesse F. Lea, Sr., owner, is requesting approval of a master development plan for an eight unit commercial building on approximately 3.42 acres. The proposed project is located along the west side of Highway 17 between 15395 US Highway 17 and 15489 US Highway 17. The property is zoned GB, General Business and may be identified as PIN 3293-10-3358-0000.

5. Ordinance Text Amendment

Pender County, applicant, is requesting approval of an amendment to the Pender County Unified Development Ordinance. The proposal consists of amending Sections: 3.10.1, 3.14.1.F, 4.6.3.A, 4.7.4, 4.14, 5.2.3, 5.3.2.C, 5.3.2.D, 5.3.8.A, 5.3.11.B-J, and Appendix A, with the creation of an additional Section 3.19, Section 5.3.11.K, and Section 5.3.11.L, as well as revising references in Articles 1-12 and Appendix A.

6. Discussion Items

- a. Planning Staff
 - i. Continued discussion of standards for Recreational Vehicle Parks
 - ii. September Board meeting date
- b. Planning Board Members

7. Adjournment

**PLANNING STAFF REPORT
MASTER DEVELOPMENT PLAN
BAILEY SHOPPES AT HAMPSTEAD**

SUMMARY:

Hearing Date: August 2, 2011

Applicant: Bailey & Fuller, LLC.

Property Owner: Same

Case Number: MDP 11-08-02-04

Development Proposal: Applicant is requesting Master Development Plan approval for Bailey Shoppes at Hampstead. The proposed development will consist of an eight unit commercial building on approximately 3.42 acres.

Location and Land Use: The proposed project will be located along the west side of Highway 17 between 15395 US Highway 17 and 15489 US Highway 17. The property can be identified as PIN 3293-10-3358-0000. The surrounding properties adjacent to the site consist of commercial and vacant land uses.

Zoning District of Property: The property is zoned GB, General Business.

Staff Recommendation: Planning staff recommends conditional approval based on major site development plan items being met as well as the consideration of the Technical Review Committee (TRC) and Planning Board comments.

Description of Proposal:

Bailey and Fuller Properties, LLC, applicant, on behalf of Jesse Lea, owner, is requesting approval of a Master Development Plan for a commercial development. According to the applicant's submitted site plan, the project consists of 3.42 acres containing one commercial structure. The proposed development includes one tract of land which is currently zoned GB, General Business District.

The proposed commercial building's size will be 12,200 square feet and includes eight commercial units. The applicant is proposing 68 parking spaces instead of the required 61 for the site. The extra seven parking spaces shall be constructed to use low impact design as stated in Section 7.10.3.C of the Unified Development Ordinance.

The applicant has been working extensively with NCDOT concerning the proposed access for the site. The development will be required to provide improvements including deceleration lanes, a concrete median, and striping. Access to the property is proposed from two access points along US Highway 17. The first access point (eastern property line) is proposed to utilize a right-in configuration with a deceleration lane. The second access point (southern property line) is proposed to be a full access point and include the construction of a new collector street along the southern portion of the site. This collector has potential to provide access to the site and adjacent parcels. The collector may also be accessed along the western portion of the development depending on future development proposals. The project also proposes interconnectivity with adjacent sites by proposing cross access corridors. Staff recommendation is for the applicant to coordinate shared access points with adjacent property owners in attempt to minimize or reduce driveways along US Highway 17.

The property is not located within a Special Flood Hazard Area. Buffer and landscaping requirements must meet Article 8, Landscaping and Buffering and will be reviewed on the Major Site Development Plan. The development is proposed to be serviced by a county water service line that runs along US Highway 17. The site will also be served by an offsite septic area, subject to review and approval by Pender County Environmental

Health. A thirty foot wide easement will connect the site to an offsite drain field located north of the site as shown on the submitted map. All trash facilities will be permanently screened from visual sight.

Evaluation:

A) Existing Zoning in Area:

The property lies within a GB, General Business District. The property immediately north of the parcel is zoned GB, General Business, while the property to the east is zoned PD, Planned Development. The adjacent property to the south is zoned as OI, Office and Institutional. Property located west of the subject property is zoned as RP, Residential Performance.

B) Existing Land Use in Area:

The property north of the parcel includes a commercial strip center that includes a Dollar General and Andy's Restaurant. The property east of the site comprises of a various commercial that form Hampstead Village. The property immediately south of the subject property includes Hampstead United Methodist Church. The property west is currently vacant.

C) 2005 CAMA Land Use Plan:

Urban Growth Area: This classification provides for the continued development of areas provided with water and/or sewer services or where the county is actively engaged in planning these community services. These areas also have excellent access to the regional transportation system for a mixture of more intensive commercial and industrial or job creating uses and a range of residential land uses and housing types.

D) 2010 Comprehensive Land Use Plan:

Mixed Use: The Mixed Use land use classification designates locations where a mixture of higher density/intensity uses is to be encouraged. Mixed Use areas should be characterized by physically and aesthetically unified developments containing a mixture of commercial, office, institutional, and high- and medium-density residential uses, arranged in a walkable, compact, pedestrian, and transit friendly manner.

The following goals and policies support this request:

- a. Economic Development Goal 10A.1: Promote economic development which meets the needs of the County for expanding the non-residential tax base and providing well-paying jobs.
- b. Growth Management Policy 1A.1.1: Encourage development in and around municipal corporate limits and other developed areas within the County to yield a more compact pattern of development that will reduce suburban/rural sprawl.
- c. Growth Management Policy 1A.1.2: Encourage development in areas where the necessary infrastructure – roads, water, sewer, and schools - are available, planned or can be most cost effectively provided and extended to serve existing and future development.

E) Summary & Staff Recommendation:

The proposal consists of one, eight unit commercial structure on 3.42 acres. The request complies with the criteria set forth in Section 3.5.4 of the Unified Development Ordinance. The request is consistent with 2005 CAMA Land Use Plan and 2010 Comprehensive Land Use Plan Therefore, planning staff recommends conditional approval based on major site development plan items being met as well as the consideration of the Technical Review Committee (TRC) and Planning Board comments.

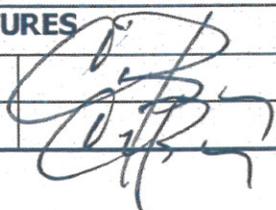
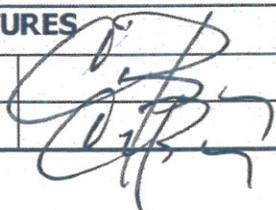
Board Action for Master Development Plan Review:

Motion: _____ **Seconded** _____

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

Boney ____ Smith ____ Edens ____ Garrett ____ Marshburn ____ Millette ____ Williams ____

APPLICATION FOR MASTER DEVELOPMENT PLAN

THIS SECTION FOR OFFICE USE			
Application No.	MDP 11-08-02-04	Date	6-17-11
Application Fee	\$ 540. ⁰⁰	Receipt No.	107601
Pre-Application Conference	2-8-11	Hearing Date	8-2-11
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Bailey & Fuller Properties LLC.	Owner's Name:	Bailey & Fuller Properties LLC.
Applicant's Address:	PO Box 400	Owner's Address:	PO Box 400
City, State, & Zip	Jacksonville, NC 28451	City, State, & Zip	Jacksonville, NC 28451
Phone Number:	910-347-6883	Phone Number:	910-347-6883
Legal relationship of applicant to land owner:			
SECTION 2: PROJECT INFORMATION			
Type of Master Development Plan	<input type="checkbox"/> Residential <i>RP, PD, RM MH District</i>	<input checked="" type="checkbox"/> Commercial <i>GB, OI, IT, GI District</i>	<input type="checkbox"/> Mixed Use <i>PD</i>
Property Identification Number (PIN):	3293-10-3358-0000	Total property acreage:	3.42ac
Zoning Classification:	G-D	Acreage to be disturbed:	3.38ac
Project Address :	HWY 17		
Description of Project Location:	Site is located on the West side of US 17 between Hampstead United Methodist Church and existing strip mall with Andy's.		
Describe activities to be undertaken on project site:	Retail		
SECTION 3: SIGNATURES			
Applicant's Signature		Date:	6-17-11
Owner's Signature		Date:	6-17-11

NOTICE TO APPLICANT					
1. Applicant or agent authorized in writing must attend the public hearing. 2. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Planning Board or other authorized person agrees to table or delay the hearing. 3. All fees are non-refundable 4. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda					
Office Use Only					
<input checked="" type="checkbox"/>	MDP Fees: (\$500.00 plus \$10/acre for the first 100 acres \$5/acre thereafter)			Total Fee Calculation: \$ 546.00	
Attachments Included with Application: (Please include # of copies)					
CD /other digital version	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Plan Sets	# of large 2	# of 11X17 2	Other documents/Reports <input checked="" type="checkbox"/> Y <input type="checkbox"/> N
Payment Method:	Cash : <input type="checkbox"/> \$ _____		Credit Card: <input type="checkbox"/> Master Card <input type="checkbox"/> Visa		Check: <input checked="" type="checkbox"/> Check # 3176
Application received by:		Ashley Mmcardo			Date: 6.17.11
Application completeness approved by:		Ashley Mmcardo			Date: 6.17.11
Date scheduled for public hearing: PB 8.2.11					

MASTER DEVELOPMENT PLAN CHECKLIST

<input checked="" type="checkbox"/>	Signed Application Form (Both Applicant and Owner)
<input checked="" type="checkbox"/>	Application fee
<input checked="" type="checkbox"/>	Legible list of all property owners adjacent to the property upon which the use is to be located. The list shall include the mailing address & physical address of these property owners (The application will not be advertised for public hearing until the list is accurate & complete)
<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"/>	Project Narrative --Written description of the project (<u>max of 3 pages</u>) including the following: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Location of the project and type of access to project site <input checked="" type="checkbox"/> Detailed description of the activities to be undertaken on the site, including hrs. of operation, # of employees, etc. <input checked="" type="checkbox"/> Description of all construction activities to be undertaken on the site <input checked="" type="checkbox"/> Describe type of utilities that will serve project and status of approval from applicable providers <input checked="" type="checkbox"/> List of all state and federal permits that will be required for the project <input checked="" type="checkbox"/> Describe any potential impacts the project will have on the community or adjacent properties such as traffic, noise, etc. and explain efforts to mitigate these impacts (<u>this item must be addressed by the applicant</u>). The applicant may also wish to describe any positive benefits the project will provide for the community &/or neighbors of the project.
Master Development Plan Contents	
All MDP's shall be prepared in accordance with the following specifications:	
<input checked="" type="checkbox"/>	The scale shall be one inch equals 100 feet or larger (the ratio of feet to inches shall be no more than one hundred feet to one inch) or at a scale acceptable to the Director. The scale shall be sufficient so that all features are discernible.
<input checked="" type="checkbox"/>	No sheet shall be smaller than 24"x36" in size unless approved by the Administrator. If the MDP is prepared on more than one sheet, match lines shall clearly indicate where the sheets join.
<input checked="" type="checkbox"/>	North arrow, a scale of 1:100 or larger and a legend describing all symbols.
<input checked="" type="checkbox"/>	A boundary survey of the entire property related to true meridian & certified by a registered surveyor with all dimensions in ft & decimals of ft. A vicinity map at a suitable scale shall be provided showing the location of the project along with the location of all existing or approved public roads, streets or rights-of-way within 2,000 ft of the boundaries of the project.
<input checked="" type="checkbox"/>	The total area of the property shall be specified.
<input checked="" type="checkbox"/>	The topography shall be shown at 2 foot contour intervals.
<input checked="" type="checkbox"/>	The title of the proposed project; the date, month, year the plan was prepared or revised; the name of the applicant(s), owner(s) and contract owner(s); and the names of the individuals or firms preparing the plan shall be clearly specified.
<input checked="" type="checkbox"/>	A schedule of phases, with the approximate location of phase boundaries & the order in which the phases are to be developed, shall be provided.
<input checked="" type="checkbox"/>	The use of all adjoining properties by zoning, parcel identification number (PIN) and current property owner(s).

<p align="center">Contents of a preliminary Master Development Plan in the Residential Performance District, Residential Mixed District, Manufactured Home District, and Planned Development District shall contain a conceptual plan, showing the location and functional relationship between all proposed housing types and land uses, including the following information:</p>	
<input type="checkbox"/>	The use of all adjoining properties by zoning, parcel identification number (PIN) and current property owner(s).
<input type="checkbox"/>	A land use plan, showing the location, arrangement and approximate boundaries of all proposed land uses.
<input type="checkbox"/>	The approximate acreage in common open space, in each use and housing type and in roads, streets or rights-of-way for each phase and the total development.
<input type="checkbox"/>	The proposed number of dwelling units of each type in each phase and in the total development.
<input type="checkbox"/>	The location and approximate boundaries of existing environmental features, including floodplains, lakes and ponds, wetlands, natural stormwater retention areas, steep slopes and woodlands.
<input type="checkbox"/>	The location of environmental protection land to be included in common open space.
<input type="checkbox"/>	The approximate acreage of each type of environmental protection land, the amount and percentage of each type that is to be disturbed and the amount and percentage of each type to be placed in common open space.
<input type="checkbox"/>	The amount, approximate boundaries and location of common open space, with the percentage of the total acreage of the site to be placed in common open space.
<input type="checkbox"/>	The location and general configuration of recreational facilities, with a general statement of the types of recreational facilities to be provided.
<input type="checkbox"/>	The location and extent of proposed buffers, with statements, profiles, cross sections or examples clearly specifying the screening to be provided.
<input type="checkbox"/>	The proposed location, arrangement, and right-of-way widths of roads and streets, including roads and streets providing access to adjoining parcels.
<input type="checkbox"/>	The location and arrangement of street entrances, driveways and parking areas.
<input type="checkbox"/>	Existing traffic counts for road(s) and intersection(s) studied and dates/times counts were conducted.
<input type="checkbox"/>	Estimated AM and PM Peak Hour Trips per the Institute of Transportation Engineers Trip Generation Manual.
<input type="checkbox"/>	Estimated Average Daily Trips created by the development at build-out per the Institute of Transportation Engineers Trip Generation Manual.
<input type="checkbox"/>	The approximate location of sewer and water mains, sewage disposal and water source with statements concerning the connection with and availability of existing facilities.
<input type="checkbox"/>	A conceptual plan for stormwater management with the location of stormwater facilities designed to serve more than one lot.
<input type="checkbox"/>	Calculations describing all proposed bonus factors with the location of and specifications for bonus improvements, when proposed.
<input type="checkbox"/>	The location and treatment proposed for all historical structures and sites recognized as significant by the County Commissioners or as identified on any historical landmarks survey for Pender County.
<input type="checkbox"/>	Location and timing of construction for all amenities.

<p align="center">Contents of a preliminary Master Development Plan in the General Business, Office Institutional, Industrial Transitional, and Industrial General District. The preliminary MDP shall contain a conceptual plan, showing the location and functional relationship between streets and land uses, including the following:</p>	
<input checked="" type="checkbox"/>	A conceptual plan, showing the location and arrangement of proposed uses.
<input checked="" type="checkbox"/>	The existing environmental features, including floodplains, ponds, wetlands, natural stormwater detention areas, steep slopes and woodlands.
<input checked="" type="checkbox"/>	The proposed location and arrangement of all streets and utility systems.
<input checked="" type="checkbox"/>	The proposed location of entrances to the development from existing public streets.
<input checked="" type="checkbox"/>	A conceptual plan for stormwater management and description and the location of all stormwater facilities designed to serve more than one parcel.
<input checked="" type="checkbox"/>	The location and treatment proposed for all historical structures and sites recognized as significant by the County Commissioners or identified on any historical survey for Pender County.
<input checked="" type="checkbox"/>	All proposed buffering and screening.
<input checked="" type="checkbox"/>	The use of adjoining parcels and the location of adjoining streets and utilities.

Project Narrative

Bailey Shoppes Hampstead
Pender County, NC

Bailey Shoppes of Hampstead is an existing vacant tract of 3.42ac. The site is located at US Hwy 17 between Hampstead United Methodist Church and an Existing Strip Mall. The site can currently be accessed via a dirt driveway off of US Hwy 17 along the south side of the site or from the Strip Mall parking lot to the North. We propose a Collector Rd. along the south west portion of the site and a joint driveway along the north east side of the site.

The site is proposed for 12,200sf of general business retail use. 61 Parking spaces are required while 68 are provided. Various different shops will be located within the proposed building. Hours of operation should be normal for this use 8am to 9pm. Approximately 40 employees could be within the businesses at peak times.

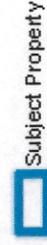
Construction of the site and all improvements should last 4-6 months pending weather. The site will be required to provide various NCDOT improvements including but not limited to Turn lanes, Concrete medians, and striping. Site will be served by an offsite septic area and Pender County Water. Permitting for this site will include septic approval, NCDOT driveway, NCDOT encroachment, NCDENR water permit, NCDENR Sedimentation and Erosion Control, NCDENR Stormwater and Pender County Planning and Zoning.

Bailey Shoppes of Hampstead is proposed to provide access to adjacent property owners to improve traffic in this area. It is our hope that this construction will help access in this area with the pending NCDOT designs currently being discussed. It is our opinion that this proposed development will not adversely affect adjacent properties. The site is designed using the new UDO ordinance requirements and providing landscaping to meet or exceed these requirements. Stormwater design has been used to meet or exceed NCDENR's current standards for treatment of runoff. It is our opinion that the development of this vacant lot along with proposed improvements will be a benefit to the community.



Applicant & Owner:
Bailey & Fuller
Properties, LLC.

**Master Development
Plan**
11-08-02-04
Bailey



2010 Aerial

4B





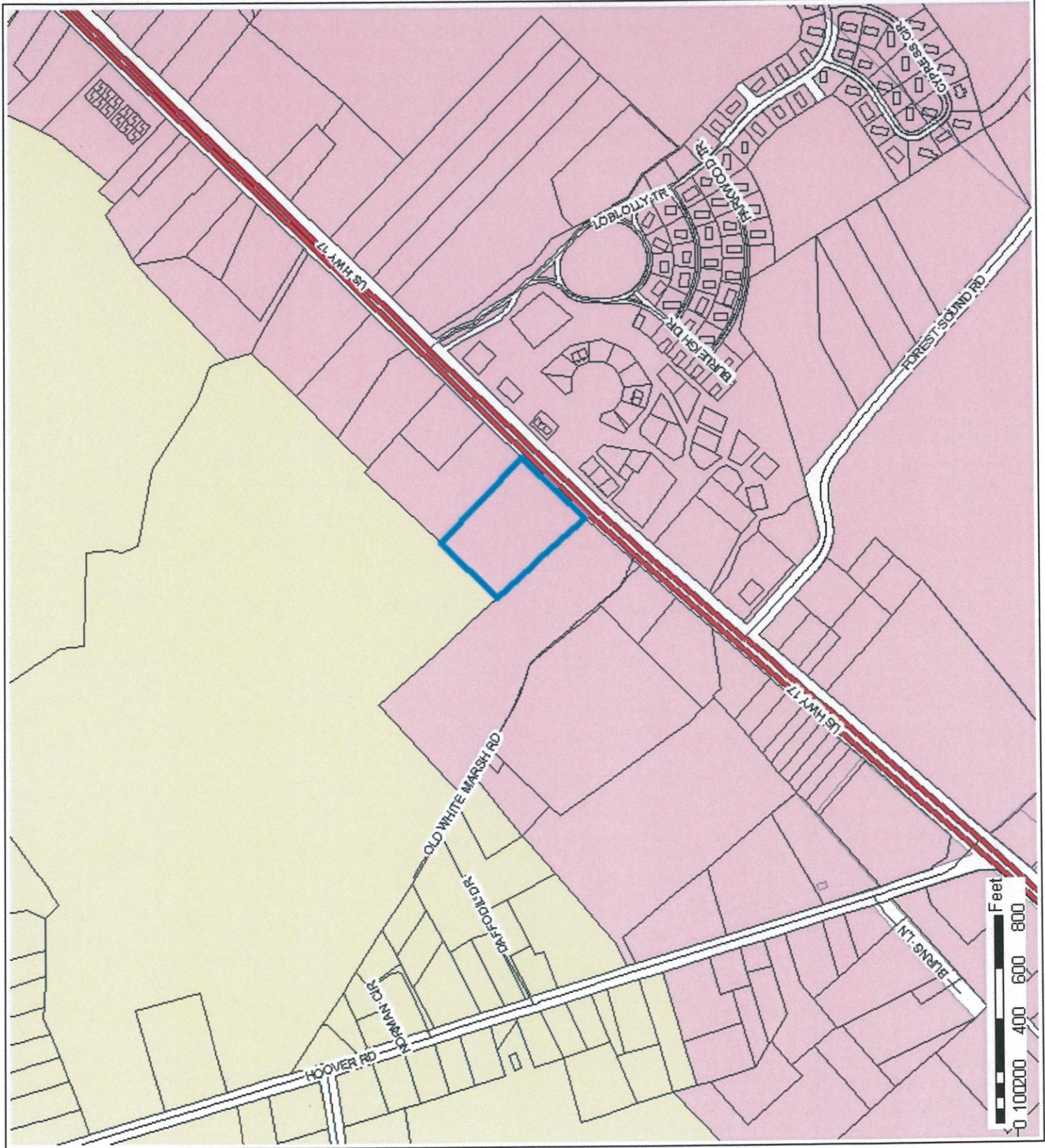
Applicant & Owner:
Bailey & Fuller
Properties, LLC.

Master Development
Plan
11-08-02-04
Bailey

-  Subject Property
-  Municipal ETJ
-  Municipal Boundaries
-  2010 Land Use Classification
-  Conservation
-  Industrial
-  Mixed Use
-  Office, Institutional, Business
-  Rural Growth
-  Suburban Growth



2010 LUP





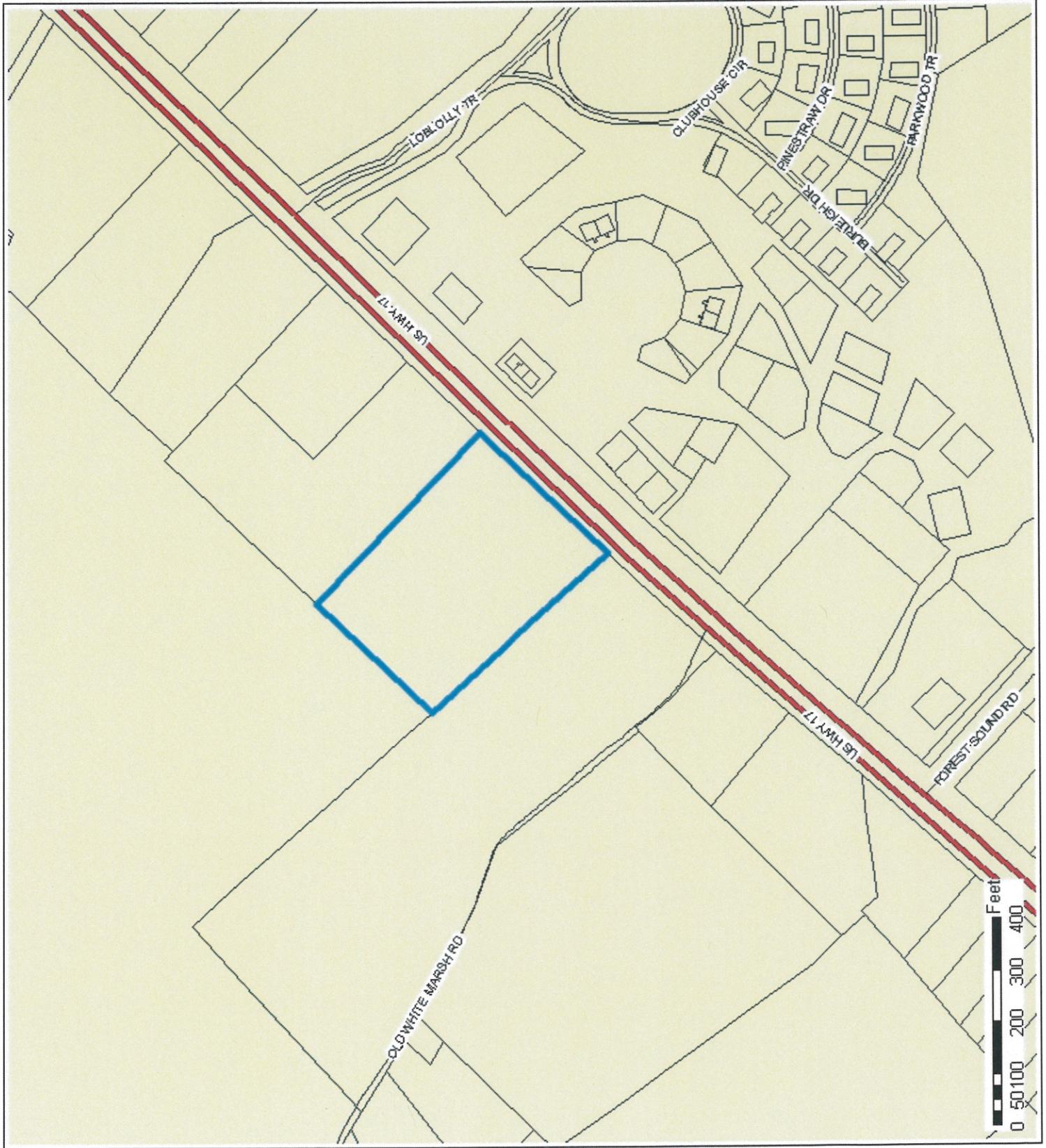
Applicant & Owner:
Bailey & Fuller
Properties, LLC.

Master Development
Plan
11-08-02-04
Bailey

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



CAMA Land Use





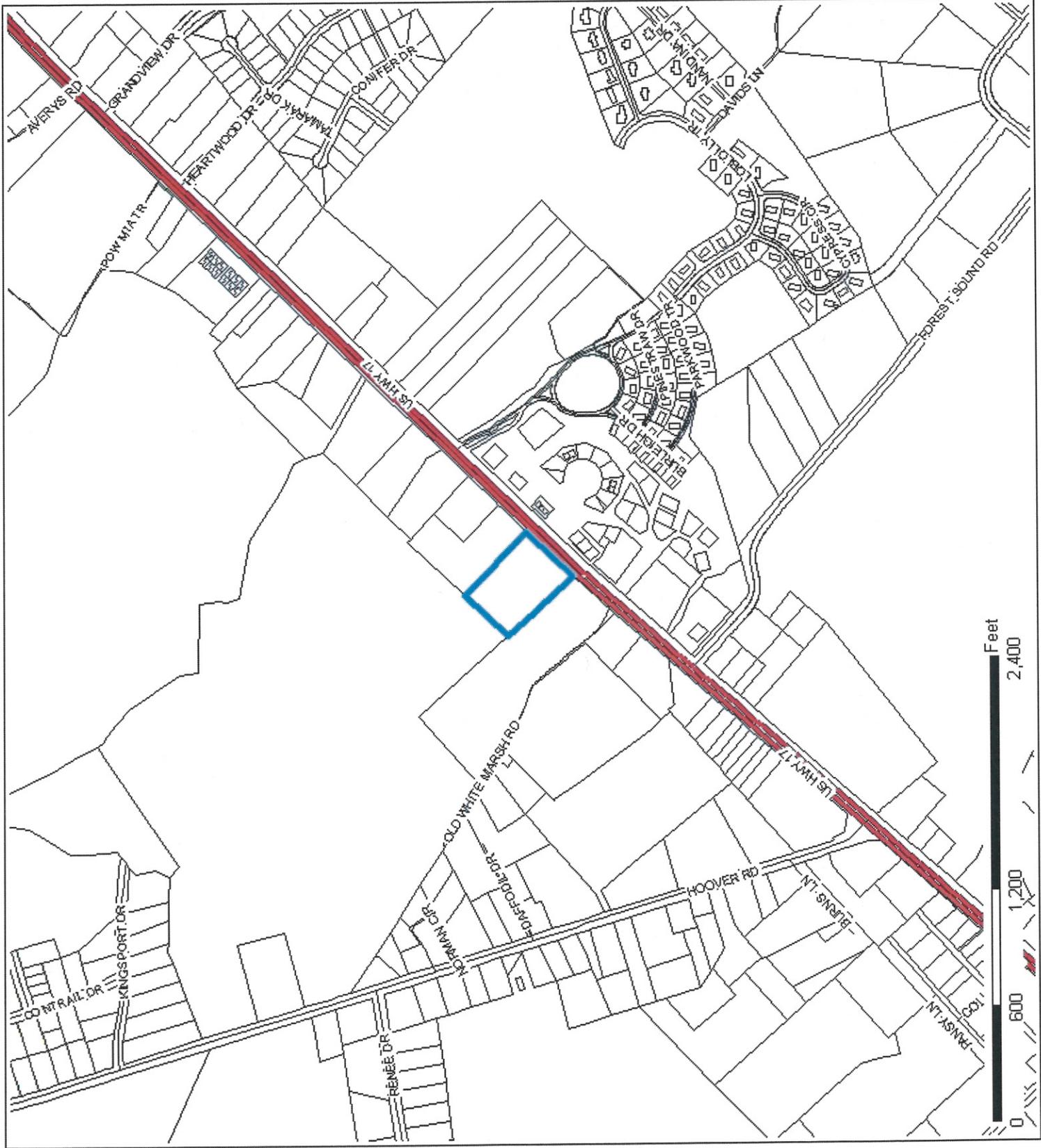
Applicant & Owner:
Bailey & Fuller
Properties, LLC.

Master Development
Plan
11-08-02-04
Bailey

Subject Property



Vicinity Map





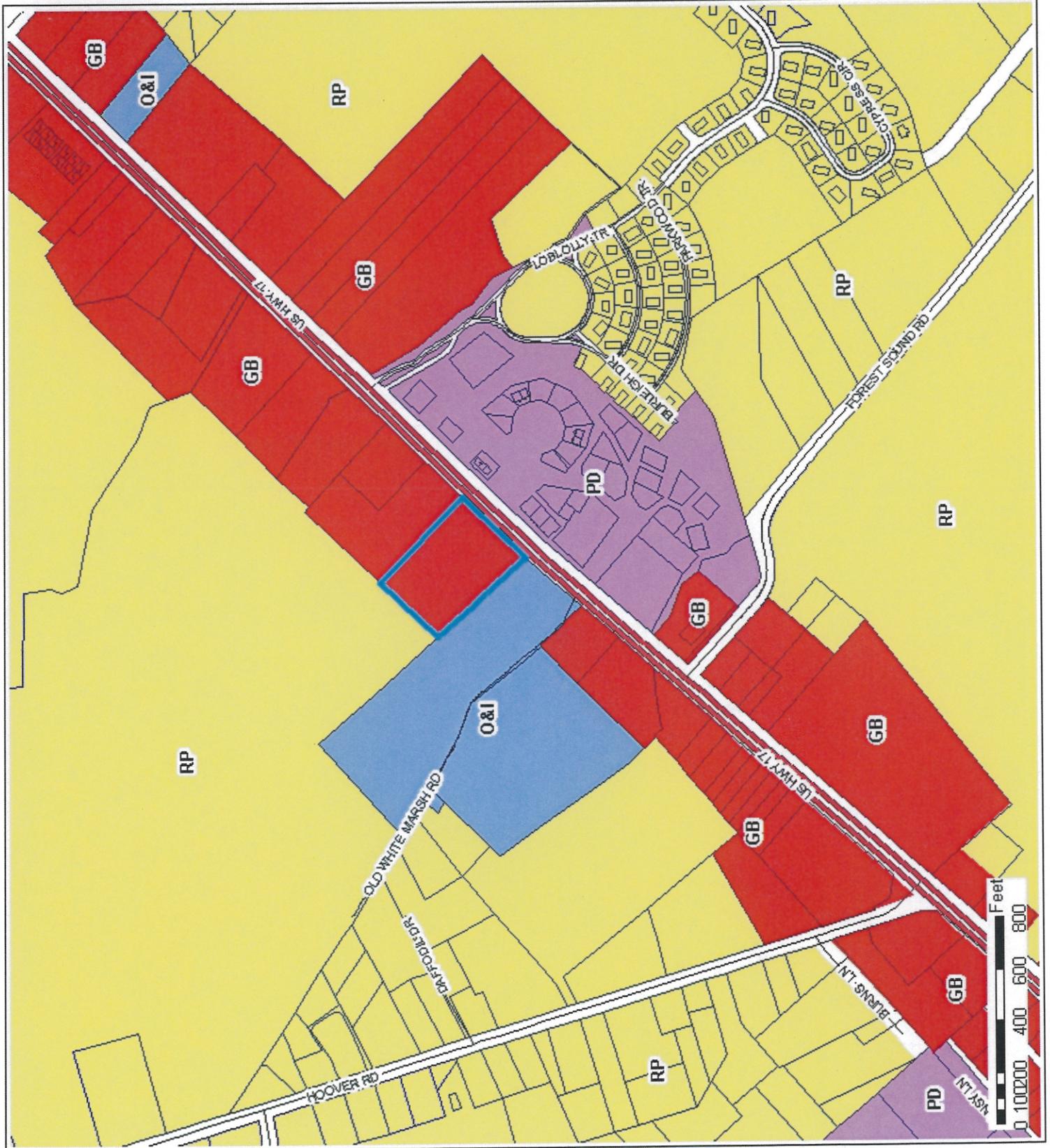
Applicant & Owner:
Bailey & Fuller
Properties, LLC.

Master Development
Plan
11-08-02-04
Bailey

- Subject Property**
Zoning Classification
- General Business (GB)
 - General Industrial (G-I)
 - Industrial Transitional (IT)
 - Office & Institutional (OI)
 - Rural Agricultural (RA)
 - Planned Development (P-D)
 - Residential Performance (RP)
 - Environmental Conservation (EC)
 - Incorporated Areas (INCORP)
 - Manufactured Home Park (MH)
 - Residential Mixed (MF)



Zoning



PLANNING STAFF REPORT
Zoning Text Amendment

SUMMARY:

Hearing Date: Planning Board – August 2, 2011
Board of County Commissioners – August 15, 2011

Applicant: Administrator, Division of Planning
Application Number: ZTA 10028 Pender County

Text Amendment Proposal: The request consists of amending the following sections within the Pender County Unified Development Ordinance: Sections 3.7.2, 3.10.1, 3.14.1.F, 4.6.3.A, 4.7.4, 4.14, 5.2.3, 5.3.2.C, 5.3.2.D, 5.3.8.A, 5.3.11.B-J, and Appendix A; along with the creation of an additional Section 3.19, Section 5.3.11.K, and Section 5.3.11.L, as well as revising references and language in Articles 1-12 and Appendix A.

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 approval of the previous amendment.

Administrator Recommendation: Administrator respectfully recommends **amending** the Unified Development Ordinance as described in the staff report:

The following outline describes the proposed amendments by topic. The proposed amendment clarifies various issues that have arisen concerning permitting and reviewing manufactured home communities, private residential boating facilities, community boating facilities, and temporary events. Additionally, the amendment includes revisions to bona fide farms and family care home facilities per North Carolina General Statutes.

The following is a description, by topic, of the changes that are proposed. Along with the proposed amendment, language and references concerning manufactured homes or manufactured home communities will be revised for consistency. A detailed packet of all the changes is included in the informational packet which has been distributed to accompany this report.

Manufactured Home Community

The current standards provided in the Unified Development Ordinance do not provide sufficient information and detail to assist Staff in reviewing and permitting manufactured home communities within the County. The proposed provisions concerning manufactured home communities create a new review procedure, outlined in Article 3, that details the review process required for all manufactured home communities. Staff is proposing that all new manufactured home communities be reviewed as a major subdivision and follow the master development review process. Additional proposals include the combination of existing standards in Section 4.7.4 with the addition of new standards outlined in Article 5. These proposed standards are consistent with existing criteria in the Unified Development Ordinance, the North Carolina Building Code, and the Pender County Mobile Home and Travel Trailer Park Ordinance effective October 1984 to July 2010. Based on recommendations from

Planning Board, Staff is also proposing an amendment to the table of permitted uses allowing manufactured home communities in the MH, Manufactured Home zoning district only. Other amendments are proposed in Article 4 and Appendix A to clarify manufactured home community standards.

Boat Access Facilities

Staff is proposing language to review and permit private residential boating facilities and community boating facilities. Both private residential and community boating facilities may include a dock, pier, and launching ramp. Currently, the Unified Development Ordinance does not allow private residential boating facilities on a vacant residential lot or permit community boating facilities in any district. Based on recommendations from Planning Board, Staff is proposing revisions to Section 5.2.3, Table of Permitted Uses and Section 5.3.11, Miscellaneous Uses to permit private residential on vacant lots and community boating facilities within the RA, RP, RM, MH, and PD zoning districts with standards. Community boating facilities shall be permitted either in conjunction with a Master Development Plan or Special Use Permit. Both of these uses will be limited in size and shall prohibit commercial activities of any kind. Staff is also proposing a revision to existing standards regarding marinas outlined in Section 5.3.11.C and Appendix A, Definitions.

Temporary Events

Staff is proposing to revise existing standards for all temporary events. Currently, temporary events are permitted for a period of 4 to 30 days in permitted zoning districts. In addition, temporary events on the site of the principal use that last less than three days do not require a permit. With these standards it is very difficult for staff to permit temporary events within the County. The amendment proposes to allow temporary events up to sixty days and would not require the event to be on a site with a principal use. Existing standards requiring review by a Building Inspector, Health Director, and Fire Marshal will continue to be required to efficiently review the event for public safety and welfare.

Bona Fide Farms

Based on the recently adopted North Carolina General Statute standards concerning Bona Fide Farms, staff is proposing to update Section 5.3.11.B and Appendix A, Definitions to be consistent with NCGS § 105-277.3.

Family Home Care

Staff is proposing the addition of Family Home Care to Section 5.2.3, Table of Permitted Uses and Section 5.3.11.C to reference standards established in the North Carolina General Statutes. These proposals will be consistent with NCGS § 168, Article 3.

Public Park Definition

Within Section 5.2.3, Table of Permitted Uses a use is identified as a “public park”, however, there is no definitive language that would distinguish this type of facility. As the county develops further parks and recreational opportunities, it will be necessary to incorporate this definition within Appendix A, Definitions, to coincide with the established use.

Miscellaneous Revisions

Additional revisions are proposed for Section 3.10.1, Section 3.14.1, Section 5.6.3, and Appendix A. These corrections are proposed to clarify items that have been brought to Staff’s attention since the approval of the previous amendment.

The proposed changes have been advertised in the Pender Post and Topsail Voice on Wednesday, August 3, 2011 and Wednesday, August 10, 2011.

Evaluation:

As prescribed in the Pender County Unified Development Ordinance (UDO) Article 3.18.5 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.

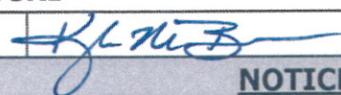
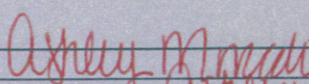
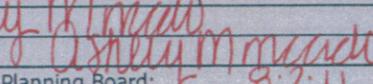
Comprehensive Land Use Plan Compliance:

There are no other conflicting policies within any adopted land use documents.

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. The Planning Board unanimously recommends approval of the request.

APPLICATION FOR TEXT AMENDMENT

THIS SECTION FOR OFFICE USE			
Application No.	ZTA 10028	Date	6/16/11
Application Fee	\$ N/A	Receipt No.	N/A
Pre-Application Conference	5/2/11	Hearing Date	8/2/11 - 8/17/11
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Pender County Planning and Community Development		
Applicant's Address:	805 S. Walker Street		
City, State, & Zip	Burgaw, NC 28425		
Phone Number:	910-259-1202		
SECTION 2: UDO TEXT TO BE AMENDED			
Current Text to be Amended (Please site accurate Article number referenced):			
Sections: 3.7.2, 3.10.1, 3.14.1.F, 4.6.3.A, 4.7.4, 4.14, 5.2.3, 5.3.2.C, 5.3.2.D, 5.3.8.A, 5.3.11.B-J, and Appendix A. Additional revisions to Articles 1-12 and Appendix A.			
Proposed Text to be added:			
Section 3.19, Section 5.3.11.K, and Section 5.3.11.L			
SECTION 3: SIGNATURE			
Applicant's Signature			Date: 7/20/2011
NOTICE TO APPLICANT			
If the applicant makes significant changes to the application for a text amendment after the Planning Board has made its recommendation, the Administrator may refer the modified request back to the Planning Board for an additional public hearing.			
TEXT AMENDMENT CHECKLIST			
<input checked="" type="checkbox"/>	Signed application form		
<input type="checkbox"/>	Application fee N/A		
<input checked="" type="checkbox"/>	A letter describing, in detail the intent and purpose of the amendment presented, meeting the approval criteria set forth in Section 3.18.5 of the Pender County UDO (shown on page 1 of this application)		
Office Use Only			
<input type="checkbox"/> ZTA Fees: \$250 N/A		Total Fee Calculation:	
Payment Method:	Cash : <input type="checkbox"/> \$ _____	Credit Card: <input type="checkbox"/> Master Card <input type="checkbox"/> Visa	Check: <input type="checkbox"/> Check # _____
Application Received By:			Date: 6-17-11
Application completeness approved by:			Date: 6-17-11
Dates Scheduled for Public Hearings:	<input type="checkbox"/> Planning Board: 8-2-11	<input type="checkbox"/> BOC: 8-17-11	

3.7.2 Activities Requiring Major Site Development Plans

- A. In order to ensure that the requirements of this Article have been met, a site plan shall be required to be submitted to the Administrator for the following uses:
1. Any non-residential, multi-family, or mixed uses in the RA, OI, GB, IT and GI zoning districts.
 2. Any type of development greater than 2,501 square feet in area that does not qualify for a minor site development plan.
 3. Multifamily (condominium/apartment) development not requiring a preliminary plan.
 4. ~~Manufactured Home Parks.~~
 5. Required recreational facilities or amenities.
- B. No permit shall be issued for the construction of any building or improvement on the site of any of the above uses until the site plan is approved

3.10 MAJOR SUBDIVISION

3.10.1 Intent

Proposed subdivisions consisting of ~~ten (10)~~ eleven (11) lots or more are classified as Major Subdivisions and are required to follow the Master Development Plan review process found in Figure 2 and 3 at the end of Section 3.4. All major subdivisions shall include a preliminary and final plat. Upon approval of the Master Development Plan by the Planning Board, the applicant may proceed with the preparation of the preliminary plat.

3.14.1 Applicability

- F. The Board of Adjustment may grant variances in the following special circumstances, as indicated ~~elsewhere~~ in Section 3.14.7 this Ordinance.

3.19 MANUFACTURED HOME COMMUNITY (NEW SECTION)

3.19.1 Intent

- A. Proposed manufactured home communities shall be classified as a Major Subdivision and be required to follow the Master Development Plan review process prescribed at the end of Section 3.4 outlined in Figure 2 and 3. All Manufactured Home Communities shall include a preliminary and final plat. Upon approval of the Master Development Plan by the Planning Board, the applicant may proceed with the preparation of the preliminary plat

3.19.2 Review

- A. All new manufactured home communities and additions or alterations to existing communities must be in accordance with this Ordinance.
- B. Completed plats, application, fees and other required data must be submitted 45 days prior to the next scheduled Planning Board meeting.
- C. When required submission material is submitted as noted above, it shall be placed on the next scheduled Planning Board agenda, if applicable.
- D. Manufactured home communities must meet all requirements prescribed in Section 3.10, Major Subdivision and Section 5.3.2.D, Manufactured Home Community.

- E. The Administrator shall forward the site plan to the Technical Review Committee for review. The Committee shall make recommendations to the Administrator concerning whether the plan meets the requirements of any Pender County Codes or Ordinances and other State or Federal regulations as appropriate within ten (10) business days.
- F. The Administrator shall determine and provide comments to the applicant whether the site plan is in conformance with applicable sections of this Ordinance.
- G. Approval of the site plan shall expire within two years of the approval date unless building permits have been obtained for construction.
- H. The Administrator shall periodically inspect the site during development to ensure that the site plan requirements are met.
- I. Final Zoning Approval shall not be issued for any use or site requiring a site plan until all requirements shown on the approved site plan have been met and all improvements shown on the site plan have been provided. If structures and improvements have been provided sufficient to guarantee public health and safety but if all site plan improvements have not been completed, a certificate of occupancy shall only be issued if a bond with surety or other acceptable guarantees have been provided to insure that all approved improvements will be provided. Such guarantees shall be for a limited time period acceptable to the Administrator, during which time said improvements shall be completed.

4.6.3 Standard Minimum Separation between Buildings

- A. The minimum required separation between buildings shall be in accordance with **Section 4.14, Zoning District Dimensional Requirements**. ~~the latest edition of the International Building Code with North Carolina Amendments.~~

4.7.4 MH: Manufactured Housing Community

The MH Manufactured Housing Community District is designed to provide for planned communities for manufactured homes. This district is intended for the location of manufactured homes on land under common ownership or for the creation of lots for manufactured homes.

Such planned developments are intended to be provided with appropriate roadways and amenities and suitable landscaping and transition areas to blend the Manufactured Housing Community with surrounding land uses.

A. ~~Permitted uses:~~

- ~~1) Manufactured Homes~~
- ~~2) Manufactured Housing Community parks.~~
- ~~3) Accessory uses.~~
- ~~4) Home occupations.~~
- ~~5) Totally enclosed storage facilities for use by the residents of the Manufactured Housing Community Park or subdivision.~~
- ~~6) Business signs associated with schools, churches, public parks, playgrounds and recreational uses, fire stations and companies and rescue squads.~~
- ~~7) Residential subdivision identification signs.~~

-
- B. ~~Subdivision and development requirements.~~
- 1) ~~Manufactured homes may be located in planned developments on parcels of land under common ownership or as Manufactured Housing Community. Such Manufactured Housing Communities shall meet the following requirements.~~
- C. ~~Dimensional requirements.~~
- 1) ~~Density. The gross density of any Manufactured Housing Community or subdivision shall not exceed eight units per acre.~~
 - 2) ~~Spacing requirements. No Manufactured Housing Community shall be placed within 20 feet of another.~~
 - 3) ~~Lot requirements. Minimum lots of 4,000 square feet shall be established for each dwelling unit. The corners of such lots shall be clearly posted by permanent markers which shall be maintained.~~
 - 4) ~~Setbacks. All dwelling units shall be set back a minimum of 20 feet from any street right-of-way. All dwelling units shall be set back at least 10 feet from all common areas, parking lots and sidewalks. All accessory uses shall be set back at least five feet from any lot line or property boundary.~~
 - 5) ~~Perimeter. All structures shall be set back at least 50 feet from the perimeter boundary of the Manufactured Housing Community.~~
- D. ~~Common areas. All Manufactured Housing Community and subdivisions shall have a common area of at least 15% or 4,000 square feet in area, whichever is greater.~~
- E. ~~Homeowners' associations. In the case of Manufactured Housing Community subdivisions, common areas shall be dedicated to and maintained by homeowners' associations. The Manufactured Housing Community subdivisions and the homeowners' associations shall meet all requirements of this chapter.~~
- F. ~~Streets: All Manufactured Home Communities can have public or private streets and designed in accordance with Article 7, Design Standards.~~
- G. ~~Off-street parking. At least two off-street parking spaces shall be provided for each dwelling unit. Manufactured Housing Community and subdivisions may employ common parking lots to provide off-street parking. Such parking lots shall meet all requirements of this chapter.~~
- H. ~~Amenities.~~
- I. ~~Water and Sewer Requirements.~~

4.14 ZONING DISTRICT DIMENSIONAL REQUIREMENTS

Dimensional Requirements Table

Dimensional Standards	RA	RP	RM	MH	GB	OI	IT	GI	PD	EC
Lot Size	1 Acre	15,000(5) Sq. Ft.	(1)	(7)	15,000 Sq. Ft.	15,000 Sq. Ft.	1 Acres	1 Acres	(1)	1 Acre
Lot Size Duplex	60,000 Sq. Ft.	22,000 Sq. Ft.	(1)						(1)	
Min. Area Rezoning(3)	NA	5 Acres	10 Acres	5 Acres	1 Acre	1 Acre	5 Acres	5 Acres	100 acres	NA
Min. Lot Width-Ft	100	80(6)	(1)	(7)	80	80	100	100	(1)	100
Min. Chord Length at ROW line for "cul de sac's"	45	30	(1)	20	30	30	45	45	(1)	45
Min. Front Yd.-Ft.	30	30	(1)	(7)	25	25	40	50	(1)	50
Min. Side Yard-Ft	15	10	(1)	(7)	10	10	25	25	(1)	25
Min. Rear Yard-Ft	30	25	(1)	(7)	10	10	25	25	(1)	25
Max. Height-Ft	35(2)	35(2)	45	35	40	40	50	50	(1)	40
Min. Req. Structure Separation	40	30	(1)		50	50	50	100	(1)	30

- (1) Dimensional standards in the Planned Development (PD) and Residential Mixed (RM) Districts are required to be specified on a Master Development Plan.
- (2) Maximum Height requirements in the RA and RP Zoning District shall be allowed an additional 10' feet if located within any Special Flood Hazard Area (SFHA) at the calculation of 5 additional feet in building height per every 2 feet built above the prescribed Base Flood Elevation (BFE) up to a maximum of forty five (45') feet.
- (3) Any parcel of property meeting the guidelines set forth in Sections 3.3 or 3.4 that adjoins an established zoning district that is identical to the district that is applying for a rezoning shall not have to meet the minimum area requirements for rezoning for that district.
- (4) The minimum required separation standards are for principal or primary structures, accessory structures must follow separation and setback requirements as outlined in Sections 4.6.3 and 5.3.3.A.
- (5) Minimum lot sizes in the RP zoning district may be reduced to 12,000 square feet with the evidence of public utilities (water and sewer) availability and connection is demonstrated.
- (6) Minimum lot width in the RP zoning district may be reduced to sixty (60') feet with the evidence of public utilities (water and sewer) availability and connection is demonstrated.
- (7) Dimensional requirements for a Manufactured Home District can be found in Section 5.3.2.D, Manufactured Home Community.

5.2.3 Table of Permitted Uses

Use Type	Ref NAICS	Zoning Districts									
		RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
RESIDENTIAL											
Manufactured Home Community					PMD						
MISCELLANEOUS USES											
Bona fide Farm Purposes		D	D	D	D	D	D	D	D	D	D
Community Boating Facility		SD	SD	SD	SD	SD					
Community Boating Facility in conjunction with a Master Development Plan		SD	PMD	PMD	PMD	PMD					
Private Residential Boating Facility		D	D	D	D	D					
Marina (Commercial)		S	PM			PM					
Family Care Home		D	D	D	D						
Temporary Events		D					D	D	D	D	

5.3.2 Residential Uses

C. Manufactured Home

- 1) Manufactured Homes shall not be allowed in previously zoned R-20C zoning districts prior to the adoption of this Ordinance.
- 2) Manufactured homes constructed prior to July 1, 1976 may not be brought into or relocated in the County. Mobile or manufactured homes which, at the time of construction, were not built to the standards of the National Manufactured Housing Construction and Safety Standards Act of 1974 (effective 1976) are prohibited within the county. However, existing manufactured homes constructed prior to July 1, 1976 shall remain permitted as a nonconforming structure.
- 3) All manufactured homes shall be used only as a residential dwelling unit. No manufactured home shall be used as a storage building upon any lot at any time nor shall a manufactured home be used as a commercial or business structure or use.

D. Manufactured Home Community

- 1) All manufactured homes located in a manufactured home community must meet the standards of Section 5.3.2.C, Manufactured Homes.
- 2) All manufactured home community shall be at least five (5) acres in size.
- 3) All communities must have eleven (11) lots or more.
- 4) The following lot sizes shall be permitted in a manufactured home community:
 - a. Manufactured home spaces served by public water and a public sewerage system shall have a minimum of 7,000 square feet.
 - b. Manufactured home spaces served only by either public water or a public sewerage system shall have a minimum of 12,000 square feet.
 - c. Manufactured home spaces served by neither public water nor a public sewerage system shall have a minimum of 15,000 square feet.
- 5) All manufactured home communities must adhere to the following dimensional requirements:

Minimum Lot Width	50 feet
Minimum Front Yard Setback	20 feet
Minimum Side Yard Setback	10 feet
Minimum Rear Yard Setback	20 feet
Minimum Structure Separation	20 feet
Minimum Exterior Property Boundary Setback	20 feet

- 6) All communities shall adhere to Article 8, Landscaping and Buffering.
- 7) Manufactured home communities must meet Open Space requirements per Section 7.6, Open Space.
- 8) Manufactured home community operators shall make arrangements for a private vendor or other sources to collect refuse, either from individual spaces or from centrally located dumpster sites. All dumpster locations are to be fenced and screened from view. Individual refuse receptacles shall be waterproof and rodent proof.
- 9) All communities are to be provided with a sewage collection system and/or septic tanks approved by the appropriate health agency. If a centralized sewer system is to be used, it

shall meet the requirements of the Pender County Health Department or appropriate state agency.

- 10) All communities shall obtain water from a public source or a source as approved by the Pender County Health Department.
- 11) Each manufactured home shall be set up and anchored in accordance with the North Carolina Uniform Standards Code for Mobile Homes (Chapter 143, Article 9A of the North Carolina General Statutes).
- 12) All accessory structures in a manufactured home community shall not be greater than 600 square feet and meet the standards prescribed in Section 5.3.3.A.1, Accessory Uses and Structures.
- 13) Accessory structures shall be located only on the site space containing that manufactured home and may not be located in any required manufactured home community yard.
- 14) Each space shall be equipped with water, sewer, and electrical connections.
- 15) All streets must adhere to Section 7.5, Street Design and have direct access to a publicly maintained road.
- 16) No individual manufactured home shall have direct access to a publicly maintained road.
- 17) All streets will be appropriately identified with street name signs as applicable.
- 18) Two automobile parking spaces shall be provided for each manufactured home lot and shown on the Master Development Plan and Preliminary Plat. No portion of the required spaces shall be within any street right of way.
- 19) Common areas shall be dedicated to and maintained by the community owner and meet all the requirements of Section 7.6.E.10.
- 20) All manufactured home spaces shall be permanently identified by permanent markers or monuments.
- 21) No recreational vehicles shall be permitted within a manufactured home community.
- 22) Any land within the jurisdiction of a Special Flood Hazard Area shall be prohibited for residential development, but may be set aside for passive open space.
- 23) Within a manufactured home community, one structure may be used as an administrative office.
- 24) The operator of a manufactured home community shall keep an accurate register containing a list and description of all homes located in the community and owner thereof.

5.3.8 Arts, Entertainment and Recreation (Sector 71)

- A. ~~Marinas – Commercial: Activities and possible uses on the marina or club property shall be limited to wet boat storage, drystack boat storage, boat service and repairs, boat accessory sales, ship's store, coffee shop, boat trailer parking areas, automobile parking areas, launching ramp, piers and boat petroleum service areas. Additional uses permitted shall follow the Table of Permitted Uses for the specific zoning district.~~
- 1) ~~Setbacks~~
 - a) ~~Up to 35' in height: 100' front and 50' sides and rear.~~
 - b) ~~Between 36' to 50' in height: Add two (2) additional feet of setback for every one foot in height above 35'.~~
 - 2) ~~Approved Special Use Permits are required in all zoning districts unless the proposed facility is illustrated in conjunction with a development which requires a master plan. Then sufficient detail must be provided on the master plan to allow the Planning Board to make an informed decision on the facility's impacts to the surrounding properties throughout the public hearing process.~~
- B. ~~Marinas – Residential: Residential marinas processed as part of an overall development plan, either permitted by right or with a special use permit are permitted in all residential districts subject to the following limitations.~~
- 1) ~~Boat slips, piers and bulkheads are permitted; however, no commercial activities shall be permitted.~~
 - 2) ~~Marinas may include any pump out facilities required by state or federal agencies and/or regulations.~~
 - 3) ~~A clubhouse or similar facility which could normally be included in a residential development may be collocated with the marina facilities.~~
 - 4) ~~Drystacks shall not be permitted marinas in residential developments unless approved as part of a Master Development Plan in the Planned Development District.~~
 - 5) ~~Signs calling attention to the marina other than those for vehicular directional purposes located within the development are not permitted.~~

5.3.11 Miscellaneous Uses

B. Bona fide Farm Purposes

- 1) Bona fide farm purposes must comply with ~~§ 106.581.1~~ 153A-340(b)(2) of the North Carolina General Statutes ~~must meet all criteria for the state tax deferral as defined in § 105.277-2 through § 105.277.7.~~

C. Community Boating Facility

- 1) Must serve five (5) or more residential units and may include a dock, pier, ramp, or launching pad.
- 2) No commercial activities of any kind shall be allowed within the confines of the facility.
- 3) Approved Special Use Permits are required in all zoning districts unless the proposed facility is illustrated in conjunction with a development which requires a master development plan. Sufficient detail must be provided on the master plan to allow the Planning Board to make an informed decision on the facility's impacts to the surrounding properties throughout the public hearing process.

D. Family Care Home

- 1) A family care home means a home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment as defined by NCGS § 168-21.

E. Marinas (Commercial): Activities and possible uses on the marina or club property shall be limited to wet boat storage, drystack boat storage, boat service and repairs, boat accessory sales, ship's store, coffee shop, boat trailer parking areas, automobile parking areas, launching ramp, piers and boat petroleum service areas. Additional uses permitted shall follow the Table of Permitted Uses for the specific zoning district.

1. Setbacks
 - a) Up to 35' in height: 100' front and 50' sides and rear.
 - b) Between 36' to 50' in height: Add two (2) additional feet of setback for every one foot in height above 35'.
2. Approved Special Use Permits are required in all zoning districts unless the proposed facility is illustrated in conjunction with a development which requires a master ~~development~~ plan. ~~Then~~ Sufficient detail must be provided on the master plan to allow the Planning Board to make an informed decision on the facility's impacts to the surrounding properties throughout the public hearing process

F. Private Residential Boating Facility

- 1) May provide single access in approved zoning districts for residential use only.
- 2) No more than two (2) watercraft may be docked at one time per residential lot.
- 3) Commercial activities of any kind shall be prohibited.

- H. Temporary Events - The Administrator or their agent **may** issue a temporary permit for carnivals, religious revivals, sport events, circuses, ~~and~~ festivals and similar activities that will last for a period of ~~from 4 to 30 days~~ **up to sixty (60) days** in the districts in which they are indicated as a permitted use. **All temporary events** shall submit **an application** and site plan, **at least 14 calendar days prior to the event**, with a description of activities so that it can be determined if adequate parking, sanitation & other necessary facilities will be available. The Administrator **shall submit each temporary event** proposal **to the** Building Inspector, Health Director, and Fire Marshal **for review and approval.**

Appendix A: (Definitions)

BOAT: A vessel or watercraft of any type or size specifically designed to be self-propelled, whether by engine, sail, oar, or paddle or other means, which is used to travel from place to place by water

COMMUNITY BOATING FACILITY: A private, nonprofit boating facility with navigable water frontage which includes a dock, pier, and/or launching ramp which is intended to serve five (5) or more residential units. Must be owned/controlled by a Homeowners Association (HOA) or any type of development association or collective owners group where more than one family has privileges to use facility. Commercial activities of any kind, including commercial letting of slips to parties that are not residents of the association or development, shall be prohibited.

LOT OF RECORD: A lot for which a plat or survey description has been legally recorded with the Pender County Clerk of the Court Register of Deeds.

MANUFACTURED HOME: A structure, transportable in one or more sections, which in travel mode is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 or more square feet and which is built in a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities.

MANUFACTURED OR MOBILE HOME LOT: Any parcel or ground within a manufactured home park designated for the exclusive use of one manufactured home and permitted accessory structure.

MANUFACTURED HOME COMMUNITY: A parcel (or contiguous parcels) of land where manufactured homes are parked for living and sleeping purposes. May also be known as; a mobile home community, mobile home park, or manufactured home park.

MARINA: Any publicly or privately owned dock, pier, launching pad, basin, dry or wet storage facility constructed to accommodate ten (10) or more boats and providing any of the following commercial/retail services: permanent, temporary, or transient docking spaces, dry or wet storage, fueling facilities, haul out facilities, repair services, or retail sales for fuel, repair, convenient food items, boats, engines, and accessory equipment. Excluded from this definition are boat ramp facilities allowing access only, temporary docking that includes none of the previous listed services, and community boating facilities with five (5) or fewer slips (No commercial activities of any kind shall be allowed within the confines of the facility).

PUBLIC PARK: Any area that is created, established, designated, maintained, provided or set aside by a local, state, federal agency or charitable organization for the purposes of public rest, play, access to reserved land or other resource, recreation, enjoyment or assembly, and all buildings, facilities and structures located thereon or therein ancillary to the recreational use of the property.

PRIVATE RESIDENTIAL BOATING FACILITY: A private, nonprofit boating facility with navigable water frontage which includes a dock, pier, or launching ramp intended to serve one residential unit. Commercial activities of any kind shall be prohibited.