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, April 3, 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: (March 6, 2012)**

3. **Public Comment:**

4. **Presentation:**

(Public Hearings)

5. **Comprehensive Land Use Plan Map Amendment:**
   Earnest Grayling Shingleton, applicant and owner, is requesting an amendment to the Pender County Comprehensive Land Use Plan, Future Land Use Map. The requested amendment is to reclassify the subject property's Future Land Use Classification from Conservation to Rural Growth. The subject property is located north of Hoover Road on JA Drive in Hampstead; there is one tract totaling ±110 acres associated with this request and may be identified as PIN 3284-79-6395-0000.

6. **Discussion Items:**
   A. **Planning Staff:**
      i. Thoroughfare Setbacks (Continued from 3/6/2012)
      ii. Permitted Uses within the GB, General Business District (Continued from 3/6/2012)
      iii. Minor Subdivision Road Standards
      iv. Sweepstakes Center Development Standards

   B. **Planning Board Members:**

7. **Adjournment:**

5A

PLANNING STAFF REPORT
Zoning Map Amendment

SUMMARY:

Hearing Date: April 3, 2012- Planning Board
May 21, 2012- Board of Commissioners
Case Number: 10697- Shingleton (CMA)
Applicant: Earnest Grayling Shingleton
Property Owner: Same

Proposal: Earnest Grayling Shingleton, applicant and owner, is requesting an amendment to the 2010 Comprehensive Plan Future Land Use Map. The proposed amendment would change the subject property's Future Land Use Classification from Conservation to Rural Growth.

Property Record Numbers, Acreage, and Location: The subject property is located north of Hoover Road on JA Drive in Hampstead; there is one (1) tract totaling ±110 acres associated with this request and may be identified as PIN 3284-79-6395-0000.

Comprehensive Plans and Policies Committee (CPPC) Consensus: The Pender County CPPC has **no objection** to this proposal; please find the attached Memorandum.

Staff Recommendation: This proposal consists of changing one (1) tract totaling ±110 acres from the Conservation Land Use Classification to the Rural Growth Classification as shown on the 2010 Comprehensive Plan Future Land Use Map. The Pender County Comprehensive Plans and Policies Committee (CPPC) have no objection with this proposal. Therefore, staff respectfully recommends that the request be approved.

DESCRIPTION:

As outlined in the 2010 Comprehensive Plan; Policy 11A.1.4 any request to amend either the written text and/or the maps within the Plan shall follow the same process as a text or map amendment as described in the Unified Development Ordinance.

The applicant is requesting approval of an amendment to the 2010 Comprehensive Plan Future Land Use Map. The proposed amendment would change one (1) tract totaling ±110 acres Future Land Use Classification from Conservation to Rural Growth.

The property is located north of the terminus of Hoover Road, on JA Drive in Hampstead and may be identified as Pender County PIN 3284-79-6395-0000.

The adoption of the 2010 Comprehensive Land Use Plan Future Land Use Map placed the subject property into the Conservation Land Use Classification. The property is located within the Coastal Pender Study Area.

The Conservation Land Use Classification is described in the 2010 Comprehensive Land Use Plan as areas that are owned in fee simple or have protective easements. These areas represent areas of special significance and unique characteristics that make them worthy of preservation. Current conservation areas are typically owned by Federal or State agencies or private conservation groups and are often designated as Areas of Environmental Concern (AECs). According to the 2010 Comprehensive Plan Conservation areas are comprised primarily of Holly Shelter Game Land (48,000 acres) and Angola Bay Game Land (35,783 acres). Other major conservation areas are located in Coastal Pender along the Intracoastal Waterway and major streams leading to the waterway; along the Black and Cape Fear Rivers in western Pender County; and along the Northeast Cape Fear River.

According to the applicant, the property is currently privately owned, and a change in the Future Land Use Classification would allow the property to be developed in the future. The subject property described in Deed Book 362, Page 525 dated August 16, 1960 notes that the North Carolina Wildlife Resources Commission settled a land controversy between the State of North Carolina and Mr J A Shingleton. This property has remained in private ownership from that date.

The applicant is requesting the Rural Growth Future Land Use Classification. This designation would be consistent with other properties that are abutting the Holly Shelter Game Lands, with the exception of the properties abutting the Holly Shelter Game Lands in the Coastal Pender Study Area, these are designated as Suburban Growth.

The Rural Growth Land Use Classification is described in the 2010 Comprehensive Land Use Plan as areas of Pender County where urban services, i.e., public water and sewer services, are not expected to be extended within the planning horizon. Rural Growth areas are where preservation of agricultural operations is a primary concern and where conflicts between agricultural and non-agricultural uses are to be discouraged.

According to Pender County Utilities (PCU) "the subject property is too far (+/- 2.5 mi) from current water lines to require mandatory connection even if a developer added 100+ lots. Therefore, PCU could not require a developer to extend water/sewer lines to this parcel. Water and sewer extensions to this parcel would only be installed to this location by a developer, and only if they so desire it. Currently PCU does not have plans or envision water/sewer mains being extended to serve this property within the planning horizon (next 5 years)."

The property does contain FEMA Special Flood Hazard Areas (SFHA) as shown on the effective Flood Insurance Rate Map (FIRM) dated February 16, 2007. Portions of the subject property are located in the SFHA "AE Zone" and "A Zone". The "AE Zone" is where the Base Flood Elevation (BFE) has been determined and the SFHA "A Zone" is where the BFE has not been previously determined.

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 to the south of the subject property are zoned RA, Rural Agricultural. The property to the north, east and west (Holly Shelter Game Lands) is zoned EC, Environmental Conservation District.

C. ***Existing Land Use in Area:*** The existing land use in the area includes low density residential to the south and the Holly Shelter Game Lands to the north, east and west.

D. ***2005 CAMA Land Use Plan Compliance:*** The 2005 CAMA Land Use Plan classifies the subject property into four (4) land use classifications: Conservation I, Conservation II, Urban Growth Areas and Rural Areas.

E. ***Summary & Staff Recommendation:*** This proposal consists of changing one (1) tract totaling ±110 acres from the Conservation Land Use Classification to the Rural Growth Classification as shown on the 2010 Comprehensive Plan Future Land Use Map. The Pender County Comprehensive Plans and Policies Committee (CPPC) have no objection with this proposal. Therefore, staff respectfully recommends that the request be approved.

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.*

VOTING AND RESOLUTION:

<u>Planning Board</u>

Motion:_____Seconded: _____

Approved: _____Denied:_____Unanimous:_____

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

TECHNICAL REVIEW COMMITTEE (TRC) RESPONSES:

Cape Fear Council of Governments RPO
No response.

Four County Electric Company
No response.

NC DENR Division of Coastal Management
No response.

NC DENR Division of Forestry
No response.

NC DENR Division of Land Resources
No response.

NC DENR Division of Waste Management
No response.

NC DENR Division of Water Quality
No response.

NC DOT Division of Highways
No response.

NC DOT Transportation Planning Branch
Due to no development at this time we have no comments.

NC Office of State Archaeology
No response.

NC Wildlife Resources Commission
No response.

Pender County Building Inspections
No response.

Pender County Permitting
A portion of this property is in a SFHA and any development will require a permit from this office. Development means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Pender County Emergency Management
No response.

Pender County Environmental Health
I looked over the latest TRC Amendment (10697) and at this time, Environmental Health does not have any issue with the proposal.

Pender County Fire Marshal
No response.

Pender County Parks and Recreation
No response.

Pender County Public Library
No response.

Pender County Public Utilities
This property is too far (+/- 2.5 mi) from current water lines to require mandatory connection even if a developer added 100+ lots.
Therefore, we could not require a developer to extend water/sewer lines to this parcel. Water and Sewer Extensions to this parcel would only be installed to this location by a developer, and only if they so desire it.

There are no plans to, and I do not envision water/sewer mains being extended to serve this property within the planning horizon (next 5 years).

Pender County Schools
I have no objections to the request.

Pender County Sheriff's Department
No comments.

Pender County Soil and Water Conservation District
Soil and Water sees no problem with this request. Appears property adjoins Holly Shelter Gamelands.

Progress Energy Corporation
No response.

US Army Corps of Engineers
No response.

Wilmington Metropolitan Planning Organization
No response.

5B

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MEMORANDUM

To: Pender County Planning Board

From: Ashley D. Frank, Planner II

Date: March 26, 2012

RE: CPPC Consensus for Case #10697

Planning Board Members,

Please find the following information from the Comprehensive Plans and Policies Committee (CPPC) regarding the Future Land Use Map Classification Change.

According to the 2010 Pender County Comprehensive **Policy 11.A.1.1** the CPPC should consider all proposed amendments and provide a recommendation to the Planning Board regarding the approval or denial of each proposed amendment.

On March 3, 2012, the CPPC was notified of the request via email which contained the complete application packet including the application, site plan and supporting information.

Based off the information received from the CPPC there is no objection to the proposal. Specific dialogue between the CPPC and staff is available.

Comprehensive Plans and Policies Committee (CPPC) Comments:

Comment 1

I remember when we were discussing and planning the Land Use Plan we identified areas of the county that we expect to see growth (both residential and commercial) within the next 10 years and this Hampstead/Hwy 17 corridor was one of those.

The hurdle that the owners/future owners will face is going to be the amount of wetlands (which are already federally protected) with any development plan. Also, because there are SFHA (special flood hazard areas) within the boundaries, there are going to be areas that will be difficult to develop.

So if the definition of Rural Growth District is *"areas of Pender County where urban services, i.e., public water and sewer services, are not expected to be extended within the planning horizon. Rural Growth areas are where preservation of agricultural operations is a primary concern and where conflicts between agricultural and non-agricultural uses are to be discouraged."*

I think we all recognize that sewer and water is eventually going to come up in Hampstead, especially near this area. I wouldn't think that this particular reclassification of the Future Zoning would HELP the Shingleton's with their proposed plans to possibly develop in the future. However, I also feel that the Conservation Classification isn't beneficial for this property owner either.

Before I try to formulate an opinion on this request, I have a number of question about its background. I'd appreciate it if you or your staff could provide some answers:

Comment 2

-- How can this property be zoned for current Rural Agriculture in the UDO but designated Conservation for future use in the CLUP? Zoning classifications were not considered during the creation of the Future Land Use Maps. The zoning and land use classifications were evaluated separately from each other.

-- Why was it designated Conservation in the first place? Are there any "protective easements" on the property? Has it ever been "owned by Federal or State agencies or private conservation groups"? This area was designated as Conservation due to the proximity to Holly Shelter Game Lands and Trumpeter Swamp. Future land use was not intended to be utilized at a parcel by parcel level. There is no known ownership by Fed, State, or conservation groups.

-- What can be done on Rural Growth future use land that can't be done on Conservation? Plowing and planting? Draining? Logging? Mining? Any use currently allowed by-right is permitted in that zoning district, regardless of the land use classification. On the other hand, any use that requires a board approval would be in conflict with the Conservation Classification. Agricultural uses (including timber harvesting) are exempt from any zoning regulations. Mining specifically, currently requires a special use permit in the RA, Rural Agricultural Zoning District. According to the Conservation classification "only public or private open space or uses that require water access and cannot function elsewhere are appropriate in conservation areas".

-- The plot is surrounded on three sides by Holly Shelter Gameland (which is all Conservation). Does HSGL management have a position on this request? The State of NC, being an adjacent property owner, will be notified of all public hearings. Previous submissions bordering Holly Shelter have not rendered a response from the state.

-- It appears on the Small Area Plan that there is a very narrow strip of Conservation land all along the HSGL boundary. Is this strip privately owned? Who owns it? Why is it designated Conservation? The narrow strip referenced is all privately owned property.

-- The plot appears from the aerial photo to be already mostly cleared. Is this significant for its future use? No and the zoning district does not require a significant tree survey to be submitted to our office for approval of removing trees.

-- Are there any threatened or endangered species living in or dependent upon this property? This request is also submitted to the Pender County Technical Review Committee (TRC) which includes a representative of the Wildlife Resources Commission, along with other state and federal agencies. This review allows agencies to have a chance to provide comments to staff pre-development. A summary of all comments received will be included in the staff report presented to the Planning Board and Board of County Commissioners.

On the Coastal Pender Small Area Plan map, the property in question sticks like a thumb into the Holly Shelter Gameland. It's the centerpiece of a long strip of private land bordering Holly Shelter that's designated for future use as Conservation. It appears to be partially cleared already. Apparently it got this designation solely because it's surrounded on three sides by Holly Shelter, which is all designated Conservation. Somebody obviously felt it was an important buffer for the Gameland.

I believe Holly Shelter is a very valuable environmental resource for Pender County and southeastern North Carolina. The managers of Holly Shelter will have an opportunity in the technical review to present their views on this property's importance for perserving the Gameland. It should be their call. If they worry that changing this plot to Rural Growth might threaten Holly Shelter's integrity or wildlife -- plant and/or animal -- then I think that, as the advisory committee defining Pender County's future, we should support them and oppose this application. But if they don't find the change potentially harmful, then I don't see any compelling grounds for trying to save these borderlands for conservation.

Comment 3

The subject tract is comprised of 404 wetlands and agricultural fields which is more in keeping with the definition of a Rural Growth Area. In addition given the current zoning of the tract, Rural Agriculture, a land use designation of Rural Growth Area, would also be more compatible with the zoning district. For these reasons I have no objection to the land use re-designation.

Not knowing what future use may include, my thoughts lean toward what effect any "development" would have on traffic on Hoover Road or would there be access from 210. I am not familiar with this entire situation.

Comment 4
Any potential impact on the route of the Hampstead Bypass? No
no further comment

Comment 5
I agree with XXXXXX comments, recognizing that this tract well fits the Rural Growth type of property. Given the property's use as farmland long before zoning existed in Pender County, the Conservation designation associated with the State's Holly Shelter preserve should not be extended just because it is adjacent land. Given the tens of thousands of acres permanently secured for wildlife next door, I feel future development of this property should not be restricted due to habitat concerns. I support the designation changing to Rural Growth.

Comment 6
It looks to me that the mentioned property could have been or probably was put into the conservation zone because it is surrounded on 3 sides by Holly Shelter. I also noticed that the Shingleton clan must own close to a 1000 acres surrounding this property. I would think we would have a very difficult time defending NOT to rezone so that they could eventually develop all of their property. To me this just looks like anything "close" to Holly Shelter was swallowed up and included without looking too close at ownership. We have in essence "taken" their land by decree. I think that the rezoning should be allowed.

APPLICATION FOR REZONING (Zoning Map Amendment)

THIS SECTION FOR OFFICE USE			
Application No.	~~X~~C MA 10697	Date	February 22, 2012
Application Fee	$ ~~2~~ $50.00	Receipt No.	116725
Pre-Application Conference	1.27.2012	Hearing Date	PB. 4.3.2012 BOCC 5.21.2012

* SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Ernest Grayling Shingleton	Owner's Name:	Ernest Grayling Shingleton
Applicant's Address:	459 JA Dr.	Owner's Address:	459 JA Dr.
City, State, & Zip	Hampstead, N.C. 28443	City, State, & Zip	Hampstead, NC. 28443
Phone Number:	910-352-4140	Phone Number:	910-352-4140
Legal relationship of applicant to land owner:	wife & self		

* SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	4284-79-6395-0000	Total property acreage:	+/- 110 acres
Current ~~Zoning~~ District:	Conservation	Proposed ~~Zoning~~ District:	Rural Growth
Project Address :	459 JA Dr. Hampstead, NC 28443		
Description of Project Location:	end of Hoover Rd & JA Dr.		

SECTION 3: SIGNATURES			
Applicant's Signature	Jerry A. Shingleton	Date:	2-14-12
Owner's Signature	Ernest G. Shingleton	Date:	2.14.12

NOTICE TO APPLICANT

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

To Whom It May Concern:

The property we are referring to is now in the Conservation program. The property is under private ownership. We would like to change the land classifaction to rural growth so that if we would like to develop in future. We did not request it to be in conservation to begin with.

Thank you
Terry Shingleton

STATE OF NORTH CAROLINA - Pender County

The foregoing certificate of R. M. Padrick, Jr., a Notary Public of New Hanover County, under his official seal is adjudged to be correct. Let the said instrument and the certificates be registered.

This, the 16 day of Aug., 1960.

C. D. Murphy
Clerk of Superior Court

Filed for registration on the 16th day of August, 1960, at 9 O'clock A. M.

H. O. Lehman
REGISTER OF DEEDS

STATE OF NORTH CAROLINA
COUNTY OF PENDER

THIS DEED, made and entered into this 10 day of August, 1960, by and between the State of North Carolina, party of the first part, and J. A. Shingleton of Pender County, North Carolina, party of the second part,

WITNESSETH:

THAT WHEREAS, the parties hereto desire to settle a land controversy between said parties; and

WHEREAS, the North Carolina Wildlife Resources Commission authorized and approved the execution of this instrument for the purposes herein set forth on the 15th day of March 1960; and

WHEREAS, the execution of this instrument for and on behalf of the State of North Carolina has been duly approved by the Governor and Council of State by resolution adopted at a meeting held in the City of Raleigh, North Carolina, on the 10 day of August, 1960;

NOW, THEREFORE, in consideration of the premises and the sum of ONE ($1.00) DOLLAR, receipt of which is hereby acknowledged, the party of the first part has remised and released, and by these presents does remise, release, and forever quitclaim unto the party of the second part, his heirs and assigns, all right, title, claim, and interest of the said party of the first part in and to a certain tract or parcel of land lying and being in Topsail Township, Pender County, North Carolina and more particularly described as follows:

BEGINNING at the run of Mauls Branch where the 5th Callin Grant #1371 to Ezekiel Chadwick crosses said Mauls Branch, said Beginning point being located N 82 degrees 32 minutes E 1395.0 feet from a point in the South edge of a small slash leading out of Mauls Bay, the termination of the 4th Call of said Ezekiel Chadwick's Grant #1371, and runs thence with said 5th call N 78 E (the old Grant call), now N 82 degrees 32 minutes E 783.0 feet to a pine on the East side of Mauls Branch on the edge of a small Bay, now marked stake; thence S 20 E (the old Grant call), now S 15 degrees 28 minutes E 1828.3 feet to a point in line where it crosses the center line of Trumpeter road; said point in the road center line is located S 49 degrees 17 minutes E 357.6 feet and N 82 degrees 53 minutes E 301.0 feet from a point above an 18.6 feet long Cypress culvert that accomodates the waters of a small branch beneath the roadway; thence the same course continued (S 15 degrees 28 minutes E) 1455.7 feet to the run of Trumpeter, the point of termination of the 6th call of said Ezekiel Chadwick's Grant; thence down the run of Trumpeter as it meanders the following traverse courses and distances: S 84 degrees 43 minutes W 63.4 feet; S 73 degrees 05 minutes W 414.7 feet; S 73 degrees 20 minutes W 117.8 feet; S 74 degrees 18 minutes W 157.5 feet; S 88 degrees 40 minutes W 214.0 feet; N 89 degrees 53 minutes W 335.1 feet; N 57 degrees 05 minutes W 198.8 feet; N 57 degrees 20 minutes W 147.0 feet; N 54 degrees 50 minutes W 65.5 feet; N 21 degrees 58 minutes W 281.0 feet; N 19 degrees 12 minutes W 121.0 feet; N 56 degrees 20 minutes W 168.9 feet; N 55 degrees 20 minutes W 228.2 feet; N 55 degrees 45 minutes W 233.0 feet; and N 4 degrees 00 minutes W 132.0 feet to a large pine tree in the West edge of the main run of Trumpeter at the mouth of Mauls Branch; thence up the well defined run of Mauls Branch as it meanders to the BEGINNING, containing 110 acres, more or less.

The party of the first part reserves from this conveyance the right to maintain and use the roads existing on the above described lands; and the said J. A. Shingleton is hereby granted the right to use the roads existing on other lands of the Wildlife Resources Commission for the purpose of ingress and egress to and from the above described lands by the most direct route.

TO HAVE AND TO HOLD the aforesaid tract or parcel of land and all privileges thereunto belonging to him, the said party of the second part, his heirs and assigns, free and discharged from all right, title, claim, or interest of the said party of the first part or any one claiming by, through, or under it.

526 - Pg.
362 - Bk

IN TESTIMONY WHEREOF, the State of North Carolina has caused this instrument to be executed in its name by Luther H. Hodges, Governor, attested by Thad Eure, Secretary of State, and the Great Seal of the State of North Carolina hereunto affixed, by virtue of the power and authority aforesaid.

ATTEST:

Thad Eure
SECRETARY OF STATE

STATE OF NORTH CAROLINA

By Luther H. Hodges
GOVERNOR

APPROVED AS TO FORM:

THOMAS WADE BRUTON
ATTORNEY GENERAL

Parks H. Icenhour
REAL PROPERTY ATTORNEY

APPROVED FOR DISPOSITION:

Paul A. Johnston
DIRECTOR OF ADMINISTRATION

(GREAT SEAL OF THE STATE OF NORTH CAROLINA)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

I, Claire Eastman Nickels a Notary Public in and for said County and State, do hereby certify that on this 10 day of August, 1960, personally came before me Luther H. Hodges, Governor of the State of North Carolina, and Thad Eure, Secretary of State of North Carolina, who, being by me duly sworn, says each for himself, that he knows the Great Seal of theState of North Carolina, and that the seal affixed to the foregoing instrument is the Great Seal of the State, and that the name of the State of North Carolina was subscribed thereby by Luther H. Hodges, Governor of said State, and that said Luther H. Hodges as Governor of said State, and said Thad Eure as Secretary of State, subscribed their names thereto; that the said Great Seal of the State of North Carolina was affixed thereto by virtue of a resolution of the council of State and by the Governor of said State, and the said instrument is the act and deed of the State of North Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal on this the 10 day of August, 1960.

Claire Eastman Nickels (N.P.SEAL)
Notary Public

My Commission Expires:

1-8-61

STATE OF NORTH CAROLINA - Pender County

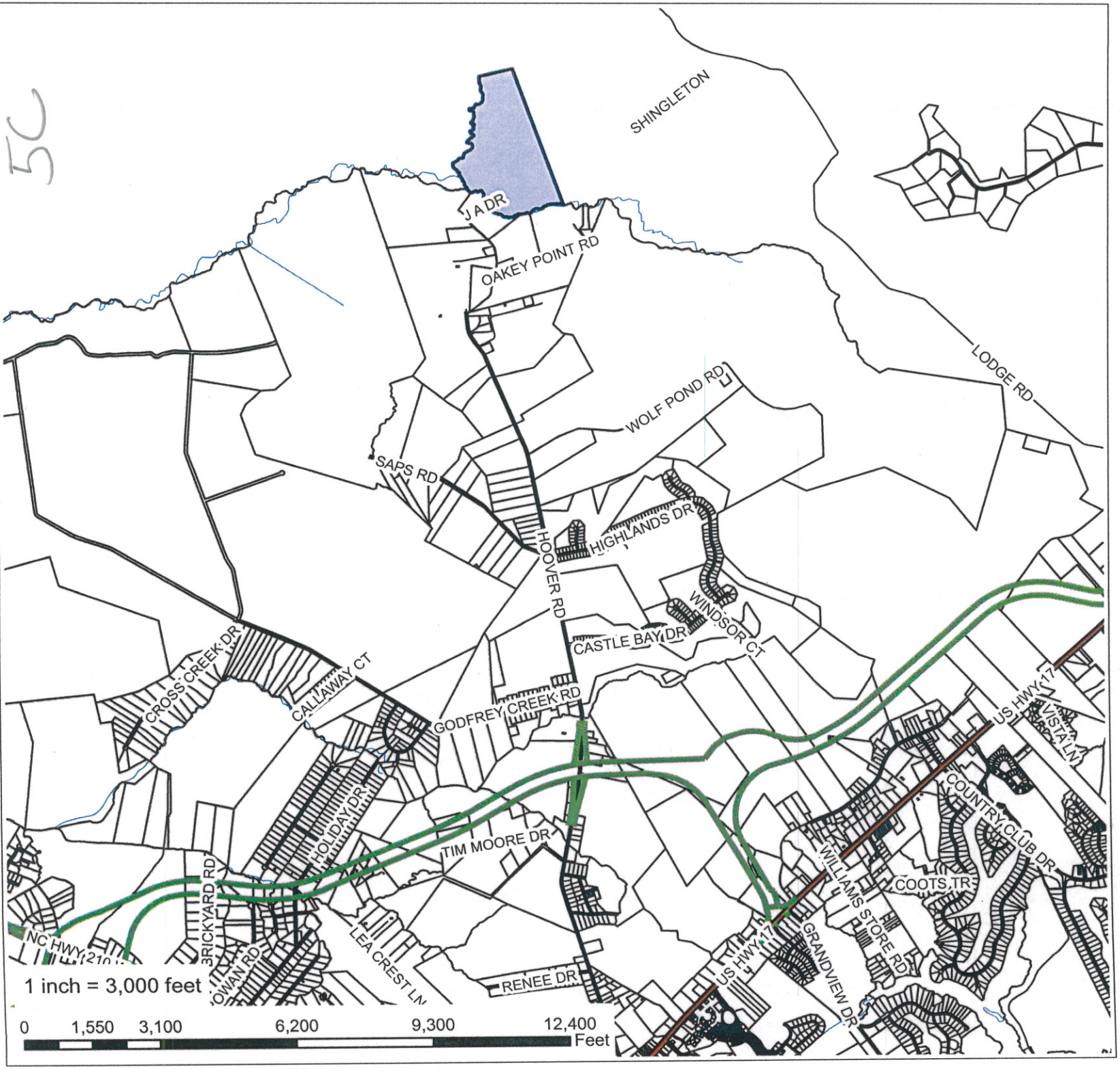
The foregoing certificate of Claire Eastman Nickels, a Notary Public of Wake County, under his official seal is adjudged to be correct. Let the said instrument and the certificates be reigstered.
This, the 16 day of Aug., 1960.

Mary T. Williams
Deputy Clerk of Superior Court

Filed for registration on August 16, 1960, at 3 O'clock P. M.

REGISTER OF DEEDS

5C



Applicant/Owner
Earnest Grayling Shingleton

Comprehensive Plan Future Land Use Map Amendment

Conservation to Rural Growth

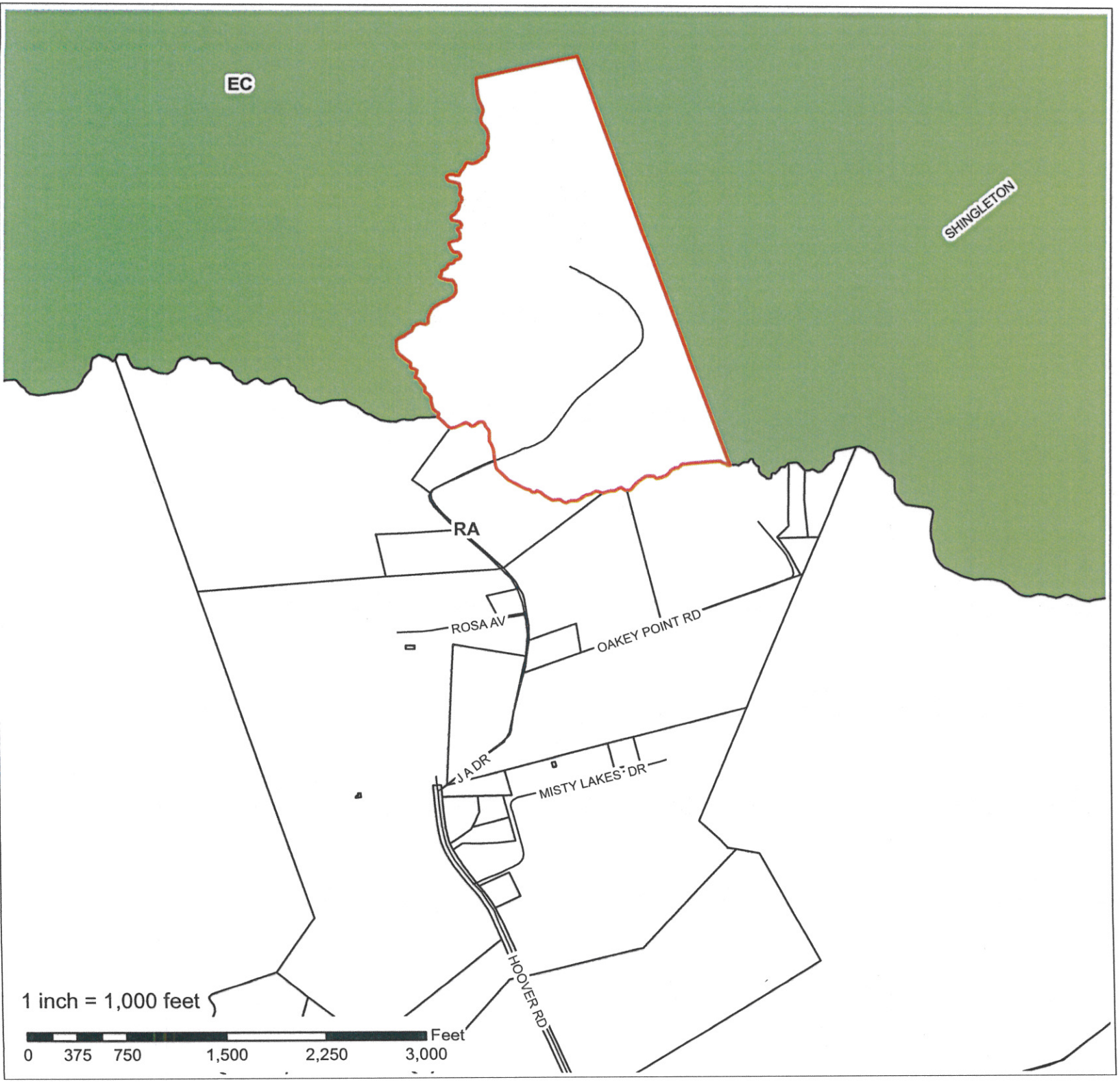
Case # 10697

Legend

- EH Corridor
- Subject Property

N

VICINITY MAP



Applicant/Owner
Earnest Grayling Shingleton

Comprehensive Plan Future Land Use Map Amendment

Conservation to Rural Growth

Case # 10697

Legend

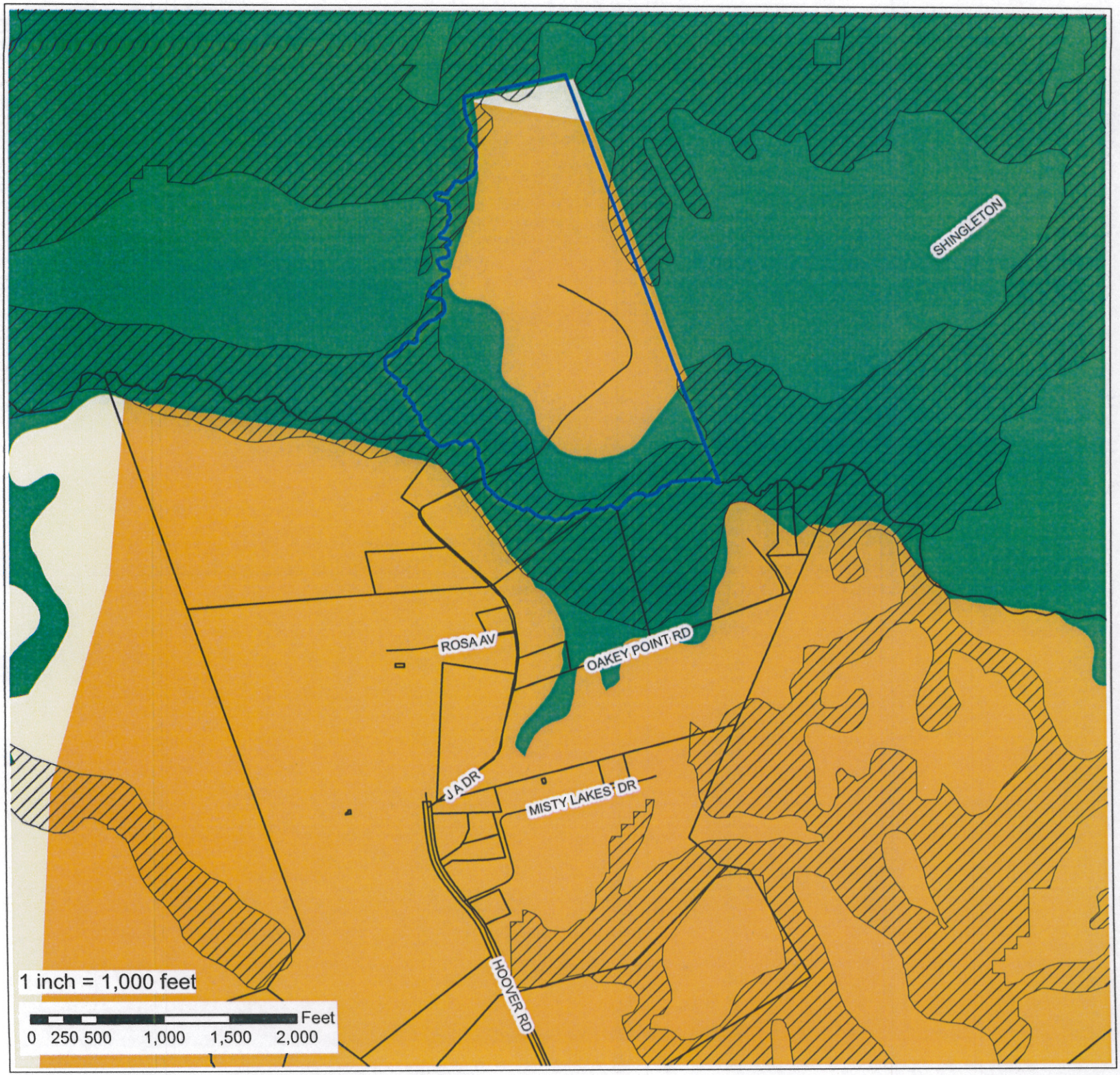
- Subject Property

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)

N

ZONING MAP



Applicant/Owner
Earnest Grayling Shingleton

Comprehensive Plan Future Land Use Map Amendment

Conservation to Rural Growth

Case # 10697

Legend

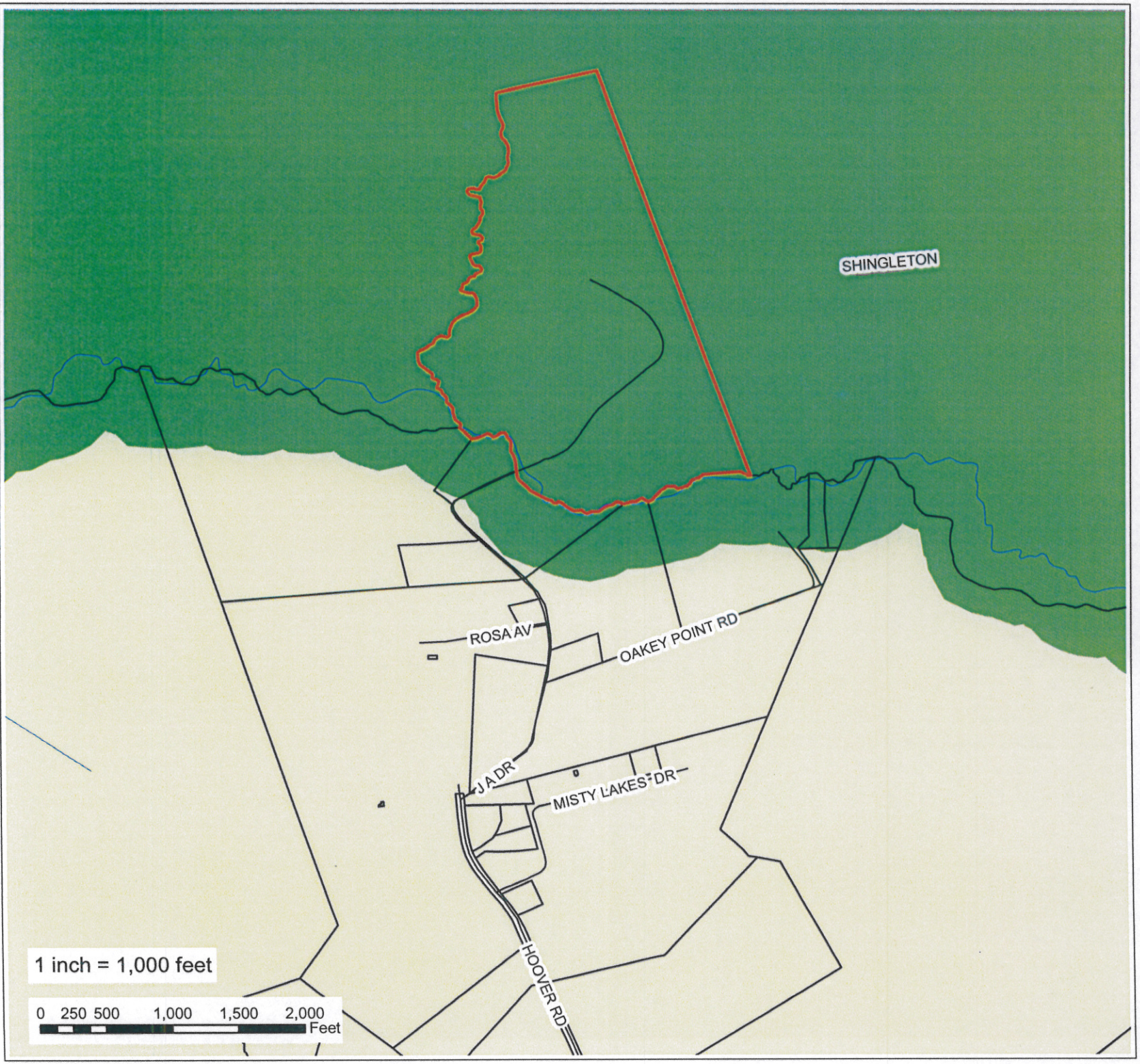
- Subject Property

Future Land Use (CAMA)

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

N

CAMA (2005) LAND USE MAP



Applicant/Owner
Earnest Grayling Shingleton

Comprehensive Plan Future Land Use Map Amendment

Conservation to Rural Growth

Case # 10697

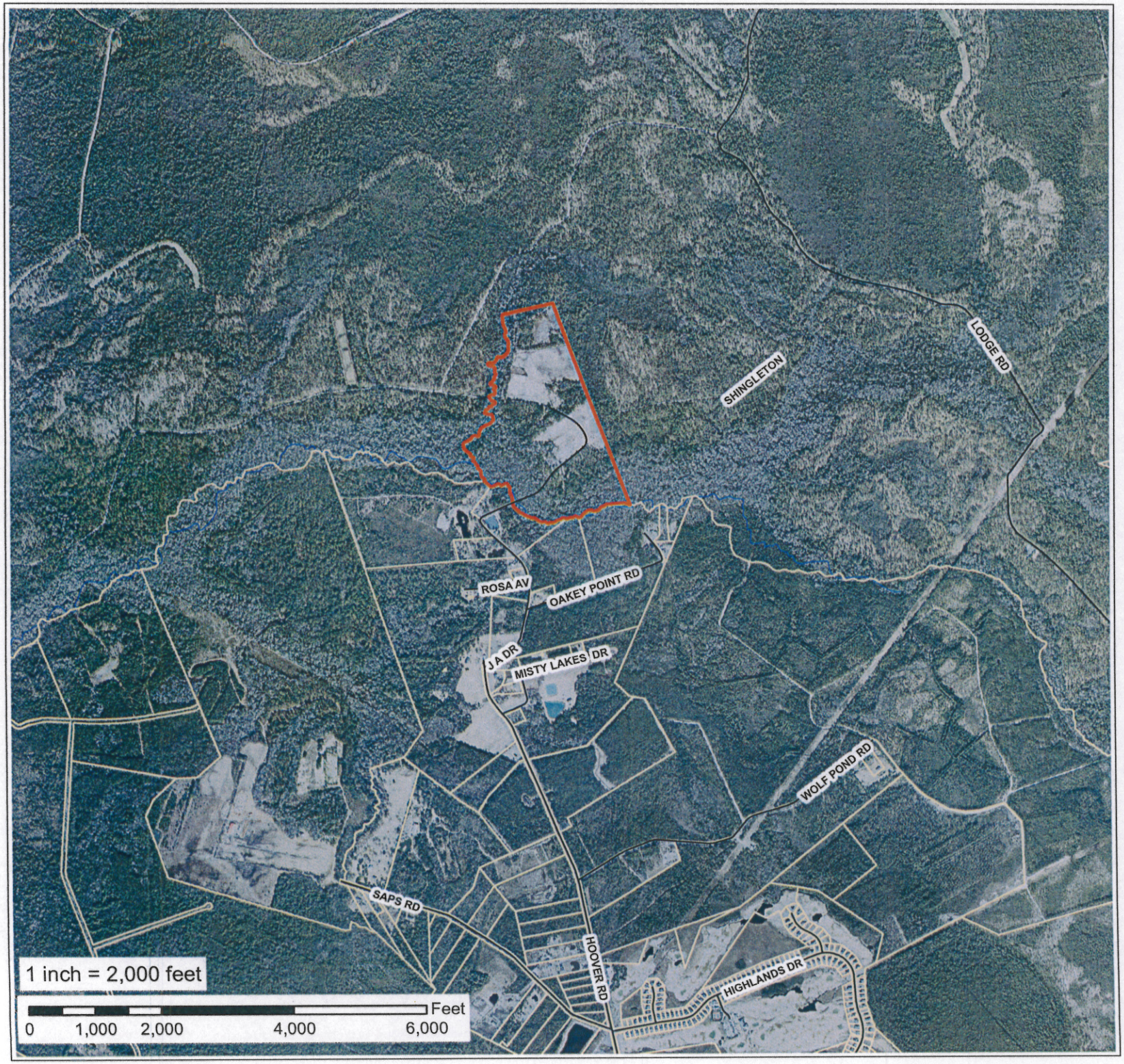
Subject Property

Future Land Use

- Conservation
- Industrial
- Mixed Use
- Rural Growth
- Suburban Growth

N

2010 Comprehensive Future Land Use



COUNTY OF PENDER

Applicant/Owner
Earnest Grayling Shingleton

Comprehensive Plan Future Land Use Map Amendment

Conservation to Rural Growth

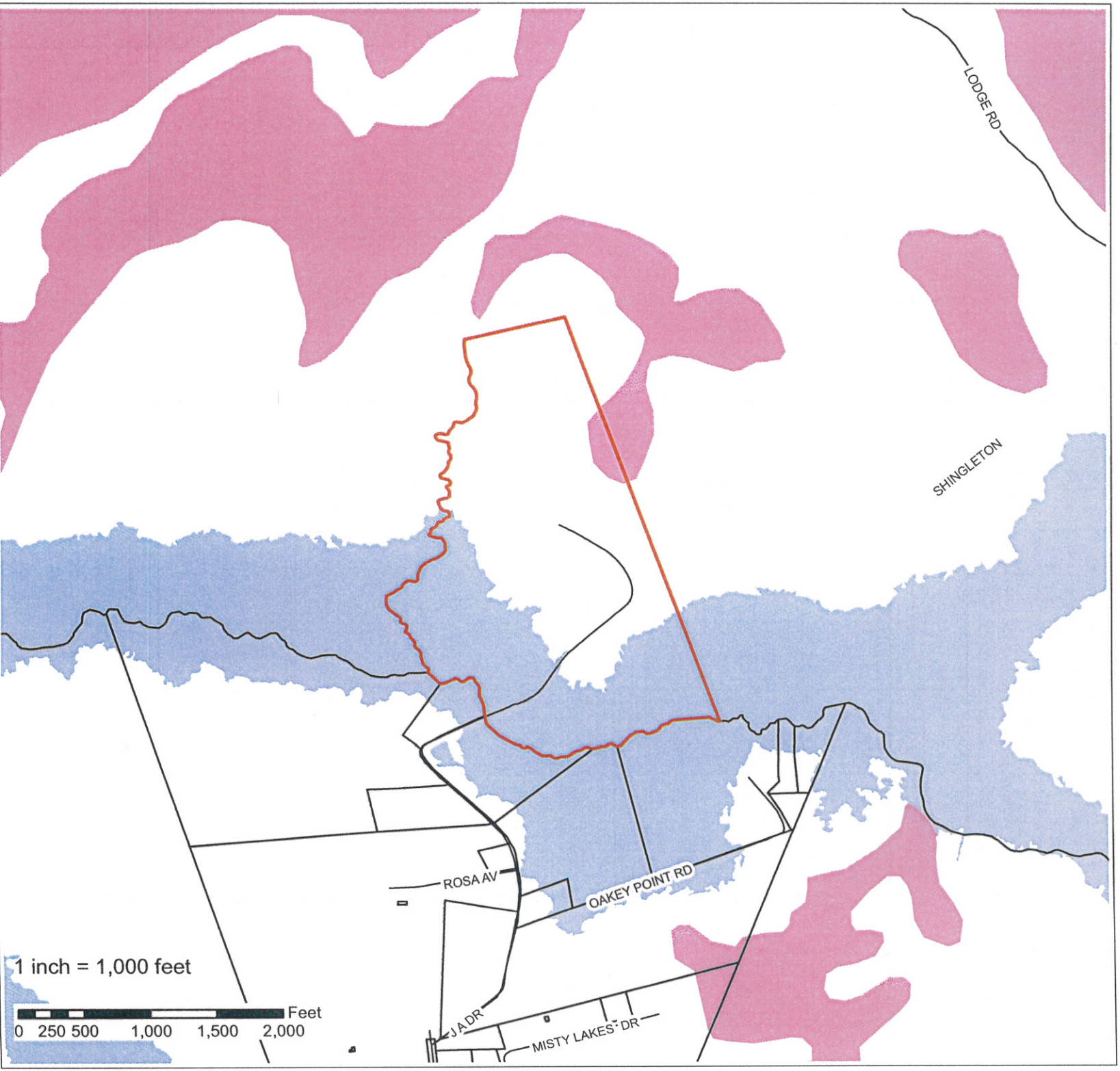
Case # 10697

Legend

Subject Property

N

Aerial Map



COUNTY OF PENDER

Applicant/Owner
Earnest Grayling Shingleton

Comprehensive Plan Future Land Use Map Amendment

Conservation to Rural Growth

Case # 10697

Subject Property

Flood Hazard Areas

- A
- AE
- AEFW
- SHADED X
- VE

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Flood Hazard Areas

COASTAL PENDER SMALL AREA PLAN

Future Land Use

11-10-09

Pender County, North Carolina

PRELIMINARY
FOR PLANNING
PURPOSES ONLY

Legend

Future Land Use Classification

- Conservation
- Mixed Use
- Rural Growth
- Suburban Growth

Flood Zone

- 100 Year Floodplain
- Floodway

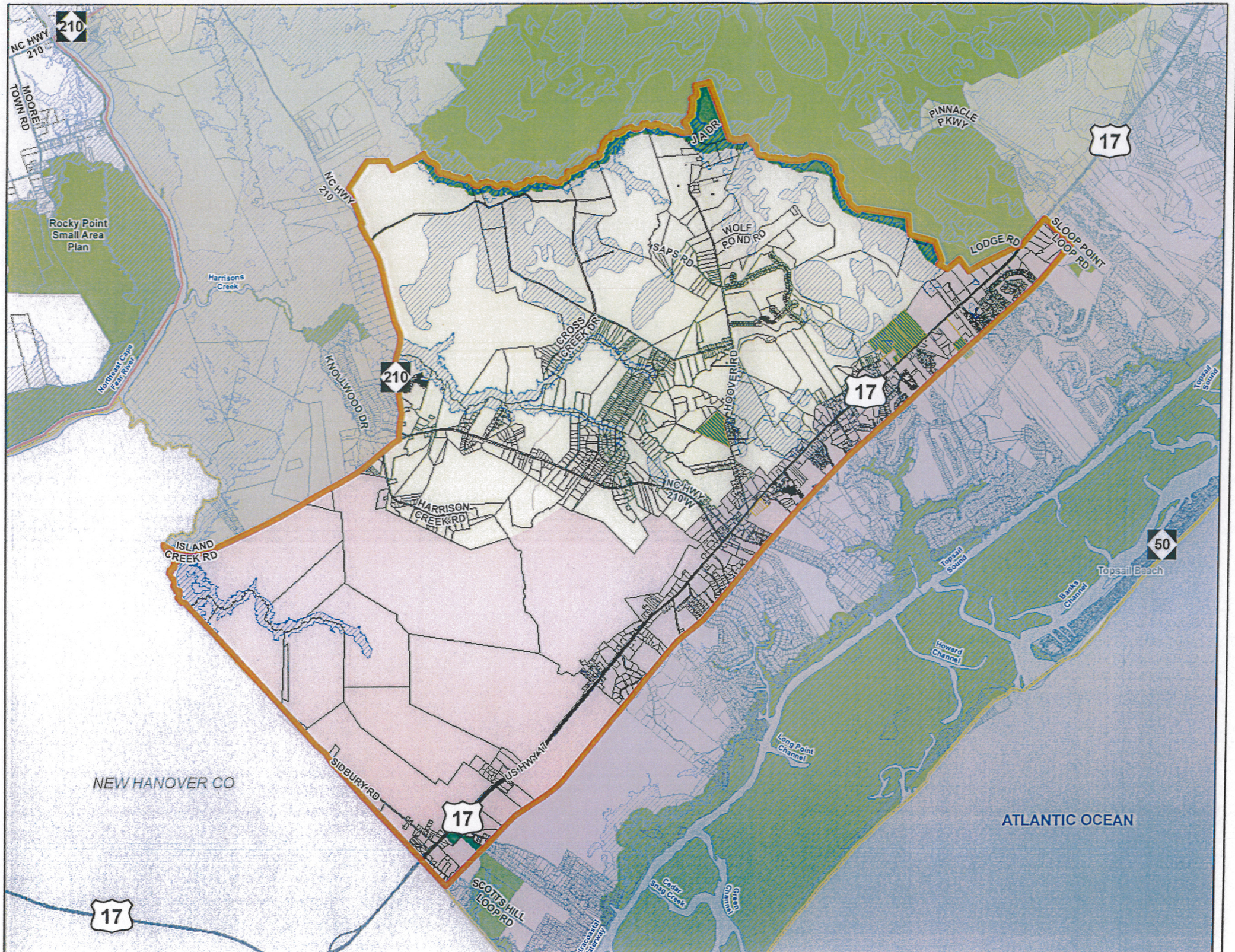
Other Features

- Planning Boundary
- County Owned Property
- Water Body
- US Route
- NC Route
- Road Centerline
- River Stream
- Parcel
- Municipality
- County Boundary

THE WOOTEN COMPANY

1 inch = 5,000 feet

0 5,000 10,000
Feet



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3.21 SAFETY CORRIDOR SETBACK DEVIATION

3.21.1 Purpose

The requirements of the US Highway 17 Safety Corridor can result in a possible undue hardship that may require a deviation from the US Highway 17 Safety Corridor setback requirements. Contingent to the underlying zoning district, approved deviation requests shall only be permitted up to twenty (20) feet from the US Highway 17 Safety Corridor setback standard of 45 feet and may not reduce the underlying zoning district's setback standards.

3.21.2 Review

A. Applicants must submit deviation requests to the Zoning Administrator for review and approval before any site development applications or building permits can be approved.

B. All deviation requests must include a completed application and narrative. The narrative must state the requested amount of deviation needed along with a description stating the reason for the deviation. The application must be signed by the property owner and applicant. In some cases, where more information is needed, applicants may be requested to supply a certified site plan for review.

C. Deviation requests shall not be approved that reduce the front yard setback greater than the requirements of the underlying zoning district. Requests to reduce front yard setbacks greater than the underlying zoning district, shall follow the variance process outlined in Section 3.14, Variance.

D. Deviation requests shall only be permitted for front yard setbacks of properties located within the US Highway 17 Safety Corridor.

E. When a formal submission is made, the Zoning Administrator will be given seven (7) business days to review the application and determine if the deviation request is in compliance with the remainder of the Unified Development Ordinance. Approval or denial of the deviation request must be provided before the seven (7) days elapse.

F. Approved requests may proceed with the applicable review process outlined in Article 3, Review Procedures.

G. Denied requests can appeal the decision to the Pender County Board of Adjustment as described in Section 3.16, Appeal of an Administrative Decision.

3.21.3 Requirements

A deviation for a setback reduction up to twenty (20) feet from the required US Highway 17 Safety Corridor setback of 45 feet may be approved by the Zoning Administrator when one of the following requirements are met:

A. Decreased setbacks are cited on a recorded map, approved Master Development Plan, approved Major Site Development Plan, or approved preliminary plat dated prior to ___.

B. The lot was created prior to ___.

C. Environmental features or unusual topographies exist on the tract that negatively affects the amount of buildable area.

D. Unusual lot size or lot design exists, restricting the amount of buildable area.

E. Existing structures located on properties immediately adjacent to the tract or located on the same tract have reduced setbacks creating an established front building line.

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4.14 US Highway 17 Safety Corridor

The US Highway 17 Safety Corridor was established to improve visibility and safety along the heavily traveled US Highway 17. Parcels adjacent to the established US Highway 17 right of way line from __ to __ are included as part of the corridor. All parcels located within the adopted US Highway 17 Safety Corridor must meet a 45 front yard setback from the existing right of way line. This corridor shall be in addition to any other zoning district requirements. All future development, modifications, and Special Use Permits shall be subject to the requirements of the US Highway 17 Safety Corridor and the underlying zoning district. In instances where the US Highway 17 Safety Corridor and zoning district conflict, the requirements of the safety corridor shall take precedence. All future development, modifications, and Special Use Permits must meet the approved 45 foot front yard setback; unless a safety corridor setback deviation is granted by the Zoning Administrator as outlined in Section 3.21, Safety Corridor Setback Deviation.

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4.15 ZONING DISTRICT DIMENSIONAL REQUIREMENTS

Dimensional Requirements Table

Dimensional Standards (9)	RA	RP	RM	MH	GB	OI	IT	GI	PD	EC
Lot Size	1 Acre(8)	15,000(5) Sq. Ft.	(1)	(7)	15,000 Sq. Ft.(8)	15,000 Sq. Ft.	1 Acre	1 Acre	(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(8)	80(6)	(1)	(7)	80(8)	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(8)(10)	30(10)	(1)(10)	(7)(10)	25(8)(10)	25(10)	40(10)	50	(1)(10)	50
Min. Side Yard-Ft	15(8)	10	(1)	(7)	10(8)	10	25	25	(1)	25
Min. Rear Yard-Ft	30(8)	25	(1)	(7)	10(8)	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(8)	30	(1)		50(8)	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 may be found in Section 5.3.2.D, Manufactured Home Community.

(8) Dimensional requirements for a Recreational Vehicle Park may be found in Section 5.3.9.B, Recreational Vehicle Park.

(9) Variations to Dimensional Standards are allowed for projects meeting LID Project Criteria, as overviewed in Section 7.14 – Low Impact Development.

(10) Properties located in the US Highway 17 Safety Corridor must meet front yard setback standards outlined in Section 4.14, US Highway 17 Safety Corridor.

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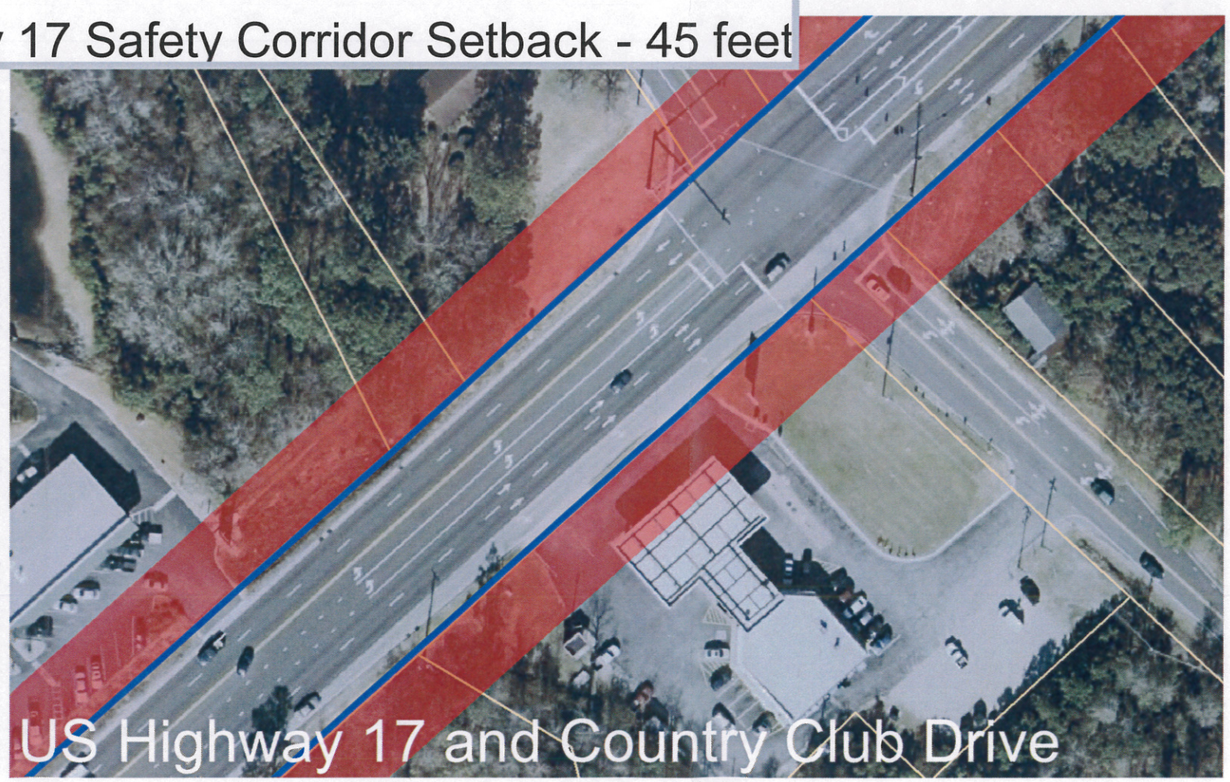
Legend

Existing Right of Way

Proposed US Highway 17 Safety Corridor Setback - 45 feet



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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 facilties, 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