

Pender County Planning and Community Development

Planning Division

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



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www.pendercountync.gov

AGENDA

**Pender County Planning Board
Tuesday, March 6, 2012 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: (February 7, 2012)

3. Public Comment:

4. Presentation

Suraiya Rashid, Wilmington Metropolitan Planning Organization, will present to the Board the Cape Fear Commutes 2035 Transportation Plan. It has been prepared by the Wilmington Urban Area Metropolitan Planning Organization (WMPO), which is the local organization responsible for regional transportation planning in this area. Federal law requires the preparation of this plan, and also specifies issues which the plan must consider. Cape Fear Commutes 2035 Transportation Plan details how transportation needs should be addressed over the next twenty-five years. The plan establishes the goals and objectives for the improvement of travel conditions within the WMPO planning area and makes specific recommendations for transportation projects and funding sources. In accordance with federal regulations, the plan must be fiscally-constrained. In other words, the plan must identify funding sources for all of the proposed projects. The plan considers all modes of transportation, including automobiles, trucks, buses, trains, airplanes, ferries, bicycles, and walking.

(Public Hearings)

5. Zoning Map Amendment

John Silvia, applicant and owner, is requesting approval of a Zoning Map Amendment for a general use rezoning of one (1) tract totaling 2.37 acres from RP, Residential Performance District, to RA, Rural Agricultural District. The property is located along the south side of Ashton Road east of Little Kelly Road in Rocky Point and may be identified as Pender County PIN 3216-56-5573-0000.

6. Zoning Text Amendment

Pender County, applicant, is requesting approval of an amendment to the Pender County Unified Development Ordinance. The proposal consists of amending Sections 3.4.1, 3.4.6, 3.4.8, 5.2.3, 5.3.3.B, 5.3.3.C, 6.5.C, and Appendix D.

7. Discussion Items

A. Planning Staff

- i. Manor at Mill Creek
- ii. Thoroughfare Setbacks (Continued from 2/7/2012)
- iii. Permitted Uses within the GB, General Business District (Continued from 2/7/2012)

iv. Planning Board Members

8. Adjournment

5A

PLANNING STAFF REPORT
Zoning Map Amendment

SUMMARY:

Hearing Date: March 6, 2012- Planning Board
April 16, 2012- Board of Commissioners
Case Number: 10676- Silvia (ZMA)
Applicant: John Silvia
Property Owner: Same

Rezoning Proposal: John Silvia, applicant and owner, is requesting approval of a Zoning Map Amendment for a general use rezoning of one (1) tract totaling 2.37 acres from RP, Residential Performance District, to RA, Rural Agricultural District.

Property Record Numbers, Acreage, and Location: The property is located on the south side of Ashton Road just to the east of Little Kelly Road in Rocky Point and may be identified as Pender County PIN 3216-56-5573-0000.

Staff Recommendation: The request complies with the criteria set forth in Article 3.3.8 of the Unified Development Ordinance. The request is consistent with the 2005 CAMA Land Use Plan and is not in conflict with 2010 Comprehensive Land Use Plan. Therefore, staff respectfully recommends that the request be approved.

DESCRIPTION:

John Silvia, applicant and owner, is requesting approval of a Zoning Map Amendment for a general use rezoning of one (1) tract totaling 2.37 acres from RP, Residential Performance District, to RA, Rural Agricultural District.

The property is located on the south side of Ashton Road, east of Little Kelly Road in Rocky Point and may be identified as Pender County PIN 3216-56-5573-0000. There is currently a convenience food store with a grill restaurant located in an existing building on the subject property.

The property has direct access to Ashton Road; any future development may require NC DOT Driveway permit or a change of use permit.

This is a general use rezoning which will encompass all uses permitted-by-right in the Rural Agricultural District, as shown on the Permitted Use Table 5.2.3 of the Pender County Unified Development Ordinance. The Rural Agricultural District is intended to accommodate non-residential agricultural uses and very low density residential development (minimum of 1 du/ac), as well as limited non-residential uses, in rural areas adjacent to agricultural operations.

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, as well as a sign placed on the subject property.
- B) Existing Zoning in Area:** All the adjoining and adjacent properties are zoned RP, Residential Performance District.
- C) Existing Land Use in Area:** The existing land use in the area includes low density residential and vacant tracts to the north. Along the eastern and southern boundary is an existing travel trailer park and to the west is low density residential
- D) 2005 CAMA Land Use Plan Compliance:** The 2005 CAMA Land Use Plan classifies the subject property as Transitional Area. The Transitional Area land classification provides for areas of more intensive community development where the county is making plans to develop public services, particularly water and sewer services, and where access to transportation is excellent. Development will include residential uses, commercial and office uses, and employment uses, such as manufacturing and distribution that can take advantage of the services and transportation access available. This area is planned for *moderate net density* for residential development. This density is dependent upon the types and levels of services that are available.
- E) 2010 Comprehensive Land Use Plan Compliance:** This property is located in the Rocky Point Study Area and the 2010 Comprehensive Land Use Plan classifies the subject property as Mixed Use, which is a land use classification designating locations where a mixture of higher density/intensity uses are to be encouraged. The following goals and policies within this plan support the rezoning request:
- a) Small Area (Rocky Point) Goal 4B.1: The primary goal of the Rocky Point Small Area Plan is to accommodate higher density mixed use growth in and around the I-40 / US 117 and NC 210 intersections. Coordinating future growth with already planned projects within the area will be of prime importance. Large scale developments should expect to be supported by public utilities and closely evaluated through coordinated development plan review. Commercial, office and mixed used infill is expected to occur along the major highway corridors, particularly close to major intersections.*
 - b) Small Area (Rocky Point) Policy 4B.1.2: Focus higher density residential and other mixed use development toward existing County facilities such as Heidi Trask High School and other developing areas being served by public water and sewer.*
 - c) Small Area (Rocky Point) Policy 4B.1.4: New development within the small area should be compatible with existing residential uses.*
 - d) 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) Growth Management Policy 1A.1.4: The County should develop and utilize innovative and flexible land planning techniques that encourage developments to efficiently use land resources*

that result in more compact urban areas, infill development, redevelopment, and the adaptive re-use of existing buildings.

f) **Growth Management Policy IA.1.5:** *The County supports a pro-business/pro-growth attitude, balanced by a concern for preserving the natural assets and quality of life factors that make the area attractive to visitors and permanent residents alike.*

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:** This proposal consists of a Zoning Map Amendment for a general use rezoning of one (1) tract totaling 2.37 acres from RP, Residential Performance District, to RA, Rural Agricultural District. The request complies with the criteria set forth in Article 3.3.8 of the Unified Development Ordinance. The request is consistent with the 2005 CAMA Land Use Plan and the 2010 Comprehensive Land Use Plan. Therefore, staff respectfully recommends that the request be approved.

VOTING AND RESOLUTION:

Planning Board

Motion: _____ Seconded: _____

Approved: _____ Denied: _____ Unanimous: _____

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

TECHNICAL REVIEW COMMITTEE (TRC) RESPONSES:

Cape Fear Council of Governments RPO

It appears, based on the info, that all that would be required from DOT would be a driveway permit.

Four County Electric Company

No response.

NC DENR Division of Coastal Management

No comment.

NC DENR Division of Forestry

No response.

NC DENR Division of Land Resources

This will need an erosion and sedimentation control plan if over an acre is disturbed.

NC DENR Division of Waste Management

No response.

NC DENR Division of Water Quality

No response.

NC DOT Division of Highways

No response.

NC DOT Transportation Planning Branch

We have no comments on this one.

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

We do NOT have problems with this request.

Pender County Parks and Recreation

No issues with this request.

Pender County Public Library

No response.

Pender County Public Utilities

No response.

Pender County Schools

This should not have any impact on Pender County Schools.

Pender County Sheriff's Department

No response.

Pender County Soil and Water Conservation District

Soil & Water sees no problem with this request.

Progress Energy Corporation

No response.

US Army Corps of Engineers

No response.

Wilmington Metropolitan Planning Organization

No response.

APPLICATION FOR REZONING (Zoning Map Amendment)

THIS SECTION FOR OFFICE USE			
Application No.	ZMA 10676	Date	1.20.2012
Application Fee	\$ 500.00	Receipt No.	116710
Pre-Application Conference	n/a	Hearing Date	PB 3.6.2012 / BOCC April 6 2012
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	John M. Silva	Owner's Name:	— SAME —
Applicant's Address:	14497 Ashton Rd.	Owner's Address:	— SAME —
City, State, & Zip	Rocky Point	City, State, & Zip	— SAME —
Phone Number:	910 259 9611	Phone Number:	— SAME —
Legal relationship of applicant to land owner:	same person		520.2424
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	3216-56-5573	Total property acreage:	2.37
Current Zoning District:	RP	Proposed Zoning District:	GB
Project Address :	14582 Ashton Rd Rocky Point NC		
Description of Project Location:	2.3 acres at the end of Ashton Rd. close to Little Keely Rd.		
SECTION 3: SIGNATURES			
Applicant's Signature	John M. Silva	Date:	1-17-12
Owner's Signature	John M. Silva	Date:	1-17-12
NOTICE TO APPLICANT			
<ol style="list-style-type: none"> 1. Applicant must also submit the information described on the Rezoning Checklist. 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 Planning Board or other authorized person agrees to table or delay the hearing. 4. All fees are non-refundable 5. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda. 			

Jan. 19,2012

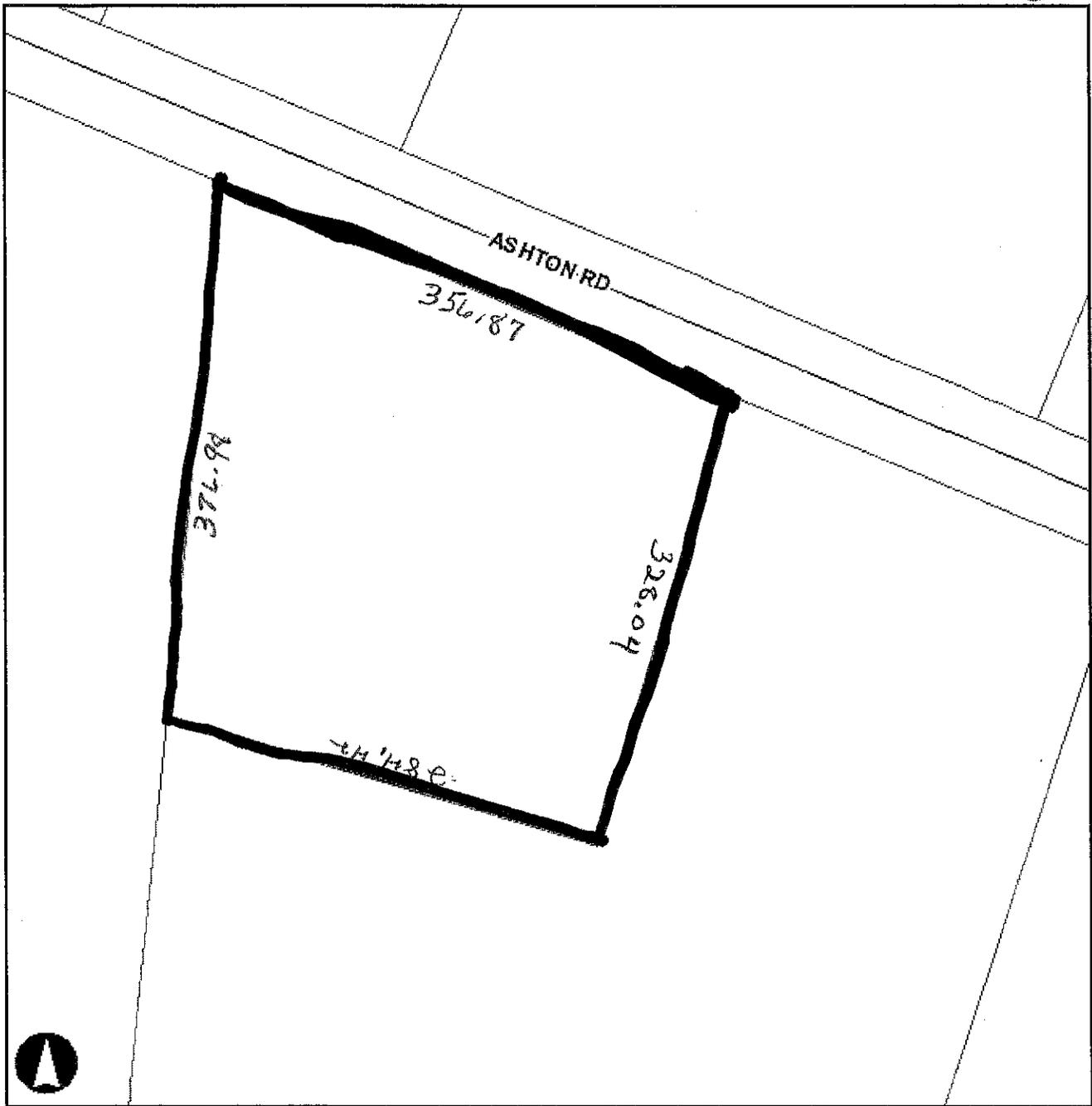
John Silvia

14497 Ashton Rd.

Rocky Point, NC 28457

My name is John Silvia from Rocky Point Campground And Fishing Ponds. I have been doing business in this county for almost 30 years. It as always been my goal to bring new people into Pender County.The more people in the county the more cash is spent in the county. Over the years i have tried to do just that with Rocky Point County Cafe, Shooters World Pistol Range, Fishing Ponds, Campground And Swimming Pool.There is a new construction in the county, building a new power plant to replace the Sutton plant onRt.421. That will take 3 years to build, We have tried to keep as many as possible of the out of town works to stay in pender county. And for that reason I am desperately in need of 9 or 10 - 50 amp camp sites. In order to do that i'm told that i will have to rezone and i'm willing to do what it takes to do that. I thank you very much for your time.
John M. Silvia.

5B



Scale: 1:100



ALPHA: 3216-56-5573-0000	DEED: 3989/289
NAME: SILVA JOHN	PLAT: NOPLAT
ADDR: 14497 ASHTON RD	TOWNSHIP: 104
CITY: ROCKY POINT	TNSH DESC: LONG CREEK
STATE: NC	ACRES: 2.37
ZIP: 28457	LAND VALUE: \$35,880.00
PROPERTY ADDRESS: 14581 ASHTON RD	BUILDING VALUE: \$151,889.00
PROPERTY DESCRIPTION: 2.37 AC S/S SR 1411	TOTAL VALUE: \$187,769.00
RESTAURANT E/S SR 1409	DEFERRED VALUE: \$0.00
DATE: 11/14/2011	SUBDIVISION: Null
	TAX CODES: G01 F24 R40 S63



Faye Teachey Prevatte Register of Deeds
11-14-2011 11:17:06.000 Pender County, NC
NC REVENUE STAMP: \$130.00 (#32709)

3216-56-5573-0000

NORTH CAROLINA SPECIAL WARRANTY DEED

Excise Tax: \$130.00

Tax Lot No. _____ Parcel Identifier No. 3216-56-5573-0000
Verified by _____ County on the _____ day of _____ 20____
by _____

Delinquent taxes, if any, to be paid by the closing attorney to the County Tax Collector upon disbursement of closing proceeds.

Mail after recording to: Grantee

This instrument was prepared by: McGuireWoods LLP, PLLC (SSL), 300 North Third Street, Suite 400, Wilmington, North Carolina 28401

Brief Description for the Index

2.342 acres SR 1411

THIS DEED made this 8th day of November, 2011, by and between

GRANTOR

BRANCH BANKING AND TRUST COMPANY
a North Carolina banking corporation
200 W. 2nd Street
Winston-Salem, North Carolina 27101

GRANTEE

JOHN SILVIA
d/b/a **ROCKY POINT CAMPGROUND**
14497 Ashton Road
Rocky Point, North Carolina 28457

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in Pender County, North Carolina and more particularly described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

A. Skina



The property hereinabove described was acquired by Grantor by instrument recorded in **Book 3929, Page 0125.**

All or a portion of the property herein conveyed does not include the primary residence of a Grantor.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

AND the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, except for the exceptions hereinafter stated.

Title to the property hereinabove described is expressly subject to the following exceptions:

Any accruing real property taxes and any conditions, restrictions, covenants, or easements of record affecting the property hereinabove described, including any which may be shown on a recent survey or recorded plat or which may be revealed by an inspection of the property hereinabove described.

The property hereinabove described is conveyed on an "AS IS, WHERE IS" condition and basis, and Grantor has not made, does not make and specifically negates and disclaims any representations, warranties, promises, covenants, agreements or guaranties of any kind or character whatsoever, whether express or implied, oral or written, past, present, or future, of, as to, concerning or with respect to: (a) the value, nature, quality or condition of the property hereinabove described, (b) the suitability of the property hereinabove described for any activities and uses, (c) the habitability, merchantability, marketability, profitability or fitness for a particular purpose of the property hereinabove described, or (d) any other matter with respect to the Property except as to warranties of title as set forth herein.

[SIGNATURE AND ACKNOWLEDGEMENT TO APPEAR ON FOLLOWING PAGE]



IN WITNESS WHEREOF, the Grantor has caused this instrument to be signed in its company name by its duly authorized officer, the day and year first above written.

BRANCH BANKING AND TRUST COMPANY,
a North Carolina banking corporation

By: Michael Sherk
Name: Michael Sherk
Title: Senior Vice President

SOUTH

SEAL-STAMP NORTH CAROLINA, HORRY COUNTY



I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: Michael Sherk (Print name of individual executing document).

Date: November 8 2011

Jackie H. McKissick
Notary Public
Print Name: Jackie H. McKissick

My commission expires: 8-2-2020

The foregoing Certificate(s) of _____

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

REGISTER OF DEEDS FOR _____ COUNTY

By: _____ Deputy/Assistant - Register of Deeds



Exhibit A

BEGINNING at a nail, in the centerline of Secondary Road Number 1411, located South 63 degrees 03 minutes 00 seconds East 438.58 feet from a nail at the intersection of the centerlines of Secondary Road 1409 and Secondary Road Number 1411, and running thence:

1. South 63 degrees 03 minutes 00 seconds East 363.61 feet along the centerline of Secondary Road Number 1411 (passing over a nail at 56.87 feet) to a nail;
2. South 20 degrees 37 minutes 51 seconds West 327.23 feet (passing over an iron stake at 37.00 feet) to an iron stake;
3. North 69 degrees 56 minutes 54 seconds West 290.12 feet (passing over an iron stake at 218.20 feet) to an iron stake; and
4. North 09 degrees 43 minutes 45 seconds East 376.98 feet (passing over an existing iron pipe at 318.73 feet) to the BEGINNING,

containing 2.342 acres, after the exclusion of that portion of Secondary Road Number 1411 (60 foot right-of-way) within the above, and is as surveyed during February 1998.



Applicant/Owner
John Silvia

Zoning Map
Amendment

General Use Rezoning
RP,
Residential Performance
to the
RA, Rural Agricultural

Case # 10676

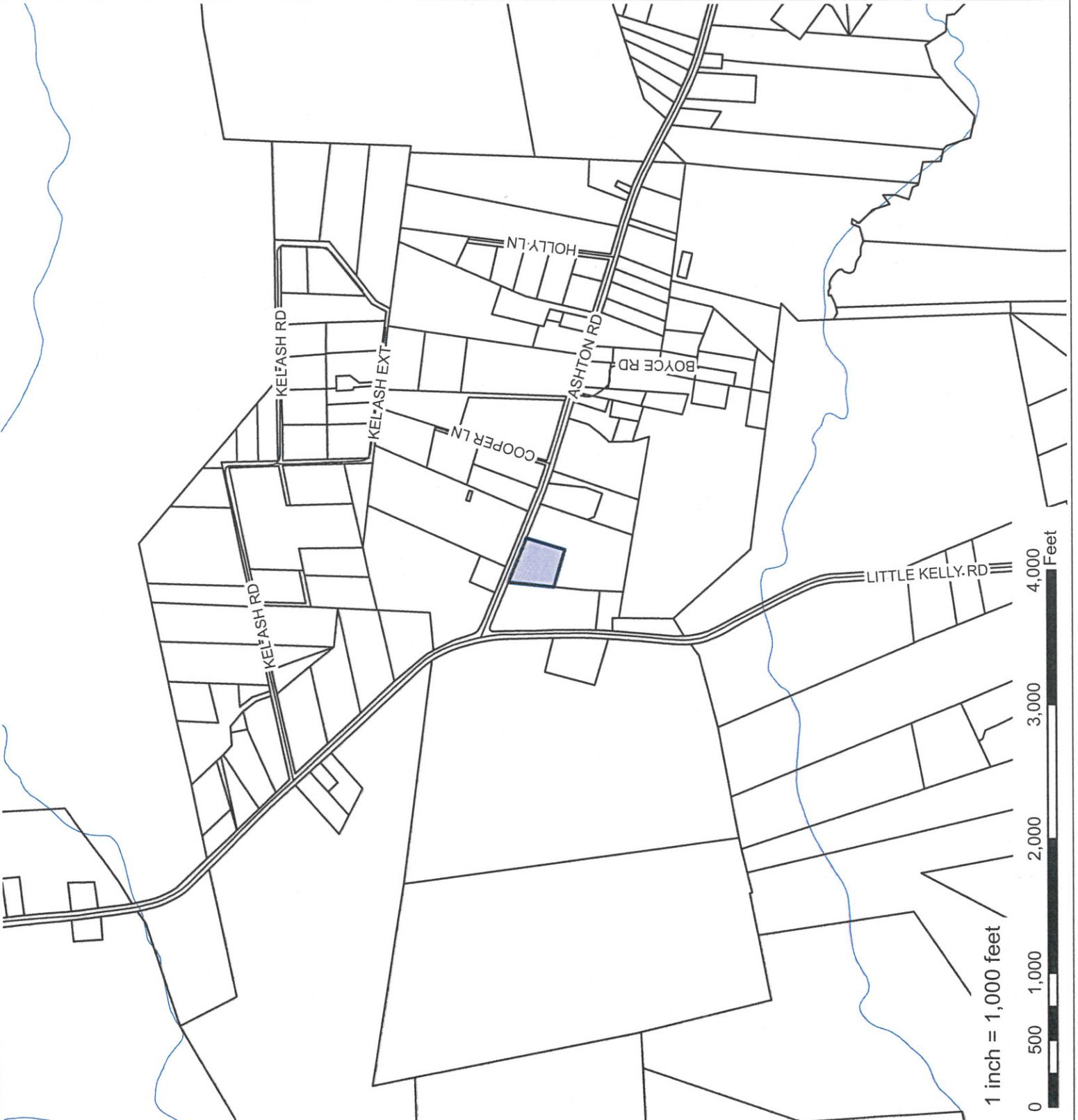
Legend

- Subject Property



VICINITY MAP

50





Applicant/Owner
John Silvia

Zoning Map
Amendment

General Use Rezoning
RP,
Residential Performance
to the
RA, Rural Agricultural

Case # 10676

Legend	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





Applicant/Owner
John Silvia

Zoning Map
Amendment

General Use Rezoning
RP,
Residential Performance
to the
RA, Rural Agricultural

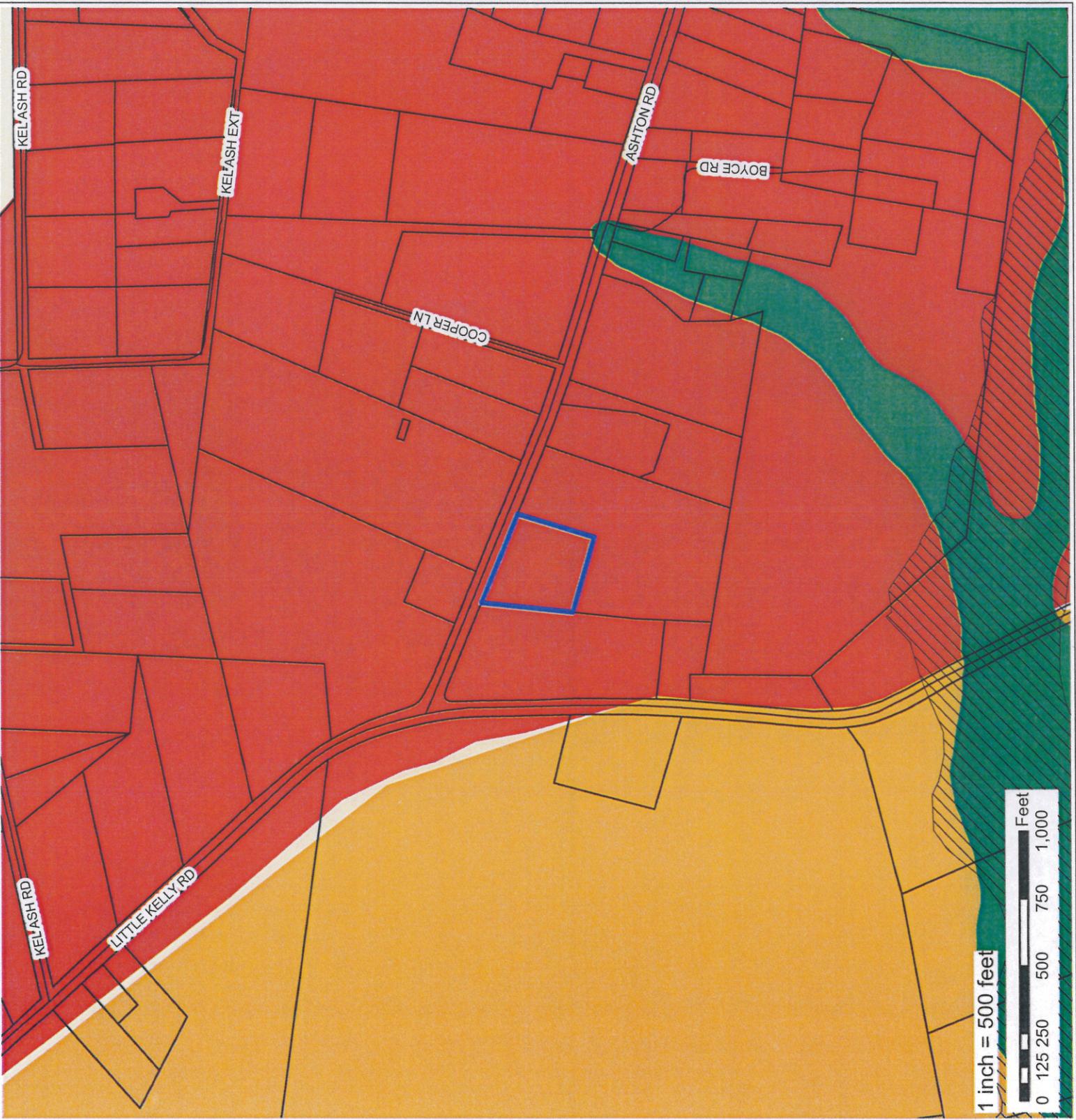
Case # 10676

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





Applicant/Owner
John Silvia

Zoning Map
Amendment

General Use Rezoning
RP,
Residential Performance
to the
RA, Rural Agricultural

Case # 10676

Legend

- Subject Property
- Future Land Use**
- Conservation
- Industrial
- Mixed Use
- Rural Growth
- Suburban Growth

2010
Comprehensive
Future Land Use





Applicant/Owner
John Silvia

Zoning Map
Amendment

General Use Rezoning
RP,
Residential Performance
to the
RA, Rural Agricultural

Case # 10676

Legend

 Subject Property



Aerial Map



6A

PLANNING STAFF REPORT
Zoning Text Amendment

SUMMARY:

Hearing Date: Planning Board – March 6, 2012
Board of County Commissioners – March 19, 2012
Applicant: Administrator, Division of Planning
Application Number: ZTA 10662 Pender County

Text Amendment Proposal: The request consists of amending the following sections within the Pender County Unified Development Ordinance: Sections 3.4.1, 3.4.6, 5.2.3, 5.3.3.B, 5.3.3.C, and Appendix D, as well as Revising References in Article 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 approving Conditional Rezoning, Cottage Occupation Permits, Home Occupation Permits, Preliminary Plats, and Final Plats. A detailed description of all the changes is included in the informational packet which has been distributed to accompany this report.

Conditional Rezoning

Staff is proposing to clarify language regarding reviewing conditional rezonings. Current language detailing the conditional rezoning process has led to ambiguity regarding which process, conditional or conditional use, is to be utilized by applicants. Existing provisions discuss methods of procedure for both types of rezoning, rather than a distinction among the two. As a result, staff is proposing the removal of language that references the conditional use rezoning process in order to refine existing language addressing the conditional rezoning process. The conditional rezoning process is a method of rezoning where a specific site plan or specified use are identified and a rezoning decision is made while incorporating individualized conditions and site plan provisions. The removal of specific provisions will result in effective language for reviewing conditional rezonings in the future.

Cottage Occupations and Home Occupations

Staff is proposing to revise existing standards for cottage occupation and home occupation permits referenced in Section 5.3.3.B and Section 5.3.3.C. Currently, standards outlined in the Unified Development Ordinance are not consistent with requirements listed in Appendix A – Definitions. Additionally, the proposed amendment will allow cottage occupations and home occupations to be permitted in legal non-conforming residential structures in the GB, General Business zoning districts.

Appendix D – Typical Forms and Surveyor Notes

Additional revisions are proposed for Appendix D to clarify items that have been brought to Staff’s attention regarding certificates, forms, and surveyor notes required on preliminary and final plats. Proposed revisions are to create a more user friendly Appendix that is consistent with the remaining Unified Development Ordinance.

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.

Planning Board

Motion: _____ Seconded: _____

Approved: _____ Denied: _____ Unanimous: _____

Boney _____ Smith _____ Edens _____ Garrett _____ Marshburn _____ Millette _____ Williams _____

3.4 CONDITIONAL REZONING

3.4.1 Intent

- A. ~~Conditional zoning districts hereby included are to allow for the consideration of certain uses that are permitted uses in the underlying zoning district but due to their nature may not be appropriate for a particular location.~~
- B. A conditional zoning district is intended for a development that has a high level of certainty of being constructed and the most commonly expected application will contain a specified use or uses, **permitted by right or special use**, on small and large scale projects.
- C. ~~Although, it is not intended to be used for speculative purposes, a conditional zoning district applicant may include as part of the application, a list of uses which will not be developed on the property.~~
- D. All uses listed as part of any application must be in the same format and description as listed in the Table of Permitted Uses.
- E. The following zoning district categories are approved to be assigned conditional zoning districts: **RA**, PD, RP, RM, GB, OI, IT, GI (Reference ~~Section 4.7~~ **Article 4** for Zoning District Descriptions).

3.4.6 Effect of Approval

- A. If a petition for conditional zoning is approved, the development and use of the property shall be governed by the predetermined Ordinance requirements applicable to the district's classification, the approved general development plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to these regulations and to the zoning maps.
- B. ~~If a petition is approved, only those uses and structures indicated in the approved petition and site plan or land use area indicated on the general development plan shall be allowed on the subject property.~~
- C. Following the approval of the petition for a conditional zoning district, the subject property shall be identified on the zoning maps by the appropriate district designation. A parallel conditional zoning shall be identified by the same designation as the underlying general district followed by the letters "CD" (for example "RP-CD").
- D. The general development plan does not substitute for an approved master plan as required in the applicable zoning district.
- E. No permit shall be issued for any development activity within a conditional zoning district except in accordance with the approved petition and site plan for the district.
- F. Any violation of the approved site plan or any rules, regulations and conditions for the district shall be treated the same as any other violation of this Chapter and shall be subject to the same remedies and penalties as any such violation.

5.2.3 Table of Permitted Uses

TABLE OF PERMITTED USES											
P=Permitted Use D=Permitted w/ Use Standards S=Special Use Approval Required SD=Special Use Approval Required w/ Additional Standards PM=Permitted in conjunction w/ the MDP process											
Use Category Specific Use Type	Ref NAICS	Residential			Mixed Use	Commercial	Industrial			Special Purpose	
		RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
ACCESSORY USES AND STRUCTURES											
Cottage Occupations		SD	SD	SD		SD	SD				
Home Occupation		D	D	D	D	D	D				

5.3.3 Accessory Uses and Structures

- B. Cottage Occupation – Cottage Occupations shall be permitted in zoning districts as indicated in Section 5.2.3, Table of Permitted Uses, via Special Use Permit with an approved Special Use Permit in zoning districts indicated in Section 5.2.3, Table of Permitted Uses, with the following limitations:
- 1) The floor area of the cottage occupation cannot exceed the total floor area of the primary residence. The use must be clearly incidental and secondary to the use of the property for residential purposes.
 - 2) No cottage occupation shall be permitted which creates objectionable noise, dust, smoke, odor, glare, or traffic attraction greater than that of other residential properties in the vicinity. The use shall not change the character or area of the structure or have any exterior evidence of the occupation.
 - 3) The floor area of the cottage occupation cannot exceed the total floor area of the primary residence.
 - 4) No cottage occupation shall be permitted which creates objectionable noise, dust, smoke, odor, glare, or traffic attraction greater than that of other residential properties in the vicinity.
 - 5) Workers not living on the property shall be limited to three (3) persons per day.
 - 6) Proposed Cottage Occupation permits in the GB, General Business district, shall not expand or increase the existing non conforming use or structure.

- C. Home Occupation - Home occupations are permitted only as an accessory use and require zoning approval. Home occupations shall be permitted subject to the following limitations:
- 1) ~~No display of products shall be visible from the street.~~ Any activity related to the proposed business is carried on wholly within the principal building or structure.
 - 2) ~~No mechanical equipment shall be installed or used except such that is normally used for domestic, professional, or hobby purposes and which does not cause noise or other interference in radio and television reception;~~ The business is carried on by members of the household residing on the premises.
 - 3) ~~No accessory buildings or outside storage shall be used in connection with the home occupation;~~ The business is clearly incidental and secondary to the use of the dwelling unit for residential purposes with no exterior display, no exterior storage of materials, and no exterior indication of the home occupation or variation from the residential character of the principal building and neighborhood.
 - 4) Not over twenty-five percent (25%) of the total actual floor area or five hundred (500) square feet, whichever is less, shall be used for a home occupation.
 - 5) ~~Not over twenty-five percent (25%) of the total actual floor area or five hundred (500) square feet, whichever is less, shall be used for a home occupation;~~ No home occupation shall produce any offensive noise, vibrations, smoke, dust, heat, odor, glare, traffic hazard or congestion, or have an adversely affect on the surrounding properties.
 - 6) ~~Only two (2) person(s) outside of the dwelling may be engaged in the home occupation; and,~~ Requires no internal or external alterations, construction features, equipment, or machinery not customary in residential areas.
 - 7) Traffic generation shall not exceed the traffic volumes generated by nearby residents.
 - 8) Only two (2) persons outside of the dwelling may be engaged in the home occupation; and
 - 9) No mechanical equipment shall be installed or used except such that is normally used for domestic, professional, or hobby purposes and which does not cause noise or other interference in radio and television reception.
 - 10) Proposed Home Occupation permits in the GB, General Business district, shall not expand or increase the existing non conforming use or structure.

6.5 FINAL PLAT CONTENTS

C. Certificates Required on Final Plat

The following Certificates can be found in Appendix D.

- 1) Certificate of Ownership, Dedication and Jurisdiction
- 2) Certificate of Approval Subdivision Public Road Construction by NCDOT District Engineer
- 3) Surveyor Certificate I
- 4) Surveyor Certificate II
- 5) Surveyor Certificate III
- 6) Parcel Identifier Certificate
- 7) Certificate of Registration by Register of Deeds (unsigned)
- 8) Certificate of Final Plat Approval

APPENDIX D TYPICAL FORMS AND SURVEYOR NOTES**PERFORMANCE GUARANTEE REQUIREMENTS****Guarantee Required Prior to Signing Final Plat**

Prior to signing the Final Plat for recordation by the Administrator, items A or B in this ~~Article~~ **section** must be complete. Upon default, meaning failure on the part of the subdivider to complete the required improvements in a timely manner as spelled out in the performance bond or escrow agreement, then the surety, or the financial institution holding the escrow account shall if requested by Pender County, pay all or any portion of the bond or escrow fund to the County up to the amount needed to complete the improvements based on an engineering estimate. Upon payment, Pender County, in its discretion, may expend such portion of said funds, as it deems necessary to complete all or any portion of the required improvements.

- A. All requirements of this Ordinance are complete including the following:
 - 1) All improvements required by this Ordinance and required as a condition of approval, must be constructed and/or installed. ~~and~~
 - 2) All improvements required by this 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 **accordance** with the standards of this Ordinance. ~~and~~
 - 3) All public streets and related drainage are certified to be complete and in **accordance** with NCDOT requirements by the NCDOT District Engineer.
 - 4) A Defects Guarantee for the required improvements has been submitted and approved in **accordance** 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.
 - 3) Release of Guarantee Security
 - 4) The County may release a portion of any security posted as the improvements are completed once said improvements are inspected and approved and that their construction and installation is complete in accordance with the standards of this Ordinance.

Type Guarantee Required

- A. The Guarantee shall provide for 125% of the estimated cost of completion in one of the following forms:
 - 1) 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.
 - 2) Depositing or placing in escrow, a certified check or cash, conditioned upon satisfactory completion of the final plat requirements and improvements.
 - 3) Filing a performance or surety bond from a licensed surety or bonding company assuring completion of the improvements.

Release of Guarantee Requirements

- A. 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:
- 1) 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,~~
 - 2) Certification from the District Engineer that public streets have been constructed to NCDOT Secondary Road Standards. ~~or,~~
 - 3) 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.
 - 4) Certification of completion and performance of the Drainage System by a Registered Engineer ~~or Land Surveyor.~~ ~~and,~~
 - 5) 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) Performance Guarantees shall require construction and installation of improvements within one year after the date of issuance of a permit or approval of construction plans if no permit is required.
 - 7) The applicant may request up to two (2) extensions up to six months of the time limit for compliance if circumstances beyond the control of the applicant warrant an extension. The request for an extension shall be in writing and accompanied by a schedule for completion of remaining work. Approval of such request shall be at the Administrator's sole discretion.

Required Improvements

- A. 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 1,000 feet 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 feet 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 Flood Insurance Rate Maps (FIRM), 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.

6B

GRANTOR/GRANTEE GRANTEE CERTIFICATE

The following statement shall appear on the plan 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 niese are related to each other in the third degree"

CERTIFICATE OF DISCLOSURE: PRIVATE ROADS

I (we) the developers of _____ subdivision located in the unincorporated area of Pender County understand that the roads in said subdivision are designated private. I understand that ownership and maintenance of the roads will be the responsibility of the developer until such time that the developer designates the responsibility to the property owners' association. Responsibilities must be accepted by the homeowners association as specified in the homeowner covenants for said subdivision. The private roads in said subdivision are to be constructed in accordance with this UDO and all applicable County Codes which includes the design, installation, inspection, and approval by a licensed Professional Engineer (PE) recognized in the State of North Carolina prior to final plat approval for all or a portion of the subdivision. If all or a portion of the road infrastructure system within the subdivision is bonded through a surety, performance bond, or cash escrow, no bond shall be released until all road construction improvements are complete and certified by the Professional Engineer.

It shall be disclosed to the prospective buyer of a lot or lots within the subdivision that road maintenance shall run through the property owners association in perpetuity after acceptance from the developer until such time that the roads are re-platted as publically designated roads and taken over for maintenance through the North Carolina Department of Transportation (NCDOT).

DEVELOPMENT AGREEMENTS

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

REQUIRED CERTIFICATES (PRELIMINARY PLAT)

The following certificates shall appear on the preliminary plat signed and sealed prior to approval:

Certification of Submission
 A copy of this plat has been submitted. Approval is subject to review; this does not constitute an approval.

Pender County Utilities: _____ Date: _____
 Pender County Environmental Health: _____ Date: _____
 Pender County Addressing Coordinator: _____ Date: _____

Certificate of Preliminary Plat Approval
 Preliminary Plat Approved by Pender County for a period of two (2) years subject to the Pender County Unified Development Ordinance requirements and conditions of approval.

Planning Staff: _____ Date: _____

REQUIRED CERTIFICATES (FINAL PLAT)

The following certificates shall appear on the final plat signed and sealed prior to approval:

Certificate of Ownership, Dedication, and Jurisdiction
 I (we) hereby certify that I am (we are) the owner(s) of the property shown and described here on and that I (we) hereby adopt this plan of subdivision with my (our) own free consent and dedicate all streets, alleys, walks, parks, and other areas to public or private use as noted. Further, I (we) certify that the land as shown here on is located within the subdivision jurisdiction of Pender County.

Owner: _____ Date: _____
 Owner: _____ Date: _____

Surveyor Certificate I
 I, _____, certify that this plat was (drawn by me or drawn under my supervision) from (an actual survey made by me or made under my supervision) (deed description in Book _____, Page _____,) or (other); that the boundaries not surveyed are clearly indicated as drawn from the information found in Book _____, Page _____; that the ratio of precision as calculated is 1: _____; that the plat was prepared in accordance with G.S.47-30 as amended.

Witness my original signature, registration number and seal this day of _____ A.D. _____.

Signature: _____ (Seal)
 Registration Number: _____

Surveyor Certificate II
 The subdivision shown on this plat (does/does not) contain Special Flood Hazard Areas and (is/is not) located in a Floodway as delineated by the Federal Emergency Management Agency.

The subdivision shown on this plat (does/does not) contain Areas of Environmental Concern as delineated by the North Carolina Coastal Resources Commission.

Witness my original signature, registration number and seal this day of _____ A.D. _____.

Signature: _____ (Seal)
 Registration Number: _____

Surveyor Certificate III

One of the following must be stated:

1. This plat is of a survey that creates a subdivision of land within the subdivision area of a county or municipality that has an ordinance that regulates parcels of land.
2. This plat is a survey that is located in a portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land and is therefore not subject to regulation by a subdivision ordinance.
3. This plat is of an existing parcel or parcels of land and does not create a new street or change in existing streets as defined in the Unified Development Ordinance and is exempt from the definition of subdivision contained in said Unified Development Ordinance.
4. This plat is a survey of an existing building or other structure, or a natural feature and is therefore not subject to regulation by an ordinance.
5. This plat and survey is a control survey and is therefore not subject to regulation by the Pender County Unified Development Ordinance.
6. This plat is a survey of another category, such as the recombination of existing parcels, a court-ordered survey or other exception to the definition of subdivision and is therefore not subject to subdivision regulation.

Witness my original signature, registration number and seal this day of ____ A.D. ____.

Signature: _____ (Seal)

Registration Number: _____

Note: Surveyor Certificates II & III may be combined into one Certificate.

Parcel Identifier Certificate, Example

Parcel Identifiers have been issued for all parcels shown on this plat.

Tax Supervisor: _____ Date: _____

Certificate of Registration by Register of Deeds

Pender County, North Carolina

Filed for registration on the ____ day of ____ 20__ at ____ a.m./p.m. and duly recorded in book ____ at page ____, slide ____.

Register of Deeds: _____

Private Road Certification

I (we) hereby certify that all private roads as depicted on subdivision plat _____ have been designed, installed, inspected, and approved in accordance with Article 6 of the Pender County Unified Development Ordinance and all applicable Pender County Codes prior to final plat approval for all or a portion of the subdivision.

By certifying the construction of these roads as private, there are no guarantees or assurances of acceptance of said roads by the North Carolina Department of Transportation.

Certified Professional Engineer: _____ Date: _____

(Seal)

Engineer/Surveyor Private Street Certification, Major Subdivisions
(Example Form)

(Letterhead)

Date

Pender County
Planning and Community Development
PO BOX 1519
Burgaw, NC 28425

Re: Private Street & Street Drainage Construction Plans for (Name and Section of Subdivision)

This will provide certification that the construction plans, prepared by me or under my supervision for streets and street drainage in the above referenced development comply with the following requirements:

1. The plans comply with the requirements for submission to the North Carolina Department of Transportation (NCDOT) for approval of construction plans for secondary roads.
2. The plans for construction of the streets and access comply with Minimum Design and Construction Criteria for Subdivision Roads, contained in the NCDOT Subdivision Roads Minimum Construction Standards.
3. The plans provide for street drainage in compliance with the NCDOT Subdivision Roads Minimum Construction Standards and NCDOT Guidelines for Drainage Studies and Hydraulic Design.
4. The street and street drainage construction plans meet the requirements of the Pender County ~~Subdivision Ordinance~~ **Unified Development Ordinance**, and ~~specifications contained in the Ordinance.~~

This certification is provided this _____ day of _____, 20____, to comply with the provisions of The Pender County Unified Development Ordinance.

Surveyor Signature _____ and/or Engineer Signature _____
(Seal) (Seal)

Surveyor Name _____ and/or Engineer Name _____

Engineer/Surveyor Improvement Certification, Major Subdivisions
(Example Form)

(Letterhead)

Date

Pender County
Planning and Community Development
PO BOX 1519
Burgaw, NC 28425

Re: Installation of Required Improvements for (Name and Section of Subdivision)

This will provide certification that the following improvements have been installed to the specifications noted for the above referenced subdivision and section:

1. The streets in this development are private, however, I have observed the construction of said streets and certify that their construction is complete and meets ~~the Standard~~-NCDOT Subdivision Roads Minimum Construction Standards and ~~the~~ drainage facility requirements. Said streets have been designed and constructed in accordance with Minimum Design and Construction Criteria for Subdivision Roads, contained in the NCDOT Subdivision Roads Minimum Construction Standards and NCDOT Guidelines for Drainage Studies and Hydraulic Design.
2. Drainage facilities, in addition to the street drainage, have been installed for the remainder of the development ~~that will to~~ accommodate ~~the a~~ ten year, one hour storm event, without flooding or substantial ponding of water on any lots in the development or any area of the development to be used for building construction. Drainage easements of at least 20 feet in width have been reserved astride these facilities where they are located on private property.
3. Concrete control monuments, or other markers as required in the Pender County Unified Development Ordinance, have been set at the points of curvature (PC and PT) or at the point of intersection (PI) of all street centerline curves. ~~and the~~ All control corners comply with the requirements of Article 5A of GS 39.
4. Steel or iron pipes, not less than one half inch in diameter and at least thirty inches long (property markers), have been installed at all property and lot corners, except those located by concrete monument.
5. Street name signs have been installed at all street intersections in accordance with the specifications and requirements of ~~the~~ Pender County Emergency Management Office.
6. Road signs have been installed in accordance with NCDOT Standards.
7. This development or a portion thereof is located in a FEMA designated Special Flood Hazard Area and a permanent concrete monument located _____ has been installed and its elevation is shown on the final plat of ____ Section ____ OR This development does not contain any FEMA designated Special Flood Hazard Areas and elevation monuments have not been installed.
8. The Homeowner's Association documents for this development have been recorded in Book ____ Page __ and the plat for this Section has been recorded at Slide _____, Sheet _____ and all open space, common area, and facilities shown on the plat have been transferred to the Homeowner's Association.
9. Additional statements verifying the construction of community or public water or sewer systems will be required as appropriate.

This certification is provided this ____ day of _____, 20 _____, to comply with the provisions of The Pender County Unified Development Ordinance.

Surveyor Signature _____ and/or Engineer Signature _____

(Seal)

(Seal)

Surveyor Name _____ and/or Engineer Name _____

STATE OF NORTH CAROLINA

COUNTY OF PENDER

PERFORMANCE GUARANTEE AGREEMENT FOR IMPROVEMENTS
(Example Form)

THIS AGREEMENT MADE AND ENTERED INTO this _____ day of _____, 20____ by and between (Subdivider), hereinafter known as “ the Subdivider”, and Pender County, hereinafter known as “ the County” (The designation Subdivider and County, as used herein shall include said parties, their heirs, successors and assigns and shall include singular, plural, masculine, feminine, or neuter as required by context).

WITNESSETH:

WHEREAS, the Subdivider is attempting to secure from the County approval of a Final Plat of a proposed subdivision to be known as the _____ Subdivision to be located in Pender County, North Carolina, and

WHEREAS, the Pender County ~~Subdivision~~ **Unified Development Ordinance** requires the completion of certain improvements prior to Final Plat approval by the County; and

WHEREAS, said Ordinance also allows the County, at its discretion, to permit the Subdivider to post a Security Guaranty with the County to guarantee the completion of said required improvements; and

WHEREAS, the County desires to approve said Final Plat and, in lieu of requiring completion of all improvements prior to said approval, will accept from the Subdivider the filing of a (Surety Performance Bond with _____ Company as surety), (Letter of Credit from the _____ Bank) or (Cash Deposit and Escrow Agreement with _____ as Escrow Agent) to guarantee and secure completion of said improvements.

IT IS THEREFORE, AGREED AS FOLLOWS:

1. The Subdivider will, on or before the _____ day of _____ 20____, complete as required the following improvements in the _____ Subdivision:
2. The Subdivider shall file with the County of Pender through its Planning Director the Security Guaranty as noted above securing and guaranteeing completion of said improvements by the required date; and
3. When the Security Guaranty noted above is filed and other requirements of said Ordinance are met, then the County acting through its Planning Director will execute the Final Plat of the _____ Subdivision for recording.

Improvement	Cost to Complete

IN WITNESS WHEREOF, the County and the Subdivider have hereunto set their hands and seals, or if corporate, have caused this instrument to be signed in its corporate name by its duly authorized officers by authority of its Board of Directors, the day and year first above written.

For Pender County:

_____ Date: _____
 Planning Director

For Subdivider:

Name/Title: _____ Date: _____
 Signature: _____

IRREVOCABLE LETTER OF CREDIT

(Name of Bank)

(Address, include branch, if any)

(Date)

(Example Form)

Phone Number: _____ Contact Name: _____

Irrevocable Letter of Credit

Number: _____

Pender County Board of Commissioners
805 South Walker Street
Burgaw, NC 28425

Commissioners,

We hereby open our irrevocable credit in your favor available by your drafts at sight on us for a sum not exceeding \$_____ for the account of _____ hereinafter known as "Customer".

When presented for negotiation, drafts must be accompanied by the signed statement of the County Manager of Pender County that drawing is due to default or failure to perform by Customer, the following improvements in the _____ Subdivision on or before the _____ day of _____, 20____:

(List here the required improvements)

The term of this irrevocable credit is through and including the _____ day of _____, 20____ or upon written notice from the Pender County Manager or Planning Director that the required improvements have been timely completed, whichever is earlier.

The Pender County Manager or Planning Director will notify us when either of the following occurs:

1. The required improvements have been timely completed and the credit may be released; or
2. The Customer has failed to perform or is in default hereunder.

All drafts drawn hereunder must be marked as follows:

The amount of any draft drawn under this credit must be entered on the reverse side hereof, and acknowledged by the Pender County Manager and this letter of credit presented to the issuing bank along with a signed notice of failure to perform by the Customer with a list of the improvements that are incomplete.

This Letter of Credit shall be transferable and/or assignable. This Letter of Credit, except as otherwise expressly provided herein, is governed by the Uniform Commercial Code in force in the State of North Carolina on the date hereof,

Very truly yours,

By: _____ By: _____
Name of Bank Authorized Signature

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STATE OF NORTH CAROLINA

COUNTY OF PENDER

PERFORMANCE BOND
(Example Form)

KNOW ALL MEN BY THESE PRESENTS that we, _____ (Name of Subdivision) _____ as Principal, and _____ (Name of Bonding Company) _____ as Surety, a Corporation authorized to transact business in North Carolina, are (the Name of the Bonding Company) held and firmly bound unto the County of Pender, a political subdivision of the State of North Carolina, and a body politic and corporate, in the sum of \$ _____, lawful money of the United States of America, for the payment of which, will and truly be made, we, and each of us, bind ourselves and each of us, our successors and assigns, jointly and severally, by these presents.

THE CONDITIONS OF THIS OBLIGATION ARE SUCH THAT:

WHEREAS, the Principal has submitted a Final Plat of the subdivision known as _____ Subdivision, located in Pender County, North Carolina, for approval by Pender County, which approval is a condition precedent to the right of said Principal to have said final plat registered in the Office of the Register of Deeds for Pender County; and

WHEREAS, the Pender County Planning Director is unable, pursuant to County Ordinance, to sign said plat of said Subdivision for registration until all required improvements are completed or until a guarantee of completion of said required improvements is filed with the County of Pender through said County Planning Director; and

WHEREAS, the Principal does this date agree to complete the improvements listed in Exhibit A attached hereto as required by the Pender County Unified Development Ordinance on or before the _____ day of _____, 20____;

NOW THEREFORE, if the Principal shall fully comply with all the terms hereof, including the requirements of that Agreement attached hereto as Exhibit A, by which the Principal agrees to complete certain improvements on or before the _____ day of _____, 20____, then this obligation shall be null and void; otherwise, it shall remain in full force and effect.

It is hereby understood and agreed that in the event that any required improvements as included in the attached Agreement, Exhibit A, have not been installed as provided in said Agreement within the term of Performance Bond, Pender County may thereupon declare this bond to be in default and collect the amount of funds indicated in said Agreement for the cost of installation of said improvements. Upon receipt of the proceeds of this Bond, Pender County shall use such proceeds for completion of the installation of the required improvements to the extent that such funds will provide for completion and will refund to the Principal and Surety, as their interest may appear, any surplus not needed to complete said improvements.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers by authority of its Board of Directors, the day and year first above written.

Principal: _____ Surety: _____

By: _____ (SEAL)
President

By: _____ (SEAL)
Attorney-in-fact (Power of Attorney attached)

Attest: _____

STATE OF NORTH CAROLINA

COUNTY OF PENDER

ESCROW AGREEMENT
(Example Form)

THIS AGREEMENT entered into by and among Pender County acting through the Pender County Planning Director, hereinafter referred to as "County", _____, the developer of _____, hereinafter referred to as "Developer", and _____, hereinafter referred to as "Escrow Agent." (The designation County, Developer and Escrow Agent, as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine, or neuter as required by context);

WITNESSETH:

WHEREAS, _____, the developer has applied for approval of a subdivision development in Pender County known as _____ under Pender County's ~~Subdivision Ordinance~~ **Unified Development Ordinance**, herein referred to as " Ordinance"; and

WHEREAS, the approved plat proposes improvements which have not been completed; and

WHEREAS, pursuant to the Ordinance, developers are required to provide performance guarantees that proposed improvements will be completed in accordance with the Ordinance and with plans submitted for the subdivision development; and

WHEREAS, the Developer wishes to tender cash deposits to comply with the Performance Guarantee Agreement.

Now, Therefore, the Developer tenders with this agreement the sum of (\$_____) dollars to the Escrow Agent to assure compliance with the Performance Guarantee Agreement for the construction of the improvements listed in the Performance Guarantee for subdivision. The Escrow Agent will deposit those funds in an account and by their execution of this agreement, the parties hereto agree that such funds will only be disbursed upon the authorized signature the County, through the County Planning Director in accordance with the following escrow instructions:

1. The funds may be deposited in a federally insured institution at interest payable to the Developer.
2. Funds will be disbursed after improvements secured by the Performance Guarantee Agreement are completed.
3. Upon completion of the prescribed improvements, the Developer will submit a written request for disbursement to the County through the Planning Director, together with a certification satisfactory to the County from an engineer or other qualified person that the prescribed improvements have been completed in accordance with the Ordinance and approved plans.
4. Upon receipt of the request for disbursement the County Planning Director will determine if the prescribed improvements have been completed as required and proposed, and shall either inform the Developer of any deficiencies in order that they may be corrected, or authorize disbursement in the event they have been satisfactorily completed as prescribed.
5. Upon submission, execution and approval of the request for disbursement by the Developer and the County through the Planning Director, it shall be forwarded to the Escrow Agent who shall make disbursements in accordance with the approved request.
6. Upon completion of improvements and receipt of an approved Final Request and Authorization for release of escrow funds, the Escrow may be terminated.
7. In the event that Developer and/or his contractor does not complete the improvements provided for herein by the ____ day of ____ 20____, then County may, at its sole option give **the** Developer 30 days notice of its intent to declare the Agreement in default. If **the** Developer does not complete the improvements provided for herein within the 30 day period, or reach other satisfactory arrangements with the County, then the County may in its sole discretion declare this Agreement to be in default and may demand that the Escrow Agent forthwith pay all sums held by him and not previously released for _____ subdivision to the County. The County agrees that it will use such sums so received to apply toward the completion of the improvements to the extent that said sums last, and will refund to Developer any surplus not needed to complete said improvements. Provided, that the County does not agree to complete the improvements using any of its own funds, nor does it obligate to ensure the completion of the improvements beyond the sums made available under this Agreement to pay for same.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers by authority of its Board of Directors, the day and year first above written.

FOR: PENDER COUNTY

Planning Director Date

FOR: SUBDIVIDER

Print Name Title

Signature Date

FOR: ESCROW AGENT

Print Name Title

Signature Date

STATE OF NORTH CAROLINA, COUNTY OF PENDER

I, _____, a Notary Public, certify that _____, personally came before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal, this the _____ day of __, 20 ____ .

_____ My Commission Expires: _____

Notary Public

STATE OF NORTH CAROLINA, COUNTY OF PENDER

I, _____, a Notary Public, certify that _____, personally came before me this day and acknowledged that he is President of _____, a non profit corporation of the State of North Carolina and that authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by him as its President. Witness my hand and official seal, this the _____ day of _____, 20 ____ .

_____ My Commission Expires: _____

Notary Public

STATE OF NORTH CAROLINA, COUNTY OF PENDER

I, _____, a Notary Public, certify that _____, personally came before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal, this the _____ day of __, 20 ____ .

_____ My Commission Expires: _____

Notary Public

FOR RELEASE OF ESCROW FUNDS
REQUEST AND AUTHORIZATION FOR RELEASE OF ESCROW FUNDS
(Subdivision Name)
(Example Form)

Whereas, Pender County and _____ (“the Subdivider”) have entered into an agreement to escrow funds to insure the completion of improvements in _____ (Subdivision Name) here after referred to as the “Subdivision”; and

Whereas, a certain phase of the improvements in the Subdivision have been completed and the parties, by their execution of this request and authorization, agree to the disbursement of escrowed funds as follows:

(Insert improvements completed and amount to be disbursed)

Now, therefore, the parties to the Escrow Agreement for the Subdivision hereby authorize the escrow agent to disburse the sum of _____ Dollars in accordance with the Escrow Agreement.

IN WITNESS WHEREOF, the County and the Subdivider have hereunto set their hands and seals, or if corporate, have caused this instrument to be signed in its corporate name by its duly authorized officers by authority of its Board of Directors, the day and year first above written.

TYPE REQUEST: Partial or Final

REQUEST FOR RELEASE OF ESCROW FUNDS:

FOR: SUBDIVIDER

Print Name Title

Signature Date

AUTHORIZATION FOR RELEASE OF ESCROW FUNDS:

FOR: PENDER COUNTY

Planning Director Date

DEFECTS GUARANTEE FOR THE BENEFIT OF PENDER COUNTY

(Example Form)

THIS DEFECTS GUARANTEE, made and granted this _____ day of _____, 20____, by _____, hereinafter referred to as “ Subdivider” ; and _____, hereinafter referred to as “ Guarantor,” to PENDER COUNTY, a political subdivision of the State of North Carolina, hereinafter referred to as the “ County” (The designation Guarantor and County, as used herein shall include said parties, their heirs, successors and assigns and shall include singular, plural, masculine, feminine or neuter as required by context);

WITNESSETH:

WHEREAS, the Subdivider has applied to Pender County for approval of a development known as _____; and

WHEREAS, the Subdivider has submitted a final plat for approval for said development and all improvements required by the Pender County ~~Subdivision Ordinance~~ **Unified Development Ordinance** are complete; and

WHEREAS, the County, has determined that pursuant to the Pender County ~~Subdivision Ordinance~~ **Unified Development Ordinance** a Defects Guarantee is required as a condition of approval of the development and such Guarantee would benefit the public welfare;

THEREFORE THE SUBDIVIDER AND GUARANTOR, as a condition of final plat approval, make the following warranty:

1. Purpose of Agreement

The purpose of this agreement is to provide a guarantee on all improvements required by the Pender County ~~Subdivision Ordinance~~ **Unified Development Ordinance** for _____.

2. Guaranty

2.1 Subdivider hereby warrants that all utility taps, ramps, streets, pavement, sidewalks, drainage facilities, water and sewer lines, and/or other improvements, as required by the Pender County ~~Subdivision Ordinance~~ **Unified Development Ordinance** and proposed for the said development as presented and approved with the Preliminary Plat approved on the ____ day of _____, 20____ will be free of defects in design and construction for one (1) year from the date of issue of a signed acceptance of construction by the Pender County Planning Director.

2.2 In the event the County notifies the Subdivider of a defect within one year from the date of acceptance of construction of all improvements, it is hereby understood and agreed that Subdivider will correct such defect(s) within 30 days of receipt of a written “ Notice to Correct Defect” received from the County.

2.3 The County Shall inspect any attempted repairs as soon as possible upon notification from the Subdivider that repairs have been completed, and shall not unreasonably delay or withhold approval of repairs.

3. Remedies

It is understood and agreed that in the event the Subdivider fails to correct such defect within 30 days of receipt of written notice by the Subdivider as set forth herein, a violation of the Pender County ~~Subdivision Ordinance~~ **Unified Development Ordinance** will exist on the property and the Subdivider will be subject to Penalties for Violations as prescribed in the Legal Provisions of said Ordinance. In addition, it is understood and agreed that upon the 60th day after the “ Notice to Correct Defect” is received by the Subdivider that approval of the development’s final plat will terminate and such termination of approval will prohibit any additional sale of lots in the development. The Subdivider further agrees that any sale of a lot after the termination of approval of the plat for the Development will constitute a separate offence under the provisions of said ~~Subdivision Ordinance~~ **Unified Development Ordinance** and that upon any successful verdict from a Court of Competent Jurisdiction, the Subdivider must pay the cost, including reasonable attorney fees, incurred by Pender County in obtaining such verdict. The remedies noted herein shall be in addition to any other remedy the County may have at law, including injunctive relief.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers by authority of its Board of Directors, the day and year first above written.

FOR: SUBDIVIDER and/or PERSONAL GUARANTOR **

_____	_____
Print Name	Title
_____	_____
Signature	Date

STATE OF NORTH CAROLINA, COUNTY OF PENDER

I, _____, a Notary Public, certify that _____, personally came before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal, this the _____ day of __, 20 ____ .

_____ My Commission Expires: _____
Notary Public

(And For a Corporation)

_____ Company Name

_____	_____
Print Name of Signer	Title
_____	_____
Signature of Signer	Date

ATTEST:

Secretary

STATE OF NORTH CAROLINA, COUNTY OF PENDER

I, _____, a Notary Public, certify that _____, personally came before me this day and acknowledged that he is Secretary of _____, a corporation of the State of North Carolina and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with the corporate seal, and attested by himself as its Secretary. Witness my hand and official seal, this the _____ day of _____, 20____.

_____ My Commission Expires: _____
Notary Public

** If Subdivider is a corporation, a personal guarantee must also be provided by owner, developer, or other individual.

PRIVATE STREET STANDARDS, PENDER COUNTY - "Private Streets shall meet all construction and design standards as required for Secondary Roads for acceptance by NCDOT."
As Adopted By The Pender County Board Of Commissioners 3-15-04.

Engineer Certification - Low Impact Development Project
Example Form

(Letterhead)

Date:

Pender County
Planning and Community Development
PO Box 1519
Burgaw, NC 28425

Re: Low Impact Development Project Certification for: (Name and Section of Subdivision)

This will provide certification that the design plans, prepared by me or under my supervision, for stormwater management in the above referenced development comply with the following requirements:

- The LID Project complies with the requirements for stormwater management as set forth in 15A NCAC 02H.1005.
- The LID Project utilizes a combination of engineered, structural LID stormwater best management practices (BMPs) as defined in *Chapter 4: LID Stormwater BMPs* of North Carolina State University's *Low Impact Development: A Guidebook for North Carolina* and designed in accordance with 15A NCAC 02H .1008 to treat runoff from all surfaces generated by one and one-half inches of rainfall, or the difference in the stormwater runoff from all surfaces from the predevelopment and post-development conditions for a one-year, 24-hour storm, whichever is greater, in order to achieve average annual 85% Total Suspended Solids (TSS) removal for the developed area of a site.
- The LID Project utilizes a combination of engineered, structural LID stormwater best management practices (BMPs) as defined in *Chapter 4: LID Stormwater BMPs* of North Carolina State University's *Low Impact Development: A Guidebook for North Carolina* to control and treat the increase in storm water runoff volume associated with post-construction conditions as compared with pre-construction (existing) conditions for the 1-year frequency, 24-hour duration storm event in order to achieve a storage volume discharge rate equal to or less than the predevelopment discharge rate for the 1-year, 24-hour storm event.

This certification is provided this ____ day of _____, 20____, to comply with the provisions of the Pender County Unified Development Ordinance.

(Engineer Signature)
Seal

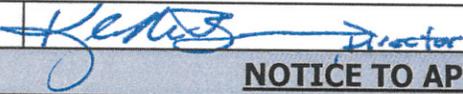
(Engineer Name)

APPLICATION FOR TEXT AMENDMENT

THIS SECTION FOR OFFICE USE			
Application No.	ZTA 10062	Date	1/20/2012
Application Fee	\$ N/A	Receipt No.	
Pre-Application Conference	N/A	Hearing Date	3/6/2012 3/19/2012

SECTION 1: APPLICANT INFORMATION	
Applicant's Name:	Pender County Planning and Community Development Department
Applicant's Address:	805 S. Walker Street
City, State, & Zip	Burgaw, NC 28425
Phone Number:	910-259-1202

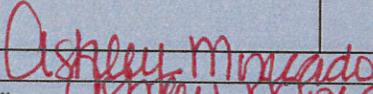
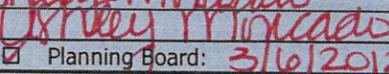
SECTION 2: UDO TEXT TO BE AMENDED	
Current Text to be Amended (Please site accurate Article number referenced):	
Sections 3.4.1, 3.4.6, 5.2.3, 5.3.3.B, 5.3.3.C, 6.5.C, and Appendix D	
Proposed Text to be added:	

SECTION 3: SIGNATURE	
Applicant's Signature 	Date: 1-20-2012

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:	1/20/2012
Application completeness approved by:		Date:	1/20/2012
Dates Scheduled for Public Hearings:	<input checked="" type="checkbox"/> Planning Board: 3/6/2012	<input checked="" type="checkbox"/> BOC: 3/19/2012	

Pender County Planning and Community Development

7A

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



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

MEMORANDUM

To: Pender County Planning Board

From: Kyle M. Breuer, Director

Date: March 6, 2012

RE: Discussion Items, 3/6/2012 Planning Board Agenda

Planning Board Members,

The following items are to be presented to the Board during the discussion items portion of your agenda. Staff is requesting feedback and direction from the Board on these various topics.

Manor at Mill Creek (Tab #1)

Staff has been approached with a request to develop two lots (28 and 31) utilizing off-site septic easements within the common area in the Manor at Mill Creek, a subdivision initially approved by the Board in May 2006 and subsequently recorded in June 2007.

Upon review, staff noted that Lot 31 was not indicated as a lot to be served by off-site septic in the initial staff report nor indicated on the recorded final plat. In order to do so, an additional special purpose lot for lot 31 must be created (indicated as 31A). This special purpose lot is proposed within a portion of the common area. Open space requirements of 15% (7.6 acres for this project) under the 1988-2010 Zoning Ordinance will still be met. In addition, all property owner signatures within the subdivision will be required on the final plat for disclosure and all other applicable Ordinance provisions have been met. The Zoning and Subdivision Ordinance which governs this subdivision does not give adequate direction to facilitate the request.

Attached is the final plat signed by our office in 2007 and the proposed revision to this plat showing the special purpose lot for Lot 31 (labeled 31A) to utilize off-site septic service for this lot.

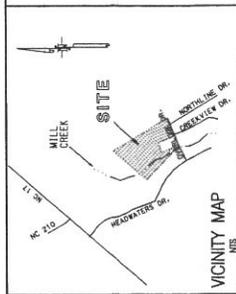
Thoroughfare Setbacks (Tab #2)

Following discussion at your previous meeting (2/7/2012), staff has analyzed properties that may be affected by thoroughfare setbacks as previously discussed (attached). Staff is requesting the Board's recommendation on moving this project forward in determining the proposed thoroughfare setback, uses permitted within the proposed setback, establishing a legal non-conformity by excepting out lots created after a certain date, and public participation means for distributing the proposed information.

Uses Permitted in the GB, General Business District (Tab #3)

Based off of Board feedback, Staff has prepared a breakdown of uses within the UDO that have existing development standards as well as proposed uses to include additional standards, require a SUP, and removal from the General Business zoning district. It is intended to work through these uses to develop standards or

relocate to another zoning district. This will need to be completed prior to the Board and Staff initiated rezoning of existing, vacant, Planned Development zoned properties.



VICINITY MAP
MS

E.M. ROAD NAME CERTIFICATE
THE ROAD NAMES IN THIS PLAT HAVE BEEN APPROVED BY FERNER COUNTY ENGINEERING MANAGEMENT.

E.M. APPROVAL: _____ DATE: _____

PARCEL IDENTIFIER CERTIFICATE
PARCEL IDENTIFIERS IN THIS PLAT HAVE BEEN ISSUED FOR ALL PARCELS SHOWN ON THIS PLAT.

FILED FOR REGISTRATION ON THE _____ AT _____ IN FERNER COUNTY, NORTH CAROLINA.

DATE OF REGISTRATION: _____

CERTIFICATE OF REGISTRATION
I HEREBY CERTIFY I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREIN AND THAT I HEREBY ADAPT THIS PLAN OF SUBDIVISION TO THE FURNISHING OF PUBLIC OR PRIVATE USE AS NOTED. I HEREBY CERTIFY THAT THE LAND AS SHOWN HEREIN IS LOCATED WITHIN THE SUBDIVISION JURISDICTION OF FERNER COUNTY.

DATE: 4/11/07

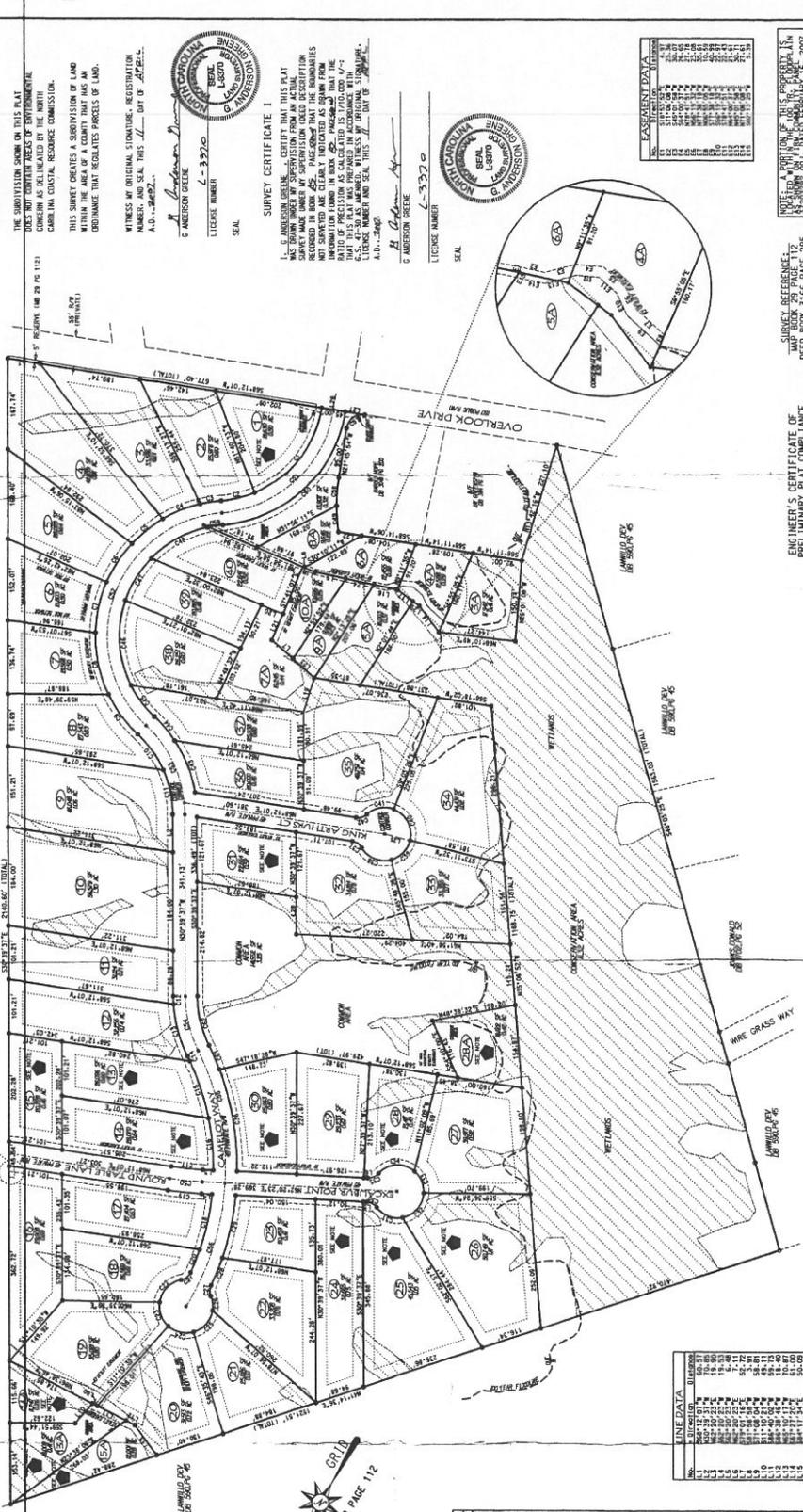
CERTIFICATE OF OWNERSHIP, DEDICATION, AND JURISDICTION
I HEREBY CERTIFY I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREIN AND THAT I HEREBY ADAPT THIS PLAN OF SUBDIVISION TO THE FURNISHING OF PUBLIC OR PRIVATE USE AS NOTED. I HEREBY CERTIFY THAT THE LAND AS SHOWN HEREIN IS LOCATED WITHIN THE SUBDIVISION JURISDICTION OF FERNER COUNTY.

DATE: 4/11/07

CERTIFICATE OF FINAL PLAT APPROVAL
FINAL PLAT APPROVED UNDER THE FERNER COUNTY SUBDIVISION ORDINANCES.

APPROVED: _____ DATE: 6/19/07

SURVEY CERTIFICATE II AND III
I, E. ANDERSON GREENE, CERTIFY THAT THIS PLAT DOES CONTAIN SPECIAL FLOOD HAZARD INFORMATION AS REQUIRED BY THE FEDERAL EMERGENCY MANAGEMENT ACT.



ROAD OWNERSHIP NOTE:
THAT THE ROAD NAMED HEREIN IS TO BE MAINTAINED BY THE INDIVIDUAL PROPERTY OWNERS AND TO BE MAINTAINED BY THE INDIVIDUAL PROPERTY OWNERS AND TO BE MAINTAINED BY THE INDIVIDUAL PROPERTY OWNERS.

EASEMENT NOTE:
ALL KEY ACCESS EASEMENTS SHOWN OR DESIGNATED ON THIS PLAT, INCLUDING THE EASEMENTS OF ALL EGRESS ACCESS FROM EGRESS POINTS, ARE TO BE MAINTAINED BY THE INDIVIDUAL PROPERTY OWNERS AND TO BE MAINTAINED BY THE INDIVIDUAL PROPERTY OWNERS.

SEPTIC EASEMENT MAINTENANCE NOTE:
SEPTIC LOTS ARE DESIGNATED AS RDA COMMON AREA AND ARE TO BE MAINTAINED BY THE INDIVIDUAL PROPERTY OWNERS AND TO BE MAINTAINED BY THE INDIVIDUAL PROPERTY OWNERS.

MAP BOOK 29 PAGE 112

LINE NO.	LINE DATA	BEARING	DISTANCE
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42	S 89° 52' 22" E	11.91	13.00
43	N 00° 00' 00" E	11.91	13.00
44	S 00° 00' 00" W	11.91	13.00
45	N 89° 52' 22" W	11.91	13.00
46	S 89° 52' 22" E	11.91	13.00
47	N 00° 00' 00" E	11.91	13.00
48	S 00° 00' 00" W	11.91	13.00
49	N 89° 52' 22" W	11.91	13.00
50	S 89° 52' 22" E	11.91	13.00
51	N 00° 00' 00" E	11.91	13.00
52	S 00° 00' 00" W	11.91	13.00

LINE NO.	LINE DATA	BEARING	DISTANCE
1	N 89° 52' 22" W	11.91	13.00
2	S 89° 52' 22" E	11.91	13.00
3	N 00° 00' 00" E	11.91	13.00
4	S 00° 00' 00" W	11.91	13.00
5	N 89° 52' 22" W	11.91	13.00
6	S 89° 52' 22" E	11.91	13.00
7	N 00° 00' 00" E	11.91	13.00
8			

7A
TAB2

Properties Affected by the Proposed 50 foot Setback off of Existing Right of Way	
Structures	9
Parking Lots	36
Structures and Parking Lots	18
Total Properties	241

Properties Affected by the Future 140 ft. Right of Way	
Structures	4
Parking Lots	26
Structures and Parking Lots	5
Total Properties	241

Existing Standards in the Unified Development Ordinance		
Use	Existing Standards	Standards for Consideration
Accessory structures	Setbacks, size, location on property	
Accessory dwelling unit	Setbacks, size, location on property	
Auto service station	Setbacks	Review process to include SUP, landscaping, screening, revise setbacks
Adult and sexually oriented businesses	Location to other uses, structure size	
Agritourism activities on active farms	Operations, setbacks	
Amusement or water parks	Setbacks, fencing, lot size	Review process to include SUP
Bona fide farm purposes	Review process	
Cemeteries	Setbacks	
Community boating facility	Size, review process	
Cottage Occupation	Size, setbacks, operations	
Emergency/disaster relief housing	Time period	
Family care home	Size, review process	
Home Occupation	Size, operations	
Hotels and motels	Setbacks, building height	Landscaping, screening, location of parking and pool adjacent to residential uses
Manufactured home	Year constructed	
Manufactured home community	Setbacks, dimensions, design standards	
Marinas (Commercial)	Setbacks, review process	
Pet care services	Setbacks, lot size, review process	
Portable storage containers	Setbacks, size, time period	
Private residential boating facility	Size	
Recreational Vehicle Park	Setbacks, dimensions, public facilities, design standards	
Retail sales and services	Use standards	
Salvage operations	Fencing, setbacks, location on property	
Swimming Pools	Setbacks	
Swine farms	Review process	
Teller machines	Setbacks	
Temporary events	Review process	
Temporary Modular/Manufactured Offices	Time period	
Temporary fruit and vegetable stand	Review process, setbacks	
Temporary buildings for construction	Time period, setbacks	
Telecommunication facilities	Setbacks, review process	
Vehicle storage	Vehicle type, time period	

Proposed revisions

Use	Standards for Consideration
Motor vehicle parts dealers	Review process to include SUP, location to residential uses, setbacks, screening, lighting
Outdoor power equipment	Setbacks, landscaping, screening
Manufactured home dealers	Review process to include SUP, landscaping, setbacks, lighting
Automotive equipment rental and leasing	Review process to include SUP, setbacks, landscaping, screening, lighting
Garbage collection services	Review process to include SUP, setbacks, landscaping, screening, lighting
Residential mental retardation, substance abuse facilities	Remove from General Business zoning district
Spectator sports	Review process to include SUP, setbacks, landscaping, screening, lighting, lot size, location to residential uses
Racetracks	Remove from General Business zoning district
Arcades	Review process to include SUP
Migrant workers camps	Remove from General Business zoning district
Worker's camps	Remove from General Business zoning district
Worker's dormitories	Remove from General Business zoning district
Limited service eating places	Setbacks, landscaping, screening
Special food services – mobile food carts	Review process, location on property
Outdoor sales or display areas	Setbacks, landscaping, screening
Mobile/modular home sales lot	Setbacks, landscaping, screening
Vehicle and heavy equipment sales, leasing, and renting	Setbacks, landscaping, screening
Vehicle service and garage	Setbacks, landscaping, screening
Flea markets	Hours of operations, setbacks, landscaping, screening
Electronic gaming operation	Hours of operation, location to residential uses, schools, bars, churches, and other gaming facilities, number of machines
Bar and taverns	Hours of operation, location to residential uses, schools, and churches
Correctional facilities	Setbacks, Location to residential uses and schools, screening
Drive thru facilities	Location of drive thru menu and window, setbacks