Pender County
Planning and Community Development

Planning Division
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AGENDA
Pender County Planning Board
Work Session
Wednesday, September 7, 2016 6:00 p.m.
Pender County Public Meeting Room
805 S. Walker Street, Burgaw, North Carolina

Call to Order: Chairman Williams

Roll Call: Chairman Williams
Pender County Planning Board Members:
Williams: __ Fullerton __ Baker: __ Carter: __ Edens: __ McClammy: __ Nalee: __

1. **Adoption of the Agenda:**

2. **Ordinance Update:**
   i. Zoning Text Amendments:
      a. Memo Discussion of Upcoming Text Amendments (*various topics*)
      b. Collector Street Plan Exceptions
      c. Collector Street Plan Street Hierarchy Standards

3. **Plan Update:**
   i. Collector Street Plan: Hierarchy/Designation of Collector Streets

4. **Adjournment:**

**Items not covered during Work Session may be heard under "Discussion Items" during the regular Board meeting.*

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MEMORANDUM

To: Pender County Planning Board

From: Planning Staff

Date: September 7, 2016

RE: Text Amendments

The Text Amendment Subcommittee has met three times to work on various updates to the Unified Development Ordinance. With their input, the following updates are being proposed to be scheduled for public hearing in October. Each topic getting updated has been included separately in order to simplify the review process.

Items One & Two
In an effort to increase clarity and further define the Ordinance standards for the subdivision of land, Staff is working on re-organizing Sections 6.4 Preliminary Plat Requirements and 6.5 Final Plat Requirements for Minor and Major Subdivisions. There are minimal substantive changes to the requirements, and mainly administrative and modernization changes.

The modernization and substantive change includes additional language regarding the Engineered Option Permit offered through the Environmental Health Department which is an option rather than an Improvement Permit for a particular lot to be recorded on the Final Plat. Additionally, the requirements for private sewer operations have been further clarified as private sewer is now available on the East side of the County. And the final change is for the signatory block on the Final Plat to include; Pender County Utilities, Pender County Environmental Health and the Addressing Coordinator rather than solely the Addressing Coordinator and Planning Staff. This addition allows for greater clarity in approvals granted from other County Departments.

Also included within items One and Two is an option to amend the number of lots recorded on a Final Plat. Staff continues to hear requests to be able to record less than the requirement, which is the following:

1) *Minimum Number of Lots Required on a Final Plat – the minimum lots included on the final plat shall be as follows:*
   a) *Up to 10 lots – 100%*
   b) *11 – 34 lots – 50% upon initial recordation, remainder thereafter*
   c) *35 – 100 lots – minimum of 25 lots/units upon initial recordation, minimum increments of 10 lots thereafter*
   d) *100 or more lots – minimum of 50 lots/units upon initial recordation, minimum increments of 10 lots thereafter.*

Specifically, Staff is seeing that the standards for development of projects over 100 lots are having difficulty recording the initial 50 lots as development patterns are showing the desire to record smaller phases within the overall project, perhaps encompassing a single road within a project. Final plat infrastructure requirements may be driving this as additional liability must be taken on by the developer to record more lots than are being requested to be taken down by a builder. As written Ordinance text reflects the need to record lots within a subdivision in increments of no less than 10 lots to relieve Administrative burdens and to ensure development phasing.

Item Three

In order to further simplify the application process for new business in an existing structure, a new category of permit is recommended to be added which is a *Change of Use Permit*. This will create a more efficient method of issuing zoning permits for certain non-residential uses seeking to locate in an existing structure. This would be applicable when the change of use is less than 1,200 sq. ft., or within the same NAICS sector as the previous use within 180 days, or a renovation is proposed with less than 10% of the square footage of the structure.

The basis for this proposal is that frequently, when a new business wants to open and use an existing structure there are limited requirements which may be needed for zoning approval. In some cases, the layers of requirements new business owners face are discouraging, time consuming and frustrating, particularly when the business locating in the existing structure is similar to the previous use. Staff has consulted with internal (Addressing/Environmental/Building/Fire Marshal) and external agencies (NCDOT) that regularly review these types of applications and have found agreeance in the new process. Also, staff reviewed this process with other regional partners and has found this to be consistent in and around our area; therefore, staff is recommending approval of this new process.

The proposal included in the Attachment (Item 3) is a creation of a new type of approval and new review criteria for the Change of Use Permit. Related to a Change of Use Permit, an amendment is proposed to add a definition of *Principle Structure* to the Unified Development Ordinance Definitions Section. This addition will assist in the administration of commercial and residential zoning permits.

Item Four

Currently, the access easement standards are scattered throughout the Ordinance in various subdivision regulations (Limited Subdivision, Major Subdivision and Minor Subdivision). Staff is advising the removal of these references in various Sections and re-organizing all access easement standards in one place of the Ordinance. This amendment will allow for greater clarity in Administration of subdivision regulations and increase efficiency with the community of surveyors to have clear and succinct regulations.

Item Five

In working with the ZTA committee and hearing the Planning Board's concerns regarding notification policies to adjacent property owners at public hearings; it has been suggested that the requirements for notification should be expanded further than the direct, adjacent property owners as outlined in NC GS § 153A-343.(a) Method of procedure. After examining illustrations of various buffers, the subcommittee is recommending expanding the notification procedures to properties within 500-feet. The Statute requires notification for zoning map amendments, however Pender County follows the same process for Master Development Plan, Major Subdivisions, Variances and Special Use Permits and the Technical Review Committee.

Item Six

Section 3.3 outlines the procedure for General Use Rezoning. Section 3.3.5, Action by the Administrator, lists in Section B that the request is reviewed by the Technical Review Committee. While this step is logical for Conditional Use Rezonings, General Use Rezonings typically do not contain a level of detail to warrant review by the Technical Review Committee. Each subject property which is rezoned is required to have final zoning approval on the specific request when the applicant comes in with a development Plan. At the time of General Use Rezoning there is no specific development plan for the TRC to review.

Item Seven

Following the combination of the Road Naming and Addressing Ordinances into the Unified Development, Staff has identified criteria which may necessitate amendment. Specifically, references to General Statutes are proposed as additions at this time which may have been inadvertently left off. These additions are to Section 11.1.2 Naming (A-121 153A-239.1) and Section 11.6 Addressing (Overview GS 62).

Item Eight

Zoning Ordinances must be clear in the land use regulations including what uses are permitted within which zoning district. The UDO outlines all uses in Section 5. With recent court of appeal cases, and in consultation with the Attorney, it is recommended that the language of Section 5.2.1.A be updated to reflect that unlisted uses shall be treated similarly to another use most similar, and that the uses not listed must be included in the Ordinance as part of another use. Specific criteria regarding the determination of a similar use is proposed in the amendment. These include; environmental effects, traffic impacts, noise, odor or other applicable criteria as determined by the Administrator.

6.4 PRELIMINARY PLAT CONTENTS **ITEM ONE**

Preliminary plats not illustrating or containing the data from Section A shall be returned to the developer or ~~his~~ the authorized agent for completion and resubmission.

A. The preliminary plat shall be prepared in accordance with the following specifications:

1) Plat Requirements

a) The plat must be prepared by an authorized Licensed Professional.

~~b) The name of the subdivision.~~

c) The name(s), address(es), and telephone number(s) of the owner(s), registered land surveyor(s), land planner(s), architect(s), landscape architect(s), and professional engineer(s) responsible for the subdivision and the registration number(s) and seal(s) of the registered land surveyor(s).

d) A sketch vicinity map at an appropriate scale, showing the relationship between the subdivision and the surrounding area.

e) The date of the survey and the plan preparation; with spaces per subsequent revision.

f) The name of the township, county, and state in which the subdivision is located.

g) Deed book and reference of ownership acquisition.

h) The names of current owners of adjacent landowners along with PIN, current uses, other legal reference where applicable, shall be shown.

i) The exact boundary lines of the tract to be developed fully dimensioned by bearings and distances, and the location of intersecting boundary lines of adjoining lands.

j) Scale at 1" = 50' or larger, denoted both graphically and numerically.

k) North arrow in accordance with the Standards of Practice for Land Surveyors.

l) The location, purpose, and dimensions of areas to be used for purposes other than residential;

m) The blocks lettered alphabetically throughout the entire subdivision and the lots numbered consecutively throughout each block.

n) The ~~location and measurements of all~~ proposed minimum building setback lines and density calculations.

o) The location and dimensions of all proposed and existing rights-of-way, utility or other easements, riding trails, pedestrian or bicycle paths, natural buffers, and areas if any to be dedicated to public use with the purpose of each stated.

p) Property lines, buildings or other structures, water courses, railroads, bridges, culverts, storm drains, and corporate limits, township boundaries, and county lines.

q) Sufficient survey to determine readily and reproduce on the ground every straight or curved boundary line, road line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings, or deflection angles, radii, central angles, and tangent distances for the center line of curved roads and curved property lines that are not the boundary of curved roads. All dimensions shall be in accordance with the Standards and Practices of Land Surveyors.

r) The accurate locations and descriptions of all monuments, markers, and control points.

s) Sufficient information shall be provided so that a corner of the property can be located on the ground and found with a measurement from the intersection of two state maintained roads.

2) Design Standards

a) All subdivided land and parcels shall comply with Section 7.2, Lot Design.

~~b) Homeowners Association shall be required for all major residential subdivisions with privately maintained streets, open space, and any other dedicated land as stated in Section 7.3, Homeowners Association Requirements.~~

c) Street layout and access shall conform to Section 7.4, Access and Section 7.5, Street Design.

d) Calculated open space requirements must adhere to Section 7.6, Open Space.

e) Landscaping and Buffers shall be shown on the site plan and adhere to the landscaping standards set forth in Article 8, Landscaping and Buffers.

3) Road Layout

a) Right-of-way lines and pavement widths of all roads and the location and width of all adjacent roads and easements.

b) The location and design of parking areas and pedestrian and vehicular access points. That the design of traffic patterns, traffic control measures and street pavement areas, including plan profiles and cross section views, and with provisions for maintaining traffic flows for both public use as well as emergency management services are consistent with the requirements of this Ordinance and any other adopted plan.

c) When the subdivision entrance does not connect to a NCDOT maintained road, recorded documents shall be submitted that confirm the property and the proposed lots have access to a NCDOT maintained road by a public or private street that meets the standards of this Ordinance.

d) For non-residential and multifamily projects, the location of trash handling, recycling, grease bins, and other waste-related facilities employed in the normal operation of the use.

e) When any development proposes private streets a description of the method to provide Pender County Emergency Service personnel and vehicles immediate access shall be submitted.

f) Stormwater facilities, water supply, sanitary sewer service, fire protection and hydrants, street signs, and street lighting designed in conformance with department standards, specifications and guidelines;

g) Plan profile and cross section of drainage and utility services and other proposed easements or dedications as required.

4) Traffic Impacts

a) Existing traffic counts for road(s) and intersection(s) studied and dates/times counts were conducted.

b) Estimated AM and PM Peak Hour Trips per the Institute of Transportation Engineers Trip Generation Manual.

c) A Traffic Impact Analysis is required when the development generates 100 trips in the morning or evening peak hours or over 1,000 trips per day. The Traffic Impact Analysis must state the dates and times the counts were conducted.

~~5) Certificate of approval by the Pender County Addressing Coordinator for proposed road names.~~

5) Adopted Plan Compliance

a) Compliance with all applicable requirements of this Ordinance and any other County adopted plan, policy document or approved Master Development Plan conditions.

b) ~~Agreement~~ Demonstrate compliance with the most recent Comprehensive Land Use Plan ~~most recently adopted CAMA Land Use Plan~~ and any other applicable adopted land use document(s). ~~Reference of recently approved MDP.~~

c) Compliance with site construction specifications.

d) The Administrator, Technical Review Committee, or the Planning Board may request additional information be submitted that is pertinent to review of the proposed subdivision for compliance with the provisions of this Ordinance or other Pender County Ordinances.

B. Upon completion of Section A, the following additional materials or permits are required with the ~~submitted with the~~ preliminary plat for final approval in accordance with Section 3.10.3.K.:

1) ~~Soil suitability analysis indicating the suitability of the property for individual septic tanks or an Improvement Authorization Permit for each lot unless community sewer is available and a conditioned approval for connection is submitted. The soil suitability analysis of the property shall also indicate the suitability of the soil for the type structures proposed.~~ Wastewater (either; a or b, as applicable)

a) On-Site or Off-Site Wastewater Disposal System

a) Verification ~~of receipt of the preliminary plat of the development~~ by the Pender County Health Department.

b) Soil suitability analysis indicating the suitability of the property for individual septic tanks

c) Detailed description of any proposed waste water system and system maintenance arrangements and procedures to serve lots that are not suitable for traditional onsite septic systems, along with a map showing the proposed location of the offsite components of the system, including lines.

b) Community Wastewater Systems

a) Authorization to Construct, as approved by the appropriate State Agency

b) Wastewater line extensions based upon previous approval of wastewater system

c) ~~Construction plans sealed by a registered engineer, as approved by NC DEQ, acceptance of operation and maintenance of the system~~

d) Construction plans sealed by a registered engineer, as approved by the appropriate State Agency ~~NC DEQ,~~

e) If applicable, Certification that the system will be owned by a Public or Community Water System as defined in this Ordinance with conditional acceptance of ownership or certification that the system will be owned by a homeowners association established under the provisions of this Ordinance.

~~2) A copy of the Preliminary Plat with the street names as approved by the Pender County Addressing Coordinator or his/her designee.~~

2) Water (either a or b, as applicable)

a) Public Water System

i. Authorization to Construct, as approved by the appropriate State Agency

ii. Construction plans sealed by a registered engineer, as approved by the appropriate State Agency ~~NC DEQ~~,

iii. Acceptance of operation and maintenance of the system by a Public (Pender County Utilities) or Community Water system as defined in this Ordinance,

iv. If applicable, Certification that the system will be owned by a Public or Community Water system as defined in this Ordinance with conditional acceptance of ownership or certification that the system will be owned by a homeowners association established under the provisions of this Ordinance.

b. Private Water

i. Well permits for each individual as demonstrated through verification of receipt of the preliminary plat of the development by the Pender County Health Department.

3) Road Layout

a) Public Right of Way

i) Driveway Permit: Approval by NCDOT of connection of subdivision roads with NCDOT maintained roads.

ii) Plan Approval: Street construction & street drainage plans as approved by NCDOT District Engineer with letter of approval (for public streets).

iii) Verification of receipt of the preliminary plat of the development by the NCDOT District Engineer or his the appointed designee.

b) Private Right of Way

i) Street construction & street drainage plans in accord with NCDOT submittal requirements, design and construction standards or in accord with Section 7.5, Street Design, private street standards. The plans must be signed and sealed by a registered surveyor or engineer.

ii.) A letter from the design professional will accompany the plans certifying that they meet the NCDOT submittal requirements, design and construction standards or Private Street Standards, Pender County (for private streets).

iii) When any street layout or geometric design does not specifically meet the NCDOT Secondary Road Standards or the adopted Pender County Private Street Standards, a narrative explanation, justification detailed drawing of the design shall be submitted for review.

4) Approved road and subdivision names in accordance with Article 11.

5) Stormwater Management and Drainage Plans

a.) Stormwater Management Plan as approved by the appropriate State Agency (with letter of approval).

b) Drainage Plan: a general description and map of the proposed drainage for the subdivision shall include the following:

i. The boundaries of all drainage basins that flow through the property from upstream.

ii. All drainage facilities that flow through the property and receive any stormwater discharge from upstream.

iii. The boundaries of all drainage basins that receive discharge from the property that is located from the discharge point on the property to the recipient perennial stream.

iv. All drainage facilities that receive stormwater discharge from the property from the discharge point to the recipient perennial stream.

v. This information can be described in a narrative submission and shown on a copy of a USGS 7.5 Minute Quad or other similar topographical map (11 X 17 map submission)

vi. A drainage plan that will include all portions of the development shall be submitted. This plan shall be prepared and sealed by a registered engineer. The plan and facilities shall provide for a drainage system for these areas that will accommodate the ten-year storm event without flooding or substantial ponding of water in the areas included in the plan. The plan must also accommodate any discharge from properties in upland portions of the drainage basin that flows through the property for the same storm event for the type development for which that property is zoned. The boundary of any drainage area on a portion of the site and/or upland from the site and drainage areas between stormwater discharge points from the site to the recipient perennial stream shall be shown on a map (copy of 7.5 min. USGS Quad or similar map). Any drainage facility receiving stormwater discharge from the development shall have the capacity to carry the anticipated stormwater flow from areas that discharge through them for the 10 year storm event from the point of discharge at the development to the recipient perennial stream without over flowing their banks. The location, size and/or capacity of all structures included in the drainage system and receiving discharge from the development to the recipient perennial stream shall be shown on the plan and calculations used in designing the drainage system shall be submitted in a legible format. This plan may be included in the street and drainage plan, stormwater management plan or on the preliminary plat, as long as the design professional certifies that the specific drainage plan submitted complies with these requirements and the information required is shown or submitted.

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

4) Approval from the Division of Coastal Management when the development is located in an Area of Environmental Concern.

5) Sediment & Erosion Control Plans as approved by the appropriate State Agency ~~Land Quality~~ (with letter of approval).

7) Wetlands

a) Approval of Wetlands Delineation by the Army Corps of Engineers (USACE) (if wetlands in development).

b) Wetlands fill authorization or permit if construction in wetlands is involved.

8) Flood Requirements in accordance with the Flood Damage Prevention Ordinance

9) Any other local, State or Federal permit as required for the specific project.

Appendix A Definitions:

Wastewater System: a system of wastewater collection, treatment and disposal in single or multiple components, including a privy, septic tank system, public or community wastewater system, wastewater reuse or recycle system, mechanical or biological wastewater treatment system , any other similar system, and any chemical toilet used only for human waste.

6.5 FINAL PLAT CONTENTS **ITEM TWO**

A. Submission Requirements and General Provisions

1) A final plat will not be accepted for review that is incomplete or for which has not been submitted the documents necessary for verification of the conditions of Preliminary Plat approval.
2) The final plat shall be reviewed and approved or disapproved and notice of action taken provided to the applicant within 30 working days of completed submission. When the final plat is approved the signed original will be provided to the applicant and a signed copy placed in the Record File for the subdivision.
3) The completed final plat must be submitted within 2 years ~~24 months~~ of approval of the preliminary plat or within 2 years ~~24 months~~ of approval of a previously recorded final plat.
4) ~~The Administrator must take action on the final plat within 15 working days of completed submission and installation of improvements or security for improvements.~~
5) The final plat must conform ~~generally~~ to the preliminary plat and specifically to all conditions of approval of the preliminary plat. The Administrator may approve minor variations from the approved preliminary plat layout including minor lot line adjustments. Major changes such as; a reduction in individual lot acreage, an increase in total lot number or density, significant roadway changes or any other major alterations will require re-submittal of Preliminary Plat.
6) All conditions of preliminary plat approval must have been met before any final plat will be considered for review. ~~Confirmation of compliance with all provisions of Preliminary Plat must be submitted at least 10 days before the final plat is accepted for review. Likely can remove the 10 day timeframe, not sure what the basis is on this one.~~ A final plat will not be scheduled for review which is incomplete or does not have the required documents submitted with it
7) Plat Submission – the final plat must be submitted in digital format to the Administrator. The digital submission of the plat will be considered proprietary information. The digital layout will be made available to the Tax Supervisor for parcel update and the digital submission may be returned to the person submitting it. A copy on mylar suitable for recording shall be submitted for signing upon review & approval of the final map. The final plat shall be reviewed, approved and signed by the Administrator.
8) Upon approval of the final plat by the Administrator, the Subdivider shall record the final plat with the County Register, as provided for by that office, within ninety (90) days after the approval. Otherwise the approval of the final plat shall be considered void.
9) Upon initial approval of the final plat parcel layout the Administrator shall immediately notify the Tax Assessor so that parcel identifiers can be issued.
10) Minimum Number of Lots Required on a Final Plat – the minimum lots included on the final plat shall be as follows:
    a) Up to 10 lots – 100%
    b) 11 – 34 lots – 50% upon initial recordation, remainder thereafter

c) 35 – 100 lots – minimum of 25 lots/units upon initial recordation, minimum increments of 10 lots thereafter

d) 100 or more lots – minimum of 50 lots/units upon initial recordation, minimum increments of 10 lots thereafter.

11) The final plat, approved covenants, restrictions and homeowners' association documents must be recorded in the Register of Deeds within 60 days after approval by the Administrator and prior to any sale of lots in the development.

12) The final plat must be prepared by a licensed surveyor.

B. Additional Materials or Permits

1) All lots shown on the final plat other than open space or other specially approved lots shall meet any one of the following approved wastewater methods as follows:

~~a) Be served by an onsite waste water system, which is located on the site where the unit served is located, and the system has received an "Improvement Authorization Permit" from Environmental Health,~~

~~b) Be served by a Community Sewer System as defined in this Ordinance and approval for connection to the system is provided,~~

~~c) Be served by a waste water system that meets the requirements of the "Water And Sewer System Requirements In Streets, Access Easements Or Other Locations Off The Site Of The Unit Served," of this Ordinance,~~

~~d) The soil suitability analysis as required by this Ordinance and submitted with the preliminary plat shows that each lot contains at least 5,000 sq. ft. of area that is " suitable" for traditional on site waste disposal and the required 5,000 sq. ft. is not within 10 ft of any lot boundary,~~

~~e) Lots not meeting a., b., c., or d. of this paragraph shall be labeled with a bold note as follows: "THE PARCELS SO NOTED CANNOT BE USED FOR BUILDING DEVELOPMENT, UNLESS AN APPROVED WASTE WATER DISPOSAL METHOD HAS BEEN APPROVED AND PERMITTED BY THE PENDER COUNTY ENVIRONMENTAL HEALTH DEPARTMENT OR APPROPRATE STATE AGENCY OR UNLESS A NEW PLAT IS APPROVED AND RECORDED AS REQUIRED UNDER THIS ORDINANCE."~~

~~f) For alternative, see Design Requirements, Lots Section of this Ordinance for "Special Purpose Lots."~~

a) On-Site or Off-Site Wastewater Disposal System (i, ii, or iii, as applicable)

i.) Improvement Permits for each lot to be served by an on or off-site waste water system, and the system has received an "Improvement Permit" from the Environmental Health Department

ii.) Engineered Option Permits for each lot: provided to the Environmental Health Department

iii.) Independent Soil Suitability Analysis: The soil suitability analysis as required by this Ordinance and submitted with the preliminary plat shows that each lot contains at least ~~5,000 sq. ft. of area~~ that is " suitable" for septic ~~traditional on site~~ waste disposal ~~and the required 5,000 sq. ft. is not within 10 ft of any lot boundary,~~

b) Community Wastewater Systems

i.) Engineered Certification of Installation

ii.) Certifications of State Acceptance by the appropriate State Agency

iii.) If applicable, Certification that the system will be owned by a Public or Community Wastewater system as defined in this Ordinance with conditional acceptance of ownership or certification that the system will be owned by a homeowners association established under the provisions of this Ordinance.

c) Lots not meeting *a., or b.,* of this paragraph shall be labeled with a bold note as follows: "THE PARCELS SO NOTED CANNOT BE USED FOR BUILDING DEVELOPMENT, UNLESS AN APPROVED WASTE WATER DISPOSAL METHOD HAS BEEN APPROVED AND PERMITTED BY THE PENDER COUNTY ENVIRONMENTAL HEALTH DEPARTMENT OR APPROPRATE STATE AGENCY OR UNLESS A NEW PLAT IS APPROVED AND RECORDED AS REQUIRED UNDER THIS ORDINANCE."

2) Water: All lots shown on the final plat other than open space or other specially approved lots shall meet the following approved Community water system acceptance water methods as follows:

a.) Community Water System

i.) Engineered Certifications of Installation

ii.) Acceptance of System by the appropriate State Agency

b.) Private Water Certifications (Well) from Environmental Health

3) All improvements for the subdivision including but not limited to; recreation areas, infrastructure, roadways and street signs of the proposed in the development must have been constructed and certifications of completion to standards specified provided or their construction guaranteed by a Performance Guarantee referenced in Appendix D.

4) Roadways

a.) Public Roadways

i.) All public streets must have been constructed, inspected and approved in writing or via signature on the plat by the NCDOT District Engineer or a Performance Guarantee provided , or all of the following;

ii.) Estimate of the cost to complete construction of the streets and all other improvements required or proposed in the development that are not complete, prepared, signed and sealed by a licensed engineer,

iii.) Performance Guarantee for the cost of all improvements not certified as complete.

b.) Private Roadways (i. or ii and iii)

i.) Certification by a licensed engineer of the completion of construction of all private streets and other required improvements, or all of the following:

ii.) Estimate of the cost to complete construction of the streets and all other improvements required or proposed in the development that are not complete, prepared, signed and sealed by a licensed engineer,

iii.) Certification by a professional land surveyor of installation of all required monuments and markers.

C. Supplemental Documentation

1) ~~Two copies~~ One copy of Articles of Incorporation of Homeowner's Association and related documents for any development that contains private streets or other non-public facilities,

including drainage systems outside public street right of-ways, water systems and sewer systems and open space.

2) ~~Two copies~~ One copy of the restrictive covenants to be recorded on the property.
3) If all required improvements are not complete a Performance Guarantee utilizing the form from Appendix D must be provided for all improvements
4) If and when all required improvements are complete the Defect Guarantee utilizing the form from Appendix D must be provided for all improvements ~~when a Performance Guarantee has not been provided for~~
5) Deeds for all open space parcels transferring ownership to a Homeowners Association. ~~Draft document transferring ownership of all common area and facilities to the Homeowners Association as shown on the final plat of the portion of the subdivision to be recorded.~~ A recorded copy of this document must be submitted to the Administrator within 30 calendar days of recording of the final plat or the subdivision may be in violation of this Ordinance (see Section 7.3, Homeowners Association Requirements).
6) Improvement Certification, form found in Appendix D
7) Street Certification (if private), form found in Appendix D

B. 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 as applicable
3) Certification from the Pender County Addressing Coordinator or appropriate designee
4) Certification from Environmental Health
5) Surveyor Certificate I
6) Surveyor Certificate II
7) Surveyor Certificate III
8) Parcel Identifier Certificate
9) Certificate of Registration by Register of Deeds (unsigned)
10) Certificate of Final Plat Approval

Add to Appendix D

Reviewed and Approved by the Addressing Coordinator

Addressing Coordinator: _____ Date: _____

Reviewed and Approved by Environmental Health

Environmental Health: _____ Date: _____

Reviewed and Approved by Pender County Utilities

Pender County Utilities: _____ Date: _____

3.6 MINOR SITE DEVELOPMENT PLANS **ITEM THREE**

3.6.1 Intent

The intent of the minor site development plan is to enable a non-residential project to be illustrated at sufficient scale with less design and engineering efforts than a major site development plan. This type of plan is suitable for the following uses: small building additions, ~~new accessory buildings added to an existing site,~~ permanent or seasonal operations, ~~or~~ small scale vendors added to existing business sites, ~~or~~ and certain changes of use. Change of uses that require a minor site development plan are; any change from a residential use to a non-residential use, any change from office to commercial or industrial use, and any change to a food and beverage services industry.

3.6.2 Activities Requiring Minor Site Development Plans

A. Any project including building additions of less than a 10% increase to the floor area of the existing structure or;

B. Any use proposing to occupy or renovate an existing building, structure, or unit that does not qualify for a change of use permit per Section 3.21 ~~or any new use proposing construction within an existing building, structure, or unit~~

C. Any new structure(s) up to 2,500 square feet in area excluding those defined as an accessory structure.

D. Any new structure that will not increase the impervious surface area to produce additional runoff creating the need for additional stormwater management practices or facilities.

E. ~~No subdivision of new parcels are proposed~~

_____TEXT TO BE ADDED AS SECTION 3.21_____

3.21 Change of Use Permit

3.21.1 Intent

The intent of a Change of Use Permit is to enable non-residential projects of a smaller degree of change and impact to the property than minor site development plan.

3.21.2 Activities Requiring Change of Use Permits

A project will qualify for a change of use permit when the following conditions are met:

A. The project includes a building addition or renovation of less than 10% of the floor area of the existing structure or;
B. The project includes the addition of an accessory structure up to 1,200 square feet;
C. The proposed use is the same NAICS sector as the previous use operated in the same location within 180 days.

3.21.3 Review

A. The Change of Use Permit shall conform to Section 6.9, Change of Use Permit Contents.

B. The Administrator shall forward the site plan to: Environmental Health, Building Inspections, the Fire Marshal, Addressing Coordinator and NCDOT for review.

C. Approvals for the site plan shall expire within one year of the approval date unless building permits have been obtained for construction.

D. The Administrator shall determine and provide comments to the applicant whether the site plan is in conformance with the applicable sections of this Ordinance.

6.9 CHANGE OF USE PERMIT

6.9.1 CHANGE OF USE PERMIT CONTENTS

A. The site plan shall be clearly legible and shall be drawn at a scale acceptable to the Administrator but not less than 1:50 on a paper size not less than 11"X17". If no changes are being made to the existing building this shall not be required.

B. The following requirements should be submitted for a Change of Use Site Development Plan. Some may not be applicable to all projects depending upon the scope of the project. Staff may request more or less information according to the needs of the particular case.

1) A title that includes the name of the proposed or existing business and a subtitle which describes the proposed development.
2) The name, address, and phone number of the landowner, developer, and designer.
3) The Pender County Property Identification Number (PIN) of all lots included on the site plan.
4) A detailed description of the proposed use or uses of the development, as well as a description of the existing use or uses.
5) A reference to any other site plan or Master Development Plan approved by the County for the site.
6) Calculations showing the total number of required and proposed parking spaces, including the total number of existing and proposed spaces.
7) The location of all adjoining lots with the owner's name, specific use, zoning, and zoning boundaries shown.
8) All nearby entrances that are within 200 feet of any existing or proposed entrances to the site. Existing or proposed interconnections to adjoining sites as applicable.
9) All existing and proposed driveways, parking and loading spaces, parking lots and a description of surfacing material and construction details to be used. The size and angle of parking spaces, aisles, maneuvering areas, and loading spaces shall be shown.
10) The present zoning of all portions of the site, with the location of zoning boundaries.
11) The location of all existing and proposed outdoor uses, with the height, specific use, and land area labeled.
12) The location of outdoor trash receptacles.
13) Signage requirements per Article 10.

2.11 SUMMARY OF REVIEW AUTHORITY

The following table summarizes review and approval authority under this Ordinance.

	Technical Review Committee	UDO Administrator	Zoning Board of Adjustment	Planning Board	Board of County Commissioners
Master Development Plan – PD					
Master Development Plan – PD	R	R		<D>	
Major Site Development Plan and/or Preliminary Plat	R	R/D		<D>(w)	
Final Plat		R D			
Master Development Plan - Residential					
Master Development Plan	R	R D			
Preliminary Plat	R	R D			
Final Plat		R D			
Master Development Plan – Non Residential					
Master Development Plan	R	R D			
Major Site Development Plan	R	R D			
Subdivision					
Minor Subdivision – Preliminary Plat	R	R D			
Minor Subdivision – Final Plat		R D			
Major Subdivision (RA Districts) – Preliminary Plat	R	R D			
Major Subdivision (RA Districts) – Final Plat		R D			
Sketch Development Plan		R D			
Family Divisions/Three Lot Divisions		R D			
Non Residential					
Major Site Development Plan	R	R D			
Minor Site Development Plan	R	R D			
Miscellaneous					
Rezoning		R		<R>	<D>
Conditional Rezoning	R	R		<R>	<D>
Ordinance Text Amendment		R		<R>	<D>
Special Use Permits		R			<D>
Appeal of Zoning Vested Right		R D	<D>		
Variance			<D>		
Administrative Adjustment		D			
Appeal of Administrative Decision		R	D		
Written Interpretation		D			
Telecommunications Tower					<D>
Zoning Approval/Permits		D			
Change of Use Permit	R	R D			

KEY:
R= Review or recommendation authority

D = Decision authority
R/D= Review and decision authority when waived by Planning Board
< > = Public Hearing required
(w) = Unless waived at the MDP Hearing

Appendix A Definitions:

Principal Structure: A structure or combination of structures of chief importance or function on a site. In general, the primary use of the site is carried out in a principal structure.

5.6.1 Limitations

A. Family subdivisions are permitted on parcels that have been created and recorded in the Registry before March 29, 2004.

B. A total of three parcels (excluding the remnant parcel, if the remnant parcel meets the requirements of this Ordinance) per qualified resident household will be allowed to be created under the family subdivision provisions.

C. The division does not create a new public or private street.

5.6.2 Requirements

A. The plat shall be clearly designated "Family Subdivision" in bold letters,

B. Grantor and Grantee statement, located in Appendix D, shall appear on the plat and be signed by the Grantor(s) and Grantee(s) prior to approval.

C. Certification by the Licensed Professional preparing the plat that each lot is adjacent to a natural drainage way or perennial stream or a 20 ft. drainage easement is recorded from each lot toward a natural drainage way or a perennial stream or if the lot or lots front on a NCDOT maintained road, approval from NCDOT for such lots to drain to the public road,

D. The plat shows any designated Special Flood Hazard Areas located within the subdivision,

E. The plat shows any designated Areas of Environmental Concern located within the subdivision

F. An Improvement Authorization Permit from Environmental Health for each lot to be created, a soil suitability analysis for each lot to be created or approval to connect to existing public sewer

G. The lots, other than those restricted for building development, shown on the plat meet the requirements of this Ordinance.

H. ~~The lots created have access to an access easement as defined in this Ordinance.~~ All access easements shall be in conformance with Access Easement Requirements, Section 7.5.4

~~I. The access easement must provide access to a public street.~~

J. Waste water disposal requirements – One of the following must be met:

1) An Improvement Authorization Permit has been issued for each of the parcels,
2) The soil suitability analysis shows that at least 5,000 sq. ft. of each lot is suitable for traditional on site waste disposal and the required 5000 sq. ft. is not within 10 ft of any lot boundary,
3) Approval has been granted to connect to public sewer or community sewer or
4) Lots not meeting the requirements of 1, 2, or 3 are indicated by the following note: "THIS PARCEL CANNOT BE USED FOR BUILDING DEVELOPMENT, UNLESS AN APPROVED WASTE WATER DISPOSAL METHOD HAS BEEN APPROVED AND PERMITTED BY THE PENDER COUNTY ENVIRONMENTAL HEALTH DEPARTMENT OR APPROPRATE STATE AGENCY OR UNLESS A NEW PLAT IS APPROVED AND RECORDED AS REQUIRED UNDER THIS ORDINANCE."

a) For alternative, see Design Requirements, Lots Section of this Ordinance for "Special Purpose Lots"

~~K. The lots created have either direct access to a public street, private street or private access easement as defined in this Ordinance.~~

~~L. A minimum passable travel way 20 feet wide shall be provided within a forty five (45') foot easement at time of zoning approval.~~

M. Clearing and grubbing shall be completed five feet of each edge of the travel way;

N. Maintenance. Upon determination by the Administrator that such travel way as approved are not passable, the Administrator may, in addition to other remedies, prevent issuance of any further development approvals until such travel ways are in a proper state of maintenance as determined by the Administrator.

O. The Administrator shall review the subdivision to insure that the development will not block future access to properties that are adjacent to the lots.

~~P. The plat contains the following note: "All new access easements shown or designated on this plat, include the transfer of an easement to public entities and public utilities for the purpose of installation and maintenance of water, sewer, electric and communication lines."~~

~~Q. The plat must contain the following note: "All new access easements shown or designated on this plat include the transfer of an easement to Pender County, its employees and agents for access for emergency personnel (police, fire & rescue) and Pender County and its employees for administration of all Pender County Ordinances."~~

THREE LOT DIVISION - NCDOT ROAD

5.7.1 Limitations – The following limitations will apply to three lot subdivisions:

A. Three lot subdivisions located on an existing NCDOT maintained or other public road will be limited to no more than three such parcels (excluding the remnant parcel, if the remnant parcel meets the requirements of this Ordinance) being created from any parcel that had been created and recorded in the Registry before March 29, 2004.

B. The division does not create a new public or private street.

5.7.2 Requirements

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

A. Plat prepared as required by NCGS §47-30,The plat shall be clearly designated "Three Lot Subdivision on NCDOT Road" in bold letters,

B. Certification by the Licensed Professional preparing the plat that each lot is adjacent to a natural drainage way or perennial stream or a 20 ft. drainage easement is recorded from each lot toward a natural drainage way or a perennial stream or if the lot or lots front on a NCDOT maintained road, approval from NCDOT for such lots to drain to the public road,

C. The plat shows any designated Special Flood Hazard Areas located within the subdivision

D. The plat shows any designated Areas of Environmental Concern located within the subdivision,

E. An Improvement Authorization Permit from Environmental Health for each lot to be created, a soil suitability analysis for each lot to be created or approval to connect to existing public sewer.

F. The lots, other than those restricted for building development, shown on the plat meet the requirements of this Ordinance,

G. Waste water disposal requirements – One of the following must be met:

1) An Improvement Authorization Permit has been issued for each of the parcels,
2) The soil suitability analysis shows that at least 5,000 sq. ft. of each lot is suitable for traditional on site waste disposal and the required 5,000 sq. ft. is not within 10 ft of any lot boundary,
3) Approval has been granted to connect to public sewer or community sewer or
4) Lots not meeting the requirements of 1, 2, or 3 are indicated by the following note: "THIS PARCEL CANNOT BE USED FOR BUILDING DEVELOPMENT, UNLESS AN APPROVED WASTE WATER DISPOSAL METHOD HAS BEEN APPROVED AND PERMITTED BY THE PENDER COUNTY ENVIRONMENTAL HEALTH DEPARTMENT OR APPROPRATE STATE AGENCY OR UNLESS A NEW PLAT IS APPROVED AND RECORDED AS REQUIRED UNDER THIS ORDINANCE."
    a) For alternative, see Design Requirements, Lots Section of this Ordinance for "Special Purpose Lots."

H. The lots created have access to a NCDOT maintained public street.

I. The Administrator determines that the subdivision complies with the limitations on Three Lot Subdivisions contained in the General Provisions Section of this Ordinance.

J. The Administrator shall review the subdivision to insure that the development will not block future access to properties that are adjacent to the lots.

K. The plat contains an ownership and dedication statement signed by the owner or owners in the format provided by this Ordinance.

~~L. The plat contains the following note: "All new access easements shown or designated on this plat, include the transfer of an easement to public entities and public utilities for the purpose of installation and maintenance of water, sewer, electric and communication lines~~ All access easements shall be in conformance with Access Easement Requirements, Section 7.5.4

THREE LOT DIVISION – PRIVATE ROAD/ACCESS EASEMENT

5.8.1 Limitations - The following limitations will apply to three lot subdivisions:

A. Three lot subdivisions located on an access easement will be limited to no more than three such parcels (excluding the remnant parcel, if the remnant parcel meets the requirements of this Ordinance) being created from any parcel that had been created and recorded in the Registry before March 29, 2004.

B. Three lot subdivisions located on an access easement as defined in this Ordinance will be limited to three such parcels (excluding the remnant parcel, if the remnant parcel meets the requirements of this Ordinance being created from any parcel that had been created and recorded in the Registry before March 29, 2004 or any parcel that has been created and approved by the Administrator under the provisions of this Ordinance.

C. The division does not create a new public or private street.

5.8.2 Requirements

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

A. Plat prepared as required by NCGS §47-30,

B. The plat shall be clearly designated "Three Lot Subdivision on Access Easement" in bold letters,

C. Certification by the Licensed Professional preparing the plat that each lot is adjacent to a natural drainage way or perennial stream or a 20 ft. drainage easement is recorded from each lot to a natural drainage way or a perennial stream or if the lot or lots front on a NCDOT maintained road, approval from NCDOT for such lots to drain to the public road,

D. The plat shows any designated Special Flood Hazard Areas located within the subdivision,

E. The plat shows any designated Areas of Environmental Concern located within the subdivision,

F. An Improvement Authorization Permit from Environmental Health for each lot to be created, a soil suitability analysis for each lot to be created or approval to connect to existing public sewer.

G. The lots, other than those restricted for building development or designated and reserved for open space, shown on the plat meet the requirements of this Ordinance

H. Waste water disposal requirements – One of the following must be met:

1) An Improvement Authorization Permit has been issued for each of the parcels,
2) The soil suitability analysis shows that at least 5,000 sq. ft. of each lot is suitable for traditional on site waste disposal and the required 5,000 sq ft. is not within 10 ft of any lot boundary,
3) Approval has been granted to connect to public sewer or community sewer,
4) or Lots not meeting the requirements of 1, 2, or 3 are indicated by the following note: "THIS PARCEL CANNOT BE USED FOR BUILDING DEVELOPMENT, UNLESS AN APPROVED WASTE WATER DISPOSAL METHOD HAS BEEN APPROVED AND PERMITTED BY THE PENDER COUNTY ENVIRONMENTAL HEALTH DEPARTMENT OR APPROPRATE STATE AGENCY OR UNLESS A NEW PLAT IS APPROVED AND RECORDED AS REQUIRED UNDER THIS ORDINANCE."
    a) For alternative, see Design Requirements, Lots Section of this Ordinance for "Special Purpose Lots."

~~I. The lots created have access to an access easement as defined in this Ordinance,~~ All access easements shall be in conformance with Access Easement Requirements, Section 7.5.4

~~J. The access easement that provides access to a public street is no longer than 500 ft.~~

~~K. A minimum passable travel way 20 feet wide shall be provided within a forty five (45') foot easement at time of zoning approval.~~

L. Clearing and grubbing shall be completed five feet of each edge of the travel way;

M. Maintenance. Upon determination by the Administrator that such travel way as approved are not passable, the Administrator may, in addition to other remedies, prevent issuance of any further development approvals until such travel ways are in a proper state of maintenance as determined by the Administrator.

N. The Administrator determines that the subdivision complies with the limitations on Three Lot Subdivisions contained in the General Provisions Section of this Ordinance.

O. The plat contains an ownership and dedication statement signed by the owner or owners.

~~P. The plat contains the following note: "All new access easements shown or designated on this plat, include the transfer of an easement to public entities and public utilities for the~~

~~purpose of installation and maintenance of water, sewer, electric and communication lines."~~

~~Q. The plat must contain the following note: "All new access easements shown or designated on this plat include the transfer of an easement to Pender County, its employees and agents for access for emergency personnel (police, fire & rescue) and Pender County and its employees for administration of all Pender County Ordinances."~~

7.5.4 Access Easement Requirements

A. Access easements must provide access to a public street
B. Lots created have either direct access to a public street, private street or private access easement as defined by this ordinance.
C. A minimum passable travel way of 20-feet wide shall be provided
D. The plat contains the following note: "All new access easements shown or designated on this plat, include the transfer of an easement to public entities and public utilities for the purpose of installation and maintenance of water, sewer, electric and communication lines."
E. The plat must contain the following note: "All new access easements shown or designated on this plat include the transfer of an easement to Pender County, its employees and administration of all Pender County Ordinances"
F. No more than four parcels may be approved to utilize one access easement.

ITEM FIVE

Adjacent Property Owner Notifications

The following Ordinance Sections will be updated to remove the policy on notification of adjoining/adjacent owners and replace it with a notification requirement for properties within 500-feet of the perimeter of the project bounds. Specifically:

REZONING

3.3.3 Public Notice

A. When a change in the zoning classification of a parcel of property is requested, the applicant shall provide to the Administrator, a list of names and addresses, as obtained from the county tax listings and tax abstract, of the owners of all properties located within 500-feet of the perimeter of the project bounds ~~adjacent property owners, including property owners directly across any road or road easement,~~ and owners of the property under consideration for rezoning, in accordance with N.C.G.S. §153A-343.

3.3.4 Public Hearing

A. The Planning Board shall hold a public hearing for all rezonings, at which the Board of Commissioners may sit concurrently with the Planning Board, if the Board of Commissioners so desire. If not held concurrently, a separate rezoning public hearing before the Board of Commissioners is required for each project after being heard by the Planning Board.

B. Notice of the public hearing shall be published in a newspaper of general circulation in the county at least once each week for two successive weeks prior to the hearing according to General Statutes and by mailing notices to owners of all properties located within 500-feet of the perimeter of the project bounds ~~adjoining property owners~~ in the envelope provided by the applicant, if required by General Statute.

C. The Administrator shall post a sign on the subject property with visual information related to the request.

CONDITIONAL REZONING

3.4.3 Public Input Meeting

B. Prior to scheduling a public hearing on the rezoning application, the applicant must conduct one public input meeting and file a report of the results with the Administrator.

C. The report for the public hearing will include a summary of the public input meeting.

D. The applicant shall mail a notice for the public input meeting to the owners of all properties located within 500-feet of the of the perimeter of the project bounds ~~adjoining property owners~~ not less than ten (10) days prior to the scheduled meeting.

E. The notice shall include the time, date and location of the meeting as well as a description of the proposal.

MAJOR SITE DEVELOPMENT PLAN

3.7.3 Review

F. Applicants shall submit two copies of the site plan to the Administrator for review, along with applicable applications and completed materials. Final approval of the site plan shall be issued by the Administrator.

G. Major Site Development Plans located in the PD, Planned Development district must include a Master Development Plan as prescribed in Section 3.5, Master Development Plan.

H. Major Site Development Plans will be required to follow the MDP process outlined in Section 3.5 or if specifically waived in accordance with Section 3.5.2.D.

I. The site plan must meet all the requirements prescribed in Section 6.3, Major Site Development Plan Contents.

J. The applicant shall provide to the Administrator a list of names and addresses of the owners of all properties located within 500 feet along with (1) set of #10 envelopes stamped with typed addresses to each person on the list. These addressed envelopes and the list shall be submitted prior to the TRC meeting. The Administrator shall then mail a copy of notification to each property owner not less than ten (10) days prior to the scheduled meeting.

K. The Administrator shall post a sign on the subject property with visual information related to the request for a total of 10 business days.

L. The Administrator shall forward the site plan to the Technical Review Committee for review. The Committee shall make recommendations to the Administrator concerning whether the plan meets the requirements of any Pender County codes or Ordinances and other State or Federal regulations as appropriate.

M. The Administrator shall determine and provide comments to the applicant whether the site plan is in conformance with a previously approved Master Development Plan or if an MDP is not required, the site plan is in conformance with applicable sections of this Ordinance.

N. For projects in the PD zoning district, the Planning Board may request that the site plan be presented to the Planning Board for its review and make recommendations to the Administrator concerning the site plan. The Administrator shall incorporate such recommendations into the review of the site plan.

O. Upon approval of the Master Development Plan as required in accordance with Section 3.5.2, applicant may proceed with the preparation of a Major Site Development Plan.

P. Approval of the site plan shall expire within two years of the approval date unless building permits have been obtained for construction.

Q. The Administrator shall periodically inspect the site during construction to ensure that the site plan requirements are met.

R. Final Zoning Approval shall not be issued for any use or site requiring a site plan until all requirements shown on the approved site plan have been met and all improvements shown on the site plan have been provided. If structures and improvements have been provided sufficient to guarantee public health and safety but if all site plan improvements have not been completed, a certificate of occupancy shall only be issued if a bond with surety or other acceptable guarantees have been provided to insure that all approved improvements will be provided. Such guarantees shall be for a limited time period acceptable to the Administrator, during which time said improvements shall be completed.

MINOR SUBDIVISION

3.9.3 Review

A. Application form must be completed and fee paid at the time of submission.

B. Minor subdivision plans must meet all the requirements prescribed in Section 6.4, Preliminary Plat Contents and Section 6.5, Final Plat Contents.

C. The applicant shall provide to the Administrator a list of names and addresses of the owners of all properties located within 500 feet along with (1) set of #10 envelopes stamped with typed addresses to each person on the list. These addressed envelopes and the list shall be submitted prior to the TRC meeting. The Administrator shall then mail a copy of notification to each property owner not less than ten (10) days prior to the scheduled meeting.

D. The Administrator shall post a sign on the subject property with visual information related to the request for a total of 10 business days.

E. The Administrator will forward the Minor Subdivision application and site plan to the Technical Review Committee for review. The TRC shall make recommendations concerning whether the plan meets the requirements and/or plans of their particular state agency, county department or utility authority within five (5) business days.

F. For projects in the PD zoning district, the administrator may request that the site plan be presented to the Planning Board for its review.

   1) The Planning Board may make recommendations to the Administrator concerning the site plan.

   2) The Administrator shall incorporate such recommendations into the review of the site plan.

G. When required submission material is submitted, the Administrator shall review and provide comments or approval to the applicant within fifteen (15) working days.

H. The plat will be reviewed for compliance with this Ordinance.

I. Plat approval constitutes approval of the layout and authorizes the developer to proceed with construction of the subdivision and improvements in accord with the approved plat and any conditions attached to the approval.

J. If a plat is not approved, the reasons for disapproval must be specified and provided to the applicants in writing. Disapproval of a plat may be appealed to the Pender County Zoning Board of Adjustment.

K. Approval of the preliminary plat shall be valid for two (2) years of the approval date unless building permits have been obtained for construction.

MAJOR SUBDIVISION

3.10.3 REVIEW

A. Completed plats, application, fees and other required data must be submitted 45 days before a scheduled Planning Board meeting, if applicable in accordance with Section 2.3.2.B.

B. When required submission material is submitted as noted above, it shall be placed on the next scheduled Planning Board agenda, if applicable.

C. Planning Board review and approval shall not be required for a Major Subdivision in a by-right development zoning district in accordance with Section 2.5.2.B.

D. The applicant shall provide to the Administrator a list of names and addresses of the owners of all properties located within 500 feet along with (1) set of #10 envelopes stamped with typed addresses to each person on the list. These addressed envelopes and the list shall be submitted prior to the TRC meeting. The Administrator shall then mail a copy of notification to each property owner not less than ten (10) days prior to the scheduled meeting.

E. The Administrator shall post a sign on the subject property with visual information related to the request for a total of 10 business days.

F. The Administrator will forward the Major Subdivision application and site plan to the Technical Review Committee for review. The TRC shall make recommendations concerning whether the plan meets the requirements and or plans of their particular state agency, county department or utility authority

G. Major subdivision plans must meet all the requirements prescribed in Section 6.4, Preliminary Plat Contents and Section 6.5, Final Plat Contents.

H. The preliminary plat must be submitted in digital format to the Administrator within the time frame indicated above. The digital submission of the plat will be considered proprietary information. The digital layout will be made available to the Tax Supervisor for parcel update and the digital submission may be returned to the person submitting it.

I. The plat will be reviewed for compliance with this Ordinance.

J. Due to the subdivision of land for residential purposes a portion of land must be dedicated to open space by means of providing recreational area to the residents or payments in lieu of dedication to the County. Open space requirements may be referenced in Section 7.6, Open Space.

K. Planning Board, if applicable in accordance with Section 2.3.2.B, will take action on the plat submission within 65 days after completed submission.

L. Master Development Plan approval shall be valid for two years. If all conditions of preliminary plat are met and a phase of the final plat is recorded, the preliminary plat status shall remain valid perpetually for all remaining phases.

M. Preliminary plat approval constitutes approval of the layout and authorizes the developer to proceed with construction of the subdivision and improvements in accord with the approved plat, conditions attached to the approval, and submittal of required permits.

N. All conditions of preliminary plat approval must be completed and submitted within two (2) years of the approval date.

O. If a preliminary plat is not approved, the reasons for disapproval must be specified and provided to the developer in writing. Disapproval of a preliminary plat may be appealed to the Pender County Board of Adjustment.

P. A preliminary plat will not be scheduled for review that is incomplete or does not have the required documents submitted with it.

SPECIAL USE PERMIT

3.12.2 Application and Fees

A. Applications for Special Use Permits, signed by the applicant, shall be approved or denied by the Board of Commissioners and shall follow the general requirements of Section 3.1.1 and 3.1.2.

B. Each application shall contain the following as stipulated by the County Commissioners and Administrator:

1. Structures. Location of all structures within fifty (50) feet of the property; location and depth, if known, of any existing utility lines in the property or along any adjacent road.
2. Other Requirements. Location of property boundaries, location of any easements for utility lines or passage which cross or occupy any portion of the property for proposed lines;
3. The applicant shall provide to the Administrator a list of names and addresses of ~~all adjacent property owners~~ the owners of all properties located within 500-feet of the perimeter of the project bounds along with one (1) set of #10 envelopes stamped and with typed addresses to each person on the list. These addressed envelopes and the list shall be submitted at least thirty (30) days prior to the public hearing. The Administrator shall then mail a copy of the legal notice to each property owner;

VARIANCE

3.14.5 Notice and Public Hearings

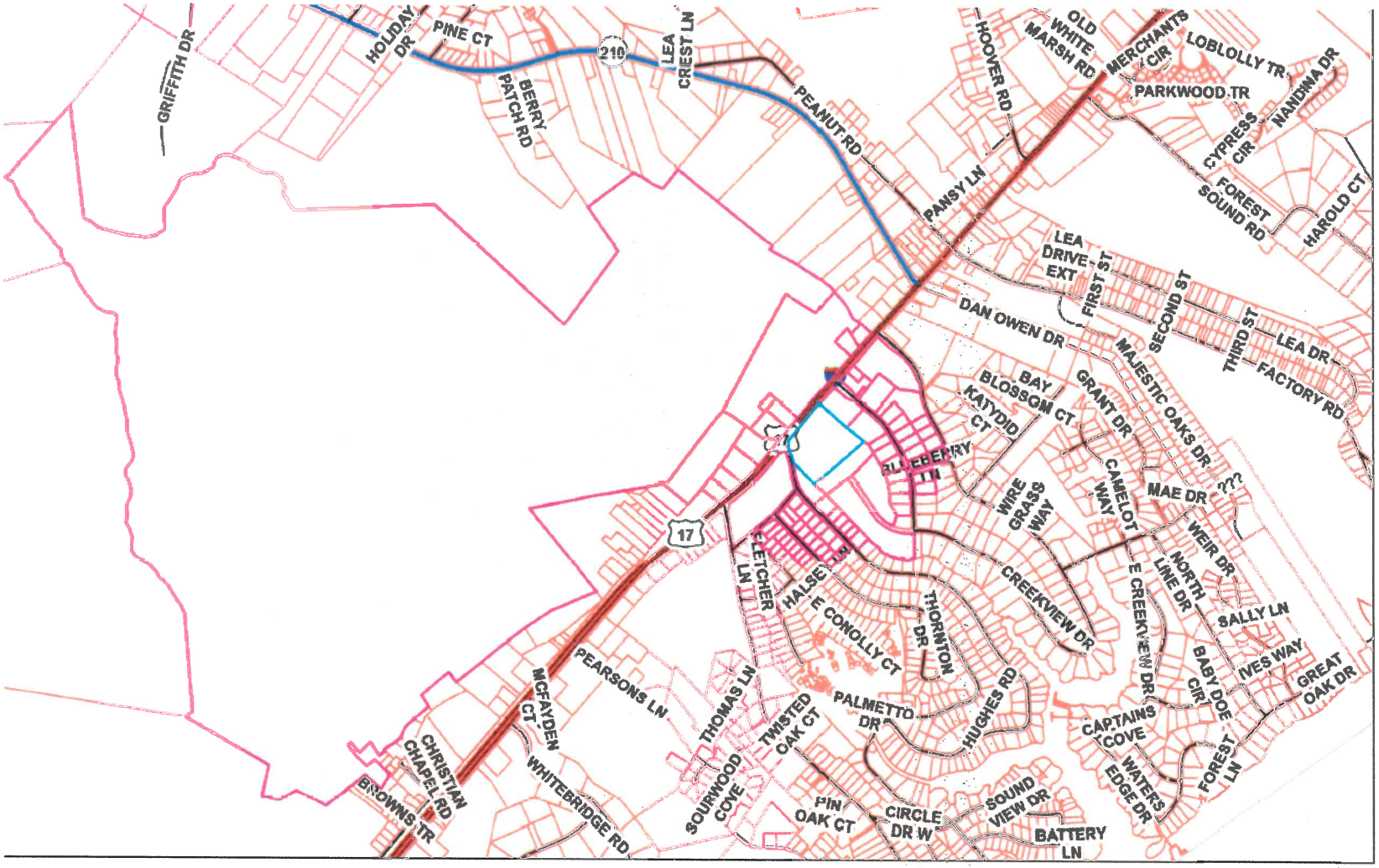
Once the application has been determined complete, the Administrator shall schedule a public hearing and give notice to the owners of all properties located within 500-feet of the perimeter of the project bounds ~~adjoining/abutting property owners~~ and aggrieved parties in the form of applicant supplied #10 envelopes with paid first class postage.

CONDITIONAL ZONING DISTRICTS

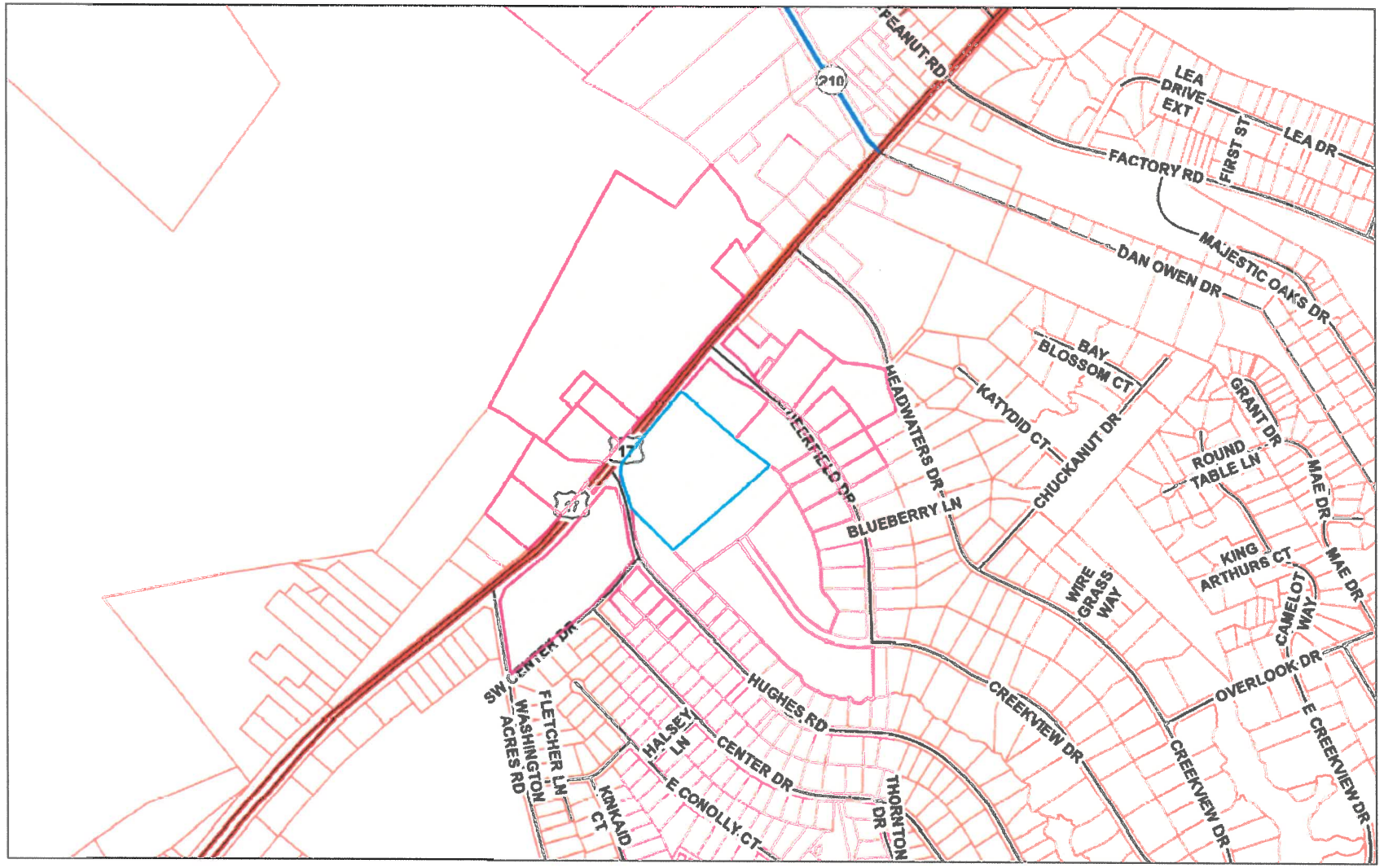
4.13.4 Public Input Meeting

Prior to scheduling a public hearing on the rezoning application, the applicant must conduct one public input meeting and file a report of the results with the Administrator. The report for the public hearing will include a summary of the public input meeting. The applicant shall mail a notice for the public input meeting to the owners of all properties located within 500-feet of the perimeter of the project bounds ~~adjoining property owners~~ not less than ten (10) days prior to the scheduled meeting. The notice shall include the time, date and location of the meeting as well as a description of the proposal. The applicant's report of the meeting shall include:

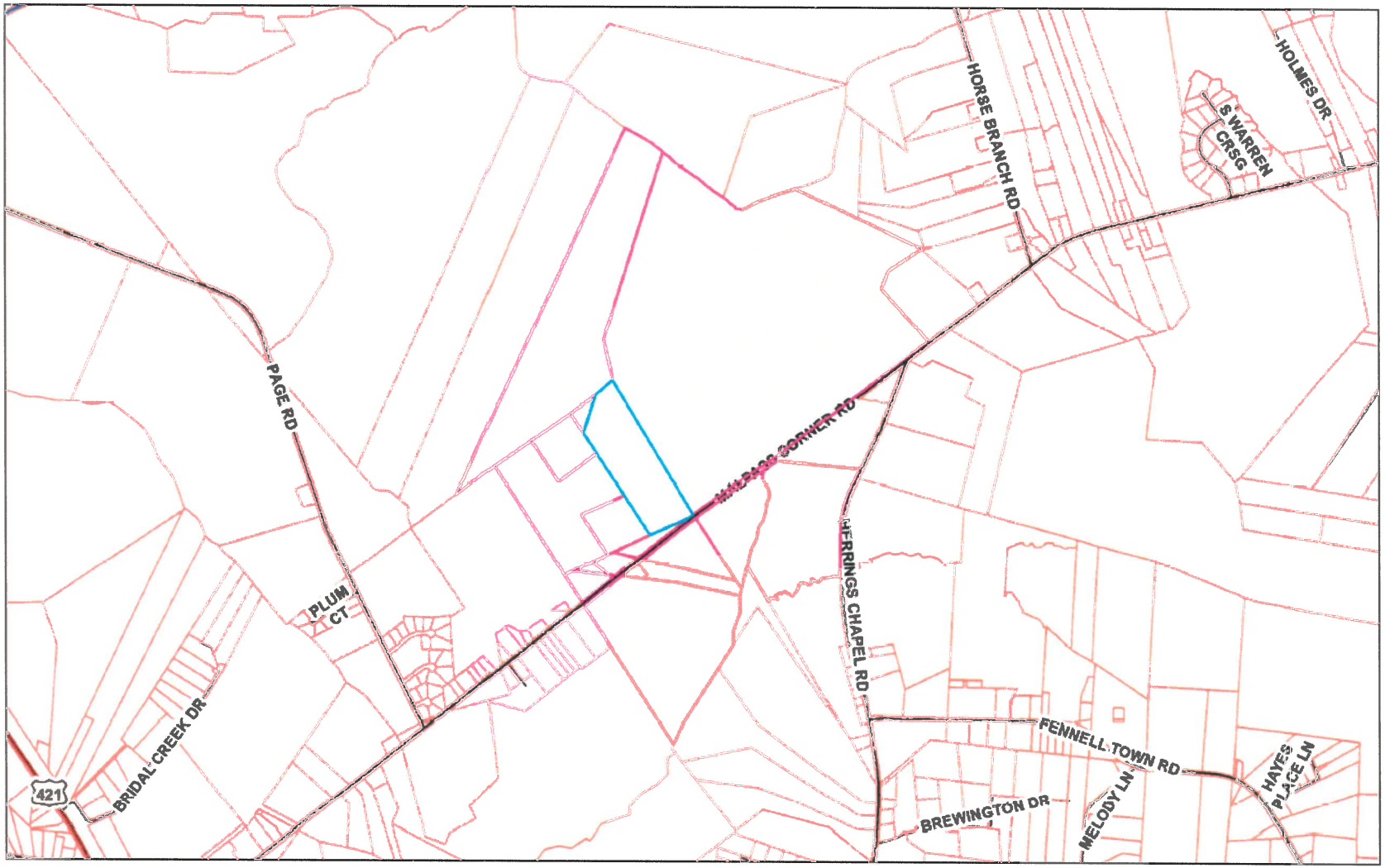
A. A copy of the letter announcing the meeting
B. A list of adjoining property owners contacted
C. An attendance roster
D. A summary of the issues discussed
E. The results of the meeting including changes to the project's proposal, if any



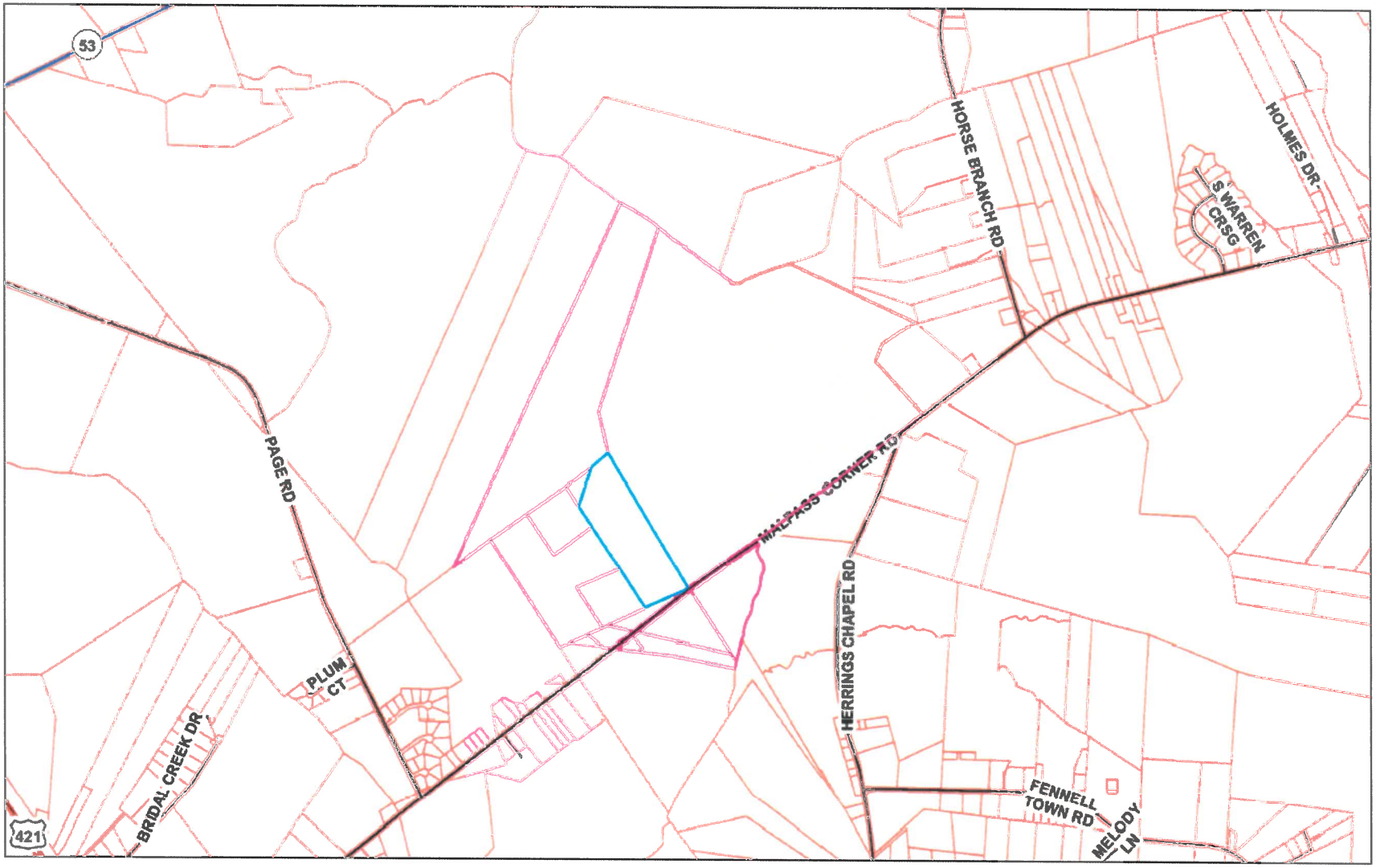
1,000 ft. buffer: Urbanizing area along US HWY 17



500 ft. buffer: Urbanizing area along US HWY 17



1,000 ft. buffer: Rural area along Malpass Corner Road



500 ft. buffer: Rural area along Malpass Corner Road

3.3.5 Action by Administrator

A. The Administrator shall prepare a staff report that reviews the rezoning request in light of any applicable plans and the general requirements of this Ordinance. The staff report shall consider the entire range of permitted uses in the requested classification regardless of any representations made that the use will be limited.

~~B. The Administrator will forward the rezoning request to the Technical Review Committee for review. The TRC shall make recommendations concerning whether the plan meets the requirements and or plans of their particular state agency, county department or utility authority.~~

C. Following completion of the review by staff, the Administrator shall forward the completed request, staff recommendation, and any related materials to the Planning Board for a hearing and recommendation in accordance with the adopted meeting schedule.

D. Following Planning Board review and recommendation, the Administrator shall forward the completed rezoning request and any related materials, including the Planning Board recommendation, to the County Commissioners for hearing and final action.

ITEM SEVEN

Article 11 Section 1 Authority

11.1 Under the authority and provisions of the General Statutes of North Carolina, Chapter 153A-121, 239.1., and local modifications thereto, a county may by ordinance, name or rename any road within the county and not within a city, and may assign or reassign street numbers for use on such a road. In naming or renaming a road, a county may not:

1. Change the name, if any, given to the road by the Board of Transportation unless the Board of Transportation agrees;
2. Change the number assigned to the road by the Board of Transportation, but may give the road a name in addition to its number; or
3. Give the road a name that is deceptively similar to the name of any other public road in the vicinity.

11.1 A. A county shall not name or rename a road or assign or reassign street numbers on a road until it has held a public hearing on the matter. At least 10 days before the day of the hearing the Board of Commissioners shall cause notice of the time, place, and subject matter of the hearing to be prominently posted at the county courthouse, in at least two public places in the township or townships where the road is located, and shall publish a notice of such hearing in a newspaper of general circulation published in the county. After naming or renaming a road, or assigning or reassigning street numbers on a road, a county shall cause notice of its action to be given to the local postmaster with jurisdiction over the road, to the Board of Transportation, and to any city within five miles of the road.

~~**Overview**~~

~~A. Under the authority and provisions of the Statutes of North Carolina, Chapter 153A-121, 239.1., and local modifications thereto, a county may by ordinance, name or rename any road within the county and not within a city, and may assign or reassign street numbers for use on such a road.~~

B. These regulations shall apply to and govern each and every public or private road within the County of Pender outside of the jurisdiction of any incorporated municipality.

C. The Addressing Coordinator, or their assigned agent, shall be responsible for assigning a number for each addressable structure in Pender County, including the municipalities of St. Helena and Watha, and for the naming of public and private roads as directed by the provisions of this article. As conditions merit, such official numbers may be changed upon proper official notice to the property owner and public agencies.

~~**11.1.2 Naming**~~

~~B. In naming or renaming a road, a county may not:~~

~~1) Change the name, if any, given to the road by the Board of Transportation unless the Board of Transportation agrees;~~

~~2) Change the name, if any, given to the road by the Board of Transportation unless the Board of Transportation agrees; (Duplicate of 1)~~

~~3) Change the number assigned to the road by the Board of Transportation, but may give the road a name in addition to its number; or~~

~~4) Give the road a name that is deceptively similar to the name of any other public road in the vicinity.~~

~~C. After naming or renaming a road, or assigning or reassigning street numbers on a road, a county shall cause notice of its action to be given to the local postmaster with jurisdiction over the road, to the Board of Transportation, and to any city within five miles of the road.~~

11.6 NUMERICAL ADDRESSING SYSTEM

11.6.1 Numerical Addressing Requirements

A. Numerical addressing will be assigned using the federal standard scale of 1000 numbers per mile, which calculates to an available number every 5.28 feet.

B. The range of addresses shall begin with the lowest number in the range being closest to the road of origin. As the numbers are increasing, even numbers will be assigned to structures located on the right side of the road and odd numbers will be assigned to structures located on the left side of the road.

C. All addresses should numerically balance on both sides of the road.

D. It is the policy of Pender County to assign addresses when the footing inspection has been approved or when there is a final site plan approval. The only deviation of this policy is when the structure is located in an approved subdivision where addresses have previously been assigned.

E. Subdivisions and/or individual lots with up to 100 feet of road frontage may be assigned preliminary addresses following final map recordation. Final addresses will not be assigned until compliance with Section 11.6.4 has been demonstrated.

F. Addresses will be assigned to the front door of the structure. Structures that are situated more than two hundred (200) feet from a named road will be addressed where the driveway intersects the road. If the structure is not visible from any distance off the road the address will be assigned at the driveway.

G. Structures using the same driveway shall be addressed with the structure nearest the road of origin having the lower digit.

H. Structures whose vehicular access is via an alley may be assigned addresses from the alley side.

ITEM EIGHT

5.2 Uses Not Specifically Listed

Any use not specifically listed in this Article is ~~expressly~~ prohibited, unless the Administrator determines, in accordance with Section 3.17, Written Interpretation that the use is similar to a permitted individual use or permitted group of uses as listed in this Article. Where such similar permitted individual use or permitted group of uses is subject to a limited use standard contained in this Article or special exception review, the proposed use shall also be subject to such standard or approval. The Administrator shall not amend this chapter by adding to or eliminating any use standard for the proposed use. In the event a proposed use is similar to a listed use, the Administrator shall use the following criteria to evaluate the admissibility of the use before permitting: type of use, environmental effects, traffic impacts, noise, odor or other applicable criteria as determined by the Administrator.