UNIFIED DEVELOPMENT ORDINANCE

Pender County, NC

Adoption Date: June 21, 2010

Effective Date: July 1, 2010

Last Amendment Date: December 5, 2022

Acronyms and Abbreviations

Acronyms and abbreviations used in the Unified Development Ordinance

AEC	Area of Environmental Concern
BFE	Base Flood Elevation
BOA	Board of Adjustment
BOCC	Board of County Commissioners
CAFO	Concentrated Animal Feeding Operation
CAMA	Coastal Area Management Act
CLUP	Comprehensive Land Use Plan
CTP	Comprehensive Transportation Plan
DCM	NC Division of Coastal Management
DWQ	NC Division of Water Quality
ETJ	Extraterritorial Jurisdiction
FDPO	Flood Damage Prevention Ordinance
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
GIS	Geographic Information System
LID	Low Impact Development
LUP	Land Use Plan
MPO	Metropolitan Planning Organization
NCDENR	NC Department of Environmental and Natural Resources
NCDOT	North Carolina Department of Transportation
NCGS	North Carolina General Statutes
ORW	Outstanding Resource Waters
PB	Planning Board
RPO	Rural Planning Organization
SB	Senate Bill
SR	North Carolina Secondary Road
UDO	Unified Development Ordinance
USACE	United States Army Corps of Engineers
WRC	Wildlife Resources Commission
WSD	Water and Sewer District
WTP	Water Treatment Plant
WWTP	Wastewater Treatment Plant

Chronological Summary of UDO Amendments since July 1, 2010 Adoption

Zoning Text Amendment	Effective Date	Description of Amendment
Adoption	07/01/10	Unified Development Ordinance Adoption
10-10-18-01 Pender County	10/18/10	Updates to Articles 3, 4, 5, and 6
10-12-06-02 Pender County	01/18/11	Updates to Articles 5, 6, and Appendix A
11-2-21-01 Pender County	02/21/11	Add "*passable travel way*" definition and corresponding requirements for 3-lot on access and family divisions
11-05-16-03 Andrews	06/20/11	Amend Section 5.2.3, Table of Permitted Uses to allow "All Other Amusement and Recreation Industries" – NAICS 71399 to be permitted via Special Use Permit in the RP District.
11-05-16-04 Pender County	05/16/11	Updates to Article 2; Article 3; Article 4.6.5 C & 4.7.2A5; Article 5.2.3, 5.3.2C, 5.3.3.E.3)a)iii)c,& 5.3.10A; Article 6; Article7.1.3A1; Article 9.5.1A1 & 9.10; Article 10.4.3B and Appendix A; along with the creation of an additional Article 7, Appendix D.
10028 Pender County	8/15/11	Updates to Sections: 3.10.1, 3.14.1.F, 4.6.3.A, 4.7.4, 4.14, 5.2.3, 5.3.2.C, 5.3.2.D, 5.3.8.A, 5.3.11.B-J, and Appendix A, with the creation of an additional Section 3.19, Section 5.3.12.K, and Section 5.3.12.L.
10042 Pender County	9/19/11	Updates to Sections 4.14, 5.2.3, 5.3.3, and Appendix A; along with the creation of an additional Section 3.20, 5.3.9.A, 5.3.9.B.
10072 Pender County	10/17/11	Amend Sections 4.14 and 7.10, and Appendix D – Typical Forms and Surveyor Notes; creation of additional Sections 7.10.2 and 7.14
10139 Pender County	11/21/11	Amend Sections 2.4.1.B.2, 3.10.3.K, 3.11.1.C.7, 5.2.3, 5.3.11.F-O, 6.2.C.18, 6.3.C.27, and Appendix A; along with the creation of an additional Sections 3.5.4.I, 3.9.3.I, 5.3.11.P, 9.4.2.A.1.h.
10655 Pender County	3/19/12	Amend Sections 10.5.1.C.1.2 and 12.4.10.C.1; along with the creation of an additional Sections 10.7.2, 12.4.6, and 12.4.10.C.2.a.
10662 Pender County	3/19/12	Amend Sections 3.4.1, 3.4.6, 5.2.3, 5.3.3.B, 5.3.3.C, and Appendix D, as well as Revising References in Article 1-12 and Appendix A.
10720 Pender County	6/18/12	Amend Sections 5.2.3, 5.3.11.I, and Appendix A; along with the creation of an additional Section 5.3.12.P.
10774 Pender County	10/15/12	Amend Sections 1.11.2 and 8.3.2.C-E.
10828 Pender County	1/22/13	Amended Sections 2.9.1, 2.9.2,2.11, 3.6.1, and 3.6.2
10944 Pender County	5/20/13	Amend Section 5.2.3 and Appendix A
10972 Pender County	6/17/13	Amend Sections 4.6.5, 4.14, and Appendix A to clarify language for corner lots.
10995 Pender County	9/16/13	Amend Article 7.10 Off-Street Parking and Loading/Parking Requirements
11028 Pender County	10/21/13	Amend Section 3.5.2.D, Section 5.2.3, and Appendix A and add a new Section 5.3.12.E.
11019 & 11069 Pender County	12/09/13	Amend Sections 4.14; Section 7.10.5; Section 8.1.2; Remove Article 9 and Create Independent Document and Appendix A

Zoning Text Amendment	Effective Date	Description of Amendment
11114 Pender County	2/18/14	Add Appendix E Conditional Rezoning Districts and Associated Administrative Changes
11143 Pender County	4/22/14	Amend Section 3.15.2; and Section 5.2.3. through 5.3.3.
11031-R & 11245 Pender County	1/20/15	Add 11031-R to Appendix E and amend Section 5.3.12.G; Section 7.10.1; and Section 7.10.5
11288 Fours Points Recycling	3/16/15	Amend Section 5.2.3 to allow for Other Nonhazardous Waste Treatment and Disposal (NAICS 562219) permitted by Special Use in the GB, General Business zoning district
11326 Pender County	4/20/15	Amend Sections 2.3, 2.5, 2.9, 2.11, 3.4, 3.5, 3.7, and 3.10 to revise the review procedures for by-right development and Sections 4.8, 4.14, and 6.1 to clarify requirements for the Planned Development zoning district
11379 Pender County	6/22/15	Amend Section 3.2.2.B to allow for electronic submittal of required foundation surveys and amend Section 3.2.2.D to remove the requirement of in-field setback verifications
11446 Pender County	10/26/15	Amend Section 8.1.2 and 8.2.2 to revise buffer location requirements, Amend Section 7.6 to allow for clusterboxes in dedicated open space, Amend Appendix A to add Addressing Coordinator and Amend Appendix D to include Addressing Coordinator approval to Final Plat requirements.
15-2015 Dallas Harris	12/14/15	Amend Section 5.2.3 to allow for Other Nonhazardous Waste Treatment and Disposal (NAICS 562219) permitted in the RA, Rural Agricultural and IT, Industrial Transitional zoning districts via Special Use Permit.
98-2015 Tracy Lange	2/16/16	Amend Section 5.3.11 to add Section C; standards specific to Pet Grooming Establishments and including a definition of Pet Grooming Establishments in Appendix A Definitions.
ZTA 179-2016 Stroud Engineering	5/16/16	Amend Section 4.14 Zoning District Dimensional Requirements to align the minimum structure separation requirements in the GB, RA, RP, OI and EC zoning districts
ZTA 169-2016 Pender County	5/16/16	Amend the Traffic Impact Analysis requirements (Section 6.1.2.A.15, Section 6.1.3.A.7, Section 6.1.4.A.16, Section 6.3.C.7 and Section 6.4.A.20); replace references to the *Coastal Pender Collector Street Plan* with the *Pender County Collector Street Plan* (Sections 1.5, Section 7.2.6, 7.2.7, 7.5.1) and to incorporate the Addressing and Road Naming Ordinances into the Unified Development Ordinance (Articles 11, 12, and 13 and Appendix A).
ZTA 271-2016 Stroud Engineering/Jack Stocks	8/15/16	Amend Section 5.2.3 Table of Permitted Uses and Section 5.3.5 Mining, Quarrying, Oil and Gas Extraction to allow Borrow Pit Sand Mining (NAICS 212321) with an approved Master Plan if the mining operations are completed within 2 years of the Master Development Plan approval.
ZTA 242-2016 Pender County	9/19/16	Amend Section 7.5 Street Design to allow options on dead end and stub streets and require 90-feet or ROW on cul-de-sacs and require subdivisions exceeding 30 lots to have more than one method of ingress and egress.
ZTA 358-2016	9/19/16	Section 7.5.1.A.1 Street Design to add objective criteria for administrative flexibility for the roadway design requirements

Zoning Text Amendment	Effective Date	Description of Amendment
Marsh Creek Investments, LLC, ZTA 331-2016	10/17/16	Amend Section 5.2.3 Table of Permitted Uses to allow dry stacks and boat storage in the GB, General Business zoning district and to define Dry Stack Storage within Appendix A, Definitions.
Pender County ZTA 243-2016	10/17/16	Article 2 Decision Making and Administrative Bodies, Article 3 Review Procedures, Article 4 Zoning Districts, Article 5 Permitted Uses, Article 6 Development Requirements and Content, Article 7 Design Standards, Article 11 Road Naming and Addressing and Appendix A Definitions. Specifically the request is to amend: the Summary of Review Authority (Section 2.11), Review Procedures for Minor Site Plans (Section 3.6), Notification Policies (Sections 3.3.3, 3.3.4, 3.4.3, 3.7.3, 3.9.3, 3.10.3, 3.12.2, 3.14.5, and 4.13.4), Review Procedures for General Use Rezonings (Section 3.3.5), Policies on Unlisted Uses (Section 5.2.1A), Easement Policies (Article 6), Preliminary Plat Requirements (Section 6.4), Final Plat Requirements (Section 6.5), Easement Standards (Section 7.5.4), Road Naming (Section 11.1.2), Addressing (Section 11.6) and various definitions (Appendix A).
ZTA 426-2016	3/20/17	Amend Section 5.2.3 Tables of Permitted Uses and to add a Section (5.3.7) for standards regarding construction (Sector 23) in order to allow for the following uses: Construction of Buildings (NAICS 236), Heavy and Civil Engineering Construction (NAICS 237) and Specialty Trade Contractors (NAICS 238) as uses permitted with standards in the GB, General Business zoning district.
ZTA 538-2017	5/15/17	Amend Section 4.6.10 Permitted Obstructions in Required Yards, Section 5.3.2 Residential Uses, Section 7 Design Standards for Sight Triangles, a reorganization of Section 6.3 Major Site Development Plan Contents and Appendix D Surveyor and Engineer Forms.
ZTA 620- 2017	9/18/17	Amend Section 5.2.3 Table of Permitted Uses to allow for the addition of 'Others Schools and Instruction (NAICS 6116)' as a permitted use by right in the GB, General Business zoning district.
ZTA 719-2017	10/16/17	Amend Sections 3.3.9 Plan Consistency Statements, 3.4.9 Plan Consistency Statements, 3.8.1 Exempt Subdivisions, 5.2.3 Table of Permitted Uses, 5.3.3.D Agritourism Activities on Active Farms, 6.6 Limited Subdivisions, and 13.4.11 Statute of Limitations to update the Unified Development Ordinance based on legislative changes.
ZTA 757-2017	1/16/18	Amend Section 8.3.2 'Interior Parking Islands' to revise the requirements for parking terminals and landscape strips.
ZTA 2018-01	5/21/18	Amend Section 7.9 'Drainage Facilities and Utility Easements' to revise stormwater regulations for new developments.
ZTA 2018-02	6/18/18	Amend Section 5.2.3 'Table of Permitted Uses' and Section 5.3.4 'Mining, Quarrying, Oil and Gas Exploration (Sector 21)' to allow for borrow pit sand minding in the RP, Residential Performance zoning district in conjunction with a Master Development Plan and an approved Special Use Permit.
ZTA 2018-03	8/20/18	Amend Chapter 11 'Road Naming and Addressing,' Section 11.8 'Size, Color, Maintenance, and Location' and Section 11.9 'Subdivisions,' to

		revise addressing standards to provide additional clarity and to bring those standards into compliance with the North Carolina State Building Code.
ZTA 2018-04	1/22/19	Amend Chapter 4, Section 12 'Overlay Districts' to add Section 4.12.6, "Bicycle and Pedestrian Improvement Overlay District' (BPIOD).
ZTA 2018-06	1/22/19	Amend Section 5.2.3 'Table of Permitted Uses' to allow for Sewage Lift Stations permitted with standards by right in the GB, General Business; IT, Industrial Transitional; GI, General Industrial; and OI, Office and Institutional zoning districts and permitted with standards via a Special Use Permit or as part of a Master Development Plan in all other districts except EC, Environmental Conservation, and to amend Section 5.3.5 'Sewage Treatment Facilities' to provide additional use standards for Sewage Lift Stations.
ZTA 2019-08	8/19/2019	Amend Section 5.3.2.F 'Emergency/Disaster Relief Housing' and Appendix A 'Definitions' to provide increased clarity on processes and allowable timeframes for temporary housing
ZTA 2020-09	3/16/2020	Amend Section 5.2.3 'Table of Permitted Uses' to allow for Disaster Volunteer Housing permitted with standards by right in all zoning districts except EC, Environmental Conservation zoning district, as well as amend Section 5.3.12 'Miscellaneous Uses' to provide use standards for Disaster Volunteer Housing. The request is also to amend Section 5.3.2.F 'Emergency/Disaster Relief Housing' to allow for additional permit extensions for emergency/disaster relief housing related to Hurricane Florence.
ZTA 2020-11	7/6/2020	Amend Section 3.3 'Rezoning', Section 3.4 'Conditional Rezoning', and Section 4.8.1.C. 'Number of Dwelling Units (Density)' to amend the review processes for Rezoning and Conditional Rezoning, as well as the calculation of residential project density, as well as to amend Section 4.6.7 'Density,' 4.13 'Conditional Zoning Districts,' and Appendix E 'Conditional Zoning Districts' to ensure consistency throughout the Unified Development Ordinance.
ZTA 2020-10a	8/17/2020	Amend Appendix D – Typical Forms and Surveyor Notes to require the Fire Marshal's signature on preliminary and final plats.
ZTA 2020-10b	9/21/2020	Amend Section 2.2.2 'Powers and Duties', Section 2.3.2 'Powers and Duties', Section 2.5.2 'Powers and Duties', Section 2.11 'Summary of Review Authority', Section 3.1 'Common Review Procedures', Article 3 – Review Procedures 'Figure 2', Section 3.5.6 'Changes to Approved Plans', and Section 4.8.1 'PD: Planned Development' to amend the review processes for the PD, Planned Development zoning district, RM, Residential Mixed zoning district, and MH, Manufactured Housing Community zoning district.
ZTA 2021-12	3/15/2021	Amend Section 5.3.12.F "Industrial Parks" to revise standards related to off-street loading and unloading facilities within approved industrial parks
ZTA 2021-13	5/17/2021	Amend sections throughout the ordinance to conform to updated North Carolina General Statutes associated with the adoption of Chapter 160D.
ZTA 2021-15	3/14/2022	Amend Article 3, Section 3.1.1 'Pre-Submittal Meeting with Staff,' Section 3.1.2 'Application Requirements,' 3.5.3 'Pre Application Conference,' 3.5.4 'Review,' 3.9.2 'Pre Application Conference,' 3.9.3 'Review,' 3.10.2 'Pre Application Conference,' and Section 3.14.3 'Pre-Application Conference' and various workflow figures within Article 3 'Review Procedures' to

		ensure conformance with updated ordinance language, revising the current requirements for pre-submittal meetings, fees and waiting periods in order to improve the efficiency of the application review process.
ZTA 2022-15	8/15/2022	Amend Section 3.2.1 'Zoning Approval' to allow for the issuance of clearing and grading permits prior to the issuance of final zoning approval.
ZTA 2022-16	9/19/2022	Amend Section 11.1 "Authority;" Section 11.3.1 "New Road Names;" Section 11.4.1.B "Petition for Road Names;" Section 11.4.3.A "Prohibited Road Names;" Section 11.6.1.D, L, and Q "Numerical Addressing Requirements;" Section 11.10.2 "Identification;" and Section 11.11.1 "Installation;" Section 11.11.2 "Maintenance." These amendments are intended to increase the health and safety of the citizens through 911 addressing requirements, clear up ambiguous language, to grant more property rights to the owners of unnamed access easements, to align the code with current workflows and designated departments, to delineate exceptions for addressing requirements, and to encode the necessity of street signs for private roads.
ZTA 2022-17	12/5/2023	Amend Section 5.2.3, Table of Permitted Uses, to remove 'Other Electric Power Generation (2007 NAICS 221119)' as a use allowed via Special Use Permit in the RA, Rural Agricultural, RP, Residential Performance, and PD, Planned Development zoning districts. Additionally, the request includes modifying this section to require 'Other Electric Power Generation' to be approved via Special Use Permit in the IT, Industrial Transitional and GI, General Industrial zoning districts.

Unified Development Ordinance

Pender County, North Carolina

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ARTICLE 1 GENERAL PROVISIONS

1.1 TITLE

These regulations shall be known and may be cited as the Unified Development Ordinance of Pender County, North Carolina and may be referred to as this "UDO" or this "Ordinance".

1.2 AUTHORITY

These regulations are adopted pursuant to the authority vested in the County of Pender by its charter and the General Statutes of North Carolina, particularly Chapter 153A, Chapter 160D and Chapter 340.

1.3 JURISDICTION

These regulations govern the development and use of all land, waters, and structures in Pender County located outside the planning jurisdiction of any incorporated city or town. Municipalities within Pender County may elect to allow this Ordinance to be effective within their corporate limits and planning jurisdiction.

1.4 PURPOSE

1.4.1 It is the purpose of this Ordinance to:

A. Promote the health, safety, and general welfare of the residents of Pender County;
B. Secure safety and minimize public and private impacts from fire, panic, floods, hurricanes, tornadoes, tower failures and other dangers;
C. Implement the policies and goals contained with officially adopted plans, including the Pender County Comprehensive Plan, Pender County Coastal Area Management Act (CAMA) Land Use Plan, and any other adopted County land use documents;
D. Preserve the overall quality of life for residents and visitors;
E. Protect the character of established residential neighborhoods;
F. Promote economically vibrant as well as attractive business and commercial areas;
G. Retain and expand the County's employment base;
H. Maintain orderly and compatible land-use and development patterns;
I. Facilitate the adequate provisions of transportation, water, sewerage, schools, parks, and other public requirements;
J. Minimize congestion in the streets and accommodate the use of alternatives to the private automobile including public transportation and pedestrian and bicycle facilities;
K. Ensure adequate light, air, privacy, and access to property;
L. Encourage environmentally responsible development practices;
M. Promote rehabilitation and reuse of older buildings;
N. Promote a range of housing choices and options;
O. Establish clear and efficient development review and approval procedures; and
P. Accommodate growth and development that complies with the preceding stated purposes.

1.5 RELATIONSHIP TO ADOPTED PLANS

The administration, enforcement, and amendment of this Ordinance shall be accomplished with consideration of recommendations presented in the documents comprising the Comprehensive Plan. These documents include, but are not limited to, the following: the Pender County Comprehensive Plan, the Pender County CAMA Land Use Plan, Pender County Collector Street Plan, and the Parks and Recreation Master Plan. A copy of the adopted Pender County Comprehensive Plan shall be filed with the County Clerk.

1.6 MATTERS REGULATED

1.6.1 Matters regulated include, but are not limited to:

A. Use of land and water for trade, industry, residence, parking, and other purposes;
B. Size of lots, yards, and other spaces;
C. Maximum coverage of lots by buildings and other structures, and by uses;
D. Height, size, location, erection and construction, reconstruction, alteration and use of buildings, structures and telecommunication towers for trade, industry, residence, communication, and other purposes;
E. Density of population; and
F. Division and subdivision of land.

1.7 EFFECTIVE DATE

These regulations shall become effective at 12:01 AM on July 1, 2010.

1.8 RELATION TO OTHER CODES AND ORDINANCES

It is not intended that this Ordinance in any way repeal, annul or interfere with the existing provisions of any other law or ordinance. In addition, it is not intended that this Ordinance in any way repeal, annul or interfere with any rules, regulations or permits which were legally adopted or issued under previous ordinances for the use or development of land or structures. Finally, it is not intended that this Ordinance interfere with any private easements, covenants, or other agreements. However, if the provisions of this Ordinance impose greater restrictions or higher standards for the use of a building or land, or for yards, open space or size of structures than is called for by other ordinances, permits, easements or agreements, then the provisions of this Ordinance will take precedence over the others and will control the use of development, except as otherwise provided under Section 1.11, Transitional Provisions. All approvals granted under the provisions of this Ordinance are subject to and conditioned upon compliance with other local, state and federal regulations and rules.

1.9 REPEAL OF CONFLICTING ORDINANCES

The Zoning Ordinance, Subdivision Ordinance, Mobile Home and Travel Trailer Park Ordinance, Telecommunications Tower Ordinance, and Flood Damage Prevention Ordinance of Pender County are repealed and superseded to give the UDO full force and effect, on the effective date of this

Ordinance. Any and all violations of any of these previously existing ordinances or regulations, prosecutions for which have not yet been instituted, may be hereafter filed, and prosecuted to the fullest extent of the law.

1.10 GENERAL RULE OF CONSTRUCTION

1.10.1 For The Purposes of These Regulations, The Following Rules of Construction Shall Apply:

A. These regulations shall be construed to achieve the purposes for which they are adopted.

B. In the event of a conflict between the text of these regulations and any caption, figure, illustration, or table, the text of these regulations shall control.

C. In the event of any conflict in limitations, requirements, or standards applying to an individual use or structure, the more stringent or restrictive provision shall apply.

D. The words "shall", "must", and "will", are mandatory in nature, implying an obligation or duty to comply with the particular provision.

E. The word "may" is permissive in nature.

F. Words used in the present tense include the future tense.

G. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise.

H. Words used in the masculine gender include the feminine gender.

1.11 TRANSITIONAL PROVISIONS

1.11.1 Construction in Progress

The adoption of this Ordinance does not require a change in the plans, construction, or designated use of any structure for which actual construction was lawfully begun before the effective date of this Ordinance on which actual construction has been diligently pursued. For the purpose of this provision, “actual construction” includes the erection of construction materials in permanent position and fastened in a permanent manner; and demolition, elimination, and removal of an existing structure in connection with such construction, provided that actual construction work must be diligently pursued until completion of the structure.

1.11.2 Approvals Granted Before Effective Date

Building permits, variances, special use permits, subdivision plans, site plan approvals, and other similar development approvals that are valid the day before the effective date of this Ordinance will remain valid until their expiration date. Development may be completed in accordance with such approvals even if such building, development, or structure does not fully comply with provisions of this Ordinance. If building is not commenced and diligently pursued in the time allowed under the original approval or any extension granted, then the building, development or structure must meet the standards of this Ordinance in effect at the time of re-application.

A. Projects which are currently valid under the provisions of the previously approved development ordinance(s) may be eligible for one extension for a period of time not to exceed twelve (12) months. The extension request shall be submitted to the

Administrator within ten (10) calendar days of expiration of the original approval time frame.

1) The following criteria must be met prior to the consideration of an extension under the provisions of this Ordinance:
   a) The project must be classified within the PD, Planned Development District as shown on the Pender County Zoning Map at time of original approval.
   b) The project must have a valid, approved Master Plan and/or Preliminary Plat.
   c) The overall project area must contain at least 350 acres.
2) Projects meeting the standards outlined in 1.11.2 A.1 must submit the following items for the Administrator's review and approval. The Administrator may have up to 10 business days to provide comment and/or disposition:
   a) Proof of complete permitting application and fees paid to a local, state, or federal permitting agency
   b) Narrative explaining the request, adequately demonstrating that a good faith effort has been made to comply with the original time allotment, including an outline of steps to be taken for project advancement within the time expansion.

1.11.3 Applications in Progress before Effective Date

Applications for building permits, variances, special use permits and other similar development approvals that were submitted in complete form and are pending approval before the effective date of this Ordinance must be reviewed wholly under the terms of the previous Ordinance. Any re-application for an expired approval must meet the standards of this Ordinance in effect at the time of re-application.

1.11.4 Violations Continue

Violations of the previous Ordinances will continue to be a violation under this Ordinance and be subject to penalties and enforcement under Article 13. The adoption of this Ordinance does not affect nor prevent any pending or future action to abate violations of previous Ordinances.

1.11.5 Nonconformities

Nonconformities under the previous Ordinance may continue under this Ordinance, as defined in Article 10.

1.12 SEPARABILITY

Should any action or provision of this Ordinance be decided by any court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of any other section, provision, standard, or district boundary or of the ordinance as a whole. Such a decision will only apply to the provision in question and all other portions of these regulations not affected by the decision of the court shall remain in full force and effect.

1.13 COMMENTARY

Commentary Sections found throughout this document are intended to aid with clarification and interpretation of Ordinance Provisions. Further, Commentary Sections are not considered text for

the purposes of any amendments to the Unified Development Ordinance unless specific Text Amendments are needed to change provisions of Ordinance requirements.

ARTICLE 2 DECISION MAKING AND ADMINISTRATIVE BODIES

2.1 GENERAL

2.1.1 Purpose

This Section establishes review authority under this Ordinance. Specific requirements for each type of application or permit are described in Article 3, Review Procedures.

2.1.2 Temporary Disqualification

Any member of a Board required to excuse himself from voting on an item by Federal or State Constitution or North Carolina General Statutes shall do so or consult with the County Attorney.

2.2 BOARD OF COUNTY COMMISSIONERS

2.2.1 Establishment, Membership and Procedure

The Board of County Commissioners is the governing body of the County of Pender.

2.2.2 Powers and Duties

A. General - The Board of County Commissioners shall have the following general powers and duties:

1) To maintain a Planning Board and assure that the Board performs satisfactorily in development of the CAMA Land Use Plan, Pender County Comprehensive Land Use Plan and any other adopted County land use documents including scheduled review and update of same from time to time, and further that the Planning Board performs duties and responsibilities assigned by statute and by this Ordinance;
2) To establish a Board of Adjustment and assure that Board performs satisfactorily in the duties and responsibilities assigned to it by this Ordinance;
3) To provide by appropriation funds for the administration of this Ordinance;
4) To direct and assist the County Manager and County Attorney in their responsibilities assigned by this Ordinance and by Statute.

B. Final Action - The Board of County Commissioners shall hear and take final action on the following development review procedures:

1) Ordinance Text Amendments (Section 3.18)
2) Rezoning (Section 3.3)
3) Conditional Rezoning (Section 3.3.9.B)
4) Special Use Permits (Section 3.12)

2.3 PLANNING BOARD

2.3.1 Establishment, Membership and Procedure

The Planning Board is charged with carrying out the land use planning activities and setting zoning policy and regulation in Pender County. The Planning Board is established by § 2-66, Code of Ordinances, Pender County, N.C. As stated in that Article and hereby reaffirmed, the Planning Board is that planning agency designated by N.C.G.S. 160D-301 and 160D-604. In addition to the

duties and responsibilities assigned by § 2-66, Code of Ordinances, Pender County, N.C. and by N.C.G.S. 160D-102; 103; 106; and 502, the Planning Board shall have the specific powers and duties provided within this Ordinance.

2.3.2 Powers and Duties

A. Review and Recommendation - The Planning Board shall review and make a recommendation on the following development review procedures:

1) Ordinance Text Amendment (Section 3.18)
2) Rezoning (Section 3.3)

B. Final Action - The Planning Board shall hear and take final action on the following development review procedures within PD, RM, and MH zoning districts:

1) Master Development Plan Review (Section 3.5)

2.4 BOARD OF ADJUSTMENT

2.4.1 Establishment, Membership, and Rules of Procedure

A. Establishment - A Board of Adjustment (BOA) is hereby created to hear appeals from decisions of the Administrator and to consider requests for variances from the terms of the Unified Development Ordinance. This Board may also be known as the Zoning Board of Adjustment or Zoning Board.

B. Membership

1) The BOA shall consist of five (5) members who shall be residents of the County of Pender.
2) The members shall be appointed by the Board of Commissioners for a regular term of office of three (3) years. Board members may be appointed for up to four terms so long as their length of service on the Board does not exceed ten (10) years. In appointing members to fill vacancies, the Board of Commissioners shall appoint persons to serve the remaining term of office rather than a full three (3) years.
3) There will be two (2) alternate members of the Board of Adjustment.
4) No member of the Board of Adjustment shall be permitted to sit concurrently on the Planning Board or the Board of Commissioners.

C. Rules of Procedure

1) The Board of Adjustment is a quasi-judicial body.
2) Meetings of the Board of Adjustment shall be held at the call of the chairman and at such other times as the majority of the Board may determine.
3) All meetings of the Board of Adjustment shall be open to the public.
4) The Board shall keep minutes of its procedures, showing the vote of each member upon each question, or, if absent or failing to vote, an indication of such fact; and final disposition of appeals shall be taken, all of which shall be on public record.
5) A quorum is not obtained unless four voting members are present. In the event there is abstention for reason declared into the record by a voting member, then a particular matter cannot proceed unless and until four other voting members are present and vote.

6) As required by N.C.G.S. 160D-406(i), no final action shall be taken on a variance without the concurring vote of four-fifths (4/5's) of the members of the Board. All other quasi-judicial matters require a simple majority vote by members of the Board.
7) As early as possible in each new year of the Board, the voting members shall elect a chairman and vice-chairman. Either such party when in the chair shall have the authority to administer oaths to witnesses. The Board may elect such other officers as the Board deems best.
8) All decisions of the Board of Adjustment run with the land, never the person or corporation.
9) The minutes of the Zoning Board of Adjustment shall be kept in such detail as necessary, and do not reflect official action of the Board until adoption of same.
10) Minutes shall be filed in the office of the Administrator, as a public record.
11) The Board of Adjustment shall have the authority through the chair, or in the chair's absence anyone acting as the chair to subpoena witnesses and compel the production of evidence as specified in N.C.G.S. 160D-406(g).

2.4.2 Powers and Duties

A. Final Action - The Board of Adjustment shall hear and take final action on the following development review procedures:
1) Variance (Section 3.14)
2) Determination of Vested Rights (Section 3.13)
3) Appeal of Administrative Decision (Section 3.16)
4) In concert with the Administrator or assignee, interpret zoning lines, and Zoning District boundary lines.

2.5 UNIFIED DEVELOPMENT ORDINANCE ADMINISTRATOR

2.5.1 General

The Unified Development Ordinance Administrator (referred to as the Administrator) shall be responsible for administering the provisions of this Ordinance as set forth in this Section. The Administrator is considered a County official and its authority is delegated by the County Manager. In any absence of a formal position established for the Administrator, the County Manager may delegate this authority to whomever staff member deemed best qualified.

2.5.2 Powers and Duties

A. Review and Recommendation: The Administrator shall review or make a recommendation on the following development review procedures:
1) Rezoning (Section 3.3)
2) Master Development Plan (Section 3.5) (within PD, RM, and MH zoning districts)
3) Minor Site Development Plan (Section 3.6)
4) Minor Subdivision (Section 3.9)
5) Major Subdivision (Section 3.10)
6) Special Use Permit (Section 3.12)
7) Variance (Section 3.14)
8) Appeal of Administrative Decision (Section 3.16)

9) Ordinance Text Amendment (Section 3.18)

B. Final Action: The Administrator shall hear and take final action on the following development review procedures:

1) Master Development Plan (Section 3.5) (within RP, GB, OI, GI, and IT zoning districts)
2) Minor Site Development Plan (Section 3.6)
3) Major Site Development Plan (Section 3.7)
4) Minor Subdivision (Section 3.9)
5) Major Subdivision (Section 3.10)
6) Sketch Development Plan (Section 3.11)
7) Administrative Adjustment (Section 3.15)
8) Written Interpretation (Section 3.17)
9) Zoning Approval (Section 3.2.1)
10) Sign Approval (Article 9)
11) Temporary Use Permit (Section 5.3.12.I)

2.6 RESERVED

2.7 TAX ASSESSOR

2.7.1 General

The Board of County Commissioners shall designate a Tax Assessor and shall be responsible for issuing parcel identifiers during the subdivision process.

2.8 RESERVED

2.9 TECHNICAL REVIEW COMMITTEE

2.9.1 Establishment, Membership, and Procedure

A. Establishment: A Technical Review Committee shall be established to provide a coordinated and centralized technical review process. The members of the Technical Review Committee shall be composed of persons from various departments and agencies which have an interest in the development review process.

B. Membership

1) Chair: The Administrator shall serve as Chair of the Technical Review Committee and shall be responsible for all final decisions of the Committee.
2) Other Members: In addition to the Chair, the Technical Review Committee shall be comprised of the following members or their designated representatives:
   a) County Manager's Office
   b) Pender County Utilities
   c) Pender County Environmental Health
   d) Pender County Emergency Management
   e) Pender County Fire Marshal
   f) Pender County Parks and Recreation

g) Pender County Board of Education
h) Pender County Sheriff's Department
i) Pender County Information Technology Department (Addressing Coordinator)
j) Pender County Soil and Water Conservation
k) Pender County Planning Board
l) Pender County Building Inspections
m) Pender County Floodplain Manager
n) Pender County Code Enforcement
o) North Carolina Department of Transportation (NCDOT) - District Engineer Office
NCDOT – Planning Office
p) Wilmington Metropolitan Planning Organization (WMPO)
q) Cape Fear Rural Planning Organization (RPO)
r) NC Department of Environment and Natural Resources (DENR) – Division of Water Quality
s) DENR – Division of Coastal Management
t) DENR – Division of Land Quality
u) DENR – Division of Environmental Health
v) Progress Energy
w) Four County Electric
x) US Army Corps. of Engineers
y) Any other County staff or external agencies the Chair deems necessary for the professional review of an application

3) Procedures: The Technical Review Committee shall meet as often as necessary to fulfill its duties or upon call of the Chair of the committee to review and discuss development applications. The meeting notes of each meeting shall be filed with the Administrator. An official quorum shall not be required; all written comments shall be deemed necessary as proper input.

2.9.2 Powers and Duties

A. Review and Recommendation: The Technical Review Committee shall make a recommendation on the following development review procedures:

1) Conditional Rezoning (Section 3.4)
2) Master Development Plan (Section 3.5)
3) Minor Site Development Plan (Section 3.6)
4) Major Site Development Plan (Section 3.7)
5) Minor Subdivision (Section 3.9)
6) Major Subdivision (Section 3.10)
7) Any other review requested by an approving authority.

2.10 OTHER DEPARTMENTS

Other departments may be empowered by the Board of County Commissioners to develop, maintain and implement technical standards, specifications, and guidelines.

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			
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

< > = Public Hearing required

ARTICLE 3 REVIEW PROCEDURES

3.1 COMMON REVIEW PROCEDURES

3.1.1 Pre-Submittal Meeting with Staff

A. Before submitting an application for development approval, each applicant is encouraged to schedule a pre-submittal meeting with the Administrator to discuss the procedures, standards and regulations required for development approval in accordance with this Ordinance.

3.1.2 Application Requirements

A. Content: Applications for planning project reviews shall contain all the information deemed necessary by the Administrator, Planning Board, or Board of County Commissioners. All applications shall be filed in the Planning Office no later than forty-five (45) days prior to the meeting of the Planning Board or Board of County Commissioners at which the application is to be considered.

B. Fees: Fees are established and approved by the Board of Commissioners. Application fees in the amount fixed by the Board of County Commissioners shall be paid in accordance with Department and County policy.

C. Complete Applications: All applications must be sufficient for processing prior to review. The presumption shall be that all of the information required in the application forms is necessary to satisfy the requirements of this Section; however, it is recognized that each application is unique, and therefore more or less information may be required according to the needs of the particular case. The applicant may rely on the recommendations of the planning staff as to whether more or less information should be submitted. Once the application has been determined sufficient for processing, copies of the application shall be referred by the planning staff to the Technical Review Committee. Staff may require an applicant to present evidence of authority to submit the application and additional information as deemed necessary.

1) Applications deemed to be sufficient for processing shall be scheduled for review in accordance with the provisions of this Ordinance. If, in the opinion of the Administrator, a submittal at any stage of review is incomplete, the application shall be removed from the agenda of the appropriate board/commission and not further processed until deemed complete and sufficient for processing. At any stage of review, the Administrator or any board or commission, may require the submission of any plan, study, or other information, in addition to that specified in the submittal requirements, in order to determine the development as proposed will comply with all of the requirements of this Ordinance.

2) If at any time, staff or board comments are not addressed by the applicant within eight (8) calendar weeks, the application shall be considered withdrawn. Time spent completing or waiting for approval of a Jurisdictional Determination, Traffic Impact Analysis, state stormwater permit, or similar item shall not count toward the time limit.

D. Application Deadline: Applications sufficient for processing shall be submitted to the Planning and Community Development Departments in accordance with the published

calendar schedule. Schedules indicating submittal dates shall be developed each year and made available to the public.

3.1.3 Public Input Meeting

A. Prior to scheduling a public hearing for a Conditional Zoning district or Master Development Plan application in the PD, RM, or MH zoning districts, the applicant must conduct one public input meeting and file a report of the results with the Administrator.

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

C. 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 not less than ten (10) days prior to the scheduled meeting.

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

E. The applicant's report of the meeting shall include:

1) A copy of the letter announcing the meeting
2) A list of adjoining property owners contacted
3) An attendance roster
4) A summary of the issues discussed
5) The results of the meeting including changes to the project's proposal, if any

3.2 PERMITS AND CERTIFICATIONS

3.2.1 Zoning Approval

A. Activities for which a Zoning Approval is required: A valid Zoning Approval shall be required for any application for a Building or Electrical Permit. No Building or Electrical Permit shall be issued for any activity in a zoned area until such Zoning Approval or a written determination by the Administrator that no approval is required, has been issued. Zoning approvals may be issued in the form of an individual permit or as a corresponding approval on a related form, such as a building permit. In all circumstances a Zoning Approval shall be required for the following activities:

1) To commence the excavation for or the construction of any building or other structures including accessory structures.
   a) A Zoning Approval Permit may be issued by the County to allow for clearing and grading of the site prior to issuance of final zoning approval upon the following:
      i) Certification that the proposed site plan or preliminary plat meets all standards of the Unified Development Ordinance;
      ii) An Erosion and Sedimentation Control permit has been issued by NCDEQ; and
      iii) A tree protection survey and mitigation plan has been submitted if applicable.
   b) This permit shall not permit the installation of any infrastructure associated with the proposal.
   c) Tree mitigation requirements submitted for approval of a clearing and grading permit shall run with the land and shall be planted in all circumstances.

2) To commence the moving, exterior alteration, expansion, or substantial repair (see definition of substantial repair) of any structure including accessory structures,
3) To initiate a new use or change the use on any land, lot, parcel or property,
4) To initiate a new use or change the use for any building including accessory structures.

B. The Administrator shall not issue the Zoning Approval for such activities until a determination has been made that such activities, work or use and the plans and specifications required herein are in compliance with the provisions of this Ordinance. A Zoning Approval shall be required for these activities whether or not a building or related permit is required.

C. Application, Expiration, and Revocation of Zoning Approvals

1) Application Requirements: Application for a Zoning Approval shall be made in writing to the Administrator on forms provided for that purpose and a Development Plan shall be submitted as described herein.
2) Expiration: Zoning Approvals shall expire and be void after twelve (12) months from date of issue unless substantial progress on the project has been made by that time as determined by the Administrator.
3) Revocation: Zoning Approvals may be revoked by the Administrator when the permit is issued based on inaccurate or incomplete information submitted by the applicant. When a Zoning Approval is revoked the Administrator shall provide written notice to the applicant explaining the reason for such revocation. The notice shall list the reasons upon which the revocation is based and shall be served to the applicant and receipt shall be acknowledged.

D. Development Plan to be Submitted and Approved: It shall be unlawful for the Administrator to approve any plans or issue a Zoning Approval for any purpose regulated by this Ordinance until they have inspected such plans in detail and found them in conformity with this Ordinance, other Pender County Ordinances and applicable State and Federal laws. To this end, the Administrator shall require that every application for a Zoning Approval be accompanied by a plan or plat drawn to scale and in sufficient detail to enable the Administrator to ascertain whether the proposed activity is in conformance with this Ordinance. Applications determined by the Administrator that will not include additional improvements, such as parking and/or landscaping, may not be required to provide a site plan for Zoning Approval.

E. Issuance of Zoning Approvals, Requirements: If the proposed activity as set forth in the application is in conformity with the provisions of all adopted Land Use Plans and Unified Development Ordinance and applicable state laws, the Administrator shall issue a Zoning Approval. Issuance of a zoning approval shall, in no case, be construed as waiving any provision of this or any other Ordinance or regulation.

F. Denial of Zoning Approvals: A Zoning Approval Shall Be Denied Under The Following Circumstances:

1) When the activity for which the permit is requested is located on a property upon which conditions exist that violate the provisions of this Ordinance.
2) When the application is incomplete or inaccurate as required by the provisions of this Ordinance.
3) When the application, activities, work or use and the plans and specifications required herein are not in compliance with the provisions of this Ordinance

G. Denial of Zoning Approvals, Requirements for Notice: When a Zoning Approval is denied the Administrator shall:

1) Provide written notice to the applicant explaining the reason for such denial,
2) The notice shall list the sections of this Ordinance upon which the denial is based,
3) The notice shall be served via certified mail with return receipt to the applicant.

3.2.2 Setback Certification

A. Upon submittal of a building permit application or prior to approval of a site plan or preliminary subdivision plat, the Administrator shall confirm all required setbacks and make clear note of these requirements on the application, plat or plan documents, as applicable.

B. Foundation Survey Requirements: Foundation surveys will be required and must be submitted in original form or electronic form with electronic signature to verify that a new structure meets the setback requirements of this Ordinance prior to occupancy. A foundation survey is required when the foundation wall is completed. Foundation surveys shall be required for all principal structures and accessory structures greater than 600 square feet with the exceptions noted below. The foundation survey submission shall consist of a map prepared by a Professional Land Surveyor showing the structure, lot boundaries and distance from the structure to the lot boundaries and be signed and sealed by the surveyor. A signed and sealed letter from a Professional Land Surveyor, identifying the property and structure and certifying that the structure meets or exceeds the setbacks for the zoning district in which it is located may be provided in lieu of a survey map.

C. Prohibition on Inspections: No inspections shall be provided by the Pender County Building Inspector on a structure after the "foundation inspection" unless the Foundation Survey is complete. The Inspector shall place a stop work order on any construction when the foundation verification is not submitted when required and shall not provide an occupancy permit or any authorization for power connection until the required foundation survey verification is submitted and approved by the Administrator or their designated representative.

D. Exceptions to Survey Requirements: A foundation survey will not be required in the following circumstances:

1) For a structure erected on a bona fide farming operation.
2) For individual mobile homes located in a mobile home park.
3) For structures when the approved site plan shows the setbacks to be double those required by this Ordinance or shows front yard setbacks to be twenty (20) feet greater than the minimum required and side and rear yard setbacks to be ten (10) feet greater than the minimum required by this Ordinance.

3.2.3 Requirements for Certificates of Occupancy

The Director of Building Inspections shall not issue a final Certificate of Occupancy for a structure or activity until the Administrator has made a determination that the structure and site is in compliance with the requirements of this Ordinance.

3.3 REZONING

3.3.1 Applicability

A. Amendments to the Zoning Map, also called a "rezoning", shall be made in accordance with the provisions of this Article.

3.3.2 General Provisions

A. Rezonings must correspond with the boundary lines of existing platted lots or tracts. Where the boundaries of a rezoning proposal do not follow a boundary line or a split zoned property line, it must be possible to subdivide and develop that portion of the property outside the proposed rezoning boundary in accordance with the existing zoning and other requirements of this Ordinance.

B. All zoning district requirements of this Ordinance shall be capable of being met within the boundaries of the area being rezoned. If all of the requirements cannot be met on the site being rezoned, the rezoning shall be expanded to include all property necessary to meet zoning requirements, or it shall be denied.

C. Rezonings shall be in compliance with the goals and policies of the adopted plans of the County.

3.3.3 Application Eligibility, Procedures, and Requirements

A. A request or proposal for a rezoning may be initiated by the County Commissioners, the Board of Adjustment, the Planning Board, the Administrator, the property owner or their agent, or any other party with appropriate owner consent.

B. Rezoning must correspond with the boundary lines of existing platted lots or tracts. Where the boundaries of a rezoning request do not follow a boundary line or a split zoned property line, it must be possible to subdivide and develop that portion of the property outside the proposed rezoning boundary in accordance with the existing zoning and other requirements of this Ordinance. An illustration containing a metes and bounds description is required. Split zoning a parcel does not imply approval of a Plat.

C. The applicant shall provide an accurate County parcel number, legal description, or a map drawn to scale showing the property boundaries that are to be rezoned, in sufficient detail for the rezoning to be located on the Official Zoning Map.

3.3.4 Plan Consistency Statements

Per G.S. 160D-604(d) and 160D-605(a) (but not fully reproduced herein),

D. Rezonings shall be made in accordance with a comprehensive plan.

1) When conducting a review of proposed rezonings, the planning board shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed rezoning is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed rezoning by the governing board.

2) When adopting or rejecting any zoning text or map amendment, the governing board shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the governing board that at the time of action on the amendment the governing board was aware of and considered the planning board's recommendations and any relevant portions of an adopted comprehensive plan.

3) If a zoning map amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land-use map in the approved plan, and no additional request or application for a plan amendment shall be required. A plan amendment and a zoning amendment may be considered concurrently.

E. Prior to adopting or rejecting any zoning amendment, the governing board shall adopt one of the following statements which shall not be subject to judicial review:

1) A statement approving the zoning amendment and its consistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest.

2) A statement rejecting the zoning amendment and describing its inconsistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest.

3) A statement approving the zoning amendment and containing at least all of the following:

a) A declaration that the approval is also deemed an amendment to the comprehensive plan. The governing board shall not require any additional request or application for amendment to the comprehensive plan.

b) An explanation of the change in conditions the governing board took into account in amending the zoning ordinance to meet the development needs of the community.

c) Why the action was reasonable and in the public interest.

3.3.5 Approval Criteria for Rezoning

The reviewing bodies (Planning Board and Board of Commissioners) shall consider the following matters in deciding a rezoning proposal, in addition to any other considerations as detailed in the specific rezoning application type:

A. Whether the entire range of uses permitted by the proposed change would be appropriate to the area concerned, including that the proposed rezoning not:

1) be detrimental to the natural environment,
2) adversely affect the health, safety, or welfare of residents or workers in the area,
3) be detrimental to the use or development of adjacent property,
4) materially or adversely affect the character of the general neighborhood, and
5) be reasonable as it relates to the public interest.

B. Whether adequate public facilities/services (i.e.- water, wastewater, roads, schools, etc.) 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, CAMA Land Use Plan, and any other adopted land use document.

3.3.6 Withdrawal of Rezoning Application

A. An applicant may withdraw a rezoning application at any time, by filing a statement of withdrawal with the Administrator. Any fees paid up to that point are nonrefundable.

B. The statement of withdrawal shall be signed by all persons who signed the application, or in the event of death or incompetence, by the estate's lawful personal representative.

3.3.7 Resubmission of Application

A. Upon final action by the County Commissioners to deny or approve an application for the rezoning of a piece of property, the Planning Board shall not review any applications for changes affecting the same property or any portion thereof until the expiration of six (6) months from the date of such previous action except as provided as follows:

B. A resubmission of a rezoning petition may be allowed within the six month period if the County Commissioners vote to waive the restriction by a one hundred (100) percent affirmative vote of a quorum. The County Commissioners shall consider the following in determining a resubmission within this time period:

1) There has been a significant change in the zoning district classification of an adjoining piece of property.
2) The County has adopted a plan that changes public policy regarding how the property affected by the amendment should be developed.
3) Construction or expansion of a road, water line, sewer line, or other such facilities has occurred to serve the property and can comfortably accommodate the intensity of development allowed under the proposed classification.
4) There has been some other extraordinary change in conditions or circumstances, outside the control of the petitioner, which justifies waiver of the six-month restriction on a new position; this, however, shall not include a change in the ownership of the subject property.

3.3.8 Period of Validity

An approved rezoning shall run with the property and shall be valid until the Official Zoning Map for that property is subsequently amended.

3.3.9 Types of Rezonings

A. General Use District Rezoning

1) A general use district rezoning seeks to recategorize a property into one of the general use (aka "standard" or "base") zoning districts. Consultation
2) Review
   a) Action by Administrator
      i) Once in receipt of a complete and sufficient application, the Administrator shall prepare a staff report that reviews the rezoning proposal 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.

ii) Following completion of the review by staff, the Administrator shall forward the completed proposal, staff recommendation, and any related materials to the Planning Board for review and recommendation.

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

b) Action by Planning Board

i) Before making any recommendation on a rezoning proposal, the Planning Board shall consider any recommendations from the Administrator and shall conduct a public hearing where interested parties may be heard.

ii) The Planning Board shall make a recommendation based on the Approval Criteria listed in this Section.

iii) Following Planning Board review and recommendation, the application, Planning Board recommendation, staff recommendation, and any related materials shall be forwarded to the County Commissioners.

iv) If the Planning Board fails to make a recommendation within 75 days following the date of the first hearing on the proposal, the proposal shall proceed to the County Commissioners without a recommendation.

v) Per G.S. 160D-604(d), prior to consideration by the governing board of the proposed zoning amendment, the Planning Board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

c) Action by County Commissioners

i) Before making any decision on a rezoning proposal, the County Commissioners shall consider any recommendations from the Planning Board and Administrator and shall conduct a public hearing where interested parties may be heard.

ii) The County Commissioners shall take action on a rezoning proposal based on the Approval Criteria, and other materials of the public record.

iii) The County Commissioners may approve the rezoning, deny the rezoning, or send the rezoning back to the Planning Board for additional consideration.

3) Review Approval Criteria for Rezoning

The Approval Criteria for a Rezoning shall be considered by the reviewing bodies (Section 3.5).

B. Conditional Rezoning

1) Intent

A conditional zoning district (aka "CZ") is intended for a development that has a high level of certainty of being constructed and the most commonly expected application will contain a specified use or uses, permitted by right or special use, accompanied by a plan showing proof of concept, and typically including the spatial relation of uses and site elements.

2) Application requirements

a) Except as provided herein, all applications to establish a conditional zoning district shall adhere to the regulations and procedures prescribed in this subsection in addition to the standard general use district rezoning process as described in this Section.

b) Contents of Application – at a minimum, the following (and a description) shall be required for a conditional zoning district to be considered:

i) A list of all uses proposed for the district, which shall be of equal descriptiveness and in the same format and description as listed in the Table of Permitted Uses from this Ordinance.

ii) A list of all setbacks and dimensional standards for every proposed use, which shall be of equal descriptiveness and in the same format and description as listed in the Zoning District Dimensional Requirements, from this Ordinance.

iii) A sketch plan drawn to a suitable scale, with supporting information and text which specifies the location of the use or uses intended for the property and any development or dimensional standards to be approved as part of the establishment of the conditional rezoning district.

iv) The sketch plan shall include the following items:

a. Delineation of all Areas of Environmental Concern and Resource Conservation Areas including but not limited to federal jurisdictional wetlands.

a. For residential uses, the number of units, heights, and a generalized location.

b. For non-residential uses, the height, approximate footprint, and location of all structures.

c. Traffic generation calculations and/or Traffic Impact Analysis if required by this Ordinance, parking and circulation plans illustrating dimensions, intersections, and typical cross sections

d. All proposed setbacks, buffers, screening, and landscaping

e. Phasing

f. Signage

g. Outdoor lighting

h. Current zoning district designation and current land use status

i. Other information deemed necessary by the Administrator, Planning Board, or Board of Commissioners, including but not limited to a Traffic Impact Analysis or other report from a subject matter expert

c) Public Input Meeting

i) 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, per Section 3.1.3.

3) Review Approval Criteria for Conditional Rezoning

a) When evaluating an application for the establishment of a conditional zoning district, the reviewing bodies shall consider the following:

i) The Approval Criteria for a Rezoning (Section 3.3.5).

ii) That the application meets the intent of a conditional rezoning, per this subsection.

iii) That the contents of the application are complete, sufficient, and recorded appropriately either as conditions of approval or on the associated site plan or preliminary plat, and that the appropriate procedures have been followed.

iv) The potential impacts and/or benefits on the surrounding area and adjoining properties.

v) The report of results from the public input meeting.

vi) That sufficient guarantee is in place or can be made that any off-site impacts generated by the proposed project shall be mitigated appropriately at the time the need for the mitigating action is generated.

4) Conditions to Approval of Petition

a) In approving a petition for the reclassification of property to a conditional zoning district, the Administrator or the Planning Board may recommend, and the Board of County Commissioners' request that the applicant add reasonable and appropriate conditions to the approval of the petition. If the applicant and the BOCC do not both explicitly accept these conditions, then the BOCC shall deny the conditional rezoning request.

> ***Commentary:*** For instance, a condition of approval might state that off-site traffic mitigating measures must be installed prior to impacts to the surrounding transportation network.

b) Any such conditions should relate to the relationship of the proposed use(s) and design to the impact on County services and capital plans adopted, surrounding properties and population, proposed support or accessory facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, stormwater drainage, the provision of or access to open space, and other matters that the participants in the public input meeting, staff, Planning Board and County Commission find appropriate, or that the petitioner may propose. Such conditions to approval of the petition may include, but are not necessarily limited to, right-of-way dedication to the state, as appropriate, of any rights-of-way or easements for streets, water, sewer, or other public utilities necessary to serve the proposed development.

c) The petitioner shall consider and respond to any such conditions after the Planning Board meeting at least three (3) days prior to the staff report for the County Commission being published. If the applicant does not agree with the

Planning Board or staff's recommendations of additional conditions, the applicant shall provide written evidence or opinion to support their objection.

d) If for any reason any condition for approval is found to be illegal or invalid or if the applicant or subsequent owner should fail to accept or fulfill any condition following approval, the approval of any site plan or preliminary plat for the district and the conditional rezoning shall be null and void and of no effect and proceedings shall be instituted by the Administrator to rezone the property to a context-appropriate general use district zoning classification. The Administrator will use appropriate judgement when recommending which properties (developed, undeveloped, vacant, half-built, existing non-conformities, etc.) be reassigned to which general use zoning districts. The rezoning may result in the creation of nonconformities, which shall be the responsibility of the property owner to rectify at such time as required by Article 10, Nonconformities.

5) Effect of Approval

a) Once a conditional rezoning is approved, the development and use of the property shall be governed by the established standards for the district, the approved sketch plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to these regulations and to the zoning maps.

b) Following the approval of the petition for a conditional zoning district, the subject property shall be identified on the zoning maps by the district designation "CZ" and a unique, consecutive numerical identifier (for example, the fifteenth conditional zoning district established in the county would be labeled "CZ15"). The unique identifier number will reference the approved ordinance and sketch plan that established the zoning district.

c) Since each CZ district represents a newly created zoning district, the approved sketch plan and district standards and conditions shall be maintained as an adopted appendix to this Ordinance.

d) The approved sketch plan may substitute for an approved master development plan if it is explicitly reviewed and approved as such during the petition for the CZ district.

e) No permit shall be issued for any development activity within a conditional zoning district except in accordance with the approved petition and site plan or preliminary plat (as appropriate) for the district.

f) Any violation of the approved site plan or any rules, regulations and conditions for the district shall be treated the same as any other violation of this Chapter and shall be subject to the same remedies and penalties as any such violation.

6) Alterations to Approval

a) Except as provided in subsection 2 below, changes to an approved conditional zoning district or to the standards, uses, requirements, or conditions attached to the approved conditional zoning district shall be treated the same as amendments to this Ordinance or to the zoning maps and shall be processed as a Conditional Rezoning, unless possible to modify as an Administrative Adjustment.

i) The Administrator shall have the delegated authority to approve an Administrative Adjustment per Sec 3.11.

ii) The Administrator may decide to decline to exercise the delegated authority either because of uncertainty about approval of the change pursuant to the standard or because a rezoning petition for a public hearing and County Commission consideration is deemed appropriate under the circumstances. If the Administrator declines to exercise this authority, then the property owner may choose to amend the conditional zoning district by filing a new rezoning or land development request.

7) Review of Approval of a Conditional Zoning District

a) It is intended that property shall be reclassified to a conditional zoning district only in the event of firm plans to develop the property. Therefore, no sooner than three (3) years after the date of approval of the petition, the Administrator shall examine the progress made toward developing the property in accordance with the approved conditional zoning district and any standards, uses, requirements, or conditions attached to the approval.

b) If the Administrator determines that progress has not been made in accordance with the approved petition and conditions, the Administrator shall begin proceedings to rezone the property(ies) to its previous zoning classification or to another district(s), as appropriate.

c) The Administrator shall continue to monitor conditional zoning districts in this manner at least every 2 years, until they are determined to be substantially built-out (90% or more of units, square feet, or land built out).

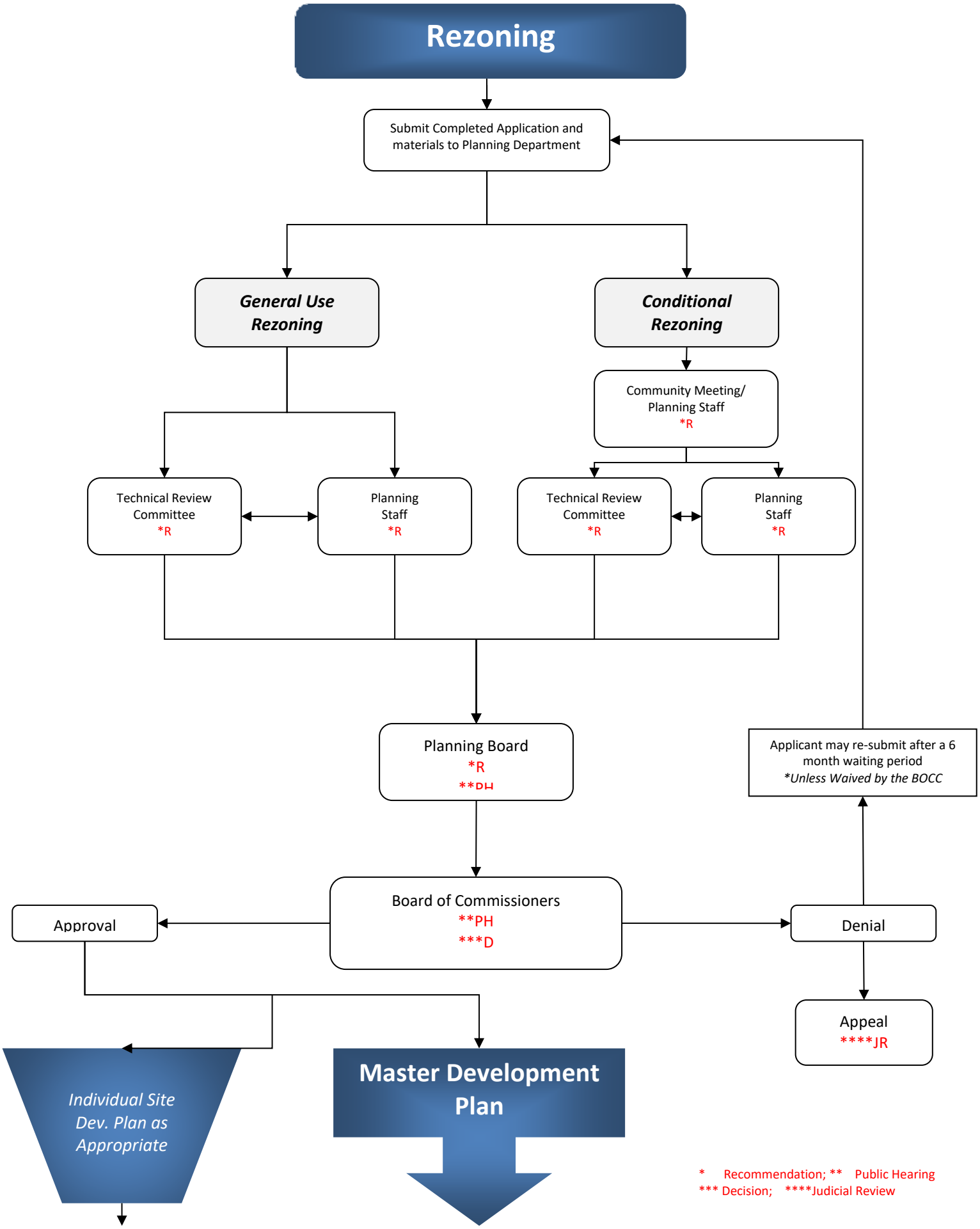
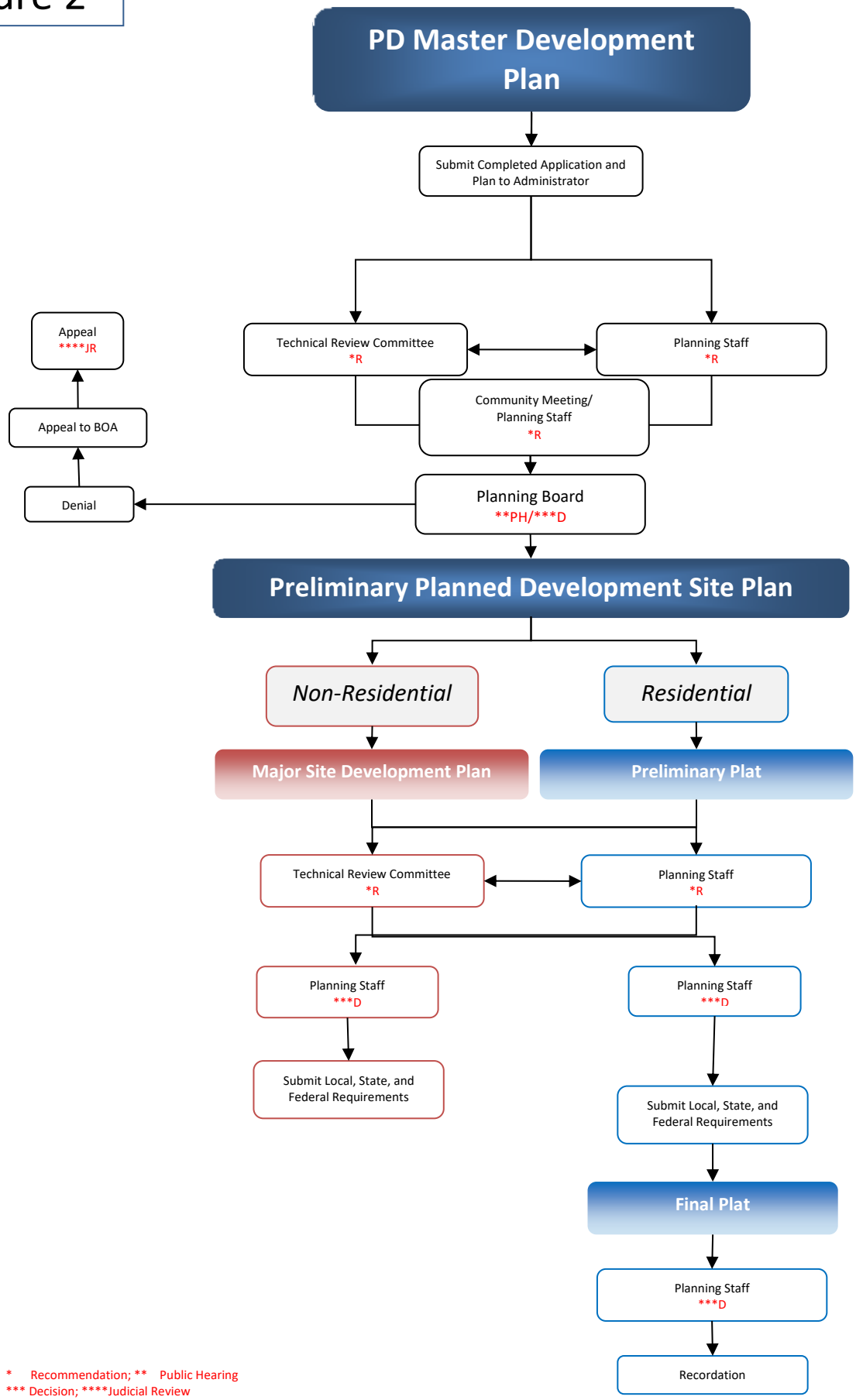
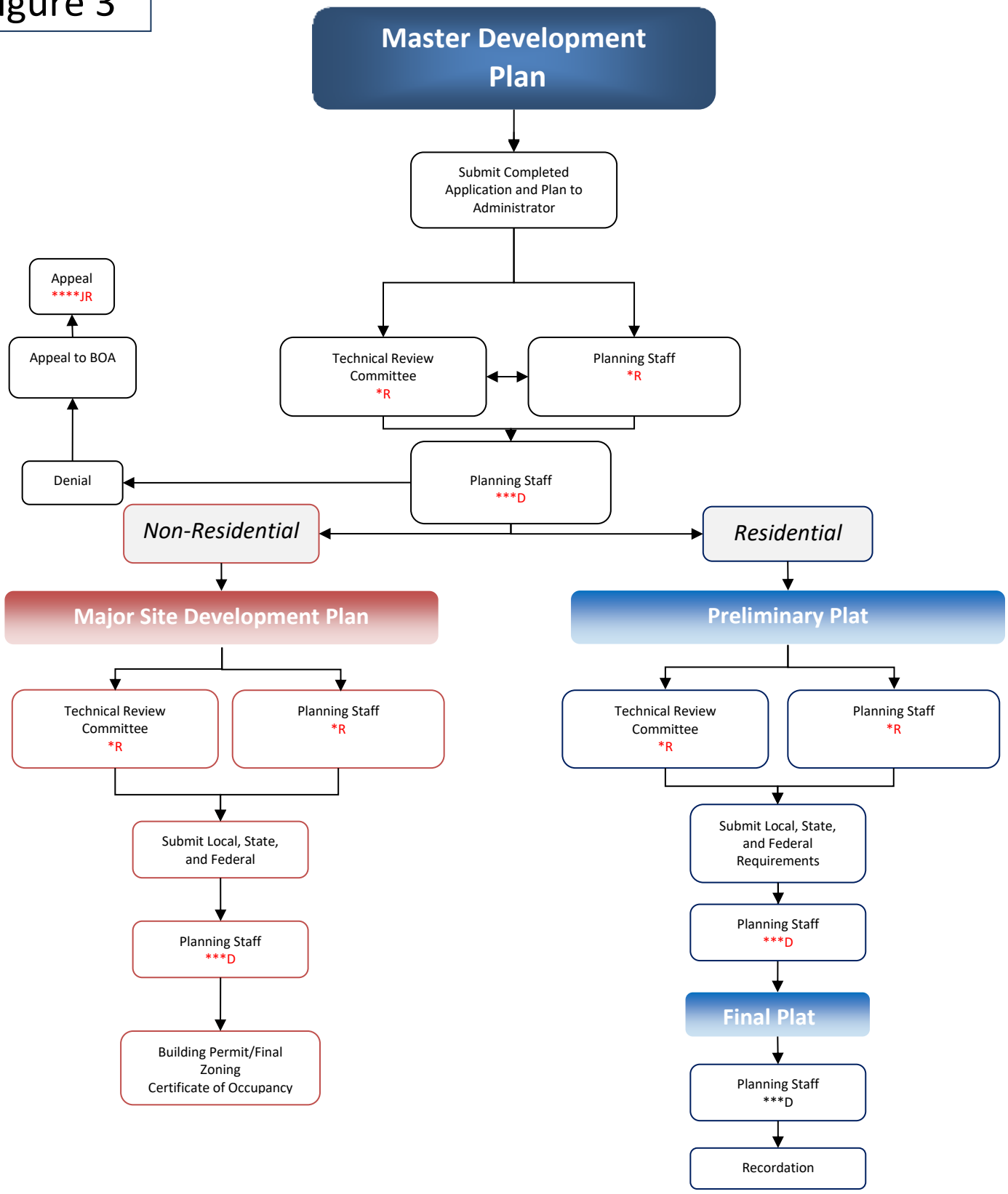

Rezoning
Submit Completed Application and materials to Planning Department
General Use Rezoning
Conditional Rezoning
Community Meeting/ Planning Staff
*R
Technical Review Committee
*R
Planning Staff
*R
Technical Review Committee
*R
Planning Staff
*R
Planning Board
*R
**PH
Applicant may re-submit after a 6 month waiting period
*Unless Waived by the BOCC
Board of Commissioners
**PH
***D
Approval
Denial
Appeal
****JR
Individual Site Dev. Plan as Appropriate
Master Development Plan
* Recommendation; ** Public Hearing
*** Decision; ****Judicial Review

Figure 2



* Recommendation; ** Public Hearing
*** Decision; ****Judicial Review

Figure 3



* Recommendation; ** Public Hearing
*** Decision; ****Judicial Review

3.4 RESERVED

3.5 MASTER DEVELOPMENT PLAN

3.5.1 Intent

The purpose of the Master Development Plan (MDP) is to promote orderly and planned development of property within Pender County. The purpose of the MDP is to ensure that such development occurs in a manner that suits the characteristics of the land, is harmonious with adjoining property, is in substantial compliance with the goals and policies of the adopted Land Use Plans, Unified Development Ordinance, and is in the best interest of the general public. The MDP shall be used to illustrate the characteristics of the property proposed for development and of surrounding properties. All proposed Master Development Plans must follow the review process illustrated in Figure 2 and 3 at the end of Section 3.4.

3.5.2 Applicability

A Master Development Plan (MDP) shall be submitted to the Administrator for approval prior to any subdivision or development of property in any of the following zoning district:

ZONING DISTRICTS SUBJECT TO MDP		
Symbol	**Name**	**MDP Decision Authority**
Residential Districts		
RP	Residential Performance	Administrator
RM	Residential Mixed	Planning Board
MH	Manufactured Housing Community	Planning Board
Commercial Districts		
GB	General Business	Administrator
OI	Office Institutional	Administrator
Industrial Districts		
IT	Industrial Transitional	Administrator
GI	General Industrial	Administrator
Mixed Use Districts		
PD	Planned Development	Planning Board

A. The MDP shall at least include all contiguous land under single or common ownership in the above zoning districts.

B. A preliminary MDP may be submitted with an application for a conditional rezoning but shall not be considered binding until approval of a final MDP.

C. Waivers to MDP – Residential Districts: The Administrator may waive the requirements of an MDP in the Residential Districts if the proposed development contains all of the following criteria:

1) Contains 10 or less traditional detached single-family dwelling units;

2) Is not an integral portion of a property proposed or planned for future development or subdivision;
3) Is planned to be developed in a manner that is harmonious with surrounding properties and land uses; and
4) Does not substantially affect the purpose and intent of its zoning district and the intent of this Article.

D. Waivers to MDP – Commercial & Industrial Districts: The Administrator may waive the requirement of an MDP in the Commercial and Industrial District:
1) If the proposed development contains all of the following criteria:
   a) If the proposed subdivision or development is less than 5 acres in size;
   b) Includes no new streets, roads or rights-of-way, does not further extend any existing or dedicated street, road or rights-of-way and does not significantly change the layout of any existing or dedicated street, road or rights-of-way;
   c) Is not an integral portion of a property proposed or planned for future development or subdivision;
   d) That such development is limited to one individual parcel and one single use in accordance with Section 5.2.
2) If the proposed development is located within an approved Industrial Park and meets the Design Standards as outlined in Section 5.3.12.

3.5.3 Pre Application Conference

A. Prior to submission of a Master Development Plan for approval, the applicant may request a pre-application review conference with the Administrator.
1) The purpose of the pre-application conference shall be to discuss the proposal in relation to the requirements of the Land Use Plan and Unified Development Ordinance and to obtain advice on the preparation of the Master Development Plan.
2) At the pre-application conference, the applicant shall provide a land use plan describing the following:
   a) The general location of the site.
   b) The general location of proposed roads.
   c) The general location of proposed uses, environmental areas, housing types or open space.
   d) The uses on adjoining properties.
   e) Utility requirements.

3.5.4 Review

A. Applicants shall submit the MDP to the Administrator, together with completed application materials.
B. Application form and materials must be completed at the time of submission.
C. The Master Development Plan must meet all the requirements prescribed in Section 6.1, Master Development Plan Contents.
D. The Administrator will forward the MDP 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.

E. When the submission is complete, the Administrator shall submit the plans, application materials and comments to the Planning Board for its consideration, if required in accordance with Section 3.5.2.

F. The Planning Board shall act on the MDP within 90 days of the date of the presentation of the plan to the Board. The Planning Board shall approve the plan, approve it with required changes or deny the plan. If the Planning Board fails to act within 90 days, the plan shall be deemed approved. The applicant may request additional time if he/she deems it necessary.

G. If the MDP is denied by the Planning Board, the applicant may choose to withdraw the application and resubmit it with changes as a new plan or appeal the Planning Board's decision to Zoning Board of Adjustment.

H. Any decision rendered by the Planning Board is appealable to the Zoning Board of Adjustment within thirty (30) days of the decision.

I. Planning Board Master Development Plan approval shall be valid for two (2) years.

3.5.5 Final Master Development Plan

A. The final MDP shall conform to the requirements of this Article.

B. Descriptions of changes made since approval of the preliminary MDP or as required with approval of the preliminary MDP shall be provided.

C. An approval block and signature lines for the Administrator shall be provided.

D. Applicants shall submit the final MDP to the Administrator. Final approval of the final MDP shall be given by the Administrator.

E. The Administrator shall approve the final MDP if a preliminary MDP was approved by the Planning Board, or the Administrator as required in accordance with Section 3.5.2, and if all required changes have been made and all requirements of the County Code have been met, within 60 days of its submission. Failure of the Administrator to act in 60 days, without proper cause, shall be deemed approved.

3.6 MINOR SITE DEVELOPMENT PLANS

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, permanent or seasonal operations, small scale vendors added to existing business sites, and certain changes of use. Change of uses that requite 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

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.

3.6.3 Review

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

B. The Minor Site Plan must meet all the requirements prescribed in Section 6.2, Minor Site Development Contents.

C. 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 the Pender County Code and other State or Federal regulations as appropriate within five (5) business days.

D. 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.

E. 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.

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

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

H. 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 ensure that all approved improvements will be provided. Such guarantees shall be for a limited time period acceptable to the Administrator, during which time said improvement shall be completed.

3.7 MAJOR SITE DEVELOPMENT PLAN

3.7.1 Intent

The intent of the Major Site Development Plan is to enable non-residential and other development types not requiring a preliminary plan to be illustrated at sufficient scale and with detailed design

and engineering efforts by a licensed professional. This type of plan is suitable for all non-residential and multi-family developments.

3.7.2 Activities Requiring Major Site Development Plans

A. In order to ensure that the requirements of this Article have been met, a site plan shall be required to be submitted to the Administrator for the following uses:

1) Any non-residential, multi-family, or mixed uses in the RA, OI, GB, IT and GI zoning districts.
2) Any type of development greater than 2,501 square feet in area that does not qualify for a minor site development plan.
3) Multifamily (condominium/apartment) development not requiring a preliminary plan.
4) Required recreational facilities or amenities.

B. No permit shall be issued for the construction of any building or improvement on the site of any of the above uses until the site plan is approved

3.7.3 Review

A. 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.

B. 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.

C. 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.

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

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

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

G. 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.

H. 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.

I. 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.

J. 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.

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

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

M. 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 ensure 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.

3.8 SUBDIVISIONS

3.8.1 Applicability

A. Scope of Coverage & Previous Plat Approvals

1) This Ordinance shall not have any effect on any existing subdivision or lot of record that is recorded in the Pender County Register of Deeds prior to the effective date of this Ordinance.
2) Any subdivision that has received preliminary plat approval by the Pender County Planning Board, prior to the effective date of this Ordinance and such approval has not expired, may submit a final plat for approval under the provisions for subdivisions in effect at the time of approval of the preliminary plat. Such final plat must be submitted under the provisions of the previous Ordinances, otherwise the plat will be subject to the provisions of this Ordinance.

B. Recorded Plats Required for All Divisions of Parcels Less Than 10 Acres - All new parcels of land created after the effective date of this Ordinance, that are less than 10 acres in size shall have a plat prepared under the provisions of NCGS §47-30 and recorded in the Register of Deeds of Pender County. When such parcel is exempt from the provisions of subdivision regulations, the Professional Land Surveyor preparing the plat shall provide a certification on the plat as to which exemption under the definition of subdivision in this Ordinance the parcel is exempt.

C. Approval of Subdivision Plats by Administrator Required - All plats of new parcels of land created after the effective date of this Ordinance shall be approved by the Administrator and such approval shall be indicated by signature on the plat.

D. Prohibition on Issuance of New Parcel Identifiers - The Tax Supervisor of Pender County shall not issue a parcel identifier within the jurisdiction of this Ordinance for any new parcel created after the effective date of this Ordinance, unless the Administrator has signed the map or approved the instrument creating the parcel.

E. Subdivision classified as exempt under this Article - The following subdivisions of land, as defined in 160D-802(a) are considered to be exempt from the subdivision regulations of this Ordinance:

1) The combination or recombination of portions of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the county as shown in its subdivision regulations.
2) The division of land into parcels greater than 10 acres if no street right-of-way dedication is involved.
3) The public acquisition by purchase of strips of land for widening or opening streets or for public transportation system corridors.
4) The division of a tract in single ownership the entire area of which is no greater than two acres into not more than three lots, if no street right-of-way dedication is involved and if the resultant lots are equal to or exceed the standards of the county as shown by its subdivision regulations.
5) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.

3.9 MINOR SUBDIVISION

3.9.1 Intent

Proposed subdivisions of ten (10) lots or less, except family and three lot divisions are classified as a minor subdivision and shall follow the preliminary plat review process. Proposed minor subdivisions located in PD, Planned Development district must follow the Master Development Plan review process which requires Planning Board approval.

3.9.2 Pre-application Conference

A. Applicants who are proposing a residential site development plan may request a pre-application conference with the Administrator prior to submitting the documents for review.

1) The purpose of the pre-application conference shall be to discuss the proposal in relation to the requirements of any adopted Land Use Plans and Unified Development Ordinance and to obtain advice on the preparation of the preliminary plat.
2) If applicable, the applicant shall provide a copy of the approved Master Development Plan for discussion at the pre-application conference.

3.9.3 Review

A. Application form and materials must be completed 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 of the perimeter of the project bounds, along with 1 set of #10 envelopes stamped with typed address to each person on the list. These addressed envelopes and list shall be submitted prior to the TRC meeting. The Administrator shall then mail a copy of the notification to each property owner not less than 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.

3.9.4 Dedication and Improvements

A. In the development of any approved property, the applicant shall be required to reserve any additional right-of-way necessary to the width required by this Ordinance and the County Transportation Plan and by the State as permitted by applicable state law.

B. The applicant shall bear the costs of the installation of all on-site improvements as required by this Ordinance, including provision for surface drainage, pavement, landscaping, and utilities.

3.9.5 Inspections of Required Improvements

A. Inspections during the installation of site improvements shall be made by the entity responsible for such improvements as required to certify compliance with approved site plans.

B. No improvements shall be accepted for maintenance by the County unless and until the requirements regarding public improvements have been met.

3.9.6 Project Completion

A. Upon certifying that all development conditions of approval, all county requirements, and all required payments have been received, the County shall then issue a final zoning approval for the site.

B. Upon certifying that all development conditions and construction requirements have been installed, the final plat will be signed by the Administrator for recordation at the

Register of Deeds Office for Pender County. The subdivider shall file the approved final plat with the Register of Deeds of Pender County for recording within sixty (60) days after the date of approval. Otherwise, such approval shall be null and void.

C. Improvement Guarantees. The following requirements shall apply to all plans:

1) Prior to the approval of any application, the applicant shall submit a cost estimate and time schedule for installation of each phase of the site improvements.
2) The County shall require a financial guarantee in the form or a bond, letter of credit, or escrow for guaranteeing required on-site and off-site improvements as stated in Appendix D, Type Guarantee Required.

3.9.7 Appeals

Denial by County staff or Planning Board of any preliminary plat can be appealed to the Pender County Zoning Board of Adjustment. Upon review by the Board of Adjustment, a final judicial review will be determined on the request for consideration.

3.10 MAJOR SUBDIVISION

3.10.1 Intent

Proposed subdivisions consisting of eleven (11) lots or more are classified as Major Subdivisions and are required to follow the Master Development Plan review process found in Figure 2 and 3 at the end of Section 3.4. All major subdivisions shall include a preliminary and final plat. Upon approval of the Master Development Plan by the Planning Board or Administrator as required in accordance with Section 3.5.2, the applicant may proceed with the preparation of the preliminary plat.

3.10.2 Pre-application Conference

A. Applicants proposing a major subdivision site plan may request a pre-application conference with the Administrator prior to submitting the documents for review.

1) The purpose of the pre-application conference shall be to discuss the proposal in relation to the requirements of all adopted Land Use Plans and Unified Development Ordinance and to obtain advice on the preparation of the preliminary plat.
2) If applicable, the applicant shall provide a copy of the approved Master Development Plan for discussion at the pre-application conference.

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 of the perimeter of the project bounds, along with 1 set of #10 envelopes stamped with typed address to each person on the list.

These addressed envelopes and list shall be submitted prior to the TRC meeting. The Administrator shall then mail a copy of the notification to each property owner not less than 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.

3.10.4 Dedication and Improvements

A. In the development of any approved property, the applicant shall be required to reserve any additional right-of-way necessary to the width required by this Ordinance and the County Transportation Plan and by the State as permitted by applicable state law.

B. The applicant shall bear the costs of the installation of all on-site improvements as required by this Ordinance, including provision for surface drainage, pavement, landscaping, and utilities.

3.10.5 Inspections of Required Improvements

A. Inspections during the installation of site improvements shall be made by the entity responsible for such improvements as required to certify compliance with approved site plans.

B. No improvements shall be accepted for maintenance by the County unless and until the requirements regarding public improvements have been met.

3.10.6 Project Completion

A. Upon certifying that all development conditions of approval, all county requirements, and all required payments have been received, the County shall then issue a final zoning approval for the site.

B. Upon certifying that all development conditions and construction requirements have been installed, the final plat will be signed by the County staff for recordation at the Register of Deeds Office for Pender County. The Subdivider shall file the approved final plat with the Register of Deeds of Pender County for recording within sixty (60) days after the date of approval. Otherwise, such approval shall be null and void.

C. Improvement Guarantees. The following requirements shall apply to all plans:

1) Prior to the approval of any application, the applicant shall submit a cost estimate and time schedule for installation of each phase of the site improvements.
2) The County shall require a financial guarantee in the form or a bond, letter of credit, or escrow for guaranteeing required on-site and off-site improvements.

3.10.7 Appeals

Denial by County staff or Planning Board of any preliminary plat can be appealed to the Pender County Zoning Board of Adjustments. Upon review by the Board of Adjustments, a final judicial review will be determined on the request for consideration.

3.11 SKETCH DEVELOPMENT PLAN

3.11.1 Sketch plans shall be submitted for the application and approval of the following development types:

A. Individual residential development in all applicable zoning districts.

B. Accessory uses and structures as prescribed in Section 5.2, Table of Permitted Uses in all residential districts.

C. Contents of sketch development plans

1) Minimum scaled at 1” =60’, boundary of the entire tract to be developed
2) Setbacks determined by zoning district and housing type
3) Driveway location
4) Existing accessory structures
5) Location of water/septic services or confirmation of hook up to public provided service
6) Any restrictions/easements located on the property including utilities, access, etc.
7) The location and approximate boundaries of existing environmental features as defined

3.12 SPECIAL USE PERMIT

3.12.1 Purpose

The development and execution of this Ordinance is based on the division of the county into districts within which the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are some land uses which are basically in keeping with the intent and purposes of the district where permitted, but which may have an impact on the area around them which can only be determined by review of the specific proposal. These uses may be established, under certain conditions and with proper controls, in such a manner as to minimize any adverse effects. In order to ensure that these uses, in their proposed locations, would be compatible with surrounding development and in keeping with the purposes of the district in which they are located, their establishment shall not be as a matter of right, but only after review and approval of a Special Use Permit as hereinafter provided.

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 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 adjacent property owner;
4) Name, address, tax map number, acreage, zoning, township and means of access to the site (road or recorded access easement);
5) Location and status of utilities: water, sewer, well, septic system, method of solid waste disposal, electrical service and natural gas if available;
6) Existing topography and all proposed changes. Include calculations to show total acreage of area to be graded or disturbed;
7) Existing and proposed streams, drainage ways, ponds, lagoons, wetlands, flood plains, berms, etc.
8) Existing and proposed structures and on-site improvements;
9) Existing and proposed fencing, vegetative screening and buffering;
10) Existing and proposed signs, lighting, landscaping, walks, parking and drives;
11) Detail any expected impact to the community, such as; traffic, noise, vibration, glare, odor, dust, etc. and the method being used to lessen these impacts.

3.12.3 Procedures for Reviewing Applications

A. The special uses, as specified in the various districts, may be established only after review and approval by the Board of Commissioners.

B. The Board of County Commissioners, acting in a quasi-judicial manner and setting, shall hear evidence from the applicant and any interested members of the public.

C. The Board of Commissioners shall hold a public hearing on the application for a Special Use Permit within sixty (60) days after the completed application is filed.

D. The Administrator shall cause notice of the hearing to be published once a week for two successive calendar weeks. The notice shall be published for the first time not less than ten (10) nor more than twenty-five (25) days before the date fixed for the hearing.

E. All Special Use Permit applications must be presented to the Administrator for a determination of completeness.

F. An appeal from a completeness determination may be made to the Board of Adjustment within twenty (20) days of the determination.

G. The Board of Commissioners shall approve, modify, or deny the application for a Special Use Permit. In approving a Special Use Permit, the Board of Commissioners, with due regard to the nature and state of all adjacent structures and uses in the district within same is located, shall make written findings that the following are fulfilled:

1) The use requested is listed among the special uses in the district for which application is made, or is similar in character to those listed in that district;
2) The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor adversely affect the safety, health, morals, or welfare of the community or of the immediate neighbors of the property;
3) The proposed use shall not constitute a nuisance or hazard;
4) The requested use will be in conformity with the Pender County Land Use Plan and other official plans, or policies adopted by the Board of County Commissioners;
5) Adequate utilities, access roads, drainage, sanitation or other necessary facilities have been or are being provided;
6) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize the traffic congestion in the public roads;
7) That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located; and
8) The proposed use shall not adversely affect surrounding uses and shall be placed on a lot of sufficient size to satisfy the space requirements of said use.

3.12.4 General Provisions Concerning Special Use Permits

A. Compliance With Other Codes - Granting of a Special Use Permit does not exempt the applicant from complying with all of the requirements of building codes and other Ordinances.

B. Revocation - In any case where the Special Use Permit or the conditions of a Special Use Permit have not been or are not being complied with, the Administrator may initiate a notice of violation for the provisions of this Ordinance and the conditions of the Special Use Permit not in compliance or the Administrator, may initiate notice of a public hearing to consider revocation of the permit by the Board of Commissioners or both actions may

be initiated. Procedures for notice of such hearing shall be the same as procedures for consideration of an initial application for a Special Use Permit and the permittee shall be notified. After a public hearing has been held, the Board of Commissioners may revoke the Special Use Permit upon finding any of the following:

1) That the approval was obtained by fraud.
2) That the use for which such approval was granted is not being executed.
3) That the use for which such approval was granted has ceased to exist or has been suspended for one year.
4) That the permit granted is being, or recently has been exercised contrary to the terms or conditions of such approval.
5) That the permit granted is in violation of an Ordinance or Statute.
6) That the use for which the approval was granted was so exercised as to be detrimental to the public health or safety, or so as to constitute a nuisance.

C. Expiration - Unless a request for additional time is granted or approved otherwise as a condition of the permit, a Special Use Permit shall expire and become void if final Zoning Approval has not been issued for the project within 24 months after the Notice of Approval of the Special Use Permit has been served on the applicant. The Administrator may provide one extension of the expiration date by no more than 6 months, for complex projects requiring major state or federal permits, upon receipt of a written request for such extension by the applicant detailing the reasons for delay in completion of the requirements for the Zoning Approval.

D. Duration of Special Use - Any conditions imposed on a special use authorized and exercised shall be perpetually binding upon the property unless expressly limited by the Special Use Permit or subsequently changed or amended by the Board of Commissioners after application to the Board of Commissioners and a public hearing.

E. Conditions and Guarantees - Prior to the granting of any special use, the Board of Commissioners may stipulate such conditions and restrictions upon the establishment, location, or construction, maintenance, and operation of the special use as it deems necessary for the protection of the public and to secure compliance with the standards and requirements specified in this Ordinance. In all cases in which special uses are granted, the Board of Commissioners shall require such evidence and guarantees as it may deem necessary to assure that conditions stipulated in connection therewith are being and will be complied with.

A. Such conditions may include a time limitation.
B. Conditions may be imposed which require that one or more things be done before the use requested can be initiated. For example, "that a solid board fence be erected around the site to a height of six (6) feet before the use requested is initiated".
C. Conditions of a continuing nature may be imposed. For example, "exterior loudspeakers shall not be used between the hours of 10:00 p.m. and 9:00 a.m."

F. Filing of Special Use - The Administrator shall file the approved or disapproved application forms with the decision of the Board of Commissioners.

G. Appeals from the Board of Commissioners - Appeals to the Superior Court may be taken by any person, firm, or corporation aggrieved, or by any officer, department, board of the county affected by any decision of the Board of Commissioners, provided such appeals shall be taken within thirty (30) days after the decision of the Board of Commissioners is

filed in the office of the Administrator, or after a written copy thereof is delivered to the applicant, whichever is later. The decision of the Board of Commissioners shall be delivered to the applicant by certified mail, return receipt requested.

H. Revisions - Major revisions to a Special Use Permit must be submitted to the Board of Commissioners. All legal notice and application fee requirements must be met for major revisions. Revisions that are considered minor revisions to an approved Special Use Permit may be reviewed and approved by the Administrator after basic submission requirements have been completed. All revisions approved by the Administrator must meet the original conditions of the permit as approved by the County Commissioners and current provisions of the Zoning Ordinance. The addition of an accessory structure less than 1000 sq. ft., addition of parking or other ancillary facilities or uses or the addition of similar product lines are examples of revisions that may be considered minor revisions.

3.13 ESTABLISHMENT OF VESTED RIGHT

3.13.1. Site-Specific Vesting Plans

A. An approved site-specific vesting plan precludes any zoning action by the County, which would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property as set forth in an approved site-specific vesting plan and in accordance with applicable limitations and exceptions. Such conditions may include a time limitation.

B. The development approvals listed below are determined by Pender County to qualify as site-specific vesting plans:

1) Conditional Rezoning Sketch Plan
2) Master Development Plan
3) Major Site Development
4) Special Use Permit

C. A vested right established pursuant to this ordinance shall run for a period of two (2) years from the effective date of the approval of the underlying development application.

1) Multi-phased developments, as defined N.C.G.S. 160D-108, remain vested for a period of seven years from the time a site plan approval is granted for the initial phase of the multi-phased development.

3.13.2 Process for submittal, approval, and amendment of a site-specific vesting plan

A. Each site-specific vesting plan shall include the information required by the Pender County Unified Development Ordinance for the underlying type of development plan.

B. Each site-specific vesting plan shall provide the notice and hearing required for the underlying type of development plan.

C. An approved site-specific vesting plan and its conditions may be amended with the approval of the owner and the local government in the same manner as required for the underlying type of development plan.

D. Upon following the same process as required for the original approval, the decision-making board or official may extend the vesting of a site-specific vesting plan up to one year (with total length of vesting not to exceed three years) upon finding that:

1) The permit has not yet expired;

2) Conditions have not changed so substantially as to warrant a new application; and Special Use Permit
The extension is warranted in light of all other relevant circumstances—including, but not limited to the size and phasing of development, the level of investment, the need for the development, economic cycles, and market conditions or other considerations.

3.13.3 Limits of site-specific vesting plans

A. Nothing in this ordinance shall prohibit the revocation of the original approval or other remedies for failure to comply with applicable terms and conditions of the approval or the zoning ordinance. The development remains subject to subsequent review and approvals to ensure compliance with the terms and conditions of the original approval as provided for in the original approval or by applicable regulations.

B. The establishment of a vested right pursuant to this ordinance shall not preclude the application of overlay zoning that imposes additional requirements but does not affect the allowable type or intensity of use, or ordinances or regulations that are general in nature and are applicable to all property subject to land use regulation by the County, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes.

C. New and amended zoning regulations that would be applicable to certain property but for the establishment of a vested right shall become effective upon the expiration or termination of the vested rights period provided for in this ordinance.

D. Upon issuance of a building permit, the expiration provisions of G.S. § 160D-1111 and 160D-1115 apply, except that a building permit shall not expire or be revoked because of the running of time while a zoning vested right under this section is outstanding.

E. Any vested rights for a site-specific vesting plan are subject to the exceptions specified at G.S. § 160D -108.1.

3.14 VARIANCE

3.14.1 Applicability

A. The Board of Adjustment may vary certain requirements of this Ordinance, in harmony with the general purpose of these regulations, where special conditions applicable to the property in question would make the strict enforcement of the regulations impractical or result in a hardship in making reasonable use of the property.

B. The Board of Adjustment may waive certain requirements when authorized to do so by provisions adopted as a part of this Ordinance.

C. No variance shall be permitted that would have the effect of allowing a use not permitted in the use table of Section 5.2.3.

D. No variance shall be permitted that would allow a project to exceed the maximum density as to number of dwelling units to the acre in a Zoning District. This maximum density shall be inclusive of any density bonus allowance or additional units in a planned unit development.

E. The need for the variance cannot be a result of the owner's own actions and cannot be for strictly economic reasons.

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

3.14.2 Board of Adjustment

The Board of Adjustment shall review applications for a variance and shall be the approving authority for all requirements.

3.14.3 Pre-Application Conference

All applicants seeking a variance may schedule a pre-application conference with the Administrator to discuss the procedures, standards, and regulations required for variance approval.

3.14.4 Application Requirements

An application for a variance shall be submitted in accordance with application requirements.

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 owners of all properties located within 500 feet of the perimeter of the project bounds along with and aggrieved parties in the form of applicant supplied #10 envelopes with paid first-class postage.

3.14.6 Burden of Proof

The applicant seeking the variance shall have the burden of presenting evidence sufficient to allow the Board of Adjustment to reach the conclusions set forth below (Findings), as well as the burden of persuasion on those issues.

3.14.7 Findings

In granting any variance, the Board of Adjustment shall make the following findings:

A. That special or unique circumstances or conditions or practical difficulties exist which apply to the land, buildings or uses involved which are not generally applicable to other land, buildings, structures, or uses in the same zoning districts;

1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2) The hardship results from conditions that are peculiar to the property, such as location, size, topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify granting of a variance shall not be regarded as a self-created hardship.
4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured and substantial justice is achieved.

B. In making the findings above, the Board of Adjustment may give special weight to the number and percentage of nearby properties that share characteristics for which the variance is requested by the applicant. The Board of Adjustment may grant a variance to expand an existing structure, including the expansion of a nonconforming structure if the findings listed above can be made.

3.14.8 Action by the Administrator

The Administrator shall provide the Board of Adjustment with a copy of the application and all relevant materials pertaining to the request prior to the public hearing.

3.14.9 Action by the Board of Adjustment

A. Each decision shall be accompanied by a finding of fact by the Board of Adjustment which specifies the reasons for the decision.

B. A decision of the Board of Adjustment to approve a variance or reverse an interpretation requires an affirmative vote by four-fifths of the members present and voting.

C. The Board of Adjustment may approve the request, deny the request, or continue the request. In approving the variance, the Board of Adjustment may prescribe reasonable and appropriate conditions which will ensure that the use will be compatible with neighboring properties and will not alter the character of the neighborhood.

3.14.10 Effect of Approval

The Administrator shall file the approved variance with the Pender County Register of Deeds. All variances that are granted shall run with the property or structure for which the variance is being sought and not with the owner of the property or structure.

3.15 ADMINISTRATIVE ADJUSTMENT

3.15.1 Site Design Modification

The Administrator is authorized to review and approve administratively a minor modification to an approved Conditional Zoning District, Special Use Permit, Master Development Plan, or other site-specific development approval subject to the following limitations.

A. General Limitations. The minor modification:

1) Does not involve a change in uses permitted or the density of overall development permitted;
2) Does not increase the impacts generated by the development on traffic, stormwater runoff, or similar impacts beyond what was projected for the original development approval; and
3) Meets all other ordinance requirements.

B. Site Design. Site design minor modifications are limited adjustments to the terms or design of an approved development plan or plat, including a site plan attached as a condition to a conditional zoning or special use permit. In addition to the general limitations for minor modifications, a site design minor modification must:

1) Comply with underlying zoning standards and other applicable conditions of the approval;
2) Be limited to a minor change such as, without limitation, an adjustment to internal roadway circulation, an adjustment to building location within approved setbacks, or adjustment to utility alignment;
3) In the case of a stormwater pond, not decrease the distance from an exterior project boundary by more than 10% or encroach further into required buffering;
4) In the case of external connectivity, not alter the location of an entrance by more than 25 linear ft along a property boundary; nor create an additional vehicular entrance

except when connecting to an adjacent development which has received approval to stub to the project boundary;

5) In the case of bicycle and pedestrian infrastructure, be shown to not to degrade the bicycle and pedestrian friendliness of the community.
6) In the case of open space, increase open space. Any overall decrease in open space or diminishment of open space unity cannot be permitted by administrative adjustment;
7) In the case of project phasing, provide for ensuring each phase meets minimum requirements.

C. Dimensional Standards. Dimensional standard minor modifications are adjustments to the dimensional standards of the zoning ordinance. Dimensional standards may only be modified upon a finding by the administrator, based on evidence from the permit holder, that the modification is needed to address a site characteristic or technical design consideration not known at the time of initial approval. In addition to the general limitations for minor modifications, dimensional standard minor modifications are limited to:

1) A downward adjustment to parking requirements up to the greater of 5 spaces or 25 percent.
2) An adjustment to landscape standards which still adheres to the same buffer class (i.e., Buffer A, B, C, or D) as illustrated on the site plan.
3) Appeals and Variances. A decision on minor modification may be appealed to the Board of Adjustment as an administrative determination. An application for a minor modification does not preclude an applicant from seeking a variance from the Board of Adjustment.

D. Site Design modifications which do not qualify as a minor modification shall be considered via the review process by which the initial development approval was granted.

3.15.2 Dimensional Standard Modification

A. The Administrator may review and approve an adjustment to setback requirements up to greater of 2 feet or 20% percent of the standard setback when all the following additional criteria are met:

1) Granting the administrative adjustment will not have an adverse impact on land use compatibility;
2) The circumstances creating the need for the administrative adjustment are not the result of the property owner's own actions;
3) Granting the administrative adjustment will not materially and adversely affect adjoining land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate buffering, screening, setbacks and other land use considerations;
4) Granting the administrative adjustment shall be consistent with the purposes and intent of this Ordinance; and
5) The strict enforcement of this Ordinance would deprive the owner or applicant of reasonable use of the property that is substantially consistent with the intent of this Ordinance.

B. Final action on an administrative adjustment may be appealed to the Board of Adjustment in accordance with Section 3.16, Appeal of Administrative Decision.

3.16 APPEAL OF ADMINISTRATIVE DECISION

3.16.1 Applicability

As specified in N.C.G.S. 160D-405, an appeal by any person aggrieved by a final order, interpretation or decision of the Administrator or other administrator in regard to the provisions of this Ordinance may be taken to the Board of Adjustment.

3.16.2 Application Requirements

A. An appeal of an administrative decision shall be taken by filing a written notice of appeal specifying the grounds for the appeal with the Administrator and the Board of Adjustment within thirty days after the decision by the Administrator.

B. An application for appeal of an administrative decision shall be submitted in accordance application requirements, Section 3.1.2.

C. A notice of appeal of an administrative decision shall be considered filed when a complete application is delivered to the Administrator. The date and time of filing shall be entered on the notice.

3.16.3 Deadline for Submission of Application

An appeal of an administrative decision shall be filed with the Administrator and Board of Adjustment within thirty (30) days of receipt of the decision. If decision is sent by mail, it is presumed to have been received on the third business day after it was sent in the absence of evidence to the contrary.

3.16.4 Notice and Public Hearings

The County shall hold all required public hearings and give notice in accordance with Section 3.14.5.

3.16.5 Action by Administrator

The Administrator shall transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

3.16.6 Action by Board of Adjustment

A. The Board of Adjustment may reverse or affirm (wholly or partly) or may modify the order, requirement, decision, or determination appealed from and shall make any order, requirement, decision, or determination that in its opinion ought to be made in the case before it. To this end, the Board of Adjustment shall have all the powers of the officer from whom the appeal is taken.

B. A motion to reverse, affirm, modify the order, requirement, decision, or determination appealed from shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.

C. If a motion to reverse or modify is not made or fails to receive the affirmative vote of a majority of members present, the appeal shall be denied.

D. Any motion to overturn a decision shall state the reasons or findings of fact that support the motion.

3.16.7 Effect of Appeal

A. An appeal shall stay all proceedings in furtherance of the action appealed, unless the administrative official from who the appeal is taken certifies to the Board of Adjustment that, because of facts stated in the certificate, a stay would, in their opinion, cause imminent peril to life or property or that because the violation is transitory in nature a stay would seriously interfere with the effective enforcement of this Ordinance. In that case, proceedings shall not be stayed except by order of the Board of Adjustment or a court, issued on application of the party seeking the stay, for due cause shown, after notice to the administrative official.

B. An appeal shall not stop action lawfully approved (including construction activities authorized by a building permit); only actions presumed in violation of this Ordinance are stayed.

3.16.8 Appeals from the Board of Adjustment

Appeals to the Superior Court may be taken by any person, firm or corporation aggrieved, or by any office, department, board, of the county affected by any decision of the Board of Adjustment, provided such appeals shall be taken within thirty (30) days after the decision of the Board of Adjustment is filed in the office of the Administrator, or after a written copy thereof is delivered to the applicant, whichever is later. The decision of the Board shall be delivered to the applicant by certified mail.

3.17 WRITTEN INTERPRETATION

3.17.1 Applicability

When uncertainty exists, the Administrator shall be authorized to make all interpretations concerning the provisions of this Ordinance.

3.17.2 Application Requirements

An application for a written interpretation shall be submitted in accordance with Section 3.1.2, Application Requirements.

3.17.3 Action by Administrator

A. The Administrator shall review and evaluate the request in light of the text of this Ordinance, the Zoning Map, the County Comprehensive Land Use Plan, the CAMA Land Use Plan, any adopted land use documents, and any other relevant information.

B. Following completion of any technical reviews by staff, the Administrator shall render an opinion.

C. The interpretation shall be provided to the applicant in writing.

3.17.4 Official Record

The Administrator shall maintain an official record of all interpretations. The record of interpretations shall be available for public inspection during normal business hours.

3.17.5 Appeal

Final action on a written interpretation may be appealed to the Board of Adjustment in accordance with Section 3.16, Appeal of Administrative Decision.

3.18 ORDINANCE TEXT AMENDMENT

3.18.1 Applicability

A. The County Commissioners shall consider amendments to the text of this Ordinance, as may be required from time to time.

B. Amendments to the text of this Ordinance shall be made in accordance with the provisions of this Article.

C. A request to amend the text of this Ordinance may be initiated by the County Commissioners, Board of Adjustment, Planning Board, Administrator, or a citizen of Pender County.

3.18.2 Administrator

A. The Administrator shall be responsible for review and recommendation regarding amendments to the text of this Ordinance.

B. When a text amendment is initiated, the Administrator, in consultation with the appropriate body, shall draft an Ordinance and present that Ordinance to the Planning Board so that a public hearing may be set.

C. The Administrator shall prepare a staff report that reviews the proposed text amendment request in light of any applicable plans and the general requirements of this Ordinance.

3.18.3 Action by the Planning Board

A. Before making any recommendation on a text amendment, the Planning Board shall consider any recommendations from the Administrator and shall conduct a public hearing where interested parties may be heard.

B. The Planning shall make a recommendation based on the approval criteria, consistent with N.C.G.S. 160D-604(d).

C. The Planning Board shall make its recommendation following the initial public hearing.

3.18.4 Action by County Commissioners

A. Before taking action on a text amendment, the County Commissioners shall consider the recommendations of the Planning Board and Administrator and shall conduct a public hearing.

B. B. The County Commissioners shall make a decision based on the approval criteria, consistent with N.C.G.S. 160D-605(a).

C. Following the public hearing, the County Commissioners may approve the text amendment, deny the amendment, or send the amendment back to the Planning Board or a committee of the County Commissioners for additional consideration.

3.18.5 Approval Criteria

A. In evaluating any proposed Ordinance text amendment, the Planning Board and the County Commissioners shall consider the following:

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

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

3.18.6 Changed Application

If the applicant makes significant changes to the application for a text amendment after the Planning Board has made its recommendation, the Administrator may refer the modified request back to the Planning Board for an additional public hearing.

3.18.7 Expedited Hearing

B. The County Commissioners, in situations in which it determines certain standards have been met, may expedite the hearing process on a proposed amendment.

C. The County Commissioners may consider a written request requesting an expedited hearing process. The request shall identify and support the reasons for such expedited consideration.

D. If the County Commissioners has set an expedited hearing concerning a request, in accordance with Section 3.18.7.E, a public hearing before the Planning Board shall be held at the first available hearing date or prior to the hearing before the County Commissioners.

E. The Planning Board may not continue a request that is subject to an expedited public hearing.

F. In order to grant the request, the County Commissioners shall find that at least one of the criteria below has been met:
1) Deadlines set by the local, State or Federal government for receipt of application for needed funding, designation or other regulations concerning the property make expedited consideration necessary;
2) The proposed text amendment results from an emergency beyond the control of the applicant, such as response to a disaster;
3) The proposed text amendment addresses an urgent matter of public health or safety; or
4) The proposed text amendment addresses issues identified in threatened, actual, or potential litigation against the jurisdiction that made expedited consideration necessary.

G. In no event may the County Commissioners hearing occur less than 30 days after the Planning Board has received the request for the expedited hearing.

3.19 MANUFACTURED HOME COMMUNITY

3.19.1 Intent

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

3.19.2 Review

A. All new manufactured home communities and additions or alterations to existing communities must be in accordance with this Ordinance.

B. Completed plats, application, fees and other required data must be submitted 45 days prior to the next scheduled Planning Board meeting.

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

D. Manufactured home communities must meet all requirements prescribed in Section 3.10, Major Subdivision and Section 5.3.2.D, Manufactured Home Community.

E. The Administrator shall forward the site plan to the Technical Review Committee for review. The Committee shall make recommendations to the Administrator concerning whether the plan meets the requirements of any Pender County Codes or Ordinances and other State or Federal regulations as appropriate within ten (10) business days.

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

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

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

I. Final Zoning Approval shall not be issued for any use or site requiring a site plan until all requirements shown on the approved site plan have been met and all improvements shown on the site plan have been provided. If structures and improvements have been provided sufficient to guarantee public health and safety but if all site plan improvements have not been completed, a certificate of occupancy shall only be issued if a bond with surety or other acceptable guarantees have been provided to ensure 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.

3.20 RECREATIONAL VEHICLE PARK

3.20.1 Intent

A. Proposed recreational vehicle parks of three (3) acres or more are required to apply for a Special Use Permit. Upon approval of the Special Use Permit by the Board of County Commissioners, the applicant may proceed with the preparation of a Major Site Development Plan.

3.20.2 Review

A. All new recreational vehicle parks and additions or alterations to existing parks must be in accordance with this ordinance.

B. All recreational vehicle park proposals shall be waived from the Master Development Plan review process.

C. Completed site plan, application, fees, and other required data must be submitted 45 days before a scheduled Board of County Commissioners meeting.

D. When required submission material is submitted as noted above, it shall be placed on the next scheduled Board of County Commissioners agenda, if applicable.

E. Recreational vehicle parks must meet all requirements prescribed in Section 5.3.9.B, Recreational Vehicle Park and Section 6.3, Major Site Development Plan.

F. The Administrator shall forward the Special Use Permit to the Technical Review Committee for review. The Committee shall make recommendations to the Administrator concerning whether the proposal meets the requirements of any Pender County codes or Ordinances and other State or Federal regulations as appropriate within ten (10) business days. Upon Major Site Development Plan submittal, the Administrator shall forward the site plan to the Technical Review Committee for additional review.

G. The Administrator shall determine and provide comments to the applicant whether the proposed recreational park is in conformance with applicable sections of this Ordinance.

H. Approval of the major site development plan shall expire within two years of the approval date unless final zoning have been obtained for construction.

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

J. The site plan shall be reviewed and approved or disapproved and notice of action taken provided to the applicant within 30 working days of completed submission. The signed original will be provided to the applicant and a signed copy will be filed accordingly.

K. 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.

3.21 CHANGE OF USE

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 6.7, 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

ARTICLE 4 ZONING DISTRICTS

4.1 DIVISION OF THE COUNTY INTO ZONING DISTRICTS; OFFICIAL ZONING MAPS

4.1.1 The County is hereby designated in Zoning Districts.

A. The Zoning Districts are shown on the official Zoning Map of Pender County, which is a part of this Ordinance.

1) The official Zoning Map may consist of one or more map sheets.
2) The original reproducible map or map sheets comprising the official Zoning Map as well as any successor maps shall be attested by the Clerk to the Board of County Commissioners.
3) In the event of amendment of any Zoning District boundaries set forth on the official Zoning Map, attested by the Clerk to the Board of County Commissioners with note as to the amending ordinance number, the date of amendment, and the nature of the change.

4.2 RULES FOR INTERPRETING DISTRICT BOUNDARIES

4.2.1 Where uncertainty exists with respect to the boundaries of the Districts as shown on the official Zoning Map, the following rules shall apply:

A. Where District boundaries are indicated as following the center lines of streets, highways, or alleys, such center lines shall be construed to be such boundaries.

B. Where District boundaries are indicated as approximately parallel to the center lines of streets or highways, such District boundaries shall be construed as being parallel to the centerline, and at such distance from the centerline as indicated on the official Zoning Map. If no distance is indicated specifically on the Zoning Map, the scale of the map shall determine.

C. Where District boundaries run to, but do not extend into water areas, and no separate Zoning District is shown over such waters and their minor land areas, they shall be considered to run into such water areas in a straight line, continuing the prevailing direction of the boundary as it approaches water, until they intersect other District boundaries or the jurisdictional limits. Boundaries which run through water courses, lakes, and other water areas, shall be assumed to be located midway in such water areas, unless otherwise indicated.

D. Where District boundaries are indicated as following platted lot lines, the lot lines shall be construed to be the District boundaries.

E. Where the street or property layout, or other physical features existing on the ground are at variance with the official Zoning Map, or where other uncertainties exist as to interpretation of the official Zoning Map, upon receipt of a written request the Administrator shall provide an interpretation. Appeals from the Administrator will be reviewed in accordance by the Board of Adjustment. This Board shall interpret the map in such a manner as to carry out the intent and purposes of this Ordinance.

4.3 CLASSIFICATION OF AREAS UNDER WATER AND OF AREAS NOT ELSEWHERE CLASSIFIED

4.3.1 Areas within the jurisdiction of the County which are under water

All areas within the jurisdiction of the County which are under water and are not shown as included within any district shall be subject to all of the regulations of the District which immediately adjoins the water area. If the water area adjoins two (2) or more Districts, the boundaries of each District shall be construed to extend into the water in a straight line until they meet the boundaries of another District or the jurisdictional limit.

4.3.2 Areas within the jurisdiction of the County which are not under water

All lands within the jurisdiction of Pender County which are not under water and are not shown as included within the limits of any district shall be considered to be in the Environmental Conservation District, until otherwise classified by amendment to this Ordinance.

4.4 ZONING DISTRICTS ESTABLISHED

In order to implement all purposes and provisions of this Ordinance and the adopted Comprehensive Land Use Plan, and any other adopted County land use documents, the following districts are hereby established:

ZONING DISTRICTS	
Symbol	**Name**
Residential Districts	
RA	Rural Agricultural
RP	Residential Performance
RM	Residential Mixed
MH	Manufactured Housing Community
Mixed Use Districts	
PD	Planned Development
Commercial Districts	
GB	General Business
OI	Office Institutional
Industrial Districts	
IT	Industrial Transitional
GI	General Industrial
Special Purpose Districts	
EC	Environmental Conservation
Overlay Districts	
AV	Aviation Support
FH	Flood Hazard Area
WS-PA	Watershed Protected Area
WS-CA	Watershed Critical Area

4.5 GROUPING OF DISTRICTS

4.5.1 Where the phrase "residential district" is used in this Ordinance, the phrase shall be construed to include the following districts:

A. RA-Rural Agricultural
B. RP-Residential Performance
C. RM-Residential Mixed
D. MH-Manufactured Housing Community

4.5.2 Where the phrase "non-residential district" is used in the UDO, the phrase shall be construed to include the following districts:

A. GB-General Business
B. OI-Office Institutional
C. IT-Industrial Transitional
D. GI-General Industrial

4.5.3 Where the phrases “mix of uses” or “mixed-use district” is used in the UDO, the phrases shall be construed to include the Planned Development (PD) District.

4.6 MEASUREMENT AND COMPUTATION

4.6.1 Height

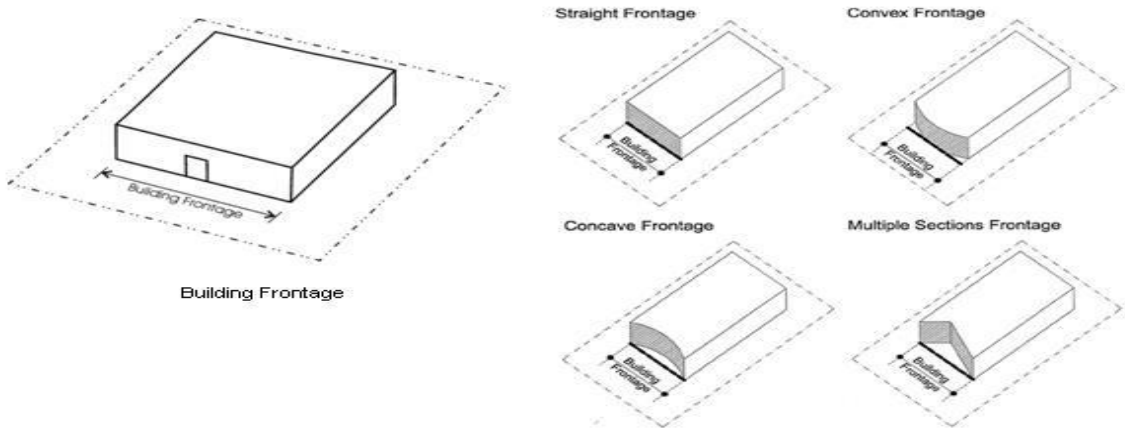
Height shall be measured as the vertical distance from the average street grade (at access) or finished grade at the building line, whichever is the highest, to the highest point of the building or roof structure.

A. Permitted Height Exclusions. The following shall be considered excluded and therefore can exceed the maximum height provision otherwise applicable within all districts as specified below:
   1) Bona fide farm buildings other than dwelling units or other residential uses
   2) Chimneys or flues extending not more than ten (10) feet above the roofline
   3) Steeples, spires, or similar features on places of worship
   4) Strictly ornamental features such as belfries, parapets, roof screens and widows watches less than four (4) feet in height
   5) Air conditioning units and other mechanical features screened from view by a parapet wall
   6) Utility poles
   7) Lightning rods
   8) Aerials and antennas
   9) Water tanks
   10) Solar and wind energy collectors
   11) Amateur radio towers
   12) Commercial or government communication towers (as specified in Articles 3 and 5)
   13) Meteorological Data Devices
   14) Obstructions permitted
   15) Elevator or stair bulkheads, roof water tanks, or cooling towers

16) With the exception of wireless communication facilities, other appurtenances usually required to be placed above roof level and not intended for human occupancy

4.6.2 Structure Width

Building width or frontage shall be measured by the distance along the front plane of any structure (as determined by the location of an entrance fronting on a street)



4.6.3 Standard Minimum Separation between Structures

A. The minimum required separation between structures shall be in accordance with Section 4.14, Zoning District Dimensional Requirements.

B. Attached structures shall comply with all requirements for such structures including, but not limited, to, the provision of full firewalls between each independent structure.

C. Any structures separated by less than 5 feet are considered attached.

D. Measurement shall be taken from the building line.

4.6.4 Building Lines

Building lines are tangent to the exterior surface of a building or structure, parallel to front, side and rear lot lines. These are referred to as front, side and rear building lines, respectively.

4.6.5 Lot Type, Width, and Depth

A. Lot Type – The various types of lots shall be classified as shown in Figure 4.1.

B. Lot Line Equivalent - The following provisions shall apply in the determination of a lot line equivalent.

1) A front lot line equivalent is a straight line joining the foremost points of the side lot lines. In the case of rounded property corners at street intersections, the foremost point of a side lot line shall be assumed to be the point at which the side and the front lot line would have met without such rounding.

2) A front lot line is any lot line adjacent to a public or private right-of-way or ingress/egress easement. In the case of a corner lot, either side adjacent to a street may be considered to be the front, provided the structure to

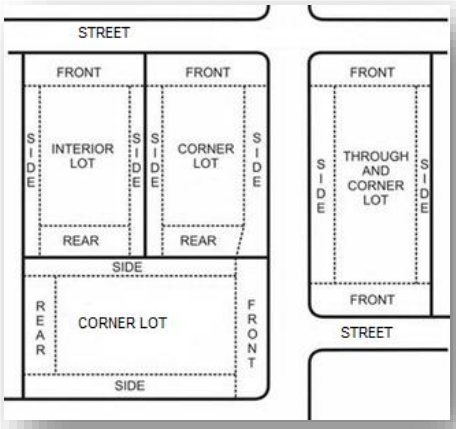


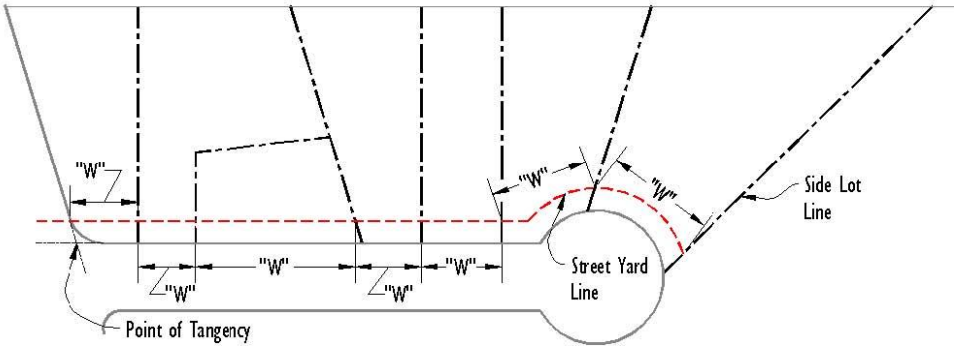
Figure 4.1

be located on the lot is situated to meet the required front, side and rear yards for the zoning district in which the lot is located.

3) A rear lot line is opposite the front lot line.
4) A side lot lines are all lot lines not clarified as front or rear.

C. Lot Width

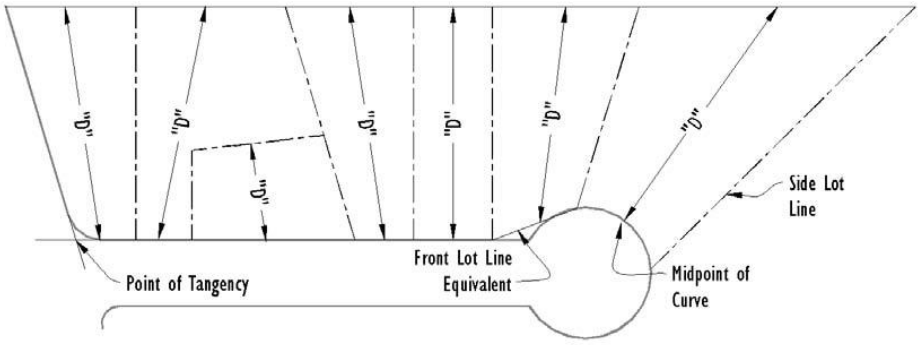
1) Lot width shall be measured by the distance between the side lot lines (generally running perpendicular to a street), measured at the point of the front yard setback along a straight line parallel to the front of the property line or to the chord of the front property line.
2) Lot width (where they intersect with street line) may not be less than eighty (80) percent of the minimum required width for the district.
3) Cul-de-sacs must abide with minimum chord length requirements found in Section 4.14, Dimensional Requirements Table.



Commentary: In the graphic above, the measurement for lot width is indicated by the "W"

D. Lot Depth

Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in the front and the rear. On corner lots, the street side lot line is considered to extend to the point of tangency with the front lot line. On lots located on the interior of a cul-de-sac, the front most measurement point is assumed to be the midpoint of the curve between the side lot lines.



Commentary: In the graphic above, the measurement for lot depth is indicated by the "D"

4.6.6 Lot Area

Lot area refers to the entire horizontal land area inside the lots lines or site. Public/private right-of-way or areas within public prescriptive right-of-way. shall not be included when calculating area of a lot.

4.6.7 Density

A. Number of Allowable Dwelling Units (Density)

1) Determination (Conditional Zoning Districts) – The maximum number of dwelling units allowable on a particular tract of land is calculated in a two-step process that sums 100% of the maximum allowable density of site area not within resource conservation areas with the density that is allowed on land that is considered resource conservation area. The maximum allowable density for the resource conservation areas is 50% less than the maximum density for the zoning district. The maximum allowable density for resource conservation areas is 50% less than the maximum density for the zoning district.

> ***Commentary:*** For the purposes of calculating density for conditional zoning districts, Resource Conservation Areas consist of land within 1) the 100-year floodplain, and 2) jurisdictional wetlands regulated by the Army Corps of Engineers.

Max. dwelling units = ([max. zoning district density] X [acres not in resource conservation areas]) + ([max. zoning district density] X [acres in resource conservation areas] X 0.50)

2) Determination (All Other Districts) – The density is calculated as total tract acreage subtracting the following:
   a) Areas reserved as non-residential development
   b) Total wetland calculations
   c) Rights of way and parking areas
   d) Active and passive open space
   e) Passive open space may be subtracted from the total wetland delineation in the Master Development Plan if it is calculated to be less than the total wetland area.
3) The minimum allowable dwelling units for any legal, conforming parcel of land is 1 single family dwelling unit, if permitted by the zoning district.
6) Any calculation of density for a given parcel of land, regardless of amount, shall not permit the violation of any other standards of this Ordinance.

F. Density Transfer

1) In any instance where a particular development is located in more than one district the density shall be separately computed for each district and no density may be transferred between districts.

4.6.8 Yards

A. Every part of a required yard setback shall not contain any structures or obstructions, unless exempted in this Ordinance.

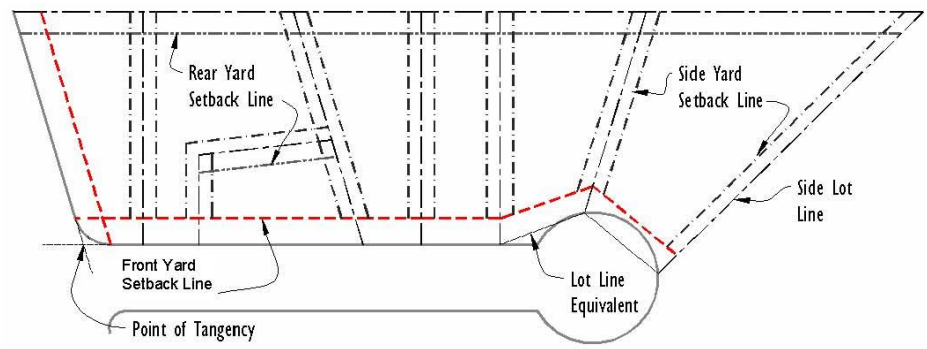
B. Yards or lots in existence prior to July 1, 2010, may not be reduced below the minimum dimensions required by this Ordinance unless specifically exempted by Article 10, Non-conformities.

4.6.9 Measurement of Yards

A. The depth of a required yard shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot lines, in the case of rounded property corners at street intersections, shall be the point of tangency of the lot lines.

B. The inner edge of the required side yard is parallel to the side lot line.

C. The inner edge of the required rear yard is parallel to the rear lot line.



4.6.10 Permitted Obstruction in Required Yards

In all districts, the following shall not be considered obstructions when located within a required yard, except that these items shall not be located within any required clear site triangle.

A. In any Required Yard:

1) Sidewalks, uncovered steps and handicapped access ramps.
2) Off street parking facilities may be located in the required front yard. Off-street parking and loading facilities may not be located in a required buffer.
3) Plantings and vegetation, arbors and trellises, open terraces, including natural plant landscaping.
4) Awnings or canopies projecting up to six (6’) feet from a building wall, provided that the awning has no supports other than provided by the wall or its integral part.
5) Cornices, eaves, and awnings may extend up to five (5’) feet into any required yard but shall remain at least two (2’) feet from the property line, except on zero lot line homes.
6) Bay windows, entrances, balconies, and similar features that are less than ten (10’) feet wide may extend up to one and one-half (1 ½’) foot into any required yard but shall remain at least six (6’) feet from the property line.
7) Chimneys projecting not more than three (3’) feet into the required yard.
8) Fire escapes or staircases may project no more than eight (8’) feet into the required yard.
9) Directional signs may be installed in conformance with the Article 9, Signs.
10) Driveways.
11) Flagpoles having only one structural ground member.
12) Mailboxes.
13) Project boundary buffers and street buffers.

14) Fountains, sculpture, or other similar objects of art.
15) Street furniture such as, but not limited to benches, drinking fountains, and light standards.
16) Retaining walls or bulkhead no more than six (6') feet in height.
17) Security gates and guard stations.
18) When screened from adjacent residential dwellings, at-grade patios, decks or uncovered terraces may extend up to eight (8') feet into any required front yard.
19) For residential applications; Heating, ventilation, and air conditioning (HVAC) units or other similar mechanical structures directly servicing a structure.

B. In any Required Side or Rear Yard:

1) When screened from adjacent residential dwellings, at-grade patios, decks, or uncovered terraces may extend up to four (4') feet into any required side yard, or within ten (10) feet of a rear property line.
2) Recreational equipment, such as play houses, swings, etc.
3) Off street parking and loading facilities may be located in the required side or rear yard. Off-street parking and loading facilities may not be located in a required buffer.

4.6.11 Fractional Requirements

When any requirement of these regulations results in a fraction of a dwelling unit or other measurement, that fraction shall be disregarded and the next highest whole number shall apply.

4.6.12 Measurement of Days

Unless specifically stated otherwise, all provisions stating a required number of days shall mean calendar days, inclusive of weekend days.

4.7 RESIDENTIAL ZONING DISTRICTS

4.7.1 RA: Rural Agricultural

The Rural Agricultural District is intended to accommodate non-residential agricultural uses and very low density residential development (minimum of 1 du/ac), as well as limited non-residential uses, in rural areas adjacent to agricultural operations. Development in this District should rely predominantly on individual wells and septic tank systems for domestic water supply and sewage disposal.

4.7.2 RP: Residential Performance

The Residential Performance District is intended to allow a variety of residential uses and densities and also limited commercial activities as well as agritourism. Existing or new agricultural and farm uses shall be allowed on undeveloped land prior to development.

A. Residential Performance District (RP) shall meet the following general standards:

1) Buildings on the periphery of a Residential Performance Development shall be setback no less than twenty (20') feet from the adjoining property line. Additional buffers may be required based on the adjacent land use. See buffer chart in Section 8.2.6.
2) All undivided areas within the development (other than street rights-of-way, parking, and structures) shall be designated as open space as defined in Appendix A Definitions

and Article 8. Such open space shall be offered to the public or encumbered for the perpetual benefit of the residents.

3) Private streets will be permitted in Performance Residential Developments; however, dedication of public streets and utility easements shall be required if such are indicated on the official plans as adopted by Pender County or any municipality if it is determined by the County Planning Board.
4) When a development proposal is submitted under this Article, it shall be processed as a Master Plan.
5) Projects proposing less than ten (10) lots shall be submitted as one phase and must be contiguous when submitted for final plat.
6) A homeowner's association shall be established and kept continuously active, for the maintenance of open and private spaces and stormwater runoff, along with any private water, sewer or roads, when warranted.
7) All requirements of Article 9 Flood Damage Prevention must be met.
8) Any land designated as usable open space shall be used in calculating the density for a proposed development.
9) Buffer strips shall be required and maintained by the Homeowner's Association.
10) All preliminary plans shall provide the approximate delineation of Corps of Engineers Section 404 and Section 10 Wetlands.

4.7.3 RM: Residential Mixed

The Residential Mixed (RM) District is designed to allow for a variety of conventional built and multifamily housing types which can be accommodated dependent on necessary infrastructure including but not limited to community or regional utilities and infrastructure. A variety of housing types as referenced within the Table of Permitted Uses shall be allowable, however only one housing type is required for development. The type of development should be compatible with surrounding land uses and consistent with the goals and policies of the Comprehensive Land Use Plan. The density development standards shall be calculated similar to the Planned Development (PD) District (4.8.1.D.1).

4.7.4 MH: Manufactured Housing Community

The MH Manufactured Housing Community District is designed to provide for planned communities for manufactured homes. This district is intended for the location of manufactured homes on land under common ownership or for the creation of lots for manufactured homes. Such planned developments are intended to be provided with appropriate roadways and amenities and suitable landscaping and transition areas to blend the Manufactured Housing Community with surrounding land uses.

4.8 MIXED USE DISTRICTS

4.8.1 PD: Planned Development District

The Planned Development District encourages progressive land planning and design concepts and is intended to provide an alternative to ~~a~~ conventional development. The PD District~~s~~ allows projects of innovative design and layout that may not otherwise be permitted under this Ordinance due to the strict application of zoning district or general development standards. The PD District shall not

be used as a means of circumventing the County's adopted land development regulations. Maximum density is determined by the Future Land Use Classification within the adopted land use plan.

A. Purpose of the PD District

1) To allow for greater freedom in providing a mix of uses within one development, including a mix of housing types, lot sizes, densities, and non-residential uses;
2) To promote quality urban design and environmentally sensitive development by incorporating walkable, compact, pedestrian and transit friendly development and by allowing development to take advantage of special site characteristics, locations, and land uses;
3) To promote quality urban design and environmentally sensitive development by preserving critical environmental resources, providing above-average open space amenities, incorporating creativity in the layout of buildings, open space and circulation systems, assuring compatibility with surrounding land uses and neighborhood character, and providing efficiency in the layout and provision of roads, utilities, and other infrastructure;
4) To create contiguous green space within and across the boundaries of development site(s) and promote interconnected greenways and corridors throughout the County;
5) To reduce the amount of infrastructure necessary for development, including paved surfaces and utility easements, by permitting clustering of houses and structures;
6) To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation;
7) To preserve unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat;
8) To protect prime agricultural land and preserve farming as an economic activity;
9) To preserve important historic and archaeological sites;
10) To protect scenic views;
11) To achieve any other goals as stated within adopted County land use and transportation plans, and/or any other adopted County plans.

B. Use Types

1) Uses allowed in the PD District shall be consistent with the Table of Permitted Uses in Section 5.2.3, the Comprehensive Land Use Plan, and shall also be in accordance with a Master Development Plan as prescribed in Section 3.5 and Section 4.8.1.B.2 below.
2) Properties that are currently zoned PD shall submit for review based upon the following:
   a) New MDPs associated with land zoned PD shall require a public input meeting as described in Section 3.1.3 Public Input Meeting.
   b) PD tracts that were recorded under previously adopted development regulations and are part of a platted subdivision or an approved Master Development Plan as of April 20, 2015 shall follow the prescribed standards of the time of approval except as allowed under North Carolina General Statute relating to permit choice.
   c) PD tracts that were recorded under previously adopted development regulations and are part of a platted subdivision or master planned development but lack specific standards, shall be subject to the following dimensional requirements: minimum lot width of fifty (50) feet, minimum front yard setback of twenty-five (25) feet, side yard

setback of ten (10) feet, rear yard setback of fifteen (15) feet, maximum structure height of thirty-five (35) feet, and minimum required principle structure separation of twenty (20) feet. Requested changes to the dimensional standards outlined above will require submission of a Master Development Plan in accordance with Section 4.8.1.B.2.e.

d) Vacant PD tracts that are less than one hundred (100) acres in area and are not part of an approved Master Development Plan as of April 20, 2015 shall submit a Master Development Plan in accordance with Section 6.1. A mix of uses shall be required. However, a mix of residential and non-residential uses shall not be required. The Planning Board shall review the proposed use(s) and overall design to determine if the Master Development Plan is in accordance with the standards of this Ordinance and any other adopted plans.

e) Vacant PD tracts that are one hundred (100) acres in area or larger and are not part of an approved Master Development Plan as of April 20, 2015 shall submit a Master Development Plan in accordance with Section 6.1. A mix of residential and non-residential uses shall be required. The Planning Board shall review the proposed use(s) and overall design to determine if the Master Development Plan is in accordance with the standards of this Ordinance and any other adopted plans.

f) PD tracts that are requesting a change of use from one NAICS sector classification to another, expansion of existing use(s), or revision of existing standards shall submit a Master Development Plan in accordance with Section 6.1. A mix of uses shall not be required. The Planning Board shall review the proposed use(s) and overall design to determine if the Master Development Plan is in accordance with the standards of this Ordinance and any other adopted plans.

i) Exception –PD tracts that are requesting an expansion of existing use(s) where a building addition of less than ten percent (10%) increase to the floor area of the existing structure or where a new structure will be 2,500 square feet in area or less shall not be required to submit a Master Development Plan.

C. Number of Dwelling Units (Density)

1) Determination - The number of dwelling units in a project utilizing the PD development standards shall be determined by the Future Land Use Classification within the adopted land use plan.

2) In effort to encourage quality urban design and environmentally sensitive development, an increase in density may be allowed by the Planning Board when such an increase can be justified by superior design or the provision of additional amenities such as public and/or private open space.

D. Development Standards - Development in a PD District shall be subject to all applicable regulations unless otherwise waived or modified by the County in the terms of the approved master land use plan. In no case shall the decision-making body waive or modify the following standards for a proposed PD development:

1) Stream buffers required by the State of NC

2) Ownership requirements for any open space, buffers, or streetscapes unless otherwise permitted within this Ordinance;

3) Preservation of existing vegetation in streetscapes, floodplains, and/or buffers;

4) Minimum distance between structures, minimum lot width, and minimum yard requirements are established in the Master Development Plan and may be modified by the Planning Board;
5) Street connectivity requirements;
6) Sidewalk and greenway requirements;
7) Stormwater control or LID requirements;

E. Transportation and Circulation System

The Master Development Plan shall demonstrate a safe and adequate on-site transportation system that addresses vehicular, bicycle, transit and pedestrian circulation. The on-site transportation system shall be integrated with the off-site transportation circulation system of the County. The road network within Planned Developments shall be designed to ensure that adjacent residential areas, internal and external to the project, have direct access to any non-residential portions of the planned development in lieu of entering and exiting through thoroughfares and/or collector streets. Planned developments shall provide or contribute to a pedestrian and road network that connects non-residential and existing residential developments.

1) Creative design of circulation routes and traffic ways is encouraged. A base characteristic of a PD is that the internal circulation routes or streets do not follow fixed linear geometric lines. Instead, circulation routes are curvilinear and of meandering character, to preserve tree and landscape features. Slower-paced traffic movements are encouraged with the use of private restrictions for extremely low speed limits.
2) Pedestrian-oriented communities are encouraged to maximize opportunity for pedestrian activity and improve the quality of the pedestrian experience. Planned subdivisions must adhere to the design standards for drainage and paving in this Ordinance.
3) Where the development is bound by two (2) or more NCDOT on-system roads, access to each road shall be provided at minimum.
4) Adequately constructed and maintained bike and/or hiking trails shall be counted toward the open space requirement. Bicycle lanes and multi-use pathways that extend the minimum right-of-way width shall be designed in accordance with the North Carolina Bicycle Facilities Planning and Design Guidelines Manual.

4.9 COMMERCIAL DISTRICTS

4.9.1 GB: General Business District

This district is primarily intended to accommodate uses which require close access to major highways. The district is established to provide convenient locations for businesses which serve the needs of surrounding residents, including office, retail, and personal service uses.

4.9.2 OI: Office & Institutional District

The purpose of this district is to provide for institutional and office areas for government, professional and medical purposes. This district is compatible with and supports adjacent residential and business uses and will allow multifamily residential uses above non-residential uses.

4.10 INDUSTRIAL DISTRICTS

4.10.1 IT: Industrial Transitional District

The intent of this district is to provide for heavy commercial activities, involving larger scale marketing or wholesaling, where production and assembly occur onsite and retail sales of those products can be sold on premise where produced. In some cases, such areas may be transitional, located between business and industrial areas. In these areas, there will be a mixture of automobile and truck traffic. Flex space (as defined in Appendix A, Definitions) and technical uses are allowed. Some of the uses in this district will require large areas of land and may have outdoor storage and display. The uses in this district shall not be sources of excessive noise, dust, smoke or other industrial nuisances, as defined in Appendix A. Such industrial transition areas shall be provided with safe and sufficient access.

A. Development Standards / Applicability - The following standards shall apply to all development within the Industrial Transitional zoning district. In addition to the standards contained in this Article, all other provisions in this Ordinance and all other applicable laws shall apply, except those that are incompatible with the provisions contained herein.

1) Additional building height is allowed at a rate of one additional foot of height for every one foot of additional yard depth (front and sides).

4.10.2 GI: General Industrial

The GI District is intended to provide locations for enterprises engaged in a broad range of manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembly of goods, merchandise or equipment which may not be compatible with certain Industrial Transitional uses. These uses generally are more intense and are located on larger tracts.

A. Development Standards / Applicability

1) Additional building height is allowed at a rate of one additional foot of height for every one foot of additional yard depth (front and sides).
2) Complete fencing with vegetative screening if the abutting land is in a residential district. The fence shall be a minimum of 6 feet.

4.11 SPECIAL PURPOSE DISTRICTS

4.11.1 EC: Environmental Conservation District

The Environmental Conservation District is intended to be used for state game lands, state conservation tracts and other protected open spaces. It is intended to be rural residential in character while protecting and preserving environmentally sensitive lands, open space and natural habitat. Construction and land disturbing activities should be limited in nature and scope and should have a very low impact on the environment and the surrounding setting.

A. Permitted Uses - Only uses specifically listed in the use table in Section 5.2 as a permitted and special uses shall be allowed in an EC District.

B. Applicability

1) The following standards shall apply to all development within an EC district with the exception of bona fide farms. However, bona fide farms are encouraged to comply with these requirements to the extent possible to ensure that impacts on the land and the surrounding environment are minimal.

2) In addition to the standards contained in this Article. All other provisions in this Ordinance and all other applicable laws shall apply, except those that are incompatible with the provisions contained herein.

C. Development Standards - In order to reduce the impact of development on the existing natural environment, the following standards apply to all land disturbing activities within an EC district:

1) With the exception of a pedestrian trail or a fence, no land disturbing activities may occur within a required yard or within one hundred (100) feet of:
2) All lands located within a designated floodway (AEFW);
3) All site area under the jurisdiction of the Army Corps of Engineers (the Corps) or the North Carolina Department of Natural Resources, Division of Water Quality (DWQ)
4) All lands located within a CAMA shoreline buffer;
5) All lands located below the high water line of an existing pond, lake, or stream; and
6) All lands with slopes steeper than twenty-five (25) percent.

D. Development Guidelines - In order to reduce the impact of development on the existing natural environment, and provide an increased degree of flexibility, the following guidelines apply to all activities within an EC district:

1) If development is anticipated to occur, the plan for such development should prioritize the preservation of natural habitat and sensitive environmental features such as large stands of trees, wetlands, watercourses, marshes, and tidal areas.
2) The use of Low Impact Design, stormwater Best Management Practices (BMPs) and other alternative construction principles is strongly encouraged.
3) All site clearing and preparation, and construction activities should avoid removing existing trees and disturbing existing vegetation to the extent possible.

4.12 OVERLAY DISTRICTS

4.12.1 General

A. Overlays are zoning districts which are applied only in conjunction with a Base Zoning District, and may grant additional use and development requirements upon the underlying Base Zoning Districts. The effect is to have both the Overlay and the underlying Base Zoning District standards control the use and development of land placed into any Overlay.

B. Overlays support specific public policy objectives as found in the CAMA Land Use Plan and any other adopted County land use documents.

4.12.2 AV: Aviation Support Overlay

Reference Chapter 150.03, Airport Zoning Code of the Town of Wallace and the supplementary Airport Height Restriction Map which provides airport zone development restrictions. All development proposals within this identified geographical area must be compatible with the referenced Ordinance.

4.12.3 FH: Flood Hazard Overlay

A. Intent - The purpose for identifying this area on the zoning map is to alert all people concerned to the fact that development within designated flood hazard districts must

conform to the adopted ordinance entitled "The Flood Damage Prevention Ordinance of Pender County," and all other development ordinance as amended. It is the intent of the Pender County Board of County Commissioners to promote the public health, safety and general welfare with measures designed to minimize private and public losses of life, property, commerce and service from the hazards of floods through the enforcement of the above-referenced ordinance.

B. Basis of Districts - The various floodplain districts shall include areas subject to inundation by flood waters of the one-hundred-year storm event. The basis for the delineation of these districts shall be the Flood Insurance Study and accompanying maps for Pender County prepared by the United States Department of Homeland Security, Federal Emergency Management Agency, dated February 16, 2007

1) The Floodway District is delineated for purposes of this Article using the criteria that a certain area within the floodplain must be capable of carrying the waters of the one-hundred-year base flood without increasing the water surface elevation of that flood more than one foot at any point. The areas included in this district are specifically defined in Table 2 of the above referenced Flood Insurance Study and shown on the accompanying Flood Insurance Rate Maps.
2) The Flood-Fringe District shall be that area of the one-hundred-year floodplain not included in the Floodway District. The basis for the outermost boundary of this district shall mapped and shown on the accompanying Flood Insurance Rate Map.
3) The Approximated Floodplain District shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a one-hundred-year floodplain boundary has been mapped. Such areas are shown on the Flood Insurance Rate Maps (as prepared by the United States Department of Homeland Security, Federal Emergency Management Agency, dated The various floodplain districts shall include areas subject to inundation by flood waters of the one hundred-year storm event. The basis for the delineation of these districts shall be the Flood Insurance Study and accompanying maps for Pender County prepared by the United States Department of Homeland Security, Federal Emergency Management Agency, dated February 16, 2007 in determining the necessary elevations for the purposes of this Article, other sources of data may be used such as:
   a) Corps of Engineers floodplain information reports.
   b) United States Geological Survey flood-prone quadrangles.
   c) United States Department of Agriculture, Soil Conservation Service, flood hazard analyses
   d) North Carolina Department of Transportation
   e) Known high-water marks from past floods.
   f) Other sources.

C. Overlay Concept

1) The floodplain districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Ordinance Maps, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.
2) Where there happens to be any conflict between the provisions or requirements of any of the floodplain districts and those of any underlying district, those pertaining to the floodplain districts shall apply.

3) In the event that any provision concerning a floodplain district is declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the basic underlying district provisions shall remain applicable.

D. Flood Insurance Rate Maps - The boundaries of the floodplain districts are established as shown on the Flood Insurance Rate Map, which are by reference made a part of this Article and are filed in the County offices.

E. District Boundary Changes - The delineation of any of the floodplain districts may be revised by the Federal Emergency Management Agency or other qualified agency when natural or man-made changes have occurred and/or more detailed studies were conducted or undertaken. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency or other qualified agency. If the boundary of the floodplain district is revised by the Federal Emergency Management Agency, then the boundary of the County Flood Hazard Overlay district will change concurrently.

4.12.4 Reserved

4.12.5 Watershed Districts

A. WS-CA Watershed Critical Area District - The WS-CA Watershed Critical Area is established as a district in which the principal use of land is for very low density single-family residential purposes, as allowed for WS-IV Classified Water Supply Watersheds by NCDWQ. The regulations of this district are to permit residential developments which are compatible with the rural character of the area while protecting the sensitive ecology and hydrology of the critical watershed near the intake of the public water supply as designated by the NC Environmental Management Commission. The Watershed critical Area District is the land up stream and nearest the public water supply intake and usually extends one half mile from the intake. New residential developments shall be permitted at a maximum of one dwelling unit per two acres. No new development shall exceed 24% total lot coverage.

B. WS-PA Watershed Protected Areas - The WS-PA District Watershed Protected Area is established as a district in which the principal use of land is for very low density single-family residential purposes, as allowed for WS-IV Classified Water Supply Watersheds by NCDWQ. The regulations of this district are to permit residential development which is compatible with the rural character of the area while protecting the sensitive ecology and hydrology of the public water supply watershed as designated by the NC Environmental Management Commission. The Watershed Protected Area District is the land upstream from the public water supply intake and typically extends ten miles from the intake. New residential development shall be permitted at a maximum of one dwelling unit per two acres. No new development shall exceed 24% total lot coverage.

C. District Requirements - As required by the NC Environmental Management Commission, the following additional requirements apply to all land disturbing activities within WS-CA and WS-PA Districts, as specified:

1) All activities, other than bona fide farms and silviculture activities, in all Watershed Districts shall maintain a 30 foot vegetated buffer adjacent to all perennial waters as

shown on the most recent edition of the USGS 1:24000 (7.5 minute) topographic map. The buffer shall remain vegetated and shall be used only for access and utilities.

2) All activities, other than bona fide farms and silviculture activities, in all Watershed Districts shall be permitted lot coverage as defined in this Ordinance of no more than twenty four (24) percent of the lot.
3) Bona fide Farms in all Watershed Districts shall comply with soil and water conservation practices promulgated by the Natural Resources Conservation Service and the Farm Service Agency.
4) Silviculture activities in all Watershed Districts shall comply with the Rules and Best Management Practices of the Division of Forest Resources, which requires among other practices, buffers (Streamside Management Zones) adjacent to all perennial streams.
5) Bona fide Farms in the Watershed Critical Area District (WSCA) shall maintain a 10 foot permanently vegetated buffer adjacent to all perennial waters as shown on the most recent edition of the USGS 1:24000 (7.5 minute) topographic map. The buffer shall remain vegetated and shall be used only for access and utilities.

4.12.6 Bicycle and Pedestrian Improvement Overlay District

A. Intent – The Bicycle and Pedestrian Improvement Overlay District is established to promote increased non-vehicular transportation in Pender County through bicycle and pedestrian infrastructure and bicycle and pedestrian-oriented site design standards. It is the intent of the Pender County Board of Commissioners to provide opportunities for citizens to utilize active transportation methods where feasible, such as walking and biking, due to its benefits in reducing congestion, reducing environmental impacts, increasing public health, and increasing the community character of targeted areas within Pender County.

B. Basis of Districts – The areas included in the Bicycle and Pedestrian Improvement Overlay District shall be determined via a resolution from the Pender County Board of Commissioners in consultation with Planning staff, members of the Pender County Planning Board, and the public, as well as the North Carolina Department of Transportation and other relevant stakeholders on a case-by-case basis. The creation of these districts will be informed by development activity, current and future roadway improvement projects, current and future bicycle and pedestrian usage and demand, and all relevant adopted plans, such as comprehensive land use plans, bicycle and pedestrian plans, and Comprehensive and Metropolitan Transportation Plans.

C. Overlay Concepts

1) The Bicycle and Pedestrian Improvement Overlay Districts, as established and described above, shall be overlaid to the existing underlying zoning districts as shown on the Official Zoning Maps, and as such, the provisions for the Bicycle and Pedestrian Improvement Overlay Districts shall serve as a supplement to the underlying district provisions.
2) Where there happens to be any conflict between the provisions or requirements of any of the Bicycle and Pedestrian Improvement Overlay Districts and those of any underlying

district, those pertaining to the Bicycle and Pedestrian Improvement Overlay Districts shall apply.

3) In the event that any provision concerning a Bicycle and Pedestrian Improvement Overlay District is declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the basic underlying district provisions shall remain applicable.

D. Applicability

1) The rules and requirements applied under this overlay district shall apply only in the following development scenarios:
   a) Conditional Rezoning
   b) Special Use Permit
   c) Master Development Plan
   d) Major Subdivision
   e) Minor Subdivision
   f) Commercial Major Site Plan
   g) Commercial Minor Site Plan
2) The rules and requirements applied under this overlay district shall not apply to the following development scenarios:
   a) Single-family residential development on a single-family residential lot
   b) Exempt subdivisions

E. District Requirements

1) Provision of Facilities and Infrastructure
   a) Bicycle and pedestrian infrastructure shall be constructed as part of a development proposal within an adopted Bicycle and Pedestrian Improvement Overlay District if one or more of the following conditions are met:
      i) The proposed development is located within the jurisdiction of the Wilmington Metropolitan Planning Organization (WMPO) and is located along an existing or planned principal or minor arterial and/or major or minor collector street as defined by the WMPO Functional Classification Map, or;
      ii) The proposed development is located outside the jurisdiction of the Wilmington Metropolitan Planning Organization and is located along an existing or planned principal or minor arterial and/or major or minor collector street as defined by the NCDOT Functional Classification Map.
      iii) The proposed development is located along a road or street where bicycle and/or pedestrian improvements have been identified and included in an adopted bicycle and pedestrian plan or another adopted plan.
   b) The type of facility provided shall be in accordance with adopted local and regional bicycle and pedestrian, transportation, and other plans. If a proposed development has road frontage on an existing or planned arterial or collector street as defined by the WMPO or NCDOT and is not listed on any adopted bicycle or pedestrian plan, then the required construction of bicycle and pedestrian infrastructure shall not be applied.

2) Facility Location, Design, and Construction

a) Where possible, bicycle and pedestrian infrastructure shall be constructed within the public right-of-way in consultation with NCDOT.
   i) If off-road bicycle and pedestrian infrastructure (sidewalks, multi-use paths, and similar) cannot be constructed in the public right-of-way, the improvement shall be constructed within a dedicated public easement and shall be along the entire length of road frontage for the appropriate facility constructed or to-be-constructed.
b) Sidewalks shall be constructed as concrete or other like-material to minimum dimensions of 5' wide and 4" thick along the entire length of road frontage of a subject parcel not including driveways as described by AASHTO standards.
c) Multi-use paths shall be constructed as asphalt or other like-material to minimum dimensions of 10' wide and 4" thick along the entire length of road frontage of a subject parcel not including driveways as described by AASHTO standards.
d) Bike lanes and other on-road bicycle and pedestrian infrastructure shall be designed and constructed in accordance with AASHTO standards and in consultation with NCDOT.
e) Off-road bicycle and pedestrian infrastructure shall generally be constructed parallel to the adjacent street. Curves and meanders shall be kept to a minimum.
   i) Deviations and meanders from the proposed route are permitted if the proposed route impacts wetlands, significant trees, creeks and streams, and/or other environmentally sensitive features or areas.
   ii) Boardwalks may also be constructed where meanders are not appropriate with required state and federal permits, should they be required.
   iii) Boardwalks shall maintain facility minimum width and design standards as described in this section and AASHTO standards and be in compliance with the Americans with Disabilities Act and as described in the United States Forest Service's *Wetland Trail Design and Construction.*

3) Payment-in-Lieu: A payment-in-lieu of bicycle and pedestrian facility construction shall be provided as an option to all applicants if construction is impractical or if genuine hardships caused by the construction requirement can be shown.
a) If one or more of the following conditions are met, developers must utilize this option instead of constructing a sidewalk:
   i) The road or street on which a parcel has frontage is included in the NCDOT State Transportation Improvement Program or other transportation improvement plan for widening within the next five years;
   ii) The road or street on which a parcel has frontage is scheduled to receive bicycle or pedestrian infrastructure as part of another project.
   iii) If deviations from a proposed route are required as described in Section 4.12.6.D.1.D above.
b) Payments-in-lieu of bicycle and pedestrian facility construction shall be calculated by determining a linear foot amount of facility responsibility for a parcel.
   i) The type of facility required shall be determined by locally-adopted bicycle and pedestrian plans.

ii) The linear foot length of sidewalk responsibility shall be the subject parcel's frontage along an arterial or collector street as defined by the NCDOT Functional Classification Map, minus proposed driveways widths as approved by NCDOT.

iii) The dollar amount per linear foot of facility responsibility for each type of facility shall be determined by the Board of Commissioners, subject to change.

iv) Total payment-in-lieu contribution shall be calculated by multiplying the linear feet of facility responsibility for a subject parcel by the price per linear foot of appropriate facility as set by the Pender County Board of Commissioners.

c) Those individuals utilizing the payment-in-lieu option shall still be required to dedicate public easements for facility construction and use if the facility cannot be entirely located within the public right-of-way.

4) Site Design

a) Access

i) Pedestrians and bicyclists shall be provided with dedicated facilities to reach a building or structure from the location or point of the bicycle or pedestrian facility.

ii) If pedestrian access is provided via a parking lot, said parking lot shall include islands and/or crosswalk striping to provide pedestrians with a safe corridor in which to move between sidewalk and front entrance.

iii) Any bicycle or pedestrian infrastructure that crosses a driveway or curb cut shall include cross-walk striping or other similar markings to denote the path of the facility and to alert motorists.

iv) If required facility to be constructed is a bike lane or multi-use path, bike racks shall be provided.

b) Building Design

i) All commercial structures within the Bicycle and Pedestrian Improvement Overlay District shall have at least one (1) public entrance that directly faces the public street.

c) Amenities

i) Pedestrian amenities, such as benches and seating areas, are encouraged in all scenarios and shall be required to be included in site designs when distance between front property line and main structure entrance is greater than 50 feet.

ii) Other amenities, such as those providing shade and lighting, are encouraged. Any provided shade trees shall be in accordance with Article 8 'Landscaping and Buffering' of this ordinance.

iii) In accordance with standards in approved bicycle and pedestrian plans, amenities such as pet waste stations and bike repair stations shall be provided at regular intervals depending upon type of facility constructed.

iv) Any provided amenities shall not be placed in the public right-of-way unless those amenities can be placed in such a way that does not obstruct the minimum facility width. Provided amenities placed in public rights-of-way shall be done so in consultation with NCDOT.

v) Any provided amenities shall complement the design of other bicycle and pedestrian elements, nearby buildings and structures, and the character of the community.

vi) Any provided amenities shall be constructed of durable, high-quality materials. Such materials include treated wood, metal and steel, and hardened plastics. Amenities

shall be designed specifically for outdoor use. Indoor furniture shall not satisfy the requirements of this ordinance.

vii) The property owner assumes all liability and all maintenance and upkeep responsibility for all provided amenities.

viii) Any proposed amenities shall be clearly shown and labelled on all submitted site plans.

d) Any bicycle and pedestrian improvements made to a site shall be in compliance with the Americans with Disabilities Act and all other applicable federal, state, and local legislation.

4.13 CONDITIONAL ZONING DISTRICTS

Standards of a Conditional Zoning (CZ) district are specific to the conditions of the site and are set by a conditional rezoning application. This process and associated criteria are explained in Article 3. A conditional zoning district is intended for a development that has a high level of certainty of being constructed and the most commonly expected application will contain a specified use and plan for development. Although, it is not intended to be used for speculative purposes, a conditional zoning district applicant may include as part of the application, a list of uses which will not be developed on the property in addition to other development related conditions which are more restrictive than allowed in the UDO. The standards and conditions associated with a conditional zoning district are set at the time of approval and include a sketch plan.

4.14 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	5 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]	30	(1)	(7)	25[8]	25	40	50	(1)	50
Min. Side Yard-Ft	15[8]	10	(1)	(7)	10[8]	10	25	25	(1)	25
Min. Corner Yard Ft (10)	15	15	(1)	(7)	12	12	20	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	30[8]	30	(1)		20[8]	20	(11)	(11)	(1)	50

(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, RP, RM and PD Zoning Districts shall be allowed an additional 10' feet if located within any Special Flood Hazard Area (SFHA) at the calculation of five (5) additional feet in building height per every two (2) feet built above the regulatory flood prevention protection elevation, as defined in the Pender County Flood Damage Prevention Ordinance with building height at 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 twelve thousand (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) See Figure 4.1

(11) North Carolina Building Regulations Apply

4.15 HOUSING TYPES

The following housing types are established to provide a common terminology for housing in the County. “Single Family Housing” is defined as: Single Family Detached; Zero Lot Line Detached; Semi-Attached House; Multiplex Attached; and, Townhouse Attached. Upper-Story Residential Attached and Multifamily Attached are considered “Multifamily Housing”.

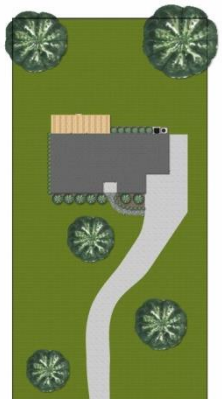
Commentary: All drawings are NOT to scale and are for illustrative purposes only.

4.15.1 Single Family Dwelling Unit - Detached Conventional

A. A "single-family detached residence" shall be a dwelling unit located on a single lot with private yards on all four sides.

B. A single family detached dwelling unit shall be permitted in the following districts: RA, RP, MH, and PD.

C. The following is a typical sketch of a single family detached housing type:

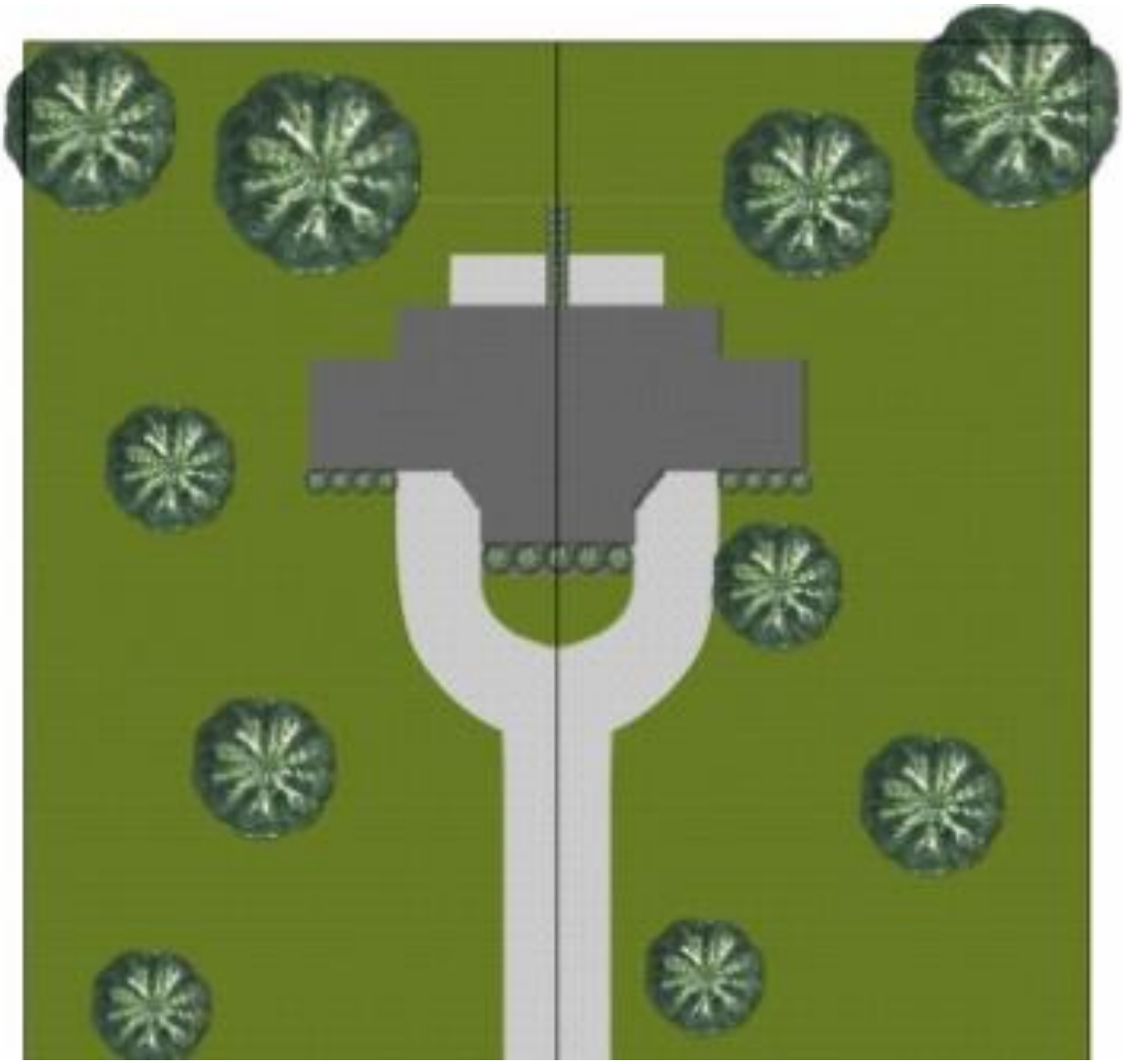


4.15.2 Single Family Dwelling Unit – Attached Duplex

A. Two attached single family units located on one or two lots that share a common wall along the lot line, providing for fee-simple ownership.

B. A single family attached (duplex) dwelling unit shall be permitted in the following districts: RA, RP, RM, and PD.

C. The following is a typical sketch of a single family attached (duplex) housing type:



4.15.3 Single Family Dwelling Unit – Detached Zero Lot Line

A "single-family detached zero lot line residence" shall be a single-family residence on an individual lot. The building is set on one of the side property lines, with a maintenance easement on the adjoining lot. A zero lot line residence shall be utilized to create more useable space on a lot, efficiently and environmentally friendly by pooling open space or clustering a central common area.

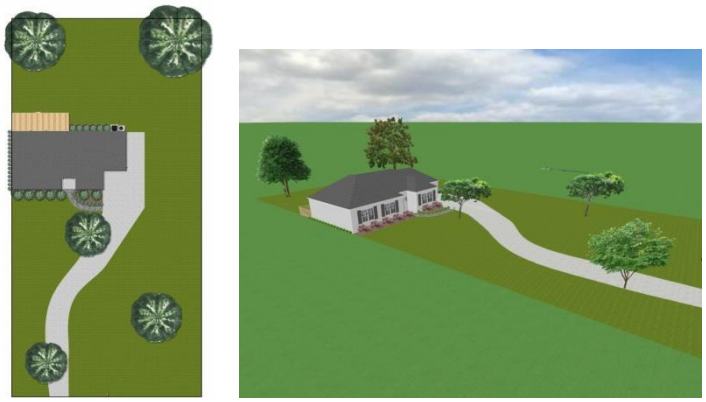
A. Supplemental regulations:

1) The opposite side yard may be maintained clear of any obstructions other than a three-foot eaves encroachment, normal landscaping, removable patio covers extending no more than five feet or garden walls or fences not to exceed nine feet in height.

2) The zero lot line side must not be adjacent to a road right-of-way.
3) A maintenance easement of eight to ten (8-10') feet in width must be obtained on the lot adjacent to the zero lot line side.
4) Windows or other openings that allow for visibility into the side yard of the adjacent lot are allowed on lot line houses pursuant to compliance with the building code.

B. A single family detached zero lot line dwelling unit shall be permitted in the following district: PD

C. The following is a typical sketch of a single family detached zero lot line housing type:



4.15.4 Single Family Dwelling Unit – Attached Townhouse

A. A single family attached townhouse is a single-family attached dwelling unit with one dwelling unit from ground to roof, having individual outside access. Rows of attached dwelling units shall not exceed 10 units and shall average no more than eight dwelling units per structure.

1) A single family attached townhouse dwelling unit shall be permitted in the following districts: PD, RM
2) The following is a typical sketch of a single family attached townhouse:

4.15.5 Single Family Dwelling Unit – Multiple

A. A "multiplex" is an attached residence containing three to four dwelling units. Units may or may not have independent outside access. Units within multiplex structures may be arranged side to side, back to back or vertically. The average number of dwelling units per structure shall be four or less.

1) A single family attached (Multiplex) shall be permitted in the following districts: PD, RM

4.15.6 Upper Story Residential Attached

A. An upper story residential attached structure consists of a mixed use floor plan typically with commercial/retail uses on the base floor or ground floor of the structure and residential dwelling units located above.

1) An upper story residential attached housing type shall follow the same lot sizes contained in the commercial use districts.
2) The minimum parking requirements shall be followed in conjunction with the approved commercial use found in Section 7.10, Off Street Parking and Loading/Parking Requirements.
3) Required open space shall be in conformance with the overall site development plan.
   a) If developed as a single parcel, open space shall not be required.
4) An upper story residential attached dwelling unit shall be permitted in the following districts: PD, GB, and O&I
5) The following is a typical sketch of an upper story residential attached housing type:

4.15.7 Multifamily Apartments/Condos

A. Multifamily apartments/condos are buildings where individual dwelling units share a common outside access. They also share a common yard area, which is the sum of the required lot areas of all dwelling units within the building. Multi-Family developments shall contain six or more dwelling units in a single structure. Common area shall be shared within the dwelling units for each structure or multiple structures.

1) A multifamily apartment/condo shall be permitted in the following districts: PD, RM
2) The following is a typical sketch of a multifamily apartment/condo housing type:
3) This housing type shall be serviced by a community or public utility source.

ARTICLE 5 PERMITTED USES

5.1 USE INTERPRETATION

As set forth in the Permitted Use Table (Section 5.2), certain uses are grouped together using the 2007 North American Industrial Classification System (NAICS) "NAICS Manual1". The NAICS Manual classifies businesses and industries based on common functional or product characteristics. Functions and characteristics include the type and amount of activity, the type of customers and how goods or services are sold or delivered. NAICS is a two- through six-digit hierarchical classification system, offering five levels of detail. Each digit in the code is part of a series of progressively narrower categories, and the more digits in the code signify greater classification detail. The first two digits designate the economic sector, the third digit designates the subsector, the fourth digit designates the industry group, the fifth digit designates the NAICS industry, and the sixth digit designates the national industry. The five-digit NAICS code is the level at which there is comparability in code and definitions for most of the NAICS sectors across the three countries participating in NAICS (the United States, Canada, and Mexico). The six-digit level allows for the United States, Canada, and Mexico each to have country-specific detail. A complete and valid NAICS code contains six digits. Any use not specifically set forth in this Article is expressly prohibited, unless determined otherwise as set forth in Section 5.2.1, Uses not Specifically Listed.

5.1.1 NAICS Administration

Determining whether a use should be classified under a particular category remains subject to interpretation on the part of the Administrator. However, the following information describes the administrative process in determining the permissibility of any particular use in a zoning district. If any use in the Table of Uses contains a two digit numeral, then all uses beginning with that Sector classification are permitted that that particular zoning district. The same methodology is applied to classifications with more detailed classifications. In some instances all uses in a particular category may be permitted EXCEPT certain uses. The uses excepted will be listed accordingly.

5.2 PERMITTED USE TABLE

The following key applies to the Table of Permitted Uses (see Section 5.2.3)

Key to Permitted Use Table	
P = Permitted	A "P" in the use table indicates that a use is permitted by right in the respective district. Such uses are also subject to all other applicable requirements of this Ordinance.
S = Special Use Approval Required	An "S" indicates a use that may be permitted in the respective district only where approved by the County Board of Commissioners in accordance with Section 3.12 Special Use Permit. Uses requiring Special Use Permits are subject to all other applicable requirements of this Ordinance, except where such use standards are expressly modified by the approving authority as part of the Special Use Permit approval.
PM = Permitted in Conjunction with the MDP Process	A "PM" indicates that a use is permitted by right in the respective district with the approval of a Master Development Plan in accordance with Section 3.5.
D = Permitted with Standards	Cross-reference to any use standard listed in Section 5.3, Uses with Standards. Where no cross-reference is shown, no additional use regulations shall apply.
Blank Cell	Not allowed.

[1] The 2007 NAICS manual is found on the Census Bureau website at: http://www.census.gov/eos/www/naics/

5.2.1 Uses Not Specifically Listed

A. 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.

B. Where a use not listed is found by the Administrator not to be similar to any other permitted individual use or permitted group of uses, the use shall be permitted only following a text amendment in accordance with Section 3.18, Ordinance Text Amendment. The decision of the Administrator may be appealed to the Board of Adjustment.

C. When considering the appropriate districts for a use not listed in the Permitted Use Table, the district intent statements (see Article 4, Zoning Districts) shall be taken into consideration.

D. Determination of an appropriate group of uses for a proposed use not currently listed shall be made by applying the processes of NAICS standards and code numbers similar to the use proposed.

5.2.2 Developments with Multiple Principal Uses

When all principal uses of a development fall within one use category (see Section 5.1, Use Interpretation) the entire development shall be assigned to that use category.

When the principal uses of a development fall within different groups of uses or no group of uses, each principal use shall be classified in the applicable group of uses or treated as an individual use and each use shall be subject to all applicable regulations for that group of uses or individual use.

Where a use requiring approval as a special use lies on a separate legal parcel, only the building containing the use and its separate parcel shall be subject to review, not the entire project. However, where the separate legal parcel is an outparcel, the application shall describe the relationship of the outparcel to the remaining site.

5.2.3 6Table of Permitted Uses

The Table of Permitted Uses shows those principal uses that are permitted by right, permitted subject to limited use standards, or permitted subject to a Special Use Permit.

TABLE OF PERMITTED USES											
P=Permitted Use D=Permitted w/ Use Standards S=Special Use Approval Required SD=Special Use Approval Required w/ Additional Standards PM=Permitted in conjunction w/ the MDP process											
Use Category Specific Use Type		Residential				Mixed Use	Commercial		Industrial		Special Purpose
		Zoning Districts									
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
RESIDENTIAL											
SFD: Detached-Conventional		P	P	P	P	P					
SFD: Detached Zero Lot Line				P		P					
SFD-Attached: Duplex		P	P	P		P					
SFD-Attached: Multiplex				P		P					
SFD-Townhouse (5+ attached)				P		P					
Multifamily (condominium/apartment)				P		P					
Upper Story Residential						P	P	P			
Accessory Dwelling Unit		D	D	P		D					
Accessory Dwelling Unit on Non Residential Principal Uses		D				D			P	P	
Manufactured Home		P	D		P						
Manufactured Home Park					PMD						
ACCESSORY USES AND STRUCTURES											
Accessory Structures		P	P	P	P	P	P	P	P	P	
Cottage Occupations		SD	SD	SD		SD	SD				
Home Occupation		D	D	D	D	D	D				
Agritourism Activities on active farms		D	D	D	D	D	D	D	D	D	D
Sector 21: MINING, QUARRYING, OIL AND GAS EXTRACTION											
Nonmetallic Mineral Mining & Quarrying	2123	S								S	
Except: 212392 Phosphate Rock Mining											
Except: 212321 Borrow Pit Sand Mining			PMDS			PMD					
Sector 22: UTILITIES											
Fossil Fuel Electric Power Generation	221112									S	
Other Electric Power Generation	221119								S	S	
Electric Bulk Power Transmission & Control	221121	S	S	S	S	S	S	S	P	P	
Natural Gas Distribution Except Transmission Lines	221210									P	
Water Supply Facilities*	221310		S			PM				P	

Sewage Treatment Facilities*	221320		S	PMD/S		PMD/S				P	
Except: Sewage Lift Stations*		SD	SD	PMD/S	PMD/S	PMD/S	D	D	D	D	
*County Owned or County Service District Provided Systems=P											

		Zoning Districts									
Use Type	**Ref NAICS**	**RA**	**RP**	**RM**	**MH**	**PD**	**GB**	**OI**	**IT**	**GI**	**EC**
Sector 23: CONSTRUCTION											
Construction of Buildings	236						D		P	P	
Heavy and Civil Engineering Construction	237						D		P	P	
Specialty Trade Contractors	238						D		P	P	
Sectors 31-33 MANUFACTURING											
Artisan Manufacturing		S	S			P	P		P		
Food Manufacturing	311									P	
Beverage and Tobacco Product Manufacturing	312									P	
Textile Mills	313									P	
Textile Product Mills	314									P	
Apparel Manufacturing	315									P	
Wood Product Manufacturing	321								P	P	
Truss Manufacturing	321214						S		P	P	
Prefabricated Wood Building Manufacturing	321992						S		P	P	
Prefabricated Metal Building and Component Manufacturing	332311						S		P	P	
Paper Manufacturing	322									S	
Converted Paper Product Manufacturing	3222									P	
Printing and Related Support Activities	323								P	P	
Petroleum and Coal Products Manufacturing	324									S	
Synthetic Dye and Pigment Manufacturing	32513									P	
Other Basic Organic Chemical Manufacturing	32519									P	
Resin, Synthetic Rubber & Artificial Synthetic Fibers and Filaments Manufacturing	3252									P	
Pharmaceutical Manufacturing	3254								P	P	
Paint, Coating and Adhesive Manufacturing	3255									P	

Soap, Cleaning Compound and Toilet Preparation Manufacturing	3256									P	
Other Chemical Product and Preparation Manufacturing										P	
Except: 32592 Explosive Manufacturing											
Plastics and Rubber Products Manufacturing	326									P	
Clay Product and Refractory Manufacturing	3271									P	
Ready-Mix Concrete Manufacturing	32732									P	
Concrete Pipe, Brick, & Block Manufacturing	32733									P	

		Zoning Districts									
Use Type	**Ref NAICS**	**RA**	**RP**	**RM**	**MH**	**PD**	**GB**	**OI**	**IT**	**GI**	**EC**
Sectors 31-33 MANUFACTURING											
Other Concrete Product Manufacturing	32739									P	
Gypsum Product Manufacturing	32742									P	
Fabricated Product Manufacturing	332									P	
Machine Shops; Turned Product; and Screw, Nut, and Bolt Manufacturing	3327								P	P	
Machinery Manufacturing	333									P	
Computer & Electronic Product Manufacturing	334								P	P	
Electrical Equipment, Appliance, & Component Manufacturing	335									P	
Transportation Equipment Manufacturing	336									P	
Furniture and Related Product Manufacturing	337								P	P	
Miscellaneous Manufacturing	339								P	P	
Sector 42 WHOLESALE TRADE											
Wholesale Trade	42	S							P	P	
Sectors 44-45 RETAIL TRADE											

Motor Vehicle and Parts Dealers	441	S					P		P		
Furniture and Home Furnishings Stores	442						P		P		
Electronics and Appliance Stores	443	S				P	P		P		
Building Material, Garden Equipment & Supplies Dealers	444	S					P		P	P	
Food and Beverage Stores	445	S	S			P	P		P		
Health and Personal Care Stores	446	S	S			P	P	P	P		
Gasoline Stations	447	S				P	P		P		
Clothing and Clothing Accessories Stores	448	S				P	P		P		
Sporting Goods, Hobby, Book, and Music Stores	451					P	P		P		
Miscellaneous Store Retailers	453	S				P	P				
Non store Retailers	454	S				P	P		P		
Liquefied Petroleum Gas Dealers	454312									P	
Sectors 48-49: TRANSPORTATION AND WAREHOUSING											
Air Transportation	481								P	P	
Rail Transportation	482								P	P	
Truck Transportation	484								P	P	
Transit and Ground Passenger Transportation	485								P	P	
Interurban and Rural Bus Transportation	4852						P		P	P	
Taxi and Limousine Service	4853						P		P	P	
School and Employee Bus Transportation	4854								P	P	
Charter Bus Industry	4855								P	P	
Support Activities for Transportation	4881								P	P	
Support Activities for Road Transportation	4884	S					P		P	P	
Postal Services	491110	S	S			P	P	P			
Couriers and Messengers	492						P	P	P	P	
		Zoning Districts									
Use Type	**Ref NAICS**	**RA**	**RP**	**RM**	**MH**	**PD**	**GB**	**OI**	**IT**	**GI**	**EC**

Sectors 48-49: TRANSPORTATION AND WAREHOUSING											
Warehousing and Storage	493	S							P	P	
Sector 51: INFORMATION											
Information	51					P	P	P	P	P	
Finance and Insurance	52	S	S			P	P	P	P	P	
Sector 53: REAL ESTATE AND RENTAL AND LEASING											
Real Estate and Rental and Leasing	53	S	S			P	P	P	P	P	
Commercial and Industrial Machinery and Equipment Rental and Leasing	5324								P	P	
Sector 54: PROFESSIONAL, SCIENTIFIC AND TECHNICAL SERVICES											
Professional, Scientific, & Technical Services	54	S	S			P	P	P	P	P	
Sector 55: MANAGEMENT OF COMPANIES AND ENTERPRISES											
Management of Companies and Enterprises	55	S	S			P	P	P	P	P	
Sector 56: ADMINISTRATIVE AND SUPPORT AND WASTE MANAGEMENT AND REMEDIATION SERVICES											
Administrative and Support Services	561	S				P	P	P	P	P	
Solid Waste Collection Public	562111	P	P	P	P	P	P	P	P	P	
Solid Waste Collection Private	562111									S	
Solid Waste Landfill	562212									S	
Solid Waste Combustors and Incinerators	562213									S	
Other Nonhazardous Waste Treatment and Disposal	562219	S					S		S	S	
Remediation Services	562910									S	
Materials Recovery Facilities	562920									S	
All Other Waste Management Facilities	56299									S	
Sector 61: EDUCATIONAL SERVICES											
Educational Services	611	P	S			P	P	P			

Business Schools, Computer & Management Training	6114	S				P		P	P		
Technical and Trade Schools	6115	S				P	P	P	P	P	
Other Schools and Instruction	6116	S				P	P	P	P		
Sector 62: HEALTH CARE AND SOCIAL ASSISTANCE											
Ambulatory Health Care Services	621					P	P	P			
Except: Outpatient Mental Health and Substance Abuse Centers	62142						P	S			
Hospitals	622	S				P	P	P			
		Zoning Districts									
Use Type	**Ref NAICS**	**RA**	**RP**	**RM**	**MH**	**PD**	**GB**	**OI**	**IT**	**GI**	**EC**
Sector 62: HEALTH CARE AND SOCIAL ASSISTANCE											
Except: Psychiatric and Substance Abuse Hospitals	6222							S			
Except: Outpatient Mental Health and Substance Abuse Hospitals	62142						S	S			
Nursing and Residential Care Facilities	623	S	S			P	P	P			
Except: Residential Mental Retardation, Mental Health & Substance Abuse Facilities	6232	S						S			
Social Assistance	624	S				P	P	P			
Vocational Rehabilitation Services	6243						P	P	P	P	
Sector 71: ARTS, ENTERTAINMENT, AND RECREATION											
Performing Arts Companies	7111	S				P	P				
Spectator Sports	7112	S					P		P		
Promoters of Performing Arts, Sports and Similar Events	7113	S				S	S				
Agents and Managers for Artists, Athletes, Entertainers and Other Public Figures	7114					P	P	P			
Museums, Historical Sites and Similar Institutions	712	S				P	P	P			
Amusement and Theme Parks	713110	S				S	S				
Amusement Arcades	713120						P				

Golf Courses and Country Clubs	713910	S	PM			P					
Fitness & Recreational Sports Centers	713940	S				P	P	P	P		
Bowling Centers	71395					P	P	P	P		
All Other Amusement & Recreation Industries	71399	S				P	P		P		
Aviation Clubs, Recreational	713990	S	S			P	P		P		
Canoeing, Recreational	713990	S	S			P	P		P		
Fishing Clubs, Recreational	713990	S	S			P	P		P		
Flying Clubs, Recreational	713990	S	S			P	P		P		
Guide Services (i.e. Fishing, Hunting, Tourist)	713990	S	S			P	P		P		
Horse Riding, Recreational	713990	P	S								
Outdoor Shooting Ranges	713990	S									
		Zoning Districts									
Use Type	**Ref NAICS**	**RA**	**RP**	**RM**	**MH**	**PD**	**GB**	**OI**	**IT**	**GI**	**EC**
Sector 72: ACCOMMODATIONS AND FOOD SERVICES											
Hotels and Motels	72111					P	D	D			
Bed and Breakfast Inns	721191	S	S		S	P	P				
All Other Traveler Accommodation	721199	S	S		S	P	P				
RV Parks and Recreational Camps	7212	SD					SD				
Recreational and Vacation Camps	721214	S									S
Rooming and Boarding Houses	721310	S				P	P				
Full Service Restaurants	7221	S				P	P	P	P	P	
Limited Service Eating Places	7222	S				P	P	P	P	P	
Special Food Services	7223	S				P	P	P	P	P	
Drinking Places (Alcoholic Beverages)	7224	S				P	P				
Sector 81: OTHER SERVICES, EXCEPT PUBLIC ADMINISTRATION											
Automotive Repair and Maintenance	8111	S					P		P	P	
Electronic and Precision Equipment Repair and Maintenance	8112	S					P	P	P	P	

Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance	8113								P	P	
Personal and Household Goods Repair and Maintenance	8114	S				P	P	P	P	P	
Personal Care Services	8121	P	S			P	P	P	P		
Funeral Homes and Funeral Services	81221	S					P	P	P	P	
Cemeteries and Crematories Except: Private Cemetery	81222	S	S			S	S	S	S	S	
Coin Operated Laundries and Drycleaners	812310	P				P	P				
Dry-cleaning and Laundry Services	812320	S				P	P		P	P	
Linen & Uniform Supply	81233								P	P	
Other Personal Services	8129	S				P	P	P	P		
Pet Care Services	812910	D					D		D	D	
Religious Organizations	8131	P	S			P	P	P	P		
Grant making and Giving Services	8132					P	P	P	P		
Social Advocacy Organizations	8133					P	P	P	P		
Civic and Social Organizations	813410	S	S			P	P	P			
Business, Professional, Labor, Political and Similar Organizations	8139					P	P	P	P		
Public Administration	92	P	P	P	P	P	P	P	P	P	
			Zoning Districts								
Use Type	**Ref NAICS**	**RA**	**RP**	**RM**	**MH**	**PD**	**GB**	**OI**	**IT**	**GI**	**EC**
MISCELLANEOUS USES											
Adult and Sexually Oriented Businesses									S	S	
Adult Retail									S	S	
Bona fide Farm Purposes		D	D	D	D	D	D	D	D	D	D
Child Care Center		P	S			S	P	P			
Community Boating Facility		SD	SD	SD	SD	SD					
Community Boating Facility in conjunction with a Master Development Plan		SD	PMD	PMD	PMD	PMD					
Disaster Volunteer Housing		D	D	D	D	D	D	D	D	D	

Family Care Home		D	D	D	D	D					
Family Child Care Home		P	P			P	P	P			
Industrial Park										SD	
Marina (Commercial)		SD	PMD			PMD					
Portable Storage Containers		D	D	D	D	D	D	D	D	D	
Private Cemetery less than 6,000 sq. ft.		D	D				D	D	D		
Private Cemetery 6,000 sq. ft. and larger		S	S				S	S	S		
Public Parks		P	P	P	P	P	P	P	P	P	
Private Residential Boating Facility		D	D	D	D	D					
Salvage Operations		S								D	
Storage of Merchandise, Materials or Equipment On Site Inside or Outside An Enclosed Building, Excluding Salvage		S							P	P	
Storage of boats and watercraft outdoors or on dry stack structures							S				
Sweepstakes Center							SD		SD	SD	
Telecommunication Facilities		SD	SD			SD	SD	SD	SD	SD	
Telecommunication Facilities – Public Safety		SD	SD			SD	SD	SD	SD	SD	
Temporary Manufactured Homes		P	P			P					
Temporary Modular/Manufactured Offices						P	P	P	P	P	
Temporary Fruit & Vegetable Stands		P	P								
Temporary Buildings for Construction or Development		D	D	D	D	D	D	D	D	D	
Temporary Events		D					D	D	D	D	

5.3 USES WITH STANDARDS

5.3.1 General

A. These standards shall only apply to those districts and uses where the “S”, “PM” or “D” is designated on the use table in Section 5.2.3. In addition to these standards the use shall be permitted in compliance with the general development standards of the underlying

zoning and other applicable requirements of this Ordinance. If a blank cell is designated, then the use is not permitted.

B. Unless specifically exempted within this Article, all other applicable requirements of this Ordinance apply. These include:

1) Zoning District Standards
2) Design and Performance Standards
3) Landscaping and Buffering Standards
4) Subdivision Standards
5) Flood Damage Prevention
6) Signs Standards

5.3.2 Residential Uses

A. Residential Principal Structure

1) In any residential district, up to three residential structures are permitted, on a single lot provided that each principal residential structure meets the minimum zoning district lot size requirements and that a plat drawn to scale by a licensed registered surveyor is submitted showing that all yards and other requirements of this Ordinance have been met for each structure.

B. Structures To Have Access

1) Every structure hereafter erected or moved shall be on a lot adjacent to or having access to a public right-of-way, street or road not less than thirty (30') feet in width. When the lot is not adjacent to the public road and access is provided by an access easement to the public road, the easement must be a minimum of twenty (20') feet wide.

C. Manufactured Home

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

D. Manufactured Home Community

1) All manufactured homes located in a manufactured home community must meet the standards of Section 5.3.2.C, Manufactured Homes.
2) All manufactured home community shall be at least five (5) acres in size.
3) All communities must have eleven (11) lots or more.
4) The following lot sizes shall be permitted in a manufactured home community:
   a) Manufactured home spaces served by public water and a public sewerage system shall have a minimum of 7,000 square feet.

b) Manufactured home spaces served only by either public water or a public sewerage system shall have a minimum of 12,000 square feet.
c) Manufactured home spaces served by neither public water nor a public sewerage system shall have a minimum of 15,000 square feet.

5) All manufactured home communities must adhere to the following dimensional requirements:

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

6) All communities shall adhere to Article 8, Landscaping and Buffering.
7) Manufactured home communities must meet Open Space requirements per Section 7.6, Open Space.
8) Manufactured home community operators shall make arrangements for a private vendor or other sources to collect refuse, either from individual spaces or from centrally located dumpster sites. All dumpster locations are to be fenced and screened from view. Individual refuse receptacles shall be waterproof and rodent proof.
9) All communities are to be provided with a sewage collection system and/or septic tanks approved by the appropriate health agency. If a centralized sewer system is to be used, it shall meet the requirements of the Pender County Health Department or appropriate state agency.
10) All communities shall obtain water from a public source or a source as approved by the Pender County Health Department.
11) Each manufactured home shall be set up and anchored in accordance with the North Carolina Uniform Standards Code for Mobile Homes (Chapter 143, Article 9A of the North Carolina General Statutes).
12) All accessory structures in a manufactured home community shall not be greater than 600 square feet and meet the standards prescribed in Section 5.3.3.A.1, Accessory Uses and Structures.
13) Accessory structures shall be located only on the site space containing that manufactured home and may not be located in any required manufactured home community yard.
14) Each space shall be equipped with water, sewer, and electrical connections.
15) All streets must adhere to Section 7.5, Street Design and have direct access to a publicly maintained road.
16) No individual manufactured home shall have direct access to a publicly maintained road.
17) All streets will be appropriately identified with street name signs as applicable.
18) Two automobile parking spaces shall be provided for each manufactured home lot and shown on the Master Development Plan and Preliminary Plat. No portion of the required spaces shall be within any street right of way.

19) Common areas shall be dedicated to and maintained by the community owner and meet all the requirements of Section 7.6.1.E.10.
20) All manufactured home spaces shall be permanently identified by permanent markers or monuments.
21) No recreational vehicles shall be permitted within a manufactured home community.
22) Any land within the jurisdiction of a Special Flood Hazard Area shall be prohibited for residential development, but may be set aside for passive open space.
23) Within a manufactured home community, one structure may be used as an administrative office.
24) The operator of a manufactured home community shall keep an accurate register containing a list and description of all homes located in the community and owner thereof.

E. Accessory Dwelling Unit, Detached - A dwelling unit may be an accessory use in the residential districts in the following circumstances:

1) Detached accessory dwelling units shall be clearly subordinate to the principal structure
2) Shall not exceed 33% of the heated floor area of the principal dwelling unit
3) No more than one accessory unit shall be located on the lot.
4) Must be located in the rear or side yard and meet rear and side yard setback requirements of a principal structure per applicable zoning district requirements

F. Emergency/disaster relief housing - In case of fire, flood, hurricane, tornado and the like, and/or where the Chairman of the County Commissioners has declared an emergency or disaster.

1) Temporary housing units shall be permitted in all residential zoning districts for temporary residential occupancy when a residence has been damaged by fire, flood, hurricane, tornado or the like. This provision is not to be used for occupancy when a home is in disrepair.
2) Temporary housing units shall not be placed on any lot where active repair and reconstruction of the primary structure is not taking place.
3) A Zoning Approval Permit shall be issued by the Administrator for all temporary housing units at the time of placement on the lot, or when a Building Permit is applied for, in the case of repair and reconstruction of the primary structure.
4) Setback requirements may be waived during the duration that the Temporary Housing Unit is permitted, such that the placement of the temporary housing unity will allow for unobstructed repair and reconstruction on the site, provided the temporary housing unit does not extend into any public or private right-of-way, easement, or adjacent property.
5) In the case of a non-residential use damaged by fire, flood, hurricane, tornado or the like, a commercial modular with approved occupancy as per North Carolina State Building Code, Volume I, General Construction, may be used.
6) The Zoning Approval Permit application shall indicate the location of the temporary housing unit and include a description of the proposed utility connections.
7) The Zoning Approval Permit shall be issued for a period of time not to exceed twelve (12) months after the damage occurs while repair and reconstruction of the primary structure is taking place and may be renewed for an additional six (6) month period, providing progress has been made in the repair and reconstruction for the primary

structure. Permit extensions may be granted by the Administrator upon submittal of documentation that shows progress is being made. This shall be demonstrated by documentation of inspections records on building and trade work associated with the repair and reconstruction. The maximum extension shall not exceed six (6) months. The Administrator may make a determination allowing the extension for multiple cases based on the severity of damage and overall recovery progress.

a) Zoning Approval Permits issued for emergency/disaster relief housing relating to Hurricane Florence shall be eligible for additional six (6) month extensions, providing progress has been made in the repair and reconstruction of the primary structure. The final expiration date shall be no later than September 14, 2021.

8) Temporary Housing Units must be removed from the lot within thirty (30) days following completion of repair and reconstruction of the primary structure, or within thirty (30) days following expiration of the related Zoning Approval Permit.

9) Temporary Housing Units shall also be allowed in the event repair or replacement is being made pursuant to a governmental grant or program. However, any temporary structure shall be removed within thirty (30) days after the issuance of an occupancy permit for the dwelling unit or the installation of the manufactured home.

5.3.3 Accessory Uses and Structures

A. Accessory Structure Setbacks and Separation Requirements

1) Accessory Structures 50-599 Square Feet In Area:

a) Setback of ten (10) feet from all property lines, access easements, and any other structures located on the property.

2) Accessory Structures 600-1,199 Square Feet In Area:

a) Setbacks shall adhere to zoning district requirements and separation must be ten (10) feet from any other structure and access easements located on the property.

3) Accessory Structures 1,200 Square Feet in Area or Greater:

a) Same setback and separation requirements as principal buildings per zoning district regulations

B. Cottage Occupation – Cottage Occupations shall be permitted with an approved Special Use Permit in zoning districts indicated in Section 5.2.3, Table of Permitted Uses, with the following limitations:

1) The use must be clearly incidental and secondary to the use of the property for residential purposes.

2) The use shall not change the character or area of the structure or have any exterior evidence of the occupation.

3) The floor area of the cottage occupation cannot exceed the total floor area of the primary residence.

4) No cottage occupation shall be permitted which creates objectionable noise, dust, smoke, odor, glare, or traffic attraction greater than that of other residential properties in the vicinity.

5) Workers not living on the property shall be limited to three (3) persons per day.

6) Proposed Cottage Occupation permits in the GB, General Business district, shall not expand or increase the existing non-conforming use or structure.

C. Home Occupation - Home occupations are permitted only as an accessory use and require zoning approval. Home occupations shall be permitted subject to the following limitations:

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

D. Agritourism Activities on Active Farms

1) All uses shall be in accordance with 160D-903.

E. Vehicle Storage

1) Residential Districts
   a) Only operable vehicles intended for personal use shall be parked or stored on any property used for residential purposes in any Zoning District.
   b) No storage of commercial inventory or materials shall be permitted in a parking area or on any site used for residential purposes.
   c) No inoperative vehicle shall be permitted to be parked or stored out of doors unless it is effectively screened from view from the roadway and adjoining property owners.
   d) Commercial vehicles may be stored or parked overnight, only on a site permitted for a business use or when driven home by employees as noted below.
   e) Commercial trucks or vans driven home by owners or employees must be parked off the street or access right-of-way, in a garage, carport, driveway, or other designated areas.
2) Non-Residential Districts
   a) Commercial storage and/or parking of licensed operable motor vehicles will be permitted as indicated in the Table of Permitted Uses.

b) Inoperative vehicles shall only be permitted to be parked or stored while undergoing repairs at a commercial garage or automobile service station or if stored in an approved salvage yard.

3) Manufactured Home, Recreational Vehicle & Trailer Parking and Storage

a) It shall be unlawful to park or otherwise store for any purpose whatsoever any mobile home or trailer within any zoning district except as follows:

i) At a safe and lawful location on a street, alley, highway, or other public place, provided that the trailer or mobile home shall not be parked overnight.

ii) Within an approved location in a mobile home park.

iii) On any other lot or plot provided that:

a. A storing permit for any mobile home to be parked or stored for longer than seven (7) days shall be obtained from the Administrator.

b. A mobile home shall not be parked and used other than in an approved mobile home park, or unless obtaining a temporary occupancy permit.

c. Trailers and recreational vehicles shall be parked in a driveway, garage, or carport, or in the rear or side yard of an established primary or principal lot or parcel for the purpose of storage only.

iv) No mobile home or camper shall be used for the purpose of storing materials.

v) Only operable recreational vehicles intended for personal use shall be parked or stored on any property used for residential purposes in any Zoning District.

vi) A permit to store a mobile home may be issued by the Administrator for a term not to exceed six (6) months. Such permit may be renewed for one six (6) month term, at the discretion of the Administrator.

F. Swimming Pools - All public, commercial, or private outdoor swimming, either above ground or below ground, and of either permanent or temporary construction shall meet the following requirements specified below:

1) That the setback for an above and below ground swimming pool and related mechanical equipment from any lot line shall equal the required setback for accessory structures in the district in which it is located.

2) In any case in which a pool is directly attached to a principal structure, all district requirements shall be met for principal structures.

3) Must meet all minimum requirements outlined in the North Carolina Building Code.

G. Retail Sales and Services - Retail sales and services are permitted as accessory uses when clearly incidental to the principal use.

1) With the exception of restaurants in conjunction with a motel such uses shall be conducted wholly within the principal building without access thereto other than from within the building and without exterior advertising or display. These activities shall be conducted solely for the convenience of the employees, patients, patrons, students, or visitors and not for the general retail public.

5.3.4 Mining, Quarrying, Oil and Gas Extraction (Sector 21)

A. Non-metallic Mineral Mining and Quarrying shall be subject to all criteria set forth in G.S. §74, North Carolina Mining Act.

B. Borrow Pit Sand Mining (NAICS 212321) shall be permitted in conjunction with a Master Development Plan if:

1) The mining operations shall be completed within 2 years of the Master Development Plan approval. The administrator may grant an extension of six (6) months with a written request provided by the applicant and/or property owner that justifies the need for the extension. This extension is contingent upon the continued preparation of the site for residential development.
2) Borrow Pit Sand Mining in the RP, Residential Performance zoning district will require a Special Use Permit (SUP) prior to the approval of a Master Development Plan.
3) Borrow Pit Sand Mining in the RP and PD zoning districts is limited to 12.5% of the total tract acreage.

5.3.5 Sewage Treatment Facilities (Sector 22 Utilities)

A. Sewage Treatment Facilities approved in conjunction with a Master Development Plan (MDP).

1) Sewage Treatment Facilities may be approved in conjunction with a Master Development Plan if:
   a) The sewage treatment facility will only provide service within the boundary of the approved (MDP).
      i) The sewage treatment facility must be completed within phase one (1) of the development. Any changes to a Sewage Treatment Facility approved in conjunction with a MDP will require Administrator evaluation; changes to the facility include but are not limited to; enlarging footprint or building size, increase in capacity, or increase in area to be serviced.
   b) If the Sewage Treatment Facility services are expanded to areas outside of the MDP boundary, the facility shall be required to obtain a Special Use Permit (SUP) for modifications to the facility.

B. Sewage Treatment Facilities not associated with an approved MDP: Sewage Treatment Facilities not associated with a MDP shall be required to obtain a Special Use Permit (SUP) for the facility.

C. Sewage Lift Stations

1) Legal access to the project site shall be demonstrated on all submitted site plans.
2) Landscaping and Buffers:
   a) All buffers shall adhere to standards included in Article 8 – Landscaping and Buffers. A type “C” buffer shall be provided along all project area boundary lines except where visibility of the lift station is required by other federal, state, or local regulations.
   b) Sewage Lift Stations shall be subject to the primary structure setback requirements of the specific zoning district. Setbacks shall be measured from the property line to the project area boundary.
   c) Structure separation standards shall be measured from project boundary line and shall not apply internally within the lift station project site.

5.3.6 Construction (Sector 23)

A. Construction of Buildings; Heavy and Civil Engineering Construction; Specialty Trade Contractors

1) A maximum building floor area of ten thousand (10,000) square feet.

2) Outdoor storage areas shall be screened with solid opaque fence or masonry wall with a minimum height of six (6') feet or with a solid evergreen hedge with a minimum maturity height of six (6') feet at planting.
3) Manufacturing, assembly, or prefabrication of materials or equipment shall take place within a fully enclosed structure.
4) Outdoor storage areas shall not produce offensive noise, vibrations, smoke, dust, heat, odor, glare, traffic hazards or congestion and shall not adversely affect the surrounding properties.
5) All outdoor storage areas shall meet the zoning district dimensional requirements and setbacks found in Section 4.14 for all primary structures.

5.3.7 Retail Trade (Sectors 44-45)

A. Automobile Service Station
1) Fuel pumps and other related accessory structures shall be located a minimum of 15 feet from any property line.
2) When an automobile service station adjoins a residential district, the underground storage tanks shall be located a minimum of 30 feet from the property line.
3) All underground storage tank facilities shall comply with the North Carolina Building Code and NFPA 30A.

5.3.8 Finance and Insurance (Sector 52)

A. Freestanding Automatic Teller Machines
1) Shall be considered as an accessory structure.
2) Shall allow for proper ingress and egress and proper traffic flow.
3) Shall not be located in any minimum required parking spaces or buffer areas.

5.3.9 Arts, Entertainment and Recreation (Sector 71)

A. Amusement or Water Parks; Batting Cages; Go-Cart Tracks; Golf Driving Ranges; Miniature Golf Facilities
1) Minimum lot size for all development except miniature golf facilities shall be five (5) acres.
2) No principal buildings or structures shall be located within fifty (50) feet of any property line.
3) Security fencing, a minimum of six (6) feet in height, shall be provided along the entire boundary of park activities.
4) No amusement equipment, machinery, or mechanical device of any kind may be operated within two hundred (200) feet of any residentially zoned property

5.3.10 Accommodation and Food Services (Sector 72)

A. Hotels and Motels shall be allowed one (1') foot of additional height for every two (2') feet of additional setbacks to the front and sides property lines, not to exceed seventy five (75) feet in height.

B. Recreational Vehicle Park
1) All recreational vehicle parks shall be at least three (3) acres in size.
2) Every space shall consist of a minimum of 2,000 square feet.

3) All recreational vehicle parks must adhere to the following dimensional requirements:

Minimum Structure Separation for Recreational Vehicles	10 feet
Minimum Separation from Other Structures	20 feet
Minimum Exterior Property Boundary Setback	20 feet

4) Within a recreational vehicle park, one commercial grade trailer may be used as an administrative office.
5) Each park shall provide a central structure or structures that will supply separate toilet facilities and showers for both sexes, to be maintained and kept in good repair at all times.
6) Establishments of a commercial nature including food stores and coin operated laundry may be permitted in recreational vehicle parks subject to the following conditions:
   a) Such establishments shall be located, intended, and designed to serve only the trade or service needs of persons residing in the park.
   b) Establishments shall be subordinate to the use and character of the park.
   c) Access to the commercial establishment must be from interior streets.
   d) Signs serving the commercial use inside the park shall be limited to twenty (20) square feet in area, non-illuminated, and shall be attached to the establishment.
   e) Off street parking for commercial establishments shall be provided at a ratio of one (1) space for every 400 square feet of gross floor area.
7) No individual sites may be permitted within the jurisdiction of a Special Flood Hazard Area, but may be set aside for passive open space.
8) Recreational vehicle parks may allow for designated tent only camping sites.
9) Permanent parking and storing of a recreational vehicle shall not be permitted in the park.
10) No manufactured home used for residential purposes shall be permitted in a recreational vehicle park.
11) The operator of a recreational vehicle park shall keep an accurate register containing a list and description of all homes located in the park and owner thereof.
12) All parks shall adhere to Article 8, Landscaping and Buffering.
13) Recreational vehicle parks must meet open space requirements per Section 7.6, Open Space.
14) A safe, adequate, and convenient water supply and connection must be provided for each park space.
15) At least one (1) sewage dumping station must be provided along with connections to each individual space. Sewage dumping stations shall be approved by the Pender County Health Department.
16) Park owners shall make arrangements for a private vendor or other sources to collect refuse, either from individual spaces or from centrally located dumpster sites. All dumpster locations are to be fenced and screened from view. Individual refuse receptacles shall be waterproof and rodent proof.
17) 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 shall be referenced on the site plan.

18) No individual recreational vehicle space shall have direct access to a public maintained road.
19) All streets must be constructed of all-weather material and shall be sixteen (16) feet wide and within a designated twenty four (24) feet wide right of way. Recreational vehicle parks shall have direct access to a public maintained road.
20) All parks shall have a certificate of approval by the Pender County Addressing Coordinator for all proposed road names.
21) 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.
22) All parks proposing to utilize a community water or community waste water system must provide approval from DENR, a Stormwater Management Plan, and approval from the Division of Coastal Management if the park is located in an area of environmental concern. Additionally, the applicant shall provide a certification that the community water system and/or community waste water system will be owned, operated, and maintained by a community system as defined in this Ordinance.

5.3.11 Other Services except Public Administration (Sector 81)

A. Cemeteries

1) All burial or monuments must be located at least 25 feet from any side or rear lot line and must be at least 40 feet from any street right-of-way.
2) Buildings for the maintenance and/or management of cemetery lots must be located at least 100 feet from any lot lines which adjoin lots in any residential district. Otherwise any such buildings must conform to the requirements for principal uses in the district where they are located.

B. Pet Care Services

1) All structures and outdoor runs must be located a minimum of 500 feet from any residentially zoned property.
2) Sewage disposal system and sanitation control methods as approved by the Pender County Board of Health shall be required. (This provision shall include, but shall not be limited to, the sanitary removal or disposal of solid waste, carcasses, or any other items deemed necessary for removal or disposal because of unsafe or unsanitary conditions by the Health Department.)
3) Minimum lot sizes shall be a minimum of one (1) acre per 10 animals. The minimum lot size requirements may be waived if a kennel is constructed to entirely enclose all kennel facilities so as to adequately protect all animals from weather extremes and to protect adjacent residences from noise, odors, and other objectionable characteristics.

C. Pet Grooming Services, as defined

1) No breeding, selling, storage of animals for sale or adoption, training or boarding for overnight or day play.
2) No outdoor facilities permitted on-site including but not limited to; outdoor pens, kennels, runs or walking areas.
3) No outdoor storage or housing of animals.

4) Pets being groomed will be contained within the appropriately sized enclosures within the confines of the structure housing the business.

5.3.12 Miscellaneous Uses

A. Adult and Sexually Oriented Businesses

1) No such business shall locate within one thousand (1,000) feet of any other Adult Oriented Business, as measured in a straight line from property line to property line.
2) No Adult Oriented Business shall be located within two thousand (2,000) feet of a church, public or private elementary or secondary school, child day care or nursery school, Public Park, residentially zoned or residentially used property, or any establishment with an on-premise ABC license, as measured in a straight line from property line to property line.
3) The gross floor area of any Adult Oriented Business shall not exceed three thousand (3,000) square feet and all business related activity shall be conducted in a building.
4) There shall not be more than one (1) Adult Oriented Business in the same building, structure, or portion thereof. No other principal or accessory use may occupy the same building, structure, property, or portion thereof with any Adult Oriented Business.
5) Except for signs as may be permitted by Article 9 of this Ordinance, no printed material, slide, video, photograph, written text, live show, or other visual presentation format shall be visible from outside the walls of the establishment, nor shall any live or recorded voices, music, or sounds be heard from outside the walls of the establishment.

B. Bona fide Farm Purposes

1) Bona fide farm purposes must comply with §160D-903 of the North Carolina General Statutes.

C. Community Boating Facility

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

D. Disaster volunteer housing – Temporary housing units as defined in this ordinance shall be permitted to house volunteers who are responding to an event that has resulted in a major disaster declaration under the following circumstances:

1) The applicant shall be a recognized Voluntary Organization Active in Disaster (VOAD) operating in Pender County.
2) The applicant shall provide evidence of liability insurance for the temporary housing units.
3) A Zoning Approval Permit shall be issued by the Administrator for all temporary housing units at the time of placement on the lot.
4) Any temporary structure must meet setbacks for that zoning district and all other applicable regulations. In the event the temporary structure cannot meet the required

setbacks, a variance must be granted by the Zoning Board of Adjustment prior to the temporary structure being located on the property.

5) The Zoning Approval Permit application shall indicate the location of the temporary housing unit, other existing and proposed structures, proposed setbacks and separations, and include a description of the proposed utility connections.
6) The Zoning Approval Permit shall be issued for a period of time not to exceed twelve (12) months and may be renewed for additional six (6) month periods, providing the sponsoring organization is still actively engaged in the County's recovery process. The final expiration date shall be no later than September 14, 2021.
7) Temporary housing units shall be removed within thirty (30) days after the sponsoring organization suspends operations related the disaster declaration or within thirty (30) days following expiration of the related Zoning Approval Permit, whichever occurs first.

E. Family Care Home

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

F. Industrial Park

1) Applicability: In order to qualify as an Industrial Park, the subject property must:
   a) Be entirely located in a General Industrial zone, according to the official zoning map of Pender County;
   b) Contain at least 200 acres under unified control;
   c) Have direct access to a road designated by the NCDOT as a US, or NC Highway; or at least a portion of the property shall be within 5000' of such a road and have direct access to a state maintained road;
   d) Be served, or have written confirmation from the Utility Authority that the area will be served, by a public water and sewer system; and
   e) Obtain a Special Use Permit from the Board of County Commissioners.
2) Subdivision Procedure: Industrial Parks shall be exempt from the procedures established in Section 3.8, Subdivisions, Section 3.9, Minor Subdivision, and 3.10, Major Subdivision, of the Pender County UDO. The following regulations apply:
   a) Major and minor subdivisions of an Industrial Park are subject to review by the Technical Review Committee, and are reviewed and approved by the UDO Administrator.
   b) Plans must meet all the requirements prescribed in Section 6.4, Preliminary Plat Contents, and Section 6.5, Final Plat Contents in the Pender County UDO, except that subdivision plans for an Industrial Park shall be exempt from:
      i) The timing and phasing requirements of Sections 6.5.A.1, 6.5.A.4, and 6.5.A.8;
      ii) The homeowner's association requirements of Sections 6.5.B.3 and 6.5.B.6; and
      iii) The preliminary plat requirements of Sections 6.4.A.9 through 6.4.A.13.
         a. Industrial Parks shall follow the subdivision standards listed in Section 5.3.12.E.3, Subdivision Standards, below.
         b. These standards must be met and shown on the Preliminary Plat.
   c) A copy of the draft protective covenants to be recorded on the Park shall be submitted with the final plat application.

i) The covenants shall address: owner's association, organization, responsibilities & membership, use and other restrictions on the property, term, revisions & renewal of the covenants, nuisances on the property and maintenance of facilities in the park.

ii) The covenants as approved under the Special Use Permit shall be recorded prior to division or sale of any parcels and prior to issuance of any zoning permit for or within the Park.

d) 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.

e) A final plat shall be approved on a finding that the applicant demonstrates that the proposed division meets all of the requirements of the Pender County UDO and will:

i) Be in harmony with the Special Use Permit;

ii) Be in accordance with the Preliminary Plat;

iii) Not endanger the public health or safety;

iv) Be in conformity with the County's Land Use Plan.

3) Subdivision Standards: Industrial Parks shall be exempt from the regulations of Article 7.6, Open Space, and Article 8, Landscaping and Buffers. As an alternative, Industrial Parks are governed by the following open space and landscaping standards:

a) Open Space:

i) Approved Industrial Parks shall provide dedicated area(s) as open space, equating to 5% of the overall Industrial Park.

ii) The open space must be dedicated at the time in which at least 25% of the Industrial Park is occupied.

b) Landscaping and Buffers:

i) A visually opaque landscaped buffer of native vegetation at least 20 feet in width and/ or combination of berms and fencing is required along the external perimeter of the Industrial Park.

ii) Existing trees and shrubs shall count towards meeting the buffer yard and screening requirements.

iii) The buffer areas may be in common area and counted towards meeting open space requirements.

iv) For every 1,000 sf. of buffer area, the buffer areas shall include:

a. Ten evergreen shrubs; and

b. Three trees, which shall consist of the following:

i. 50% large maturing;

ii. 25% small maturing, and

iii. 25% evergreen.

v) Buffers will not be required for internal property boundaries of Industrial Parks with the exception of road frontage.

vi) The Administrator may allow modification to the buffer width and planting types when special site conditions exist.

4) Major Site Plan Procedure: Individual Sites locating within an Industrial Park shall be exempt from Section 3.7, Major Site Development Plan, of the Pender County UDO. The following procedure applies:

a) Major Development Plans are subject to review by the Technical Review Committee, and are reviewed and approved by the UDO Administrator.

b) Master Development Plans shall meet all of the requirements of Section 6.1.3 Major Development Plans Contents – Commercial and Industrial Districts, with the exception of Section 6.1.3.A.10.

i) The Major Development Plan shall meet the Landscaping and Buffer requirements set forth below in Section 5.3.12.E.6.e, Landscaping and Buffers.

ii) The Major Development Plan shall be complete at the time of submittal and must be made by a licensed professional and illustrated at sufficient scale and with detailed design for the all uses located within the industrial park.

c) Major Development Plans shall be reviewed and approved or disapproved and notice of action taken provided to the applicant within 30 working days of completed submission.

5) Site Dimensional Standards: Individual Sites shall be exempt from the regulations of Section 4.14, Zoning District Dimensional Requirements of the Pender County UDO. The following site dimensional standards apply:

Dimensional Standards for Individual Sites in Industrial Parks	
Maximum Height	50 feet
Minimum Setbacks[1]	
Front [2]	50 feet
Rear [3]	25 feet
Side [3]	25 feet
Corner [4]	50 feet
Minimum Building Separation	North Carolina Building Code Regulations Apply
Minimum Lot Width	100 feet
NOTES: [1] There must be an owner maintained strip with a minimum of 20 feet in width of landscaped ground along the street property lines, except that drives and walks may be located within the landscaped strip. [2] In the event more than one parcel of land shall be owned by one person or entity, and in the improvement of each parcel of land, a building shall be erected on more than one parcel of land, then the interior rear or side setbacks may be waived. [3] In the case of corner lots, both 50 foot front setbacks will apply.	

6) Site Design Standards: Individual Sites shall be exempt from the regulations of Article 7, Design Standards, and Article 8, Landscaping and Buffers, of the Pender County UDO. Individual Sites shall meet the following site design standards:

a) Parking:

i) Each Individual Site located within the approved Industrial Park shall provide three parking spaces for each four employees on the largest shift plus additional spaces for vehicles permanently used in the operation of the business.

a. At the discretion of the Administrator, a reduction to the parking requirements may be approved if the applicant demonstrates the peak level of need is lower than these standards require.

b. To justify the reduction, a statement shall be provided by a licensed professional addressing facility usage, employment figures, shift changes, and any other applicable standards.

b) Loading:

i) Off-street loading and unloading facilities shall be provided by each owner or lessee of any parcel of land within the Park when that parcel is developed;

ii) Parking and loading facilities shall generally be located along the side or rear of lots. Loading facilities may be located facing the front of a lot only when:

a. Cross-dock operations are proposed, in which loading facilities are on opposite sides of a building; and

b. Expressed written permission is provided by property owner's board or other covenant holder within approved industrial park.

iii) Allowance for front-side loading and unloading facilities within this Ordinance shall not override restrictive covenants in place for approved industrial parks that prohibit front-facing loading and unloading facilities.

iv) Front-side loading and unloading facilities in industrial parks without a property owners board shall require approval of a Variance in accordance with Section 3.14.

v) All loading and unloading facilities shall be screened by effective landscaping or otherwise from view of any public street or access road within or leading to or from the Park.

c) Outdoor Lighting:

i) Outdoor lighting shall utilize illumination so as to not cast direct light beyond any property line.

d) Outdoor Storage and Screening:

i) Outdoor storage yards and storage areas, incinerators, storage tanks, and trucks based on the premises, shall either be housed in closed buildings or be screened for sound and sight from public view as is deemed necessary by the Administrator and shall be placed so as to conform with the setback requirements of Section 5.3.12.E.5, Site Dimensional Standards, above.

ii) Such screening shall include landscaping or permanent fences (excluding chain link), or approved solid materials and shall be located so as to most effectively screen the view of the offending items from the street.

iii) The Administrator may allow modification to the screening requirements when special site conditions exist.

e) Landscaping Standards:

i) If applicable, Individual Sites must ensure that the 20 foot, visually opaque landscaped buffer required along the external perimeter of the Industrial Park is maintained, according to the requirements of Section 5.3.12.E.3.b, Landscaping and Buffers above.

ii) Buffers are not required for internal property boundaries of Industrial Parks with the exception of road frontage.

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

1) Setbacks

a) Up to 35’ in height: 100’ front and 50’ sides and rear.

b) Between 36’ to 50’ in height: Add two (2) additional feet of setback for every one foot in height above 35’.

2) Approved Special Use Permits are required in all zoning districts unless the proposed facility is illustrated in conjunction with a development which requires a master development plan. Sufficient detail must be provided on the master plan to allow the Planning Board to make an informed decision on the facility’s impacts to the surrounding properties throughout the public hearing process

G. Portable Storage Containers

1) All portable storage containers located on private property must apply for and obtain a permit. Each individual shall submit a complete application, site plan, and fee for review and approval by the Administrator or their agent. Applicants shall submit a site plan showing any permanent container and the relationship of this structure to the overall site. The site plan shall indicate how the container meets all permanent requirements including but not limited to; stormwater considerations, traffic circulation, screening requirements, other development codes and inspection requirements including engineered design plans to demonstrate the permanent storage container meets NC Building Code.

2) Permanent portable storage container use shall be restricted to non-residential districts: GB, General Business Zoning District, O&I, Office and Institutional Zoning District, GI, General Industrial Zoning District and IT, Industrial Transition Zoning District.

3) Portable storage containers may be permitted as an accessory structure, for storage purposes only.

4) A maximum of one (1) portable storage container per site shall be permitted on lots of one (1) acre or less. One (1) additional portable storage container may be permitted for lots greater than one (1) acre. No more than two (2) portable storage containers may be permitted on one (1) single property.

5) A portable storage container may be placed for thirty or less consecutive days in any twelve month period without issuance of a permit in all zoning districts, except Environmental Conservation.
6) Portable storage containers shall be allowed no more than two (2) times on a lot for a period no longer than 60 days within a twelve (12) month period when the following items are met:
   a) The principal structure is damaged and dilapidated and is undergoing repairs, reconstruction, or renovation.
   b) A building permit has been issued for the repairs, constructions, reconstruction, or renovation, if required, and is valid throughout the extension.
   c) An extension may be granted for portable storage containers located in all districts, excluding Environmental Conservation, up to sixty (60) additional days within a twelve (12) month period as approved by the Administrator.
7) Portable storage containers shall not be permitted in any parking areas, required buffers or setbacks.
8) Portable storage containers must meet minimum accessory use and structure setback and separation requirements.
9) Portable storage containers shall meet all yard setback requirements and be located on the rear of the lot.
10) Portable storage containers shall not exceed the dimensions of forty (40) feet in length, eight (8) feet in width and ten (10) feet in height.
11) Stacking of portable storage containers shall not be permitted.
12) No sign shall be attached to a portable storage container other than the provider's contact information.
13) All portable storage containers shall be screened from view from any public right-of-way, private street or access easements and any residential use or residential zoning district. Screening shall be accomplished by a combination of fencing or landscaping which is contiguous and at least six (6) feet in height.
14) Portable storage containers must be off-chassis.
15) No permanent off-chassis portable storage containers shall be permitted in loading areas.
16) Portable storage containers shall not be permitted to be rented or leased to a use not located on the same lot.
17) The structure shall be maintained in good condition free from structural damage, rust and deterioration.

H. Private Residential Boating Facility
1) May provide single access in approved zoning districts for residential use only.
2) Commercial activities of any kind shall be prohibited.

I. Salvage Operations
1) Must be enclosed by a screened fence a minimum eight feet in height.
2) The fence must be located a minimum of 20 feet from any public street right-of-way and vegetative planting along the fence to provide a continuous evergreen screen in front of the fence.
3) The combined screening shall be adequate to conceal all storage from public view.

4) Must be located entirely outside any FEMA designated Special Flood Hazard Area (SFHA).

J. Sweepstakes Center

1) Sweepstakes centers shall be permitted in accordance with Section 5.2.3, Table of Permitted Uses.
2) All new sweepstakes centers and additions or alterations to existing sweepstakes centers must be in accordance with this Ordinance.
3) Sweepstakes Centers shall be located a minimum distance of 500 feet, measured in a straight line in any direction from the closest point of the building or unit of the proposed business to the property line of any of the following:
   a) Religious Organizations as defined by NAICS code 813110
   b) A public or private school and family child care home or child care center with an active license with the State of North Carolina
   c) A public park, playground, public library, or private cemetery
   d) Drinking Places (Alcoholic Beverages) as defined by NAICS code 722410
   e) Adult and Sexually Oriented Businesses
   f) Any other approved sweepstakes center
4) Hours of operation shall be limited Monday to Saturday from 9:00 a.m. to 12:00 midnight and on Sunday from 12:00 noon to 10:00 p.m.
5) All food or beverage to be served or distributed by the establishment must meet the requirements of the Pender County Environmental Health Department.
6) Sweepstakes centers shall receive approval from the Pender County Fire Marshal prior to occupancy and must comply with annual review standards.
7) Sweepstakes centers must meet indoor recreation parking requirements as outlined in Section 7.10, Off Street Parking and Loading/Parking Requirements
8) All zoning and building permits issued after June 18, 2012 for all sweepstakes centers shall be subject to an annual review and inspection (from the date of approval) to ensure compliance with this Ordinance.

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

L. Temporary Modular/Manufactured Offices

1) Modular or Manufactured offices may be used on a temporary basis for office or business purposes in cases where a new building for the use is under construction or where the permanent structure has been destroyed through no fault of the owner or tenant. A temporary permit must be obtained before the use of the mobile office is initiated. This permit shall be valid for a specified period of time while reconstruction takes place not to exceed six (6) months and may be renewed no more than once.
2) Manufactured homes rated for residential use may only be used for residential uses and not for other temporary or permanent uses.

3) Licensed motor vehicles used as an accessory use by a public or nonprofit entity for such purposes as book mobiles, blood mobiles, medical services or educational purposes will not require a permit unless set up for use on a site for more than 7 days.

M. Temporary Manufactured Homes - Temporary use of a manufactured home as a residence shall be permitted in any district in cases where the permanent home has been destroyed through no fault of the owner or tenant or when completing the construction of a new home. A temporary occupancy permit must be obtained from the Administrator before the use of the mobile home is initiated. This occupancy permit shall be valid for a specified period of time not to exceed six (6) months while reconstruction takes place and may be renewed no more than twice, unless specifically approved by the Board of Adjustment for additional time.

N. Temporary Fruit & Vegetable Stands - Temporary fruit & vegetable stands that are located on the property where the fruits or vegetables are produced will be permitted in the districts in which they are indicated as a permitted use and will not require zoning approval. All activities associated with such stands shall be set back a minimum of 10' from any street right-of-way, and any structures associated with such stands will comply with requirements for building permits and the building code. Temporary fruit & vegetable stands that are not located on the property where they are produced are subject to all provisions of this Ordinance.

O. Temporary Buildings for Construction or Development - In any zoning district, temporary structures, as set forth below, which are to be used in connection with the development and sale of a tract of land, may be erected or located on said tract, prior to, and may remain thereof, during the construction or development period

1) Temporary buildings, mobile offices or trailers, not exceeding 400 sq. ft. per contractor or developer on the site, may be used as construction offices, field offices, or for storage of materials to be used in connection with the development of said tract, provided that said temporary structures are removed from said tract within thirty (30) days after completion of the project or development, after voluntary suspension of work on the project or development, after revocation or expiration of building permit or an order by the Building Inspector upon a finding that said temporary structure is deemed hazardous to the public health and welfare. No such building may however remain on the site for more than one year without renewal of the permit. Such permits may be renewed by the Administrator one time for a period not to exceed one year.
2) Temporary real estate offices or sales offices may be established in a display dwelling unit or temporary building provided that said offices are closed and the operation discontinued and all temporary structures and facilities are removed from the tract upon the completion of the sale, rent, or lease of ninety-five percent (95%) of the dwelling units or lot of said tract unless prior approval is given by the Administrator.
3) No temporary buildings or trailers shall at any time be located closer than twenty-five (25) feet to a property line of any adjacent property, notwithstanding the required setbacks of the zoning district in which such temporary building or trailer is located.
4) Manufactured Homes rated for residential use may only be used for residential purposes and not any other temporary or permanent use.

P. Telecommunication Facilities

1) Co-located - Telecommunication antenna units that are attached to structures constructed for purposes other than supporting telecommunication equipment may be no taller than 30 feet or 30% of the structure's height. Co-located towers must comply with all relevant standards of this Article.
2) Freestanding - Freestanding telecommunication towers must comply with the following standards:
   a) The minimum distance between the tower and an adjoining parcel of land that is residentially developed or is vacant and zoned Rural Agricultural, Residential Performance, Manufactured Home, General Business or Office & Institutional, or from an adjoining local road separating the tower site from such a parcel, must be equal to the tower's height, but not less than 50 feet, nor less than the minimum setback depth applicable in the zoning district. This provision does not apply in relationship to any nonconforming residential use or the residence of a caretaker or watchman accessory to a permitted non-residential use.
   b) The Board of Commissioners, through the Special Use Permit public hearing, may reduce the minimum distance required above on finding that a lesser distance will not be injurious to properties or improvements in the affected area, but in no case may the minimum distance be reduced to less than that equal to 50% of the tower's height, or 50 feet, nor less than the minimum required setback depth applicable in the zoning district in which the tower is located.
   c) The minimum distance between the tower and any other adjoining parcel of land or road must be equal to the minimum setback depth applicable in the zoning district, plus any additional distance necessary to ensure that the tower, as designed, will fall within the tower site.
   d) The distances referred to above must be measured from the outside dimensions of the tower, not from the guy anchors.
   e) If the tower is more than 100 feet high, but less than 180 feet high, it must be engineered and constructed to accommodate at least one additional telecommunication user. If the tower is at least 180 feet high, it must be engineered and constructed to accommodate at least 2 additional telecommunication users. Provision of co-location sites on other towers is encouraged wherever feasible.
   f) The base of the tower and each guy anchor must be surrounded by a fence or wall at least 8 feet high, unless the tower and all guy anchors are mounted entirely on a structure over 8 feet high. Except for its entrances, the fence or wall must be screened with plant material so that no more than two-thirds of its surface is visible, within 3 years after its installation, from a public street or from any adjoining parcel of land that is residentially developed or is vacant and zoned Rural Agricultural, Residential Performance, Manufactured Home, General Business or Office & Institutional.
   g) A buffer yard must be provided around the perimeter of the lease lot as in accordance with the requirements of Article 8, Landscaping & Buffering. A 40-foot-type C buffer yard is required along the inside perimeter of a leased lot or parcel for the utilization of telecommunication towers.
   h) Radio, television, or other electromagnetic transmission or reception on other properties may not be disturbed or diminished.

i) The tower must meet the standards of the Federal Aviation Administration (FAA) for avoiding obstruction of navigable airspace and approaches to public airports (see Federal Aviation Regulations Part 77, as amended), and for marking and lighting structures to promote aviation safety (see FAA Advisory Circular 70/7460, as amended). Specifically, tower lighting must meet applicable FAA standards for either red obstruction lighting systems or dual lighting systems (red lighting for nighttime and medium-intensity flashing white lighting for daytime). If a tower is proposed to be located within 1,000 feet of a private use airport, the application must so indicate.

j) Output from the tower's antennas must meet the minimum standards of the Federal Communications Commission (FCC) relating to the environmental effects of radio frequency emissions.

3) Standards for Specific Zoning Districts

a) Residential Districts - Telecommunication towers in residential districts must comply with the following standards:

i) If the tower is more than 75 feet high, it must be located at least 1,500 feet from any other telecommunications tower greater than 75 feet high; provided, however, that this separation requirement does not apply from a tower if the applicant submits sufficient evidence to demonstrate that a reasonable effort to co-locate on that tower has been made, or that co-location on the tower will not technically satisfy the applicant's specific needs.

ii) Buildings associated with the tower may not be used as an employment center for any worker (This provision does not prohibit the periodic maintenance or monitoring of equipment and instruments).

b) Non-residential Districts - If the tower is more than 100 feet high, it must be located at least 1,000 feet from any other telecommunications tower greater than 100 feet high; provided, however, that this separation requirement does not apply from a tower if the applicant submits sufficient evidence to demonstrate that a reasonable effort to co-locate on that tower was made, or that co-location on the tower will not technically satisfy the applicant's specific needs.

Q. Telecommunication Facilities – Public Safety

1) Public Safety Telecommunication Facilities must meet the development standards for Telecommunication Facilities as outlined in Section 5.3.12.P. Through the Special Use Permit process, the Board of Commissioners shall have the authority to waive setback requirements provided that a survey prepared by a licensed professional showing that the designated fall zone associated with the tower is sufficient to accommodate the designed fall radius of the proposed tower.

ARTICLE 6 DEVELOPMENT REQUIREMENTS AND CONTENT

6.1 MASTER DEVELOPMENT PLAN CONTENTS

6.1.1 All Master Development Plans shall be prepared in accordance with the following specifications:

A. Site plans shall contain a conceptual plan, showing the location and functional relationship between all proposed housing types and land uses, including the following information:

1) The scale shall be one inch equals 100 feet or larger (the ratio of feet to inches shall be no more than one hundred feet to one inch) or at a scale acceptable to the Administrator. The scale shall be sufficient so that all features are clear.
2) No sheet shall be smaller than 24”x36” in size unless approved by the Administrator. If the MDP is prepared on more than one sheet, match lines shall clearly indicate where the sheets join.
3) North arrow, a scale of 1:100 or larger and a legend describing all symbols.
4) A boundary survey of the entire property related to true meridian and certified by a registered surveyor with all dimensions in feet and decimals of feet. A vicinity map at a suitable scale shall be provided showing the location of the project along with the location of all existing or approved public roads, streets or rights-of-way within 2,000 feet of the boundaries of the project.
5) The total area of the property shall be specified.
6) The topography shall be shown at 2 foot contour intervals.
7) The title of the proposed project; the date, month, year the plan was prepared or revised; the name of the applicant(s), owner(s) and contract owner(s); and the names of the individuals or firms preparing the plan shall be clearly specified.
8) A schedule of phases, with the approximate location of phase boundaries and the order in which the phases are to be developed, shall be provided.
9) The use of all adjoining properties by zoning, parcel identification number (PIN) and current property owner(s).
10) All proposed uses shall be specified in the Master Development Plan narrative by NAICS code in accordance with Section 5.2.3.

6.1.2 Master Development Plan Contents - Residential Districts

A. Site plans shall contain a conceptual plan, showing the location and functional relationship between all proposed housing types and land uses, including the following information:

1) A land use plan, showing the location, arrangement and approximate boundaries of all proposed land uses.
2) The location and approximate boundaries of proposed housing types conceptually shown in accord and with other non-residential uses dimensional requirements.
3) The proposed number of dwelling units of each type in each phase and in the total development accompanied by density calculation of the development.
4) The location and approximate boundaries of existing environmental features as defined.
5) The location of environmental protection land to be included in common open space.

6) The approximate acreage in common open space, each use, housing type and in roads, streets or right-of-ways for each phase and the total development.
7) The approximate boundaries and location of common open space, with the percentage of the total acreage of the site to be placed in common open space.
8) The location and general configuration of recreational facilities, with a general statement of the types of recreational facilities to be provided if applicable.
9) The location and extent of proposed buffers, with statements, profiles, cross sections or examples clearly specifying the screening to be provided if applicable.
10) The proposed location, arrangement, and right-of-way widths of roads and streets, including roads and streets providing access to adjoining parcels.
11) The location and arrangement of street entrances, driveways and parking areas.
12) The use of adjoining parcels and the location of adjoining streets and utilities.
13) Estimated AM and PM Peak Hour Trips per the Institute of Transportation Engineers Trip Generation Manual.
14) Estimated Average Daily Trips created by the development at build-out per the Institute of Transportation Engineers Trip Generation Manual.
15) A Traffic Impact Analysis is required when the development generates 100 trips in the morning or peak hours or 1,000 trips per day. The Traffic Impact Analysis must state the dates and times the counts were conducted.
16) The approximate location of sewer and water mains, sewage disposal and water source with statements concerning the connection with and availability of existing facilities.
17) A conceptual plan for stormwater management with the location of stormwater facilities designed to serve more than one lot.
18) Calculations describing all proposed bonus factors with the location of and specifications for bonus improvements, when proposed.
19) The location and treatment proposed for all historical structures and sites recognized as significant by the County Commissioners or as identified on any historical landmarks survey for Pender County.
20) Location and timing of construction for all amenities.
21) Landscaping and Buffer requirements per Article 8.
22) All subdivided land and parcels shall comply with Section 7.2, Lot Design.
23) Homeowners Association shall be required for all major residential subdivisions with privately maintained streets, open space, and other dedicated land as stated in Section 7.3, Homeowners Association Requirements.
24) Street layout and access shall conform to Section 7.4, Access and Section 7.5, Street Design
25) Calculated open space requirements shall adhere to Section 7.6, Open Space.

6.1.3 Master Development Plan Contents - Commercial and Industrial Districts

A. The site plan shall contain a conceptual plan, showing the location and functional relationship between streets and land uses, including the following:

1) A conceptual plan, showing the location and arrangement of proposed uses.
2) The location and approximate boundaries of existing environmental features as defined.

3) The location and treatment proposed for all historical structures and sites recognized as significant by the County Commissioners or identified on any historical survey for Pender County.
4) The location and extent of proposed buffers, with statements, profiles, cross sections or examples clearly specifying the screening to be provided.
5) Estimated AM and PM Peak Hour Trips per the Institute of Transportation Engineers Trip Generation Manual.
6) Estimated Average Daily Trips created by the development at build-out per the Institute of Transportation Engineers Trip Generation Manual.
7) 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.
8) The proposed location of entrances to the development from existing public streets and proposed parking areas.
9) The proposed location, arrangement, and right-of-way widths of roads and streets, including roads and streets providing access to adjoining parcels.
10) Landscaping and Buffer requirements per Article 8.
11) The use of adjoining parcels and the location of adjoining streets and utilities.
12) The approximate location of sewer and water mains, sewage disposal and water source with statements concerning the connection with and availability of existing facilities.
13) A conceptual plan for stormwater management and description and the location of all stormwater facilities designed to serve more than one parcel.

6.1.4 Master Development Plan Contents – Mixed Use Districts

A. Site plan shall contain a conceptual plan, showing the location and functional relationship between all proposed housing types and land uses, including the following information:

1) A land use plan, showing the location, arrangement and approximate boundaries of all proposed land uses.
2) The location and approximate boundaries of existing environmental features as defined.
3) The proposed location of entrances to the development from existing public streets and proposed parking areas.
4) The approximate acreage in common open space, each use, housing type and in roads, streets or right-of-ways for each phase and the total development.
5) The approximate boundaries and location of common open space, with the percentage of the total acreage of the site to be placed in common open space.
6) The proposed location, arrangement, and right-of-way widths of roads and streets, including roads and streets providing access to adjoining parcels.
7) The use of adjoining parcels and the location of adjoining streets and utilities.
8) The approximate location of sewer and water mains, sewage disposal and water source with statements concerning the connection with and availability of existing facilities.
9) A conceptual plan for stormwater management and description and the location of all stormwater facilities designed to serve more than one parcel.
10) The proposed location and arrangement of all streets and utility systems.
11) The location and extent of proposed buffers, with statements, profiles, cross sections or examples clearly specifying the screening to be provided if applicable.

12) The location and approximate boundaries of proposed housing types conceptually shown in accord and with other non-residential uses dimensional requirements.
13) The proposed number of dwelling units of each type in each phase and in the total development accompanied by density calculation of the development.
14) Estimated AM and PM Peak Hour Trips per the Institute of Transportation Engineers Trip Generation Manual.
15) Estimated Average Daily Trips created by the development at build-out per the Institute of Transportation Engineers Trip Generation Manual.
16) 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.
17) The approximate location of sewer and water mains, sewage disposal and water source with statements concerning the connection with and availability of existing facilities.
18) Calculations describing all proposed bonus factors with the location of and specifications for bonus improvements, when proposed.
19) The location and treatment proposed for all historical structures and sites recognized as significant by the County Commissioners or as identified on any historical landmarks survey for Pender County.
20) Location and timing of construction for all amenities.
21) Landscaping and Buffer requirements per Article 8.
22) All subdivided land and parcels shall comply with Section 7.2, Lot Design.
23) Homeowners Association shall be required for all major residential subdivisions with privately maintained streets, open space, and other dedicated land as stated in Section 7.3, Homeowners Association Requirements.
24) Street layout and access shall conform to Section 7.4, Access and Section 7.5, Street Design.
25) Calculated open space requirements shall adhere to Section 7.6, Open Space.

6.2 MINOR SITE DEVELOPMENT PLAN CONTENTS

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”. The minor site plan shall include three general sections, the project information section, the calculations section, and the site plan and details section. The information required for each section is listed below. The following requirements may not be applicable depending upon the scope of the project; therefore, staff shall request more or less information according to the needs of the particular case.

A. Project information section.

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) The total developed land area included on the site plan.
5) A detailed description of the proposed use or uses of the development, as well as a description of the existing use or uses.

6) A reference to any other site plan or Master Development Plan approved by the County for the site.
7) The date the site plan was prepared and a list of all revisions made, including the date and a description of why the site plan was revised.
8) An inset map showing the location of the site, along with the location of streets, roads and land uses within 500 feet of the property.
9) A description of setbacks or conditions placed on the site as a result of an approved variance.

B. Calculations section.

1) Calculations showing the total number of required and proposed parking spaces, including the total number of existing and proposed spaces.

C. Site plan and details section

1) The location of all adjoining lots with the owner's name, specific use, zoning, and zoning boundaries shown.
2) The location of all existing or planned rights-of-way and easements that adjoin the property, with street names, widths, and speed limits shown.
3) 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.
4) 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.
5) A North arrow.
6) A graphic scale and statement of scale.
7) A legend describing all symbols and other features that need description.
8) The present zoning of all portions of the site, with the location of zoning boundaries.
9) The location of all existing and proposed structures, with the height, specific use, ground floor area, and total floor area labeled.
10) The location of all existing and proposed outdoor uses, with the height, specific use, and land area labeled.
11) The location of the front, side, and rear yard setback lines required by the applicable zoning district.
12) The location of outdoor trash receptacles.
13) Signage requirements per Article 9.
14) Landscaping and Buffer requirements per Article 8.
15) The location of sidewalks and walkways.
16) The location and width of proposed easements and dedications.
17) The location and size of sewage disposal and water supply systems.
18) Administrator, approval date, and a statement that reads "site plan valid for two (2) years from approval date."
19) Other information or statements may be required on the site plan by the Administrator to ensure that all requirements of the Pender County Code and Land Use Plans are met.

6.3 MAJOR SITE DEVELOPMENT PLAN CONTENTS

The site plan shall be clearly legible and shall be drawn at a scale acceptable to the Administrator no less than 1:50 scale on a paper size no less than 24”X36”. The major site plan shall include three general sections, the project information section, the calculations section, and the site plan and details section. The information required for each section is listed below:

A. Project information section

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) The number and type of dwelling units included on the site plan for residential uses.
5) The total land area and total developed land area of all lots included on the site plan.
6) A detailed description of the proposed use or uses of the development, as well as a description of the existing use or uses.
7) A reference to any other site plan or Master Development Plan approved by the County for the site.
8) The date the site plan was prepared and a list of all revisions made, including the date and a description of why the site plan was revised.
9) A table of contents including all pages of the site plan.
10) A list of all proposed utility providers, with their address, name and phone number.
11) An inset map showing the location of the site, along with the location of streets, roads and land uses within 500 feet of the property.
12) A statement listing all requirements and conditions placed on the land included in the site plan resulting from approval of conditional zoning or a special use permit.
13) A description of setbacks or conditions placed on the site as a result of an approved variance.

B. Calculations section.

1) Calculations showing the total number of required and proposed parking spaces, including the total number of existing and proposed spaces.

C. Site plan and details section.

1) The location of all adjoining lots with the owner's name, specific use, zoning, and zoning boundaries shown.
2) The location of all existing or planned rights-of-way and easements that adjoin the property, with street names, widths, and speed limits shown.
3) 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.
4) 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.
5) Estimated AM and PM Peak Hour Trips per the Institute of Transportation Engineers Trip Generation Manual.
6) Estimated Average Daily Trips created by the development at build-out per the Institute of Transportation Engineers Trip Generation Manual.

7) 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.
8) A North arrow.
9) A graphic scale and statement of scale.
10) A legend describing all symbols and other features that need description.
11) The present zoning of all portions of the site, with the location of zoning boundaries.
12) The location of all existing and proposed structures, with the height, specific use, ground floor area, and total floor area labeled.
13) The location of all existing and proposed outdoor uses, with the height, specific use, and land area labeled.
14) Existing topographic contour lines at intervals acceptable to the Administrator. Proposed finished grades shall be shown by contour.
15) The location of the front, side, and rear yard setback lines required by the applicable zoning district.
16) The location and boundaries of existing environmental features, including streams, floodplains, lakes and ponds, wetlands, natural stormwater retention areas, steep slopes, and woodlands.
17) The location of outdoor trash receptacles.
18) The location of all outdoor lighting fixtures.
19) Signage requirements per Article 9.
20) Landscaping and Buffer requirements per Article 8.
21) The location of sidewalks and walkways.
22) The location and width of proposed easements and dedications.
23) The location of all Cross Access Corridors in accordance with Section 7.4.4.
24) Stormwater management in accordance with Section 7.9.
25) A soil erosion and sedimentation plan describing methods to be used.
26) The location and size of sewage disposal and water supply systems.
27) A signed seal of the certified design professional who prepared the plan.
28) A space labeled "Approved by the Pender County Unified Development Ordinance Administrator" for the signature of the Administrator, approval date, and a statement that reads "site plan valid for two (2) years from approval date."
29) Other information or statements may be required on the site plan by the Administrator to ensure that all requirements of the Pender County Unified Development Ordinance and Land Use Plans are met.

D. Upon completion of Sections A-C, the following additional materials or permits are required with the Major Site Development Plan for final approval in accordance with Section 3.7.3:

1) Wastewater (either; a or b, as applicable)
   a) On-Site or Off-Site Wastewater Disposal System
      i) Verification by the Pender County Health Department.
      ii) Soil suitability analysis indicating the suitability of the property for individual septic tanks
      iii) 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

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

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

iii) Construction plans sealed by a registered engineer, as approved by the appropriate State agency

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.

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,

iii) Acceptance of operation and maintenance of the system by a Public (Pender County Utilities) or Community Water system as defined in 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) Approved driveway connections from NCDOT, as applicable.

4) Stormwater Management and Drainage Plans in accordance with Section 7.9.

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

6) Sediment & Erosion Control Plans as approved by the appropriate State Agency (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.

6.4 PRELIMINARY PLAT CONTENTS

Preliminary plats not illustrating or containing the data from Section A shall be returned to the developer or 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(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).

c) A sketch vicinity map at an appropriate scale, showing the relationship between the subdivision and the surrounding area.
d) The date of the survey and the plan preparation; with spaces per subsequent revision.
e) The name of the township, county, and state in which the subdivision is located.
f) Deed book and reference of ownership acquisition.
g) The names of current owners of adjacent landowners along with PIN, current uses, other legal reference where applicable, shall be shown.
h) 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.
i) Scale at 1" = 50' or larger, denoted both graphically and numerically.
j) North arrow in accordance with the Standards of Practice for Land Surveyors.
k) The location, purpose, and dimensions of areas to be used for purposes other than residential;
l) The blocks lettered alphabetically throughout the entire subdivision and the lots numbered consecutively throughout each block.
m) The proposed minimum building setback lines and density calculations.
n) 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.
o) Property lines, buildings or other structures, water courses, railroads, bridges, culverts, storm drains, and corporate limits, township boundaries, and county lines.
p) 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.
q) The accurate locations and descriptions of all monuments, markers, and control points.
r) 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.
s) the approximate location of each driveway or shared driveway for each lot to have access.

2) Design Standards
a) All subdivided land and parcels shall comply with Section 7.2, Lot Design.
b) Street layout and access shall conform to Section 7.4, Access and Section 7.5, Street Design.
c) Calculated open space requirements must adhere to Section 7.6, Open Space.
d) 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) 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 preliminary plat for final approval in accordance with Section 3.10.3.K.:

1) Wastewater (either; a or b, as applicable)

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

i) Verification by the Pender County Health Department.

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

iii) 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

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

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

iii) Construction plans sealed by a registered engineer, as approved by the appropriate State agency

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.

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,

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 in accordance with Section 7.9.
6) Approval from the Division of Coastal Management when the development is located in an Area of Environmental Concern.
7) Sediment & Erosion Control Plans as approved by the appropriate State Agency (with letter of approval).
8) 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.
9) Flood Requirements in accordance with the Flood Damage Prevention Ordinance
10) Any other local, State or Federal permit as required for the specific project.

6.5 FINAL PLAT CONTENTS

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 of approval of the preliminary plat or within 2 years of approval of a previously recorded final plat.
4) The final plat must conform 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.
5) All conditions of preliminary plat approval must have been met before any final plat will be considered for review. A final plat will not be scheduled for review which is incomplete or does not have the required documents submitted with it.
6) 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.

7) 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.
8) Upon initial approval of the final plat parcel layout the Administrator shall immediately notify the Tax Assessor so that parcel identifiers can be issued.
9) 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) 10 or more lots- minimum increments of 15 lots thereafter
10) 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.
11) 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) 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 area that is "suitable" for septic waste disposal.
   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;

a. 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,

b. 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) 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) 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) Deeds for all open space parcels transferring ownership to a Homeowners Association. A recorded copy of this document must be submitted to the Administrator within 60 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).

5) Improvement Certification, form found in Appendix D

6) Street Certification (if private), form found in Appendix D

D. 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

6.6 LIMITED SUBDIVISIONS

6.6.1 FAMILY DIVISION

A. Limitations

1) Family subdivisions are permitted on parcels that have been created and recorded in the Registry before March 29, 2004.
2) 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.
3) The division does not create a new public or private street.

B. Requirements

1) The plat shall be clearly designated "Family Subdivision" in bold letters,
2) 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.
3) Certification by the Licensed Professional preparing the plat that each lot is adjacent to a natural drainage way or perennial stream or a 20 ft. drainage easement is recorded from each lot 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,
4) The plat shows any designated Special Flood Hazard Areas located within the subdivision,
5) The plat shows any designated Areas of Environmental Concern located within the subdivision
6) An Improvement Authorization Permit from Environmental Health for each lot to be created, a soil suitability analysis for each lot to be created or approval to connect to existing public sewer
7) The lots, other than those restricted for building development, shown on the plat meet the requirements of this Ordinance.
8) All access easements shall be in conformance with Access Easement Requirements, Section 7.5.4.
9) Waste water disposal requirements – One of the following must be met:
   a) An Improvement Authorization Permit has been issued for each of the parcels,
   b) The soil suitability analysis shows that at least 5,000 sq. ft. of each lot is suitable for traditional on site waste disposal and the required 5000 sq. ft. is not within 10 ft of any lot boundary,
   c) Approval has been granted to connect to public sewer or community sewer or

d) Lots not meeting the requirements of 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."

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

10) Clearing and grubbing shall be completed five feet of each edge of the travel way;
11) 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.
12) The Administrator shall review the subdivision to insure that the development will not block future access to properties that are adjacent to the lots.

6.6.2 THREE LOT DIVISION - NCDOT ROAD

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

1) 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.
2) The division does not create a new public or private street.

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

1) Plat prepared as required by NCGS §47-30,The plat shall be clearly designated "Three Lot Subdivision on NCDOT Road" in bold letters,
2) 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,
3) The plat shows any designated Special Flood Hazard Areas located within the subdivision
4) The plat shows any designated Areas of Environmental Concern located within the subdivision,
5) 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.
6) The lots, other than those restricted for building development, shown on the plat meet the requirements of this Ordinance,
7) Waste water disposal requirements – One of the following must be met:

a) An Improvement Authorization Permit has been issued for each of the parcels,

b) The soil suitability analysis shows that at least 5,000 sq. ft. of each lot is suitable for traditional on site waste disposal and the required 5,000 sq. ft. is not within 10 ft of any lot boundary,

c) Approval has been granted to connect to public sewer or community sewer or

d) 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."

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

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

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

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

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

12) All new access easements shall be in conformance with Access Easement Requirements, Section 7.5.4

6.6.3 THREE LOT DIVISION – PRIVATE ROAD/ACCESS EASEMENT

A. **Limitations - The following limitations will apply to three lot subdivisions:**

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

2) 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.

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

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

1) Plat prepared as required by NCGS §47-30,

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

3) Certification by the Licensed Professional preparing the plat that each lot is adjacent to a natural drainage way or perennial stream or a 20 ft. drainage easement is recorded from each lot to a natural drainage way or a perennial stream or if the lot or lots front

on a NCDOT maintained road, approval from NCDOT for such lots to drain to the public road,

4) The plat shows any designated Special Flood Hazard Areas located within the subdivision,
5) The plat shows any designated Areas of Environmental Concern located within the subdivision,
6) An Improvement Authorization Permit from Environmental Health for each lot to be created, a soil suitability analysis for each lot to be created or approval to connect to existing public sewer.
7) The lots, other than those restricted for building development or designated and reserved for open space, shown on the plat meet the requirements of this Ordinance
8) Waste water disposal requirements – One of the following must be met:
   a) An Improvement Authorization Permit has been issued for each of the parcels,
   b) The soil suitability analysis shows that at least 5,000 sq. ft. of each lot is suitable for traditional on site waste disposal and the required 5,000 sq ft. is not within 10 ft of any lot boundary,
   c) Approval has been granted to connect to public sewer or community sewer,
   d) 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."
      i) For alternative, see Design Requirements, Lots Section of this Ordinance for "Special Purpose Lots."
9) All access easements shall be in conformance with Access Easement Requirements, Section 7.5.4
10) Clearing and grubbing shall be completed five feet of each edge of the travel way;
11) 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.
12) The Administrator determines that the subdivision complies with the limitations on Three Lot Subdivisions contained in the General Provisions Section of this Ordinance.
13) The plat contains an ownership and dedication statement signed by the owner or owners.

6.6.4 EXPEDITED SUBDIVISION

A. In accordance with G.S. 160D-802, the County may require only a plat for recordation for the division of a tract or parcel of land in single ownership if all of the following criteria are met:

1) The tract or parcel to be divided is not exempted as a ten (10) acre exemption defined in Section 3.8.1.E.
2) No part of the tract or parcel to be divided has been divided under this subsection in the ten (10) years prior to division.

3) The entire area of the tract or parcel to be divided is greater than five (5) acres.
4) After division, no more than three lots result from the division.
5) After division, all resultant lots comply with all of the following:
   a) Any lot dimension size requirements of the applicable land-use regulations, if any.
   b) The use of the lots is in conformity with the applicable zoning requirements of this ordinance, and
   c) A permanent means of ingress and egress is recorded for each lot.

6.7 CHANGE OF USE PERMIT

6.7.1 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.
1) Signage requirements per Article 9.

ARTICLE 7 DESIGN STANDARDS

7.1 GENERAL

The regulations set forth in this Article apply to the design standards and contents required for subdivisions, master development plans, and major and minor site plans.

7.2 LOT DESIGN

7.2.1 Requirements

A. All lots not designated as open space, recreation, street or other reserved area shall meet all area, usable area, size, dimensional, yard and density requirements contained in Article 4, Zoning Districts and Zoning Map.

B. All new lots not designated as open space, recreation, street or other reserved area that front on a public or private street shall meet minimum lot width requirements.

C. All lots or parcels shall meet the minimum access requirements established in this Ordinance.

D. Access easements may not be included to meet any minimum lot area or dimension requirements for a lot or right of way.

7.2.2 Access to Adjacent Properties

Lots shall be arranged to allow for the opening of future streets and logical further subdivision of adjacent properties.

7.2.3 Double Frontage Lots

Lots that have double frontage on streets shall be prohibited except where it is demonstrated that the separation of lots is necessary from a right of way which is restricted for individual driveway access as outlined in Section 7.2.7.A. A buffer of at least 10 feet in width with no right of access abutting such identified roadways shall be provided on these double frontage lots.

7.2.4 Lot Line Configuration

Sidelines of lots shall be at or near right angles or radial to street lines, unless physical features of the property indicate otherwise.

7.2.5 Lot Lines & Drainage

Lot boundaries shall coincide with natural, existing and new drainage ways to the extent practical to avoid lots that require alteration of drainage ways in order to be built upon.

7.2.6 Lots on Arterial Streets

Subdivisions shall not be approved that provide for individual lots to access Principal or Minor Arterial roads or streets as shown on the Pender County Collector Street Plan, Pender County Comprehensive Transportation Plan or other approved State Transportation Improvement Plan as amended.

7.2.7 Lots on Collector Streets

Subdivisions shall not be approved that provide for individual lots to access Major or Minor Collector roads or streets as shown on the Pender County Collector Street Plan, Pender County Comprehensive Transportation Plan or other approved State of Federal Transportation Improvement Plan as amended.

A. Collector Streets - Major: Major Collector Streets shall preserve mobility of the transportation network and individual driveway access shall be prohibited, all individual lots shall have access to a public or private street.

B. Collector Streets - Minor: Minor Collector Streets shall balance mobility and access and individual driveway access shall be prohibited. Access to individual lots shall be demonstrated through other public or private streets or Alternative Design Streets as described in Section 7.5.3.F.

C. Collector Streets - Local: Local Collector Streets shall be designed as to provide increased access to individual lots. Local Collector Streets are intended to connect into the larger transportation network and should be designed as to limit speeds and be circuitous in nature. Individual lot access shall be permitted.

7.2.8 Flag Lots

A. Flag lots as defined in the Ordinance shall be subject to the following requirements:

1) Flag lots will be approved by the Planning Board or Administrator only where the owner or applicant justifies in writing where the property has unusual topographical, soil or other natural features that would make street construction impractical or unusually expensive,
2) The panhandle or access portion of the lot must be at least 45 ft. wide,
3) The panhandle or access portion of the lot must be no longer than 250 ft.,
4) The panhandle portion of the lot shall not count toward the minimum lot area, usable lot area, dimension or set back requirements for the lot,
5) No more than three lot panhandles shall be located on any 750 ft. street segment, including both sides of the street,
6) Only one single family dwelling unit may be located on a flag lot,
7) All flag lot panhandles shall access a public or private street,

7.2.9 Special Purpose Lots

A. Special purpose lots that do not meet the minimum lot area, minimum lot dimensions, minimum access requirements or other requirements of this Ordinance may be approved by the Planning Board or Administrator under the following circumstances:

1) The lot has a 20 ft. access easement to a public or private road,
2) The final plat contains the following note for the lot: “This lot must meet any buffer and landscape requirements contained in this Ordinance,”
3) The final plat contains the following note for the lot: Lot shall be used only for the purpose of ___ and any structures (other than fences) located on the lot shall be 10 ft. from any property line,”

4) The final plat contains the following note for the lot: “Buildings for permanent human [or animal (as appropriate)] occupancy not allowed on this lot,”
5) The use approved for the lot is a use allowed in the Zoning District in which the lot is located.

7.3 HOMEOWNERS ASSOCIATION REQUIREMENTS

Homeowners Associations shall be required for all developments with dedicated improvements such as privately maintained streets and/or open space dedications and must be recorded along with the first phase of a final plat to encompass the entire development with an outline of amenities/land transferred to the said HOA at or before 25% of all units are constructed.

7.4 ACCESS

7.4.1 Requirements

A. All lots shall have direct or indirect access to a public street, private street, or private access easement.

B. Every structure erected or moved in all residential districts shall be on a lot adjacent to or having access to a public right of way, street, or road not less than thirty (30) feet in width. When the lot is not adjacent to the public road, the easement must be a minimum of twenty (20) feet wide.

C. Required access must provide a reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property in its intended use.

D. Proposed public and private access off of an existing state maintained road shall be required to apply for a NCDOT Driveway Permit.

E. Nonresidential developments applying for access to a collector street shall review internal circulation and access points to determine possible impacts to the surrounding properties and street system.

F. A cross access corridor may be required to provide common access and circulation among adjoining parcels in order to assist in local traffic movement in nonresidential developments.

G. All single family dwelling subdivision lots shall have frontage upon a public or private street or access easement.

H. All multi-unit developments shall provide access to a public street directly from each unit or from each unit across a common area owned by the multi-unit development or owned by a Homeowners Association to which the dwelling unit owner is required to be a member.

7.4.2 Driveway Permits

A. An NCDOT driveway permit shall be required for driveways serving any new use or change of use that access a state maintained road.

B. Driveways shall meet NCDOT driveway standards.

C. Parking in driveways shall not be permitted unless it is determined by the Administrator and Emergency Management that access will not be impaired.

7.4.3 Sight Triangles

A. On any corner lot, a sight triangle shall be established. The sight triangle shall meet all NCDOT requirements.

B. For any driveway, a sight triangle shall be designed to meet all NCDOT requirements.

C. Within the sight triangle, no objects which would impede traffic visibility shall be allowed. Structures, fences, and plant materials that extend into the sight triangle between two and a half feet and eight feet in height, as measured from the grade of the street or drive, shall not be allowed. In certain circumstances, increased site triangle distances may be required to conform to NCDOT requirements.

7.4.4 Cross Access Corridors

A. Definition

1) Cross access corridor are driveways constructed between adjoining properties to provide an alternative passageway to access adjoining developments without entering and exiting the roadway. These cross access corridors are intended to link parking areas on adjoining developments

B. Applicability

1) Cross access corridors shall be required for all nonresidential adjacent properties.
2) Cross access corridors are encouraged for all other developments.
3) The administrator may modify or waive these requirements of this Section if it can be proven that strict compliance would be impractical due to unique site conditions such as environmental concerns, safety concerns, extreme slope, or similar characteristics.

C. Requirements

1) Cross access corridors shall be designed to provide unified circulation and access between sites
2) The minimum width for a cross access corridor is 20 feet to accommodate two way travel.
3) Cross access corridors must be set at least 20 feet from any paved public roadway.
4) If a site is developed adjoining to an undeveloped parcel, it shall be designed so that its parking, access, and circulation are easily tied together to create a unified system at a later date. If the building site abuts an existing developed property, it shall tie into the abutting parking, access, and circulation to create a unified system when possible. This shall be accomplished by requiring the applicant to:
   a) Construct a cross access future connection to the property line to allow for future connection or dedicate an easement of sufficient width to accommodate a future cross access corridor.

D. Maintenance and Operation

1) Where a cross access is developed, the owners/developers of the affected properties shall provide for mutually coordinated parking, access, and circulation systems, and shall provide design features as necessary to make it visually obvious that abutting properties shall be tied together for create a unified system.
2) In order to maintain a clear passage for emergency and non-emergency travel, no parking shall be allowed in a cross access corridor.

7.5 STREET DESIGN

7.5.1 Public and Private Street Design

A. Layout of streets as to arrangement, width, grade, character, and location shall conform to the following:

1) Pender County Collector Street Plan, Pender County Transportation Plan or other approved State of Federal Transportation Improvement Plan.

a) In any instance that a site plan or development plan layout does not conform to the specific layout of roadways as proposed in an adopted County plan as referred above, then the applicant must demonstrate the conformance with the spacing standards and move the roadway as detailed below;

Zoning District	Intensity	Approximate Street Spacing
Environmental Conservation	Little to no development	N/A
Rural Agricultural	Less than 2 dwelling units per acre	3,000 to 6,000 feet apart
General Business, General Industrial, Industrial Transition, Manufactured Housing Community, Residential Performance	2-4 dwelling units per acre	1,500 to 3,000 feet apart
Residential Mixed, Office & Institutional, Planned Development	More than 4 dwelling units per acre/activity nodes	750 to 1,500 feet apart

b) Any deviation from the required spacing standards, width, grade, or character of the streets may be granted based on the approval of the Administrator. Maximization of the number of lots or parcels in a land division is not a reason to allow a waiver or modification. Criteria for approval may include;

i) 401 or 404 Wetlands as depicted by USACE wetland verification or as presented in written or map form by a wetlands consultant or professional wetlands scientist that identifies wetlands present within the project area and alternative locations of collector streets cannot be achieved. Evidence shall be presented that the written or map form verification has been submitted to USACE for wetland concurrence at the time of permitting;

a. Wetlands impacted in excess of 0.5 acres on site that are directly caused by the required collector road shall warrant administrative review for an exception when no other alignment can be made on site without equal or greater wetland impacts.

b. Off-site wetland impacts in excess of 1 acre based on a desktop review/assessment (by wetland consultant or professional wetlands scientist) that are directly caused by the County's required collector road corridor shall warrant administrative review

for an exception when no other alignment can be made on site without equal or greater wetland impacts.

ii) Identified Areas of Environmental Concern (AEC) that lie within the identified path of the collector street;

iii) An adjacent property connection cannot be made due to existing conditions that would create a street slope greater than a 4:1 ratio.

iv) Existing railroad crossings, structures, conservation easements or buildings that are not part of the development plan located on the subject property or adjacent property that create a barrier in the identified path of the Collector Street and no other arrangement can be made. Evidence shall be presented from the appropriate agency showing that the crossing(s) cannot be made;

v) Significant Trees, as defined (Section 8.1.3.A.2), are located on the subject property and alternative location for collector street construction cannot be made. A significant tree survey shall be submitted demonstrating the general location, species and size.

vi) The identified Collector Street will lineally connect into an existing roadway network that is, an existing private street, was not constructed to NCDOT standards, or would create conditions inconsistent with the collector street classification. Alternative roadway design shall be submitted to make connections with the existing or planned roadway network to the Administrator for review and approval.

2) Adjoining street systems,

3) Existing, planned and proposed streets, topographic, drainage and other natural features of the property,

4) To provide for continuity in existing streets and proposed streets,

5) Provide adequate right-of-way for collector streets,

6) Reasonable access will be provided to adjacent properties for development.

B. Spite strips along development boundaries preventing access to streets from adjacent properties are prohibited.

C. Street Alignment – local residential street intersections should be directly aligned if possible.

D. When such intersections cannot be aligned, they shall be offset centerline to centerline by not less than 125 ft. Intersections of Collector streets as defined herein or shown on the Pender County Collector Street Plan, Pender County Transportation Plan or other approved State Transportation Improvement Plan.

E. Streets should intersect as nearly as possible at right angles.

F. Permanent dead end streets (cul-de-sacs) or temporary dead end (stub) streets shall be no longer than 1,000 ft. unless it is demonstrated by the developer that the configuration of the property prevents its development without longer streets to provide access to the lots and common area to be subdivided.

G. Temporary dead end or stub streets between 150 and 1,000 feet in length shall provide turn around capabilities to meet one of the following requirements:

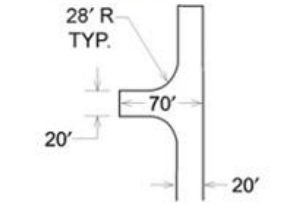
1) A cul de sac with at least 90-feet of right of way including 80-feet of pavement

2) A T/hammerhead intersection (Figure G1)

3) A Y intersection (Figure G2)

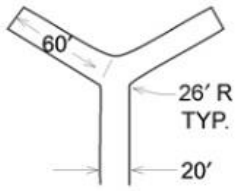
4) A T intersection (Figure G3)

Figure G1:



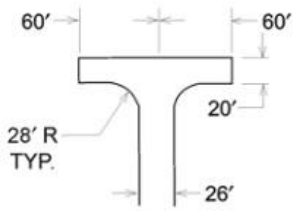
ACCEPTABLE ALTERNATIVE
TO 120-FOOT HAMMERHEAD
to 150′

Figure G2:



60-FOOT "Y"
to 150′

Figure G3:



120-FOOT HAMMERHEAD
to 150′

H. For new subdivisions exceeding 30 lots, more than one method of ingress and egress must be provided. The turning radius must be 28-feet. This requirement may be met by providing a connection to future development as outlined in Section 7.5.1.A.

I. Applicants for subdivision approval shall obtain approval for street names from the Pender County Addressing Coordinator. A copy of the approved preliminary plat with approved street names must be submitted to the Administrator within 30 days of approval of the preliminary plat and prior to final plat submission.

J. Sight triangles as required in the NCDOT Secondary Roads Standards shall be provided at all street intersections.

7.5.2 Public Streets

All designated public streets shall be designed and constructed in compliance with the current NCDOT Subdivision Roads Minimum Construction Standards.

7.5.3 Private Streets

A. All designated private streets shall be designed and constructed in compliance with the current NCDOT Subdivision Roads Minimum Construction Standards.

1) However, variations to right-of-way widths and geometric design may be permitted upon Planning Board review and approval where certain features such as topography, environmental features, low impact development design or unique needs of a development exist at the Master Development Plan or conditional rezoning approval.

2) Alternative Design Streets: Alternative Design Streets are intended to provide individual lot access to structures in order preserve the mobility of the transportation system. The alternative designs presented are not intended to limit the design of shared access and consultation with the Administrator should be had prior to development submittal.

a) All alternative designed streets shall adhere to design and construction requirements as outlined with the current NCDOT Subdivision Roads Minimum Construction Standards with the exception of the following;

i) Length of street shall not exceed five-hundred (500) feet or provide access to more than twelve (12) lots.

ii) Width of easement or right of way shall be at least twenty (20) feet with a twelve (12) foot minimum pavement width

b) Alternative design streets must connect to two (2) public or private streets and shall not dead-end or stub

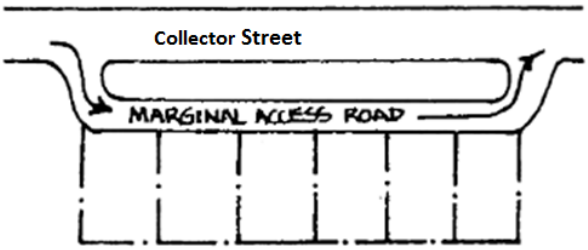
c) Sharp changes in alignment and grade shall be avoided

d) Distance separation of alternative design streets shall be no less than 500 feet from the point of access on the public or private right of way as measured from the centerline of the intersection

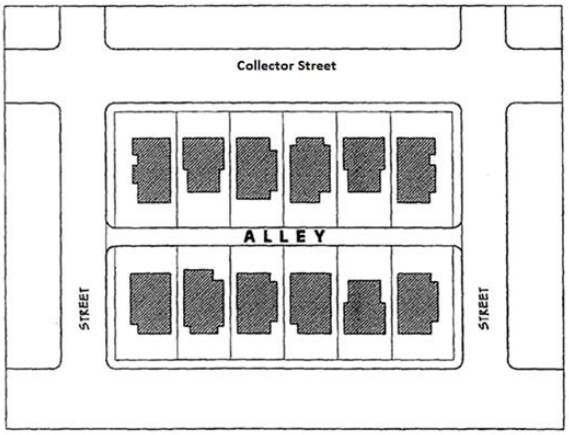
e) One way traffic shall be considered for all alternative design streets

f) Alternative Design Street Examples

i) Marginal Access Road: a street parallel and adjacent to public or private streets (while physically separated from it) which provides both access to abutting properties and controlled access to the public or private street



ii) Alley: A strip of land owned publicly or privately, set aside primarily for vehicular service access to the rear or side of property otherwise fronting on a street of a higher classification. Alleys shall be used to serve lots as part of an interconnected street system, alleys provide access to property but are not intended to accommodate through traffic.



iii) Additional alternative design streets may be approved by the Administrator if the alternative design presented promotes shared access to collector streets rather than individual lot access. The Administrator may approve other designs based on: safety, topography, environmental conditions, or other appropriate criteria.

B. Developments with private streets shall make provisions for immediate access for Pender County Emergency Service (Law Enforcement, Fire & Rescue) vehicles and employees to the development and shall provide for an easement for such services and an easement shall be provided to Pender County and its employees for administration of Pender County Ordinances.

C. Subdivisions with private streets will be subject to requirements to construct public collector streets under any of the following conditions:

1) When the subdivision contains streets that have any dimension of more than 5280 ft.,

2) When any street in the subdivision has the potential to serve more than 200 residential or commercial units,
3) When access to any lot or unit in the subdivision is more than 5280 ft. by a private street to a public street,
4) When existing public streets have been dedicated or constructed to the property line of the subdivision,
5) When access to adjacent properties will be hindered as a result of private streets being allowed in the subdivision.

D. All subdivisions that have any private streets must meet the minimum qualifying requirements contained in the Required Improvements section of this Ordinance.

E. All subdivisions proposing new construction of streets must provide a Certificate of Disclosure: Private Roads found in Appendix D

7.5.4 Access Easements

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 20 feet wide shall be provided within a forty five (45') foot easement at time of zoning approval.

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.

G. The access easement that provides access to a public street is no longer than 500 feet in length

7.6 OPEN SPACE

7.6.1 Requirements

A. Every Subdivider of land for residential purposes shall dedicate a portion of such land, as set forth herein, for the purpose of providing, active and passive recreation areas to serve the residents of the immediate neighborhood within the subdivision.

B. Open Space Areas Can Be Defined By Active Or Passive Open Space As Follows:

1) Active Open Space consists of areas such as park land chosen without regard to natural features for the explicit purposes of enhancing design, such as village commons, or providing space for outdoor recreation activities which may include, but not be limited to; cluster boxes, tennis courts, ball fields, swimming pools, and tot lots with play equipment.
2) Passive Open Space areas must consist of undisturbed, unique and sensitive natural features when available, that may include streams, floodplains, wetlands (excluding tidal marsh) conservation resources, and natural heritage areas if identified. These

natural spaces will be characterized by undisturbed soils and natural vegetative cover for wildlife habitat. Passive Open space may become part of designated County greenways. Amenities such as walking paths, piers, picnic areas and other passive recreational uses will be allowed with minimal disturbance of the vegetation.

C. Required Open Space: All new residential subdivisions shall provide open space in the amount of 0.03 acres per dwelling unit within the subdivision. No more than 50% of the required open space shall be designated as passive open space. 50% or more of the required open space shall be designated as active open space.

D. Exemptions to Open Space

1) Density calculations of a development that is one unit per acre or less in the RP and RA Zoning Districts.
2) Developments consisting of 10 units or less.

E. Standards for Park, Recreation and Open Space Areas: Except as otherwise approved by the Planning Board, all park, recreation and open space areas shall meet the following criteria:

1) Unity: The dedicated land shall form a single parcel of land, whether or not the subdivision is developed in phases or sections, except where it is determined by the appropriate governing body, that 2 or more parcels would be in the best interests of the residents of the subdivision and the public; and in such case, the appropriate governing body, may require that such parcels be connected.
2) Shape: The portion of dedicated land to be used for active recreation shall be of such a shape to be usable for active recreational facilities including but not limited to tennis courts, racquetball courts, swimming pools, exercise rooms, clubhouses, athletic fields, basketball courts, swings, slides and play apparatus.
3) Greenways: If open space is a greenway, the land shall be a continuous linear parcel through the subdivision of at least 30 feet in width.
4) Location: The dedicated land shall be located so as to reasonably serve the recreation and open space needs of residents of the immediate neighborhood within the subdivision for which the land dedication is made and can be combined with an adjacent park.
5) Access: All dwelling units in the subdivision shall have suitable, safe, and convenient ingress and egress to and from the park, recreation and open space areas provided within the development by means of improved streets or dedicated walkways. Rights-of-way for such access shall be shown on the preliminary plans and final plats.
6) Required Stormwater Detention/Retention Facilities: Required stormwater detention/retention facilities shall not be accepted to fulfill the requirements set forth by this Section. However, the County may allow significant natural water bodies (SNW's) such as lakes and streams to be counted as qualifying active open space provided that public ancillary features such as docks, piers, launching facilities, or paddle trails, or other aquatic amenities are provided. Such facilities shall be reviewed and approved by appropriate state agencies and the Planning Board at the time of Master Plan approval.
7) Landscaping: Park, recreation and open space areas which include amenities such as tennis courts, racquetball courts, swimming pools, exercise rooms, clubhouses, athletic fields, basketball courts, swings, cluster boxes etc. shall be landscaped and shall be

provided with sufficient natural or manmade screening or buffer areas to minimize any negative impacts upon adjacent residences

8) Encroachments: The park, recreation and open space areas required by this Article shall exclude roadways, parking areas and other accessory uses except for areas associated with recreational facilities.
9) Consistency with Pender County Parks and Recreation Comprehensive Master Plan: If any portion of any subdivision proposed for residential development lies within an area designated on the officially adopted Plan as a park, such area shall be included as part of the area set aside to satisfy the requirements of this Article up to the maximum requirement of open space calculations. This area shall be reserved for public use.
10) Procedure for Dedication of Land:
    a) Designation of Land to Be Dedicated - Subdivider shall designate on the Master Plan, the area or areas to be dedicated pursuant to this Article.
    i) Review of Land to Be Dedicated - Upon receipt of the Master Plan, the Administrator shall submit a copy thereof to the appropriate governing agency for review. The appropriate governing agency shall submit any and all recommendations concerning the land to be dedicated to the Planning Board at its next scheduled meeting.
    ii) Ownership - The type of ownership of land dedicated for park, recreation or open space purposes shall be selected by the owner, developer, or Subdivider, subject to the approval of the Planning Board. Provided, however, any of such areas included in the master parks plan shall be dedicated to the county. The type of ownership may include, but is not necessarily limited to, the following:
        a. The county, subject to the acceptance by the Planning Board;
        b. Other public jurisdiction or agencies, subject to their acceptance;
        c. Appropriate non-profit agencies, subject to their acceptance;
        d. Property owner, condominium or cooperative associations or organizations.

7.6.2 Recreational Units

All developments not meeting the criteria set forth in Section 7.6.1.D. and contain 34 units or more will be required to provide recreational units equivalent to credits established in the following table. Recreational units are intended to serve the subject development itself but may be suitable or planned to serve the surrounding community. The facilities shall be in a configuration and location that is easily accessible to the dwelling units that they are designed to serve and may be placed within active or passive open space required areas. The design and amount of facilities shall be approved by the Planning Board, Administrator, and Parks and Recreation representative to the TRC at the time of Master Plan approval. Recreational units are assigned a financial unit to be achieved via installation on the subject property or through a payment in lieu of in conjunction with the approved Pender County Parks & Recreation Master Plan. The timing of the installation or payment in lieu of installation shall be confirmed on the master plan.

Dwelling Units	Recreational Unit(s)	Financial Unit
34-99	1.0	$10,000
100-150	1.5	$15,000
151-200	2.0	$20,000
201-250	2.5	$25,000

251-300	3.0	$30,000
301-350	3.5	$35,000
351-400	4.0	$40,000

*The figures referenced above shall be carried up to 1,000 dwelling units/10.0 recreational units or $100,000. Developments exceeding 1,000 dwelling units shall not be required to exceed the maximum of 10 recreational units.

7.6.3 Payments in Lieu of Dedication

A. General Provisions - When the Planning Board determines (upon the recommendation of the Administrator) that the park, recreation and open space requirements of a subdivision of 11-33 lots can be adequately met by capital facilities constructed or to be constructed on county-owned property or property to be acquired by the county within a reasonable time that is located close enough to such subdivision to reasonably serve its residents, the Planning Board may authorize the Subdivider to make a payment to the county in lieu of dedication. The Planning Board may also authorize a combination dedication and partial payment in lieu of dedication when such is determined to be in the best interest of the citizens of the area to be served. Any public dedication is subject to review and acceptance by the Planning Board.

B. Procedure - The Subdivider shall include with the application for Master Plan approval, a letter requesting approval to make a payment in lieu of dedication. The letter shall include the proposed per acre value and the basis for the determination of such value. Upon receipt of the Master Plan, the Administrator shall submit a copy thereof with the letter requesting a payment in lieu of dedication to the Planning Board. The Administrator shall submit any recommendations concerning the request to the Technical Review Committee.

C. Amount of Payment - If the County approves a payment in lieu of dedication, the amount of such payment shall be the product of the number of acres to be dedicated as outlined in subsection (B) above, and twice the average fair market value per acre of the land being subdivided at the time of the submission of the Master Plan. The Tax Department shall determine the average fair market value of the land based on the value of the land for property tax purposes, the information submitted by the Subdivider and other relevant information.

D. Use of Payments in Lieu of Dedication - All monies received by the county pursuant to this Article shall be used only for the acquisition or development of recreation, park, or open space areas that will benefit the new subdivision residents.

E. Required Payment in Lieu of Dedication - In the event the County finds that a land dedication does not meet the long range plans of the county it shall require payment in lieu of a dedication.

F. Time of Payment - If a payment in lieu of dedication is authorized, such payment shall be made before recording the final plat for the subdivision. If a subdivision is developed in phases, a payment relating to each phase must be made prior to the recording of a final plat for each phase.

7.6.4 Flexibility in Administration Authorized:

A. The requirements set forth in this subsection concerning the amount, size, location and nature of park, recreation and open space areas to be provided in connection with residential developments are established by the County as standards that preemptively will result in the provision of that amount of recreational facilities and open space that is consistent with officially adopted county plans. The County recognizes, however, that due to the particular nature of a tract of land, or the nature of the facilities proposed for installation, or other factors, the underlying objectives of this Article may be achieved even though the standards are not adhered to with mathematical precision. Therefore, the Planning Board is authorized to permit minor deviations from these standards whenever it determines that: (i) the objectives underlying these standards can be met without strict adherence to them; and (ii) because of peculiarities in the developer's tract of land or the facilities proposed it would be unreasonable to require strict adherence to these standards.

1) Whenever the County authorizes some deviation from the standards set forth in this Article, the official record of action taken on the development application shall contain a statement of the reasons for allowing the deviation.

7.7 WASTE WATER SYSTEM REQUIREMENTS

7.7.1 Requirements

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 or

B. Soil suitability analysis has determined that each developable lot is suitable for traditional on site waste disposal in accordance with Environmental Health requirements or approved by a licensed professional,

C. Be served by a Community Sewer System as defined in this Ordinance.

D. 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," section of this Ordinance.

7.8 WATER/SEWER SYSTEM REQUIREMENTS AND CONNECTIONS

7.8.1 Requirements

A. All new construction and development as defined in §12 of the Pender County Code, Water and Sewer Ordinance, Utility System Extension and Cost Recovery shall conform to the standards provided.

B. In such instances where §12 regulations are not applicable the following shall apply:

1) Lots ranging from 15,000 square feet and larger may utilize traditional on-site septic and well services

2) In the Planned Development (PD) District and Residential Mixed (RM) District, lots ranging from 12,000 square feet to 14,999 square feet must provide at least one of the following:

a) Community or Public waste water disposal or,

b) Community or Public water service.

3) All dimensional lots under 12,000 square feet shall require community or public waste water disposal and water service.

7.9 STORMWATER MANAGEMENT

A. Applicability

1) This ordinance shall be applicable to all new development projects from the date of the adoption of this ordinance that fit the following criteria.

a) New development of any tract of land or subdivision that requires a North Carolina Department of Environmental Quality (NCDEQ) Stormwater Permit.

2) Pre-development Exclusion

a) Any project or part of a project area that is granted a pre-development exclusion by the NCDEQ from having to obtain a standard NCDEQ stormwater permit requiring the project meet existing rules and regulations is excluded in whole or in part from this rule in accordance with the exclusion granted by NCDEQ.

B. Definition of Terms

1) NCDEQ – The North Carolina Department of Environmental Quality
2) NCDOT - The North Carolina Department of Transportation
3) PCPD – Pender County Planning Department
4) NOAA – National Oceanic and Atmospheric Administration
5) Time of Concentration – The calculated time of travel for runoff to flow across a project area from the farthest distance from the outfall to that outfall, expressed as a unit of time.
6) Peak Flow – The calculated maximum flow generated by a specific design storm as calculated by the rational method or other industry standard methodologies, expressed in cubic feet per second.
7) Impervious Surface - Any structure, surface, or improvement that reduces or prevents absorption of stormwater into land, and includes non-permeable pavement structures, sidewalks, rooftops or any other structure or improvement that impedes rainfall from entering the ground surface.
8) Pervious Surface – Any bare or vegetated soil or surface that allows the penetration of rainfall. This includes permeable pavement structures, drip through decks not covered by a roof structure, gravel surfaces meeting the standard of pervious surfaces as described by NCDEQ.
9) Post Development – Site conditions including impervious surface coverage that exist after the proposed development has occurred.
10) Pre- Development – Site conditions that exist prior to the proposed land development.
11) Design Storm – A specified storm event consisting of the return period, expressed in years.
12) Rainfall Depth – The depth of a specific storm event, expressed in inches.
13) Intensity – The rate at which rain falls, expressed in inches per hour.
14) Design Storm Duration – The length of time over which a storm event occurs, expressed in units of time.

15) Design Storm Return Period – The statistically expected occurrence of a given storm event, expressed in years.
16) High Density Projects – Projects deemed to be high density by NCDEQ standards.
17) Low Density Projects – Projects deemed to be low density by NCDEQ standards.
18) Storm Event – Precipitation greater or equal to a rainfall depth of .1 inches occurring in a continuous single time frame.

C. Administration

1) These regulations are adopted pursuant to the authority vested in the County of Pender by its charter and the General Statutes of North Carolina, particularly Chapter 153A, 160D, and Chapter 340.

D. Design Standards

1) New Development Projects Requiring a NCDEQ Stormwater Permit

a) Pre-Development and Post Development Peak Flow Comparisons for Design Storm Events.

i) All projects shall be designed so that the post development runoff from the project be no more than ten (10) percent more than the pre- development runoff.

ii) Low density projects shall meet this requirement for the 1 year 24-hour event or demonstrate that stormwater discharge is through multiple outlets with each not exceeding a flow of over 50% of the total predevelopment flow. High density projects shall meet this requirement for the 10 and 25 year return period events and be analyzed for the 50-year event.

iii) Peak flows shall be calculated using the rational method or other industry standard methods for doing so.

iv) For high density projects the time of concentration for pre- and post-development shall be calculated for each storm event using standard methods as set out in TR-55 or other industry standard methodology. These time of concentrations shall be used to determine the duration for each storm event which will yield the intensity used to calculate peak flows for each individual event.

v) All rainfall data for rainfall depth and intensity shall be determined by the National Oceanic and Atmospheric Administration (NOAA) for the specific project location.

vi) For low density projects or projects that do not require detention of stormwater, the sum of all outfalls shall be used to determine the post development peak flow.

vii) For projects with detention structures, the post development flow will be calculated using industry standard methods to route storm events through the detention device to illustrate the compliance with the pre and post development requirements. These calculations shall provide outlet structure details along with the retention basin geometry and peak stage calculations for each storm event.

viii) All NCDEQ stormwater requirements shall apply.

b) On-Site Collection System Requirements

i) All stormwater collection and conveyance systems shall convey the runoff from the 10-year storm event.

ii) All other project areas including parking lots and green spaces shall be designed to limit ponding of water during the 10-year event.

c) Low Impact Development (LID) design strategies shall be encouraged to reduce peak flows. LID devices shall be designed according to NCDEQ requirements using industry standard methodology.

d) Off-Site Runoff

i) Runoff that is tributary to the project area but is not generated on the project may be bypassed around the collection, conveyance and treatment systems and discharged. Off-site runoff that is not bypassed must be accounted for in the calculations for conveyance systems, retention systems and pre- and post-development calculations.

ii) Conveyances for off-site runoff shall be designed for the 10-year event.

e) Plan Submittal Requirements

i) All details of the stormwater collection, retention and discharge systems shall be included on the plans including pipe sizes, locations of all structures and devices, all proposed inverts and grades and any other typical details required to construct the system. Calculations and specifications are not required to be submitted.

ii) The plans shall include a statement that the proposed system meets the criteria of this ordinance.

iii) The plans shall be signed, dated and sealed by a NC licensed design professional in accordance with industry standards for doing so. Plans may be marked preliminary or with other indications that they are for review and permitting.

iv) All Plans shall be produced on D – size drawing sheets (24” x 36”) at an appropriate and legible scale.

v) Typical industry standards of care shall be used in the design, analysis and preparation of plans in accordance with rules and requirements of the applicable licensing board.

f) Plan Certification Requirements

i) Upon completion of the construction of the stormwater control system in part or in phases a design certification letter shall be submitted to the Pender County Planning Department (PCPD) stating that the system was installed in accordance with the plans. Any discrepancies from the original design shall be noted. The certification shall include a statement that the system, as installed, meets the requirements of this ordinance.

ii) If the system installation differs from the proposed plans a record drawing showing all discrepancies shall be submitted to the PCPD.

E. Design Professional Requirements

1) All stormwater analysis, design and preparation of plans shall be performed by or under the direct supervision of a NC licensed professional. A NC licensed professional is considered any individual licensed by the State of North Carolina to perform such work as defined by their respective licensing board. The design professional shall date, sign and seal all design documents according to the requirements and standards as set out by their licensing board.

2) Typical industry standards of care shall be used in the design, analysis and preparation of plans in accordance with rules and requirements of the applicable licensing board.

7.10 OFF-STREET PARKING AND LOADING/PARKING REQUIREMENTS

7.10.1 Minimum

A. Off-street parking spaces shall be provided for all uses listed below in the amounts specified below. Uses not listed shall be reviewed by the Administrator for a determination of the required spaces. Buildings with multiple uses shall calculate parking based on the square footage of each use in the building.

PUBLIC AND CIVIC USES		
Use Category	**Specific Use**	**Minimum Spaces**
Community Services	All community service	1 per 500 SF floor area
	Auditorium	1 per 200 SF floor area for seating in places of assembly, minimum 20 spaces
	Clubs and Lodges	1 per 100 SF floor area
	Museums	1 per 300 SF floor area, minimum 10 spaces
Day Care	All day care	1 per employee + 1 per 10 attendees or fraction thereof
Educational Facilities	all education facilities except as list below	6 per classroom + 1 per 300 SF floor area of administrative office space
	Kindergarten, elementary, middle school	1 per classroom + 1 per 300 SF floor area of administrative office space
	College or University	As determined by the Planning Board
PUBLIC AND CIVIC USES		
Use Category	**Specific Use**	**Minimum Spaces**
Government Facilities	City, county, state or federal government office	1 per 300 SF floor + 1 per 3 employees
	Correctional facilities, jail, prison	1 per 300 SF office area + 1 per 5 beds
	Emergency services, fire, sheriff or medical station	1 per employee per shift + 1 per facility vehicle
Medical Facilities	All medical facilities , except listed below	1 per 250 SF floor area
	Medical laboratory	1 per 500 SF floor area
	Hospital	1 per 2 beds + 1 per doctor and nurse + 1 per 4 employees
Parks & Open Areas	All parks & open areas except listed below	As determined by the Planning Director in consultation with the Parks & Recreation Planner

	Cemetery, mausoleum columbaria, memorial garden	1 per 5 seats in chapel or assembly area
PUBLIC AND CIVIC USES		
Use Category	**Specific Use**	**Minimum Spaces**
Passenger Terminals	all passenger terminals	1 per 200 SF waiting area +1 per 2 employees
Places of Worship	All places of worship	1 per 28 SF available seating in the assembly area(s)
Social Service Institutions	All social service institutions, except as listed below	1 per 1,500 SF floor area + 1 per employee/volunteer
Utilities	All utilities, except as listed below	1 per 1,000 SF enclosed floor area
	TV/HDTV/AM/FM broadcast facility	1 per 300 SF enclosed floor area
COMMERCIAL USES		
Use Category	**Specific Use**	**Minimum Spaces**
Outdoor Recreation	All outdoor recreation, except as listed below	1 per 500 SF of enclosed floor area + 1 per 1,000 SF of outdoor use area
	Campground, summer camp	1 per campsite + 1 per employee
	Circus ground	1 per 600 SF of the area devoted to the circus arcade, concessions, etc.
	Flea market, outdoor	1 per 300 SF vendor area
	Firing range, outdoor such as rifle range, archery, skeet, handgun	Minimum of 5 + 1 per firing position
	Golf course, country club (see "restaurants" for additional parking requirements associated with eating facilities)	4 per hole + 1 per 500 SF floor area
	Stadium or arena, commercial amphitheater, ballfield	1 per 4 seats
Indoor Recreation	All indoor recreation, except as listed below	1 per 250 SF enclosed floor area
	Adult establishment, bar, nightclub, movie or theater	1 per 100 SF of seating area
Overnight Accommodations	All overnight accommodations, except as listed below	1.25 per room + 1 per 100 SF conference/banquet/restaurant
	Bed & Breakfast establishment	1 per guest room + 2 per owner/manager

	Diet House, emergency shelter	1 per 250 SF floor area
Restaurants	All restaurants, except as listed below	1 per 100 SF floor area
COMMERCIAL USES		
Use Category	**Specific Use**	**Minimum Spaces**
Retail Sales and Service	All retail sales and service, except as listed below	1 per 225 SF floor area for the first 50,000 SF of Gross Leaseable Area and 1 per 250 SF of leaseable area after that
	Animal hospital, kennel, or veterinarian	1 per 250 SF enclosed floor area
	Artist gallery, bulk mailing service, psychic, medium, security service, studio, taxidermist	per 400 SF floor area
	Repair-oriented services such as appliance, bicycle, canvas product, clock, computer, etc.	1 per 500 SF floor area
Self-Service Storage	All Self-service storage	Minimum of 5 or 1 per 100 storage units, whichever is greater
Vehicle Sales and Service	All vehicle sales and service, except as listed below	3 per service bay
	Car wash	2 per wash bay
	Vehicle sales, leasing or rental; manufactured housing sales	1 per 500 SF enclosed floor area
OFFICE USES		
Use Category	**Specific Use**	**Minimum Spaces**
Office	All office uses, except as listed below	1 per 300 SF floor area
	Conference center, retreat house	1 per 250 SF seating area
INDUSTRIAL USES		
Use Category	**Specific Use**	**Minimum Spaces**
Heavy Industrial	All heavy industrial	1 per 1,000 SF enclosed floor area
	Wrecking, junk or salvage yard	1 + 1 per 10,000 SF of yard area
Light Industrial	All light industrial service	1 per 1,000 SF floor area

Resource Extraction	All resource extraction	1 per 2 employees, minimum 3
Warehouse and Freight Movement	All warehouse and freight movement	1 per 5,000 SF of floor area
Waste-Related Service	All waste-related services	1 per 500 SF enclosed floor area + 1 per 5,000 SF outside storage area
Wholesale Trades	All wholesale trade	1 per 1,000 SF floor area

B. Parking lots consisting of five (5) spaces or fewer shall utilize one of the following requirements:

1) Parking Spaces comply with 7.10.5 Surfacing.
2) In the event that an alternative surface is utilized, the parking lots must comply with 7.10.5.D.

7.10.2 Parking Study Option

A. General: Innovative approaches which enable overall flexibility with regard to the administration of the UDO within Pender County are encouraged when the public interest is served and protected. The Administrator or Planning Board, as specified, may reduce or increase the amount of off-street parking required where developer-submitted parking data, prepared and sealed by a professional parking consultant or transportation engineer with proven experience providing similar studies, illustrates that the standards of 7.10 Off-Street Parking and Loading/Parking Requirements do not accurately apply to the specific development. The parking study may be used to justify reductions in the minimum parking requirements, per 7.10.1 Minimum, up to a maximum of 20% required, and increases over 125% of the minimum parking required. The study shall be presented to the Planning Board at time of Master Development Plan. When an MDP is not required, the Administrator shall serve as the review and recommending authority.

The data submitted for an alternative parking plan shall include, at a minimum:

1) Introduction/Background: This section shall include details regarding the application such as application type, proposed use, history, a brief explanation as to why the study was undertaken and any other relevant information including Special Use Permits, restrictions, covenants, etc affecting the site.
2) A section shall be provided that details the methodology for the study
3) Development Site Detail:
   a) The following items shall be addressed in the parking study:
      i) The current zoning of the site
      ii) The size and type of the proposed and existing development(s) on-site
      iii) Site access
      iv) The mix and traffic generation of all uses on site
      v) The anticipated rate of parking turnover
      vi) The minimum parking amount required by the UDO as compared to Urban Land Institute (ULI) and/or Institute of Transportation Engineers (ITE) projections; other acceptable projections may be approved by the Administrator on a case by case basis
      vii) Total existing on-site parking as well as existing conditions within two blocks of the site
      viii) Alternative transportation options available to the site

ix) The 85-95% peak utilization threshold for both the UDO minimum and the applicant's supply proposal

x) Most recent NCDOT Traffic volume counts for roadways adjacent to the potential development site

4) Survey Site(s) Parking Survey:

a) The parking levels for similar use(s) shall be considered and be based on the appropriate NAICS classification and approved by the Administrator. The following shall be included in the survey:

i) The PIN and address of the survey site(s)

ii) Each day of the week and times that the study was performed; subject to prior approval by the Administrator

iii) A description of the existing supply and conditions on the survey site (zoning, parking supply etc.)

iv) If the use exists elsewhere (preferably in Pender County) in a similar situation, the study must outline the similarities between the two locations and why they will generate a similar parking demand

v) The survey should occur for two normal business weeks and should capture peak parking demand, based on peak parking periods defined by the Urban Land Institute (ULI) or an alternative peak schedule for that particular use; the schedule shall be pre-approved by the Administrator

vi) Observed parking shall separate out legal, illegal, off-site and total

vii) Utilization rates for the survey site(s), including overall observed demand ratios as well as daily demand ratios/time of day. This comparison shall also include a comparison to the survey site's structural (not observed) 85-95% utilization rates, based on their existing supply (i.e. 100 spaces exist/85 & 95 spaces=85% & 95%) (The demand ratios should be presented, per square foot (i.e. 1 .8 cars per 250 ft^2))

viii) The Minimum, Maximum, Median and Mode shall be reported

ix) An assessment of existing conditions within two blocks of the site

x) Most recent NCDOT Traffic volume counts for roadways adjacent to the survey site(s)

5) A justification of peak periods and analysis of any deviations utilizing the Urban Land Institute's "Shared Parking"

6) A recommendation concerning future parking needs and the site's capacity; reduction requests shall not exceed 20% of the required minimum parking required, per the Unified Development Ordinance's (UDO) 7.10.1 Minimum parking required.

7) A section shall be provided that details the qualifications of the party responsible for preparing the study

B. Evaluation

1) The Administrator or Planning Board shall make a recommendation and decision regarding the required parking supply by considering the following. It is the intent that the Administrator shall review the following criteria prior to making a recommendation or decision:

a) The completeness of the applicant submitted parking study.

b) The accuracy of the data submitted.

c) The relevance of the data submitted.

d) The minimum parking supply recommended by section 7.10.1 Minimum, of the Unified Development Ordinance.

2) The review and recommending authority shall be authorized to increase, decrease, accept, modify or reject the applicant supplied parking supply recommendation.

C. Deferred Parking

1) In the event that parking is to be reduced, the amount over 5 reduced parking spaces shall be reserved on site. Total reductions shall not be greater than 20% of the minimum parking required, per 7.10.1 Minimum.

a) The Administrator shall require a written agreement prior to the issuance of a Certificate of Occupancy that a current utilization study be performed after the Certificate of Occupancy has been issued.

b) The reserved space shall be detailed on a site plan to be approved by the Administrator.

c) In the event that full build out would trigger additional ADA parking requirements, the potential ADA space(s) shall be provided. This space may be converted to a standard space(s), should the Administrator determine that the site has sufficient parking supply, pursuant to the current site utilization evaluation.

2) The owner/applicant or other responsible party, as determined through a written agreement with the Administrator before a Certificate of Occupancy is issued, shall perform a current utilization study of the approved site, not less than 30 days after a Certificate of Occupancy (CO) has been issued and shall begin no later than before 60 days have lapsed since the Certificate of Occupancy (CO) has been issued.

a) The current site utilization study schedule shall be pre-approved by the Administrator and shall be evaluated with regard to conformity with the Parking Study Option (7.10.2) approved site plan. The study shall evaluate the efficiency/deficiency of parking relative to the realized demand from full build out.

3) The Administrator shall make a recommendation to install additional space up to the minimum required, maintain the space in reserve or absolve the area reserved for parking.

a) The Administrator shall be authorized to determine if the intent of the Ordinance is being satisfied.

4) The applicant must comply with all other requirements of the Unified Development Ordinance (UDO).

7.10.3 Maximum

The number of off-street parking spaces shall not exceed 125% of the minimum number of required spaces provided in Section 7.10.1 and shall comply with the provisions of Section 8.3.2.H.2.

7.10.4 Parking Space Design Standards

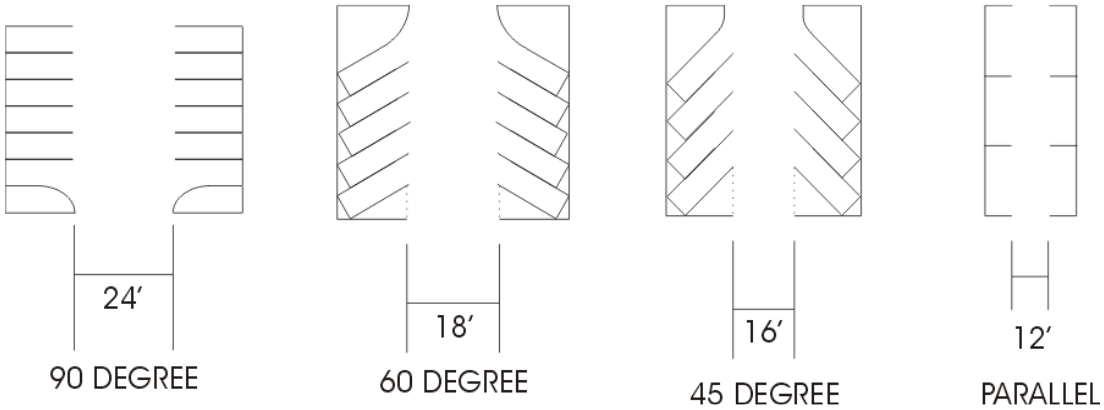
A. Each required off-street parking space shall open directly onto an aisle or driveway which is designed to provide safe and efficient access to each parking space. Parking shall not be allowed to impede traffic movement on alleys or streets or to impede pedestrian or bicycle activities.

B. Dimensions

1) Standard Spaces - A required off-street parking space shall be at least eight feet, six inches (8’6”) in width and 18 feet in length exclusive of any access drives, aisles, or

columns; however, for non-residential uses, parking spaces of a reduced size may be permanently designated, by signs, for compact vehicles.

2) Parallel Parking - Parallel parking spaces shall be increased by five feet in length for regular parking.
3) All spaces shall have a minimum vertical clearance of eight feet.
4) Aisles shall not be less than 24 feet wide for 90 degree parking, 18 feet wide for 60 degree parking, 16 feet wide for 45 degree parking and 12 feet wide for parallel parking. The angle shall be measured between the centerline of the parking space and the centerline of the aisle. No parking shall be allowed in the aisles.



5) The maximum grade permitted for any required parking shall not exceed 8%.
6) Parking spaces using geometric standards other than those specified in this Ordinance may be approved if developed and sealed by a registered engineer with expertise in parking facility design subject to a determination by the Administrator that the proposed facility will satisfy off-street parking requirements as adequately as would a facility using standard Ordinance dimensions.

C. Parking design shall include required landscaping standards per Section 8.3.

D. Plan - Parking design for non-residential and multifamily uses shall be approved as part of site plan review.

7.10.5 Surfacing

A. Non-Residential Uses in the RA District

1) All required off-street parking spaces shall be covered with an all-weather surface designed to support anticipated loads. Loose material surfaces shall be contained with a permanent edging. The surface shall be maintained so that traffic may move safely in and out of the parking area. Parking blocks that help designate individual parking spaces and keep vehicles within the surfaced area shall be required in lots with greater than 10 parking spaces.

B. Non-Residential Uses in all other Zoning Districts

1) Required Parking Spaces - All required off-street parking spaces shall be sealed by an appropriate licensed professional and paved in accordance with NCDOT base course and pavement surface standards as prescribed by the "Secondary Road Manual".
2) Historic Preservation - Site(s) recognized by the National Register of Historic Places (NHRP) may be exempted from the surfacing requirements of the Unified Development Ordinance (UDO).

a) Developments attempting to qualify for the Historic Preservation exemption must provide a copy of the National Parks Service listing, along with a narrative briefly requesting the aforementioned relief and how the surfacing standards would conflict with the historic significance of the property.

b) A site plan shall be provided designating a parking area meeting the minimum parking and access requirements of the UDO.

c) The Administrator must determine that the relaxation of standards will be consistent with the promotion of the health, safety, and general welfare of the residents of Pender County.

C. Parking spaces provided in excess of the minimum required shall be constructed to use low impact design of excess parking facilities. Additional low impact design may be provided, if not otherwise prohibited by other provisions of the UDO, in the following areas:

1) Adjacent to parking lot landscape islands to allow for the percolation of water and the exchange of oxygen for the tree roots.
2) Grass paving or turf block areas may be utilized in low impact areas or infrequent use areas such as churches or the outlying parking areas of malls or other shopping areas.

D. Parking facilities required to contain five (5) or fewer parking spaces, may comply with the following provisions:

1) Surfacing may be comprised of, but not limited to; porous pavers, grid pavers, porous asphalt, pervious concrete, non-compacting gravel, ABC stone or other materials as deemed acceptable by the Administrator.
2) Each space and drive aisle shall comply with the dimensional standards set forth in 7.10.4 Parking Design Standards and to the greatest extent possible.
3) Each parking space and the general parking area shall be designated by an encroachment barrier or edging as to contain alternate surfacing material and identify parking spaces (i.e. wheel stops, timbers, planters, bollards or other object deemed sufficient to delineate individual space(s) and parking areas as determined acceptable by the Administrator).

7.11 OUTDOOR LIGHTING

7.11.1 Requirements

Outdoor Lighting shall be required only in conjunction of the construction of sidewalks and off-street parking requirements, in which case, they shall be placed at any and all street intersections throughout the development.

7.11.2 Parking Lot Lighting

Parking lot lighting shall be shielded so that it does not cast direct light beyond the property line. Parking lots shall be illuminated during night business hours.

7.12 OUTDOOR DISPLAY AND STORAGE

7.12.1 Requirements

A. The outdoor storage or processing of products, equipment or raw materials is allowed in the business and industrial districts or in association with business uses allowed in any other zoning district only if the outdoor storage is directly associated with the primary uses of the property.

1) In such cases, the outdoor storage or processing shall be completely screened from the view of road and street rights-of-way and from surrounding properties by a fence, wall or by screening.
2) Such outdoor storage and processing shall not be permitted in any required front yard.
3) The Administrator may require that the storage of hazardous materials or any materials which may contribute to contaminated runoff be fully enclosed. Where such materials are stored outdoors, they shall be contained within an impervious structure designed to contain spillage or contaminated runoff.
4) The display of vehicles for sale by a vehicle dealer or nursery stock by a commercial nursery, along with other products for sale that are normally displayed outdoors, shall be exempt from the above requirements.
5) Such requirements shall not apply to motor vehicle parking and loading areas.

7.13 SOLID WASTE, DUMPSTER, RECYCLING AND TRASH HANDLING

7.13.1 Must be screened from view of public or private streets or rights of way with the use of any of the following:

A. Solid opaque fence or masonry wall with a minimum height of six (6') feet.

B. Solid evergreen hedge with a minimum maturity height of six (6') feet.

7.14 LOW IMPACT DEVELOPMENT

In an effort to balance development needs with natural resource protection and enhancement, additional design and dimensional flexibility are offered to projects designed utilizing Low Impact Development stormwater management techniques.

A. LID Project Criteria – In order for a project to utilize the variations to dimensional standards as prescribed in Section 7.14.B or landscaping and open space inclusions as prescribed in Section 7.14.C, the applicant shall submit a certification from a licensed professional stating that the project conforms to all of the following criteria. An example certification form may be found in Appendix D – Typical Forms and Surveyor Notes. A project meeting the criteria set forth shall hereinafter be defined as an "LID Project".

1) The LID Project must comply with the requirements for stormwater management as set forth in 15A NCAC 02H.1005.
2) The LID Project must utilize a combination of engineered, structural LID stormwater best management practices (BMPs) as defined in *Chapter 4: LID Stormwater BMPs* of North Carolina State University's *Low Impact Development: A Guidebook for North Carolina* (June 2009) and designed in accordance with 15A NCAC 02H .1008 to treat runoff from all surfaces generated by one and one-half inches of rainfall, or the difference in the stormwater runoff from all surfaces from the predevelopment and post-development conditions for a one-year, 24-hour storm, whichever is greater, in order to achieve average annual 85% Total Suspended Solids (TSS) removal for the developed area of a site.

3) The LID Project must utilize a combination of engineered, structural LID stormwater best management practices (BMPs) as defined in *Chapter 4: LID Stormwater BMPs* of North Carolina State University's *Low Impact Development: A Guidebook for North Carolina* (June 2009) to control and treat the increase in storm water runoff volume associated with post-construction conditions as compared with pre-construction (existing) conditions for the 1-year frequency, 24-hour duration storm event in order to achieve a storage volume discharge rate equal to or less than the predevelopment discharge rate for the 1-year, 24-hour storm event. This may be achieved by hydrologic abstraction, recycling and/or reuse, or other accepted management practice as described in the North Carolina Division of Water Quality's *Stormwater Best Management Practices Manual*, and in consultation with North Carolina State University's *Low Impact Development: A Guidebook for North Carolina.*

B. An LID Project meeting the criteria defined in Section 7.14.A shall be allowed the following variations from the Dimensional Standards:

1) Residential LID Projects in the RA and RP zoning districts shall be allowed a 25% reduction in the "Lot Size" and "Lot Size Duplex" dimensional standards found in Section 4.14.
2) LID Projects in the RA, RP, GB, OI, and IT zoning districts shall be allowed a 50% reduction in the Minimum Lot Width, Minimum Chord Length at ROW Line for "cul de sac's", Minimum Front, Side, and Rear Yards, and Minimum Required Structure Separation.

C. A project meeting the criteria defined in Section 7.14.A shall be allowed the following landscaping and open space inclusions:

1) For residential projects, LID BMPs including but not limited to swales, pocket wetlands, bioretention areas, and infiltration trenches shall be allowed to be included in the acreage requirement for Passive Open Space as prescribed in Section 7.6.1, so long as the intent of the project's required buffer is met as prescribed in Article 8, Landscaping and Buffering. Basins and other retention and detention facilities shall not be included in the required Passive Open Space.
2) For non-residential projects, LID BMPs shall be allowed to be incorporated into the landscaping and buffer areas required in Article 8, Landscaping and Buffering.

D. All projects meeting the criteria defined in Section 7.14.A and utilizing any variations from Dimensional Standards allowed in Section 7.14.B or any landscaping or open space inclusions allowed in Section 7.14.C shall utilize durable, all weather educational placards no smaller than 0.5 square feet and no larger than 2 square foot at each BMP to provide information to the public as to the function and benefit of the best management practice. The educational placards shall remain in place for the life of the BMP.

E. All open space in residential LID Projects shall comply with the open space requirements set forth in Section 7.6, Open Space.

F. All stormwater best management practices employed to meet the criteria defined in Section 7.14.A shall be maintained in accordance with the recommendations set forth by the NC DENR Division of Water Quality. For each BMP, an Operations and Maintenance Agreement shall be recorded with the Pender County Register of Deeds. These Operation and Maintenance Agreement forms may be obtained from the NC DENR DWQ website: http://portal.ncdenr.org/web/wq/ws/su/bmp-manual

ARTICLE 8 LANDSCAPING AND BUFFERING

8.1 GENERAL

8.1.1 Intent

The placement of landscape plants on a property can serve numerous purposes. One of the most obvious is to enhance the appearance of the property and increase the property's value. Other benefits of plants and vegetative buffers in the home and business property landscape are as follows:

A. Reduce air pollution by absorbing Carbon Dioxide and releasing Oxygen.

B. Reduce erosion by dispersing and absorbing rainfall.

C. Reduce stream pollution by stabilizing soil and slowing, dispersing and absorbing stormwater runoff.

D. Reduce stormwater runoff and the potential for flooding.

E. As properties provide trees, plants and other landscape vegetation, not only is the appearance of individual properties improved, but community appearance is enhanced. This provides a substantial value to the community and other properties in the community.

F. Buffer and Landscape trees and other plants also help reduce noise from auto traffic, glare from auto and other lights and help collect & reduce litter from reaching adjacent properties.

8.1.2 Applicability

The landscaping and buffering requirements found in this Article shall apply to all development within Pender County with the exception of bona fide farming activities, properties listed on the National Register of Historic Places (NRHP) and residential development of one housing type in the Residential Performance Districts. Developments attempting to qualify for the National Register of Historic Places exemption must provide a copy of the National Parks Service listing, along with a narrative briefly requesting the aforementioned relief and how the landscaping standards would conflict with the historic significance of the property. Landscaping and buffer requirements shall apply in all business, planned development, industrial, and non-residential uses in other zoning districts when:

A. A new principal structure is built, or

B. An existing principal structure is expanded sufficiently to increase its interior square footage by fifty percent (50%) or more, in any one or more expansions, or

C. An existing use is expanded sufficiently to increase its square footage by fifty percent (50%) or more, in any one or more expansions, or

D. A change in use from residential related to office, service, commercial or industrial, or from office, service or commercial to industrial, or

E. In any residential development with two or more types of housing development, or

F. A use is discontinued on a site for a consecutive period of one hundred eighty (180) days per Section 10.4.4 and a new use is proposed.

8.1.3 Tree Survey Required

A. Significant Tree Survey

1) A significant tree survey shall be required for any commercial or industrial zoned property and all mixed use districts. The significant tree survey shall show the general location, species and size of any significant tree. However, a significant tree survey shall not be required for land in designated Special Flood Hazard Areas (unless filled or developed in accordance with an approved permit), jurisdictional and coastal wetlands and wetland buffers, designated Areas of Environmental Concern, and stream buffers.
2) For purposes of this Ordinance, a significant tree shall be defined as follows:
   a) An American holly with a trunk caliper measurement of 6" or greater measured at 4.5 feet above ground;
   b) A flowering dogwood with a trunk caliper measurement of 4" or greater measured at 4.5 feet above ground;
   c) A water oak with a trunk caliper measurement of 8" or greater measured at 4.5 feet above ground;
   d) A live oak with a trunk caliper measurement of 8" or greater measured at 4.5 feet above ground;
   e) Any tree species included in the planting table, except a "loblolly pine" (see Appendix C) with a trunk caliper measurement of 12" or greater measured at 4.5 feet above ground; and
   f) Any tree species planted under a previously approved significant tree mitigation plan under this ordinance regardless of size.
3) For development plans where specific building locations are not shown, a more generalized survey of vegetation may be provided in lieu of a significant tree survey. This survey shall describe existing forest stands, indicating the average species and size of trees on the tract.
4) Where any significant tree shown on the significant tree survey is proposed to be removed such removal shall be mitigated by the planting on site of two (2) trees of the same species with a minimum caliper of 2" or greater.

8.1.4 Landscape Plan Required

A. A landscape plan shall be submitted in conjunction with a required site plan. For minor site plan applications, the landscaping may be shown on the site plan, as opposed to a separate landscape plan.

B. On a case-by-case basis, the Administrator may approve alternative planting materials or substitutions to landscaping and buffer requirements where requirements would not be practical because of overhead power lines, existing vegetation located in the buffer, existing vegetation in adjacent required and protected buffers or other reasons. Such substitutions must be determined to be in keeping of the purpose and intent of this Article by the Administrator.

8.1.5 Credit for Existing Vegetation

A. Existing native habitat or plant material located within the proposed landscaping or buffer area that meets the requirements of these regulations may be counted toward the total

buffer required between adjoining land uses, or toward total landscaping requirements. If the existing vegetation has been counted toward the total required buffer or landscaping and is subsequently removed or dies, it shall be replaced with the appropriate buffer or landscaping material.

B. Credit for Existing Vegetation

1) In order to encourage the preservation of established vegetation, credit shall be given for preservation within the proposed buffer or other required landscaping areas on a one-for-one basis.

C. Clear-Cutting

1) Prior to Development properties shall not be clear-cut prior to undertaking development activities. Along public rights-of-way, a buffer consisting of all existing vegetation located in a required street yard shall be maintained, exclusive of areas required for access to the site.
2) During Development properties shall not be clear cut while undertaking development activities. The preservation of the maximum amount of existing vegetation and selective removal of existing trees throughout the site is strongly encouraged during project design and construction to save time and money. Early preparation of a site plan for any proposed development can preclude unnecessary expenditures for buffer and some landscape plantings by preserving existing vegetation on the site. In order to encourage such preservation, the Administrator may count established vegetation preserved during development towards the landscaping requirement.

8.1.6 Design of Landscaping and Buffers

A. Design, Installation and Establishment Standards

1) Location of plants and design of landscaping, including maintenance, shall be according to generally accepted best practices of landscape and horticultural principles. The use of native vegetation and other lower maintenance landscape materials is desired to promote environmental protection, energy efficiency, and water conservation. The preservation of existing trees and vegetation around the perimeter of the site and in other key locations on the site should be considered prior to site design to reduce the cost of installing and maintaining new plantings.
   a) Landscape plans submitted for approval for the purposes of satisfying the requirements of this Article shall clearly indicate the name, location, and size of vegetation to be installed as well as trees to be preserved.
   b) Plant material shall be chosen from the lists of recommended plant species contained within Appendix B, and shall adhere to the minimum specifications therein. Plant materials shall be reviewed for suitability with regard to the eventual size and spread, susceptibility to diseases and pests, and appropriateness to existing soil, climate and site conditions.

B. Issuance of Certificate of Occupancy

1) A permanent certificate of occupancy shall not be issued, until all seeding, trees, and plant material have been placed in accordance with the approved site plan and requirements of this Article. A temporary certificate of occupancy may be issued for a period of 120 days under circumstances that would affect the seeding and planting of

the site, or until the proper planting season is reached to complete the landscaping requirements.

C. Plant Material and Minimum Plant Size

1) The Plant List provided in Appendix B shall be used as a guide in identifying and categorizing the different acceptable types and minimum sizes for any required plant.
   a) Trees
      i) Canopy Trees
         a. Canopy trees shall be of a species having an average minimum height of 15 feet and a minimum mature crown spread of 20 feet. At the time of planting, the tree shall have a minimum caliper of two inches measured at four and one half (4.5') feet above ground.
      ii) Understory Trees
         a. Understory trees shall be of a species having an average minimum height of eight feet and a minimum mature crown spread of 12 feet. At the time of planting, the tree shall have a minimum height of four (4') feet.
      iii) Shrubs
         a. Screening shrubs and ornamental shrubs, at the time of planting, shall be a minimum of three (3) gallons and have a minimum mature height of 18 inches.
      iv) Ground Covers and Grasses
         a. Ground covers and grasses, at the time of planting, shall be a minimum of one (1) gallon.

D. Minimum Planting Areas

1) Canopy trees shall have a planting area no less than five (5') in radius, extending in all directions.
2) Understory trees shall have a planting area no less than four (4') in radius, extending in all directions.

8.1.7 Requirements for Maintaining Planted Areas

A. Responsibility

1) The responsibility for maintenance of a required buffer or other landscaping shall remain with the owner of the property, his or her successors, heirs, assignees or any consenting grantee. Maintenance is required in order to ensure the proper functioning of the plantings as a landscaped area which reduces or eliminates nuisance and/or conflict.

B. Maintenance

1) All plantings shall be maintained in an attractive and healthy condition. Maintenance shall include, but not be limited to, watering, mulching, fertilizing and pest management, mowing, weeding, removal of litter and dead plant material, and necessary pruning and trimming.
2) Dead or diseased plantings shall be removed. Unless specifically exempted (such as Understory Trees shaded by Canopy Trees), replacement plantings shall be provided for any required plants which die or are removed for any reason and shall meet all minimum standards and conform to these regulations.
3) Natural water courses within a buffer shall be maintained in a natural condition consistent with any applicable regulations.

4) Landscape structural features such as walls, fences, berms or water features shall be maintained in a structurally safe and attractive condition.
5) Where other uses, including pedestrian, bike or other trails, are allowed within a buffer, these uses shall be maintained to provide for their safe use.
6) A water source shall be supplied within seventy five (75') feet of any planting area requiring continuous watering to promote proper establishment. Where non-native or non-drought tolerant plant materials are incorporated in to the planting or in harsh micro-climate situations (ex. Interior landscape islands with asphalt surfaces) an irrigation system shall be required.

C. Failure to Maintain

1) Any circumstance found to be in violation of the provisions of this Article shall be subject to enforcement procedures as detailed in Article 13 of this Ordinance.

8.2 REQUIRED BUFFERS

8.2.1 Buffer Defined

A buffer is a specified land area, located parallel to and within the outer perimeter of a lot or parcel and extending to the lot or parcel boundary line, together with the planting and landscaping required on the land. A buffer may also contain, or be required to contain, a barrier such as berms, fence or wall, or combination hereof, where such additional screening is necessary to achieve the desired level of buffering between various land use activities. A buffer is not the same as the term "yard" or the term "stormwater management area."

8.2.2 Location

Buffers shall be located within the outer perimeter of a lot or parcel, parallel to and extending to the lot or parcel boundary line. Buffers shall not be located on any portion of an existing, dedicated or reserved public or private street or right-of-way. Buffers may be located and constructed within any required setback.

Exception: When landscaping and buffer requirements shall apply per Section 8.1.2 and when a site is five (5) acres or larger, the required buffer may be located within the outer perimeter of the limit of disturbance of the project area on the lot or parcel. If the limit of disturbance is expanded, the buffer shall be adjusted accordingly.

8.2.3 Permitted Use of Buffer Area

A. A buffer may be used for recreation and picnic facilities; and it may contain pedestrian, bike, or equestrian trails, provided that:

1) Minimal existing plant material is eliminated;
2) The total depth of the buffer is maintained; and
3) All other requirements of these regulations are met.

B. Other appurtenances which require high visibility and easy access, such as fire hydrants, public and emergency telephones, mail boxes, and school bus or other bus shelters or benches, are also permitted in a buffer. No screening of such appurtenances is required.

C. A required buffer is encouraged to retain areas of native habitat and may incorporate water resources including stormwater detention/retention facilities designed as a natural-

appearing amenity. However a minimum 10-foot contiguous width of the buffer shall be preserved as a planting area without stormwater facilities.

D. Ingress and egress to the proposed use, and utility lines and appurtenances, may cross the buffer provided they minimize the amount of buffer taken.

E. The buffer area may be included as part of the calculation of any required open space.

F. Identification signs may be located within a buffer as specifically permitted in Article 9, Signs. The landscape buffer shall be designed to address visibility of permitted ground signs.

G. Other activities and development required by this Ordinance or expressly authorized by the Administrator.

8.2.4 Prohibited Use of Buffer Area

A buffer area shall not be used for any building, structure, or use, accessory building or use, parking or loading area, storage area, or other principal or accessory uses except as specifically permitted in this Ordinance.

8.2.5 Planting in Easements

A. Where required plantings are located in easements, the property owner shall be responsible for replacement of such required vegetation if maintenance or other utility requirements require their removal.

B. No trees shall be planted in wet retention ponds, drainage maintenance easement, or any utility maintenance easements.

C. Shrubs may be planted within easements, provided they are only within the outer three feet of the easement. No new trees may be planted in an easement.

D. Existing trees may remain in dry retention ponds provided that the natural grade is undisturbed to the tree line, they are a species adapted to seasonal flooding and the pond is adequately maintained.

8.2.6 Buffer Descriptions and Options

The following descriptions list the specifications of each buffer. The requirements reflect the minimum and the developer may increase the buffer at his/her option. Buffer requirements are stated in terms of width of the buffer and the number of plant units required per one hundred (100) linear feet of buffer. The requirements of a buffer may be satisfied by any of the options under each letter designation or existing equivalent vegetation. All mathematical rounding shall be upward and shall be applied to the total amount of plant material required in the buffer, not to each one hundred (100) foot length. The required canopy and understory trees shall generally be spread uniformly along the buffer. Shrubs may be clustered when a 98% grass cover is provided in all areas of the buffer other than within 4 ft. of the base of any tree or shrub.

Buffer A

Buffer "A" This buffer is designed primarily for road frontage areas and should run parallel to the street to provide a continuous, aesthetically pleasing streetscape. The requirements for buffer "A" shall be met by any one of the following:
A-1) 15 foot wide strip with 3 canopy trees, 2 understory trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet (width may be reduced to 10' for existing developed lots that are subject to new buffer requirements), or
A-2) 20 foot wide strip with 3 canopy trees, 2 understory trees and either a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree or shrub) or 18 shrubs per 100 linear feet, or
A-3) 25 foot wide strip with 1 canopy tree, 2 understory trees and either a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree or shrub) or 21 shrubs per 100 linear feet, or
A-4) 30 foot wide strip with 1 canopy tree, 2 understory trees and either a grass or other approved vegetative ground cover of at least 98 % coverage (except within 4 feet of the base of any tree or shrub) or 32 shrubs per 100 linear feet.

Buffer B

Buffer "B" This buffer is a medium density planting area to be used primarily along non street boundary lines to provide spatial separation between similar types of uses. The requirements for buffer "B" shall be met by any one of the following:
B-1) 10 foot wide strip with 3 canopy trees, 4 understory trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet, or
B-2) 15 foot wide strip with 3 canopy tree, 2 understory trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet, or
B-3) 20 foot wide strip with 1 canopy tree, 2 understory tree and either a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree or shrub) or 15 shrubs per 100 linear feet, or
B-4) 25 foot wide strip with 0 canopy trees, 5 understory trees and either a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree or shrub) or 21 shrubs per 100 linear feet.

Buffer C

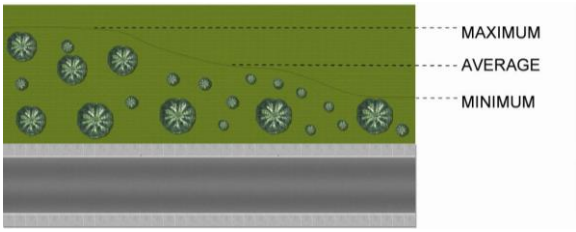
Buffer "C" This buffer is designed to provide a high density screen primarily along non street boundary lines to provide buffer and separation between different categories of uses such as commercial adjacent to residential uses or other non-residential uses adjacent to high density single family residential uses. The requirements for buffer "C" shall be met be any one of the following:
C-1) 10 foot wide strip with a 6 foot high wood stockade, basket weave, or other solid wood fence and 2 canopy trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet, or
C-2) 15 foot wide strip with a 6 foot high wood stockade, basket weave, or other solid wood fence or an evergreen hedge* that will provide a continuous screen at least 6' high within 4 years and 1 canopy tree, 4 understory trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet, or *Reference spacing requirements in plant list for specific species and spacing to achieve evergreen hedge
C-3) 20 foot wide strip with an evergreen hedge that will provide a continuous screen at least 6' high within 4 years and 1 canopy tree or 3 understory trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet, or
C-4) 25 foot wide strip with an evergreen hedge that will provide a continuous screen at least 6' high within 4 years, 2 understory trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet.

Buffer D

Buffer "D" This buffer is a low density planting area to be used along boundary lines in rural areas between large lots or tracts with substantial buffer width and setbacks to provide spatial separation between uses that are developed at very low density. The requirements for buffer "D" shall be met by any one of the following:
D-1) 15 foot wide strip with 3 canopy trees and a grass or other approved vegetative ground cover of at least 98 % coverage (except within 4 feet of the base of any tree) per 100 linear feet, or
D-2) 20 foot wide strip with 2 canopy trees, 2 understory trees and a grass or other approved vegetative ground cover of at least 98 % coverage (except within 4 feet of the base of any tree) per 100 linear feet, or
D-3) 25 foot wide strip with 1 canopy tree, 3 understory trees and a grass or other approved vegetative ground cover of at least 98 % coverage (except within 4 feet of the base of any tree) per 100 linear feet.

8.2.6 **Buffer Depth Averaging**

While the buffer depth is normally calculated as parallel to the property line, design variations are allowed and are calculated on the average depth of the buffer per 100 feet of linear width measured along the property line. Minimum depth of buffer in any case shall not be less than 50% the required depth of the buffer chosen. Maximum depth shall not be more than 150% the required depth of the buffer chosen.



8.2.7 Project Boundary Buffer

The following are the buffering requirements of listed permitted uses in each district and certain special types of development. Special uses may be required to meet additional buffer requirements, but shall in all cases be required to have at a minimum the same buffer as permitted uses. Existing vegetation that meets or exceeds the requirements of the specific buffer is desired and allowed instead of any required new plantings.

Buffers Required for Mobile Home Parks - Mobile home parks shall be required to have the following buffers:	
Location of Buffer for Mobile Home Parks	Type Buffer
Along all boundaries adjacent to a street	Buffer A
Along all boundaries adjacent to single family residential uses or residential lots with a parcel size of less than 1 acre and when a single family structure is within 50' of the boundary of the park	Buffer C
Along all other boundaries	Buffer B

Buffers Required for Multifamily and Planned Developments - Multifamily and Planned Developments shall be required to have the following buffers:	
Location of Buffer for Multi-family & Planned Developments	Type Buffer
Along all boundaries adjacent to a street	Buffer A
Along all boundaries adjacent to single family residential uses or residential lots with a parcel size of less than 1 acre and when a single family structure is within 50' of the boundary of the development	Buffer C
Along all other boundaries	Buffer B

Buffers Required for Shopping Centers - Shopping centers shall be required to have the following buffers:	
Location of Buffer for Shopping Centers	Type Buffer
Along all boundaries adjacent to a street	Buffer A
Along all boundaries adjacent to Residential Districts or uses and adjacent to single family residential uses or residential lots with a parcel size of less than 1 acre and when a single family structure is within 50' of the boundary of the development	Buffer C
Along all other boundaries	Buffer B
Buffers Required for All Non-residential Uses (Excludes Industrial Uses) in All Residential Districts, (RA, RP, RM, MH) - Residential uses in Residential Districts are not required to have buffers, except as required for mobile home parks, Multifamily and Planned Developments. All	

commercial or uses other than residential uses (excluding industrial uses) in the Residential Districts shall provide the following buffers: Uses in these districts that require a special use permit will in addition, provide other buffers as specified in the special use permit.	
Location of Buffer for Non-residential Uses in the Residential Districts	Type Buffer
Along all street boundaries of the Development	Buffer A
Along all boundaries adjacent to single family residential uses or residential lots with a parcel size of less than 1 acre and when a single family structure is within 50' of the boundary of the development	Buffer C
Along all other non-street boundaries	Buffer B

Buffers Required for the Commercial Districts - All uses in the General Business and Office & Institutional Districts shall be required to have the following buffers:	
Location of Buffer for GB and OI Districts	Type Buffer
Along all boundaries adjacent to street right-of-ways	Buffer A
Along all non-street boundaries adjacent to Residential Districts and adjacent to single family residential uses or residential lots with a parcel size of less than 1 acre and when a single family structure is within 50' of the boundary of the development	Buffer C
Along all other boundaries	Buffer B

Buffers Required For The Industrial Districts And Industrial Uses In Any Other Districts	
Location of Buffer for Industrial Districts	Type Buffer
Along all street boundaries	Buffer D
Along all non-street boundaries adjacent to Residential Districts when adjacent to single family residential structures within 50' of the project boundary	Buffer C
Along all other boundaries	Buffer D

Buffers Required in the Watershed Overlays (WS-PA & WS-CA).	
Type Use	Buffer Requirement Watershed Districts
Bona fide Farms	Bona fide Farms in the Watershed Critical Area District (WSCA) shall maintain a 10 foot permanently vegetated buffer adjacent to all perennial waters as shown on the most recent edition of the USGS 1:24000 (7.5 minute) topographic map. The buffer shall remain vegetated and shall be used only for access and utilities.
Silviculture Activities	Silviculture activities shall maintain buffers (Streamside Management Zones) as described in the Division of Forest Resources Rules and Best Management Practices Manual.
All activities, other than bona fide farms and silviculture activities	All activities, other than bona fide farms and silviculture activities shall maintain a 30 foot vegetated buffer adjacent to all perennial waters as shown on the most recent edition of the USGS 1:24000 (7.5 minute) topographic map. The buffer shall remain vegetated and shall be used only for access and utilities.

8.3 INTERNAL LANDSCAPING IN PARKING AREAS AND OTHER SITE AREAS, OTHER THAN SINGLE FAMILY

8.3.1 Requirements

Any development other than for single family detached and duplex dwellings shall require that all ground surface areas used on commercial, institutional, community facility, industrial, condominium, recreational vehicle parks, or multifamily sites shall have internal landscaping to provide visual and climatic relief from broad expanses of pavement and channelize and define logical areas for pedestrian and vehicular circulation. The following special landscaping requirements apply to commercial, institutional, community facility, industrial, condominium, recreational vehicle parks and multifamily sites.

8.3.2 Interior Parking Areas

A. Landscape islands shall be provided within parking areas, except parking garages, as described below to prevent excessively long, contiguous runs of parking spaces. These areas shall use control measures to prevent encroachment or damage to trees and vegetation.

B. Light poles, fire hydrants, or other necessary features are permitted to be located within landscape islands and parking areas.

C. Single row terminal landscape island requirements

1) Single row parking terminals cannot extend more than one-hundred and twenty (120) feet.
2) Each terminal island must include a minimum pervious area of three hundred (300) square feet with a minimum width of twelve (12) feet.
3) Each single row terminal landscape island shall contain at least one (1) canopy tree.
4) Required maximum two (2) foot high screening shrubs shall be utilized the entire length of the landscape island, or as limited by sight distances.

D. Double row terminal landscape island requirements

1) Double row parking terminals with head-to-head parking cannot extend more than one-hundred and twenty (120) feet.
2) Each terminal island must include a minimum pervious area of six hundred (600) square feet and a minimum width of twelve (12) feet.
3) Each double-row terminal landscape island shall contain at least two (2) canopy trees.
4) Required maximum two (2) foot high screening shrubs shall be utilized the entire length of the landscape island, or as limited by sight distances.

E. Intermediate landscape islands requirements

1) Intermediate landscape islands shall be provided for any parking lot with eighty (80) or more parking spaces. Additional intermediate landscape islands shall be provided for every additional twenty (20) parking spaces in excess of eighty (80).
2) Each intermediate landscape island shall have a minimum pervious area of three hundred (300) square feet and a minimum width of twelve (12) feet, and
3) Each intermediate landscape island shall contain at least one (1) canopy tree.

F. Required maximum two (2) foot high screening shrubs shall be utilized the entire length of the landscape island, or as limited by sight distances. Alternatively a minimum seven (7) foot wide landscape strip may be provided between head-to-head parking, which may

count as the required intermediate landscape island for every three hundred square feet (300) of pervious area provided. If a landscape strip is used, ornamental landscape trees and shrubs shall be planted within the landscape strip on minimum thirty (30) foot centers. With the incorporation of a ten (10') wide landscape strip between head-to-head parking, the strip may count as the required intermediate islands for every three hundred (300') feet of pervious area provided and terminal island spacing can be increased to one hundred fifty (150') feet.

G. Limited Off-Street Paved Parking areas. Interior portions of off-street parking facilities, which are not specifically designed as parking spaces or maneuvering areas, shall not be paved for vehicle use.

H. Parking Lot Trees and Substitutions. All trees in the parking lots shall be canopy trees, unless otherwise provided.

1) Perimeter Trees and Spacing. Canopy trees shall be planted an average of fifty (50) foot centers around the total perimeter of the parking lot and all vehicular service areas. Clustering may be utilized but spacing shall not exceed one-hundred and fifty (150) foot spacing. The canopy trees shall be planted between eight feet (8) and thirty (30) feet from the edge of pavement. Canopy trees within the landscape buffers may be used if they fall within thirty (30) feet from the edge of paving or vehicular service area.

2) Pervious Parking. Parking spaces provided in excess of the minimum required shall be constructed to use low impact design of excess parking facilities. Additional low impact design may be provided, if not otherwise prohibited by other provisions of the UDO, in the following areas:

a) Adjacent to parking lot landscape islands to allow for the percolation of water and the exchange of oxygen for the tree roots.

b) Grass paving or turf block areas may be utilized in low impact areas or infrequent use areas such as churches or the outlying parking areas of malls or other shopping areas.

I. Internal Access Roads. Developments with internal access roads shall be required to plant one (1) canopy tree on each side of the road approximately every fifty (50) feet. Access roads immediately in front of commercial structures and other buildings do not have to meet the access road tree requirement but do have to meet other parking landscape requirements. Parking lot island canopy trees may be used to meet this requirement if they fall within thirty (30) feet from the edge of the pavement along the internal access road

J. Low Impact Development Features. Parking lot islands are encouraged to use curb breaks and create swale or depression areas to allow for the percolation of rainwater and parking stormwater. Attention shall be given to the selection, placement and durability of landscape material within rain garden areas to ensure their long-term viability. Any proposed rain garden areas must comply with all stormwater requirements as deemed by the NC DWQ rules and regulations for Low Impact Design. Smaller rain gardens that serve as landscape islands shall adhere to all canopy and understory requirements for landscape islands.

ARTICLE 9 SIGNS

9.1 INTENT

The intent of this Article is to regulate the erection, number, area, height, location, type and maintenance of signs to promote the health, safety and general welfare of the public and the orderly development of the County by protecting property values, and providing adequate signage for businesses and motorists; protecting and enhancing the image, appearance and economic vitality of the County. Any type of sign not currently listed in this Article shall be prohibited.

9.2 ADMINISTRATION, FILING PROCEDURE AND APPROVALS

9.2.1 Approval Procedure Applications for approval to construct or install all signs shall be submitted on forms obtained from the Administrator showing the following:

A. Surface area of the sign;

B. Size, character, general layout and designs proposed for painted display;

Commentary: Each applicant for sign approval must apply for a building permit, if applicable.

C. The method and type of illumination, if any;

D. The location proposed for such signs in relation to property lines, zoning district boundaries, if applicable, right-of-way lines, and existing signs; and

E. If conditions warrant it, the Administrator may require such additional information that will enable them to determine if such sign is to be erected in conformance with the requirements of this Ordinance.

9.3 GENERAL PROVISIONS

9.3.1 Traffic Safety. No sign shall be erected or constructed that:

A. Obstructs the sight distance at intersections or along a public right-of-way;

B. Would, by its location, color, or nature, tend to be confused with or obstruct the view of traffic signs or signals, or would be confused with a flashing light of an emergency vehicle; or which might be confused with traffic directional signals and signs such as "stop", "go", "slow", "danger”, etc.

9.3.2 Certain Signs Prohibited

No sign shall be attached to or painted on any telephone pole, light pole, telegraph pole, or other man-made objects not intended to support a sign or any tree, rock, or other natural objects.

9.3.3 Special Use Permits

A Zoning Approval for uses which require a Special Use Permit shall not be issued until a Special Use Permit is approved by the Board of County Commissioners.

9.4 EXEMPTIONS

9.4.1 The following types of signs are exempt from the application of the regulations herein:

A. Signs unlighted, not exceeding two (2) square feet in area and bearing only property numbers, mail box numbers, post office numbers, and the name of the owner or occupant of the premises. Such signs shall not exceed two (2) square feet in area per occupant. If more than one (1) sign or nameplate is required, the total allowable sign area shall not exceed eight (8) square feet.

B. Flags and insignia of any government.

C. Holiday decorations in season.

D. Integral decorative or architectural features of buildings, including signs which denote only the building name, date of erection or street number.

E. Signs directing and guiding traffic and parking on private property.

F. Signs which cannot be seen from public road or right-of-way.

G. The act of changing advertising copy of messages on any sign designated for the use of replaceable copy such as a ready board or product price sign or on sign having its own changing copy capacity such as a time-and-temperature sign.

H. Interior Window Signs located on the interior of the windows and with a total area not exceeding 1/2 square foot per lineal foot of the building front wall space.

I. State required signs, i.e., inspections at service stations etc.

J. Off-Site real estate signs not exceeding six (6) square feet

9.5 SIGNS NOT REQUIRING ZONING APPROVAL

9.5.1 The following signs may be erected, hung, or placed without zoning approval from the Administrator, but shall not be illuminated unless otherwise specified.

A. Temporary Real Estate Sign

1) One (1) on-premise temporary real estate sign not exceeding ten (10) square feet in area shall be allowed per residential lot. One (1) on-premise temporary real estate sign not exceeding thirty-two (32) square feet in area shall be allowed, for commercial or industrial property, and/or for tracts of land five (5) acres or more in area. Where the property on which said sign is to be placed faces more than one (1) road, one (1) such sign shall be allowed on each road frontage.

B. Temporary Construction Sign

1) One (1) construction sign may be erected on a site during the period of construction or reconstruction of a building or other similar project.

C. Directional signs advertising a public event and located off premises may be displayed on private property not more than one (1) week in advance of the event and not more than two (2) days after the completion of the event. No such sign shall exceed six (6) square feet in area.

D. Political campaign signs may be posted on private property only after the official campaign period has begun and must be removed within 30 days after primary election for the loser, and 30 days after the general election for everyone. Such signs shall not exceed thirty-two (32) square feet in area.

9.5.2 Direction, Information or Public Service Signs

A. Direction or information signs of public or quasi-public nature will not need zoning approval if the sign does not exceed thirty-two (32) square feet in area. Such signs shall only be used for the purpose of stating or calling attention to:

1) The name or location of the county, hospital, community center, public or private school, church, synagogue, or other place of worship, may be illuminated;
2) The name and place of meeting of an official body, may be illuminated;
3) Zoning and subdivision jurisdiction; and
4) An event of public interest such as public hearing, election, rezoning announcement, church and public meeting, local or county fair, and other similar community activities and campaigns.

9.5.3 Setback Requirements

Signs which do not require zoning approval shall be set back at least five (5) feet from any public right-of-way or property line whichever is greater.

9.5.4 Religious and Civic Events

A sign advertising a non-commercial occasional activity of a religious or civic activity or event sponsored by a public body or a private charitable or other non-profit entity. All such signs shall be removed within thirty (30) days after the event.

9.6 SIGNS APPROVED IN RESIDENTIAL DISTRICTS AND RURAL AGRICULTURAL DISTRICTS

9.6.1 Subdivisions

Permanent signs for subdivisions and residential developments shall not exceed thirty (30) square feet in area. One (1) sign may be erected at each major entrance to the subdivision, but shall be located on private property no closer than ten (10) feet to any property line. No sign shall exceed six (6) feet in height above ground level, and illumination shall be restricted to indirect white lighting. Two one sided signs no larger than 20 sq. ft. may be approved on either side of the entrance consistent with the above conditions.

9.6.2 Mobile Home Parks

Permanent signs for mobile home parks, campgrounds, and residential developments shall not exceed twenty (20) square feet in area. One (1) sign may be erected at each major entrance to the Mobile Home Park or campground but shall be located on private property no closer than ten (10) feet to any property line. No sign shall exceed six (6) feet in height above ground level. Illumination shall be limited to indirect white lighting.

9.6.3 Multi-Family

One (1) permanent sign for multi-family residential developments may be erected at each major entrance to the property. Such signs shall not exceed twenty (20) square feet in area and may be flat mounted against the wall of an apartment building or freestanding. If freestanding, such signs shall be set back a minimum of ten (10) feet from any public right-of-way or property line whichever is greater and shall not exceed six (6) feet in height above ground level. Illumination shall be limited to indirect white lighting.

9.6.4 Home Occupation

One (1) sign for each home occupation is allowed, but shall not be closer than ten (10) feet to any property line, or road right-of-way, whichever is greater. Such signs shall not project higher than four (4) feet above ground level, and shall not exceed two (2) square feet in area. If more than one home occupation exists on the premises, total signage shall be combined into one sign location, the total sign area not to exceed ten (10) square feet in area.

9.7 SIGNS APPROVED IN THE COMMERCIAL AND MIXED USE DISTRICTS AND NON-RESIDENTIAL USES IN THE RESIDENTIAL DISTRICTS

9.7.1 Within the Commercial Districts, Mixed Use Districts and Non-Residential uses in the Residential Districts, the following types of signs are approved. Any residential uses within the Commercial and Mixed Use Districts shall comply with the standards set forth in Section 10.6 of this Article.

A. Freestanding Signs

1) 100' To 300' Road Frontage:

a) One (1) permanent freestanding sign of (32) thirty-two square feet of signage is allowed for the first one hundred (100) feet or less of road frontage. Thereafter the area of the sign may be increased three and two/tenths (3.2) square feet for each ten (10) feet of additional road frontage, up to a maximum sign area of ninety-six (96) square feet for three hundred (300) feet of road frontage.

2) 300' to 1,000 Feet Road Frontage:

a) Beginning at three hundred (300) feet of road frontage, the area of the sign may be increased 1.5 square feet for each ten (10) feet of additional road frontage, up to a maximum sign area of two hundred (200) square feet for one thousand (1,000) feet of road frontage.

3) Corner Lots

a) Corner lots may utilize two freestanding signs one for each road frontage, so long as they are not placed closer than fifty (50) feet from the corner intersection and do not exceed the total freestanding sign area allowed.

B. Sign Height

1) The maximum height of signs described in this Section shall be twenty-five (25') feet.

C. Wall Signs

1) A permanent wall sign shall be allowed for each separate business establishment provided the total allowable sign area for the wall signs shall not exceed one (1) square foot for each lineal foot of building wall facing a public street.

D. Canopy/Marquee Sign

1) One (1) sign per business establishment may be suspended from or attached to the underside of a canopy or marquee, provided such sign does not exceed six (6) square feet in area and maintains a clear distance of at least seven and one-half (7-1/2) feet between the sidewalk and the bottom of the sign.

E. Setbacks

1) No freestanding sign shall be closer than ten (10') feet from any property line.

9.7.2 Temporary Signs

1) One sign, including portable signs and banners, for promotional purposes by a business may be displayed on the premises for a period not to exceed ten (10) consecutive days during each month, with a maximum total size of sixty (60) square feet.
2) Each sign must receive zoning approval prior to placement of any temporary sign. Approval shall be valid for a ten (10) day period.
   a) Shopping Centers and multi-tenant developments may utilize one banner, for promotional purposes which may be displayed. Such banner shall be affixed to the development's existing, permanent, free-standing sign and shall be displayed for no more than ten (10) consecutive days during each month. The maximum allowable square footage shall be sixty (60) square feet.
      i) Shopping centers or multi-tenant with more than 5 units or 400' or more of road frontage may utilize two (2) banners for ten (10) days per month.
3) Pennants, ribbons, posters, streamers, strings of light bulbs, or other similar devices may be displayed for a period of not more than forty-five (45) days on the occasion of the opening of a new business.
4) Dimensional Standards
   a) Setbacks: Temporary Signs shall be setback a minimum of five (5') feet off of any property line or road right-of-way.
   b) Height: Temporary signs shall not project any higher than fifteen (15') above ground level.

9.8 SIGNS APPROVED IN THE INDUSTRIAL DISTRICTS

9.8.1 Within the IT and GI Districts as shown on the Zoning Map, only the following signs shall be allowed:

A. Freestanding Signs

1) One (1) freestanding sign is allowed for each principal use. The area of the sign shall not exceed eighty (80) square feet in area, and shall not project more than twenty-five (25') feet above ground level. Business fronting on more than one (1) public road shall be allowed one (1) free-standing sign for each frontage; provided, however, the combined area of all such signs shall not exceed the allowable sign area of eighty (80) square feet.

B. Wall Signs

1) Permanent wall signs are allowed for each business provided they do not project higher than the building eave or thirty (30) feet, whichever is lower. The location of wall signs is at the option of the owner or tenant. The total allowable sign area for wall signs shall not be more than one (1) square feet per lineal foot of building wall facing a public road.

C. Canopy/Marquee Signs

1) Signs may be suspended from or attached to the underside of a canopy marquee, provided that the total sign area of such signs does not exceed six (6) square feet in area and a clear distance of at least seven and one-half (7-1/2) feet between the sidewalk and the bottom of such signs is maintained.

D. Off-Premises Advertising Signs

1) One off-premises advertising sign may be allowed. In which case the sign shall be setback from any road right-of-way or property line by at least fifty (50) feet, shall not

be closer than one hundred (100) feet to any residential property line, shall not project higher than twenty-five (25) feet above ground level, shall not exceed two hundred (200) square feet in area and not closer than 1,000 feet to another off premises advertising sign.

9.9 SHOPPING CENTER SIGNS, MALLS, STRIP MALLS AND OFFICE, BUSINESS & INDUSTRIAL PARKS/BUILDINGS

9.9.1 Pylon/free Standing Sign

For multi-unit commercial, office & industrial developments under single ownership or under unified control, one (1) pylon or free standing sign shall be allowed for each street frontage not to exceed two signs per development and the total sign area does not exceed 200 sq. ft. When a single frontage development has 400 or more of road frontage, a second sign will be allowed as long as both signs do not exceed 200 sq. ft.

A. Such signs shall be subject to the following:

1) Content: Such sign shall advertise only the name and location of such center and/or name and type of business of each occupant of the center, or other activities on the site.
2) Area: The gross area in square feet allowed for the pylon/free standing signs shall be one (1) square foot per lineal foot of development frontage; however such signs shall not exceed a total of two hundred (200) square feet.
3) Location: The sign shall not be closer than twenty (20) feet to any property line or road right-of-way and shall not project higher than twenty five (25') feet above ground level.

B. When a single frontage development has 400 or more feet of road frontage, the following standards shall apply for increased square footage.

1) For each additional foot of road frontage exceeding 400', the square footage of the Pylon/free standing sign may be increased by 0.25.
2) The total allowable square footage based on road frontage shall not exceed 350 sq. ft. or 1000' of lineal road frontage and may be divided between two signs following Section 9.9.1.A.3.

9.9.2 Wall Signs

In addition to the pylon/free standing sign such developments may have one wall sign, for each tenant. Such wall sign shall be in accord with Section 9.7.1.C of this Section.

9.9.3 Free Standing Signs

If a Shopping Center, Mall, Strip Mall, Office, Business & Industrial Park does not utilize a multi-unit free standing sign, each principal structure in the development will be allowed to have one free standing sign, advertising tenants or activities in that structure only. Such sign shall not exceed 32 sq. ft. in area, 10 ft. in height and not be closer than 20' to any street right-of-way or 10' to any parking or access way or structure. The sign and structure for which the sign is erected shall be on a separate lot in the development or the sign shall be within 30' of the front entrance of the structure.

9.10 OFF PREMISE DIRECTIONAL REAL ESTATE SIGNS

Residential subdivisions and planned developments containing more than fifteen (15) lots or units shall be permitted to erect one (1) temporary directional off-premise real estate sign directing the public to the subdivision or planned development where property is for sale, rent or lease. The applicant must apply for zoning approval and building permits for each sign. Once issued, the approval is good for a period not to exceed two (2) years. Upon expiration, the approval may be renewed for a period not to exceed two (2) years, provided the applicant reapplies within ten (10) days after expiration. If the applicant/owner fails to remove the sign or reapply within ten (10) days of expiration, the county shall take appropriate violation measures to establish compliance.

A. Each sign must meet the following criteria:

1) Maximum sign area is thirty-two (32) square feet;
2) Maximum sign height is ten (10') feet;
3) The maximum number of sign faces is one (1) per side of the sign, not to exceed two (2) sign faces. If the sign is located on a property where two public roads intersect, the sign may be constructed so that one sign face faces each road frontage;
4) No temporary directional off-premise real estate sign shall be placed within three hundred (300') feet of an existing temporary off-premise real estate sign measured from the same side of the right of way;
5) The sign shall not be located within a sight triangle or impede the vision of motorist in any manner;
6) The sign shall not be internally or externally illuminated;
7) The sign and supporting posts shall be constructed of treated lumber or vinyl, or other materials not prone to rot or decay. The supporting post shall have a maximum dimension of 4" x 4" and be trimmed out at the top and capped with a decorative post cap.
8) The sign shall not be located on any property that is currently zoned within a Special Purpose District (Environmental Conservation)
9) The sign shall be maintained in substantially similar condition as to when it was originally erected. Maintenance shall include periodic painting, replacement of defective or missing parts, cleaning, and replacement of any sign face that exhibits damage or deterioration. Refer to Section 9.14.

9.11 OUTDOOR ADVERTISING SIGNS ALLOWED ONLY ALONG INTERSTATE 40

No outdoor advertising sign shall be located any closer than fifteen hundred (1,500) feet off the state right-of-way on Interstate-40. The maximum height of sign on I-40 shall be thirty (30) feet. The maximum size of any one sign shall be two hundred (200) square feet with a maximum length of forty (40) feet. No two (2) outdoor advertising sign structures shall be spaced less than fifteen hundred (1500) feet apart.

9.12 PROHIBITED SIGNS

9.12.1 Unless otherwise allowed, the following signs are prohibited:

A. Banners, posters, pennants, ribbons, streamers, inflatable signs, strings of light bulbs, spinners, or other similar devices except as allowed in Section 9.5.1.C.2.

B. Signs which contain, include, or are lighted by any flashing, intermittent or moving lights are prohibited, except those giving public information such as time, temperature, and date.

C. Signs advertising an activity, business, product, or service no longer conducted on the premises upon which the sign is located.

D. Roof signs.

E. Projecting signs and freestanding signs located within a public right-of-way except erected by a governmental agency.

F. Rotating or revolving signs.

G. Portable signs as a permanent use.

H. Obscene signs are prohibited. No sign shall be erected or maintained which bears or contains statements, words, or pictures of an obscene, offensive character or offensive nature.

I. Signs on parked inoperable vehicles or trailers visible from the public right-of-way where the primary purpose of the vehicle parked at that location is to advertise a product or service or to direct people to a business or activity on the same or nearby property. For the purposes of these regulations, vehicular signs include business logos, identification or advertising on vehicles.

9.13 ILLUMINATION

9.13.1 Where illuminated signs are allowed, they shall conform to the following requirements:

A. All signs illuminated under the provisions of this Subsection shall be constructed to meet the requirements of the National Electric Code.

B. Illuminated signs shall be limited to those lighted internally with glass or plastic faces bearing the advertisements, provided however, that exposed neon tubing and exposed incandescent or other bulbs not exceeding fifteen (15) watts each shall be allowed.

C. Flood and display lighting shall be shielded so as to prevent direct rays of light from being cast into a residential area or district and/or vehicles approaching on a public right-of-way from any direction. Such lighting shall also be shielded so as to prevent view of the light source from a residence or residential district and/or vehicles approaching on a public right-of-way from any direction.

D. Flame as a source of light is prohibited

9.14 MAINTENANCE AND REMOVAL OF UNSAFE SIGNS

9.14.1 All signs of any nature shall be maintained in a state of good repair. No sign shall be allowed to remain which becomes structurally unsafe, hazardous or endangers the safety of the public or property. Upon determining that a sign is structurally unsafe, hazardous or endangers the safety of the public or property, the Administrator or their designated agent shall order the sign to be made safe or removed subject to the following provisions:

A. The owner of the sign, the occupant of the premises on which the sign or structure is located, or the persons or firm maintaining the same shall, upon written notice by

certified mail, return receipt requested from the Administrator, or their designated agent, forthwith in the case of immediate danger and in any case within ten (10) days, secure or repair the sign or structure in a manner approved by the Administrator or their designated agent or remove it.

B. If such order is not complied with within ten (10) days the Administrator or their designated agent shall remove the sign at the expense of the owner or lessee thereof.

C. Whenever a sign has been abandoned, advertises an activity, business, product, or service no longer conducted on the premises or is erected in violation of the provisions of this Article, the Administrator shall initiate action to cause such sign structure or face of sign to be removed or brought into compliance in accordance with the method prescribed for nonconforming signs in Section 10.6.

ARTICLE 10 NONCONFORMITIES

10.1 GENERAL

10.2 SCOPE

The regulations of this Article govern lots, uses, structures, buildings, signs and other aspects of development that came into existence lawfully but that do not conform to one or more requirements of this Ordinance. These are referred to as "nonconformities."

10.2.1 Purpose

A. The regulations of this Article are intended to:

1) Allow nonconformities to continue until they are removed, but not to encourage their continual use;
2) Recognize the interests of property owners in continuing to use their property for lawful purposes;
3) Promote reuse and rehabilitation of existing buildings; and
4) Place reasonable limits on the expansion and alteration of nonconformities that have the potential to adversely affect surrounding properties or the community as a whole.

10.2.2 Authority to Continue

Any valid nonconformity that existed on the effective date of this Ordinance or that becomes nonconforming upon the adoption of any amendment to this Ordinance may be continued in accordance with the provisions of this Article.

10.2.3 Determination of Nonconformity Status

The burden of proving that a non-conformity exists (as opposed to an illegal situation) rests with the subject landowner.

10.2.4 Repairs and Maintenance

Minor repairs to routine maintenance of nonconformities are permitted and encouraged unless such repairs are otherwise expressly prohibited by this Ordinance.

Nothing in this Article is to be construed to prevent structures from being structurally strengthened or restored to a safe condition, in accordance with an official order of the Building Inspector or other duly authorized public official.

10.2.5 Change of Tenancy or Ownership

The status of a non-conformity is not affected by changes of tenancy, ownership, or management.

10.2.6 Condemnation Does Not Affect Zoning Status

Because they are the result of actions beyond the control of the owner, a governmental taking, including but not limited to condemnation, or a conveyance in lieu of condemnation, shall not render a lot or structure non-conforming, or preclude the use of a nonconforming single lot of record under this Ordinance, with the exception of signs.

10.2.7 Cost Estimates

In making determinations regarding replacement value, the Administrator is authorized to use the County tax assessment roles, Dodge Reports, Marshall Swift, or similar cost-estimating manuals or licensed appraiser at the owners expense, as a basic reference.

10.3 NONCONFORMING LOTS

10.3.1 Definition

A lot existing at the effective date of this Ordinance or any amendment hereto that cannot meet the minimum standards or requirements of the district in which the lot is located.

10.3.2 Continuation

A. Nonconforming Single Lot

1) A single lot that is nonconforming as to area or width requirements may be built upon if compliance is achieved with regard to all other Ordinance requirements.

B. Nonconforming Contiguous Lots of Record

1) If two or more contiguous vacant lots of record established prior to the effective date of this Ordinance are in single ownership and are nonconforming to the dimensional requirements of the district where located, such lots, at the owner's option, may be combined to form a single or several lots which reduce the degree of nonconformity with regards to lot area and width requirements of the district, provided compliance is achieved with regard to all other requirements of this Ordinance.

10.4 NONCONFORMING USES OF LAND

10.4.1 Definition

A nonconforming use is a principal or accessory land use, other than a nonconforming sign, that was lawfully established in accordance with zoning regulations in effect at the time of its establishment but that is no longer allowed by the use regulations of the zoning district in which it is now located.

10.4.2 Continuation

A nonconforming use(s) may continue, subject to the regulations of this Section.

10.4.3 Change, Modification or Expansion of Use

A. A nonconforming use(s) may be changed, modified or expanded to any permitted use(s) in the subject district. Thereafter, the property may not revert to a nonconforming use.

B. The Administrator is authorized to approve an Administrative Adjustment to allow a change from one or more nonconforming uses to one or more nonconforming uses that are in the same use category or to another functionally similar use, or to allow a modification or expansion to an existing nonconforming use, provided that the proposed uses do not materially increase the degree of nonconformity, and the uses will have no greater adverse impacts on the surrounding area. To make this determination, the Administrator shall consider, but is not limited to consider, all of the following:

1) Anticipated traffic of each use;
2) Parking requirements of each use;

> ***Commentary:*** *For example, the failure to rent one (1) apartment in a nonconforming apartment building or one (1) space in a nonconforming mobile home park for one hundred-eighty (180) days shall not result in the loss of the right to rent that apartment building or mobile home park as a whole, if continuously maintained. But if a nonconforming use is maintained in conjunction with a conforming use, discontinuance of a nonconforming use for the required period shall terminate the right to maintain it thereafter. And so, if a mobile home is used as a nonconforming use on residential lot where a conforming residential structure also is located, removal of that mobile home for one hundred-eighty (180) days terminates the right to replace it.*

3) Anticipated number of persons on the premises of each use at a time of peak demand;
4) Hours of operation of each use;
5) Environmental impacts of each use; and
6) Off-site impacts of each use, such as sight distance, visibility, lighting, noise, glare, dust, vibration, or smoke;

C. If the Administrator denies the Administrative Adjustment, the Administrator must state, in writing, the reasons for the denial.

D. If a nonconforming use is changed to any use other than a conforming use without obtaining approval pursuant to subpart B of this subsection, that change shall constitute a discontinuance of the nonconforming use, and the property involved may thereafter be used only for conforming purposes.

E. Except as specifically provided in this subsection, it shall be unlawful for any person to engage in any activity that causes an increase in the extent of nonconforming situation.

F. Any nonconforming use may be extended within any parts of a building which were manifestly arranged or designed for such use.

G. A use listed as permitted use in the Tabulation of Permitted Uses may be established as a new use in any existing nonconforming building provided such use complies with all off-street parking requirements of this Ordinance.

H. A nonconforming use on open land may not be extended to cover more land than was occupied by that use when it became nonconforming.

I. Where a nonconforming use involves operation of equipment or processes, such equipment or processes may be changed or replaced; provided that the new equipment or processes conforms to the performance standards for the subject district, the change is to the degree of activity rather than changes in kind, and no violations of other sections of this Ordinance occur.

10.4.4 Loss of Nonconforming Use Status

A. Discontinuance

1) When a nonconforming use is discontinued for a consecutive period of one hundred eighty (180) days, or greater than one hundred eighty (180) days with good cause shown, the property involved may thereafter be used only for conforming purposes.
2) The resumption of a nonconforming use shall not be permitted if such nonconforming use is superseded by a permitted use for any period of time.
3) For purposes of determining whether a right to continue a nonconforming use is lost, all of the buildings, activities and operations maintained on a lot are generally to be considered as a whole

B. Damage or Destruction

1) A nonconforming use located within a structure which has been damaged by fire or other natural causes may retain nonconforming status if the use is reestablished within one year.

10.5 NONCONFORMING STRUCTURES

10.5.1 Definition

A nonconforming structure is any aspect of a development—other than a nonconforming lot, nonconforming use or nonconforming sign—that was lawfully established, in accordance with zoning regulations in effect at the time of its establishment but that no longer complies with one or more standards of this Ordinance. Common nonconformities involve building height, size, or minimum floor space or the relationship between an existing building and the required yard setbacks.

10.5.2 Continuation

Nonconforming structures may remain, subject to the standards of this Section.

10.5.3 Enlargement or Modification

A. A nonconforming structure may be modified or altered provided such alterations do not materially increase the degree of nonconformity.

B. A nonconforming structure may not be moved or relocated unless it is made to comply with the dimensional requirements of the district in which it is relocated.

C. Physical alteration of structures or the placement of new structures on open land are unlawful if they result in greater nonconformity with respect to dimensional restrictions such as yard requirements, height limitations, or density requirements.

D. Notwithstanding paragraph D, any structure used for single family residential purposes

> ***Commentary:*** *In particular, a mobile home may be replaced with a larger mobile home, and a "singlewide" mobile home may be replaced with a "doublewide".*

and maintained as a nonconforming use or structure may be enlarged or replaced with a similar structure of a larger size, so long as the enlargement or replacement does not create new nonconformities with respect to yard size and setback requirements. This paragraph is subject to the limitations stated in Section 10.3.4.

E. A structure which is nonconforming as to off-street parking may be remodeled or altered in a manner which does not increase its requirements for off-street parking unless such modifications satisfy the additional off-street parking requirements.

10.5.4 Vacant Structure

A. When a nonconforming structure or any aspect of a structure that is used in a nonconforming manner is discontinued for a consecutive period of one hundred eighty (180) days, or greater than one hundred eighty (180) days with good cause, the structure may thereafter be used only for conforming purposes.

B. When a structure or any aspect of the structure that is made nonconforming by this Ordinance is vacant or discontinued at the effective date of this Ordinance, the one

hundred-eighty (180) day period as defined in part A of this subsection begins to run at the effective date of this Ordinance.

10.5.5 Damage or Destruction

A. A structure that is nonconforming in any respect or a structure that is used in a nonconforming manner may be reconstructed or replaced if partially or totally destroyed, by accident or other act beyond the control of the owner subject to the following restrictions:

1) A letter of intent is received by the Building Inspector within one (1) year from the time of such destruction.
2) A building permit is obtained from the Administrator within one (1) year from the time the damage or destruction took place.
3) The total amount of space devoted to a nonconforming use may not be increased, except that a larger, single family residential structure may be constructed in place of a smaller one and a larger mobile home intended for residential use may replace a smaller one, and
4) The reconstructed structure may not be more nonconforming with respect to dimensional restrictions such as yard requirements, height limitations or density requirements, and such dimensional nonconformities must be eliminated if that can reasonably be accomplished without unduly burdening the reconstruction process or limiting the right to continue the nonconforming use of such structure.

10.6 NONCONFORMING SIGNS

10.6.1 Definition

A nonconforming sign is a sign that was legally established subject to a lawfully issued permit in compliance with the applicable laws and ordinances in effect on the date of construction, but by reason of its size, height, location, design, or construction is no longer in compliance with the requirements of Article 9, Signs. Nonconforming sign structures shall be included in this definition.

10.6.2 Continuation of Nonconforming Signs

A. Nonconforming signs may remain in use, subject to the regulations of this Section and all other applicable requirements of the County Code. Nonconforming signs must be maintained in good repair, and must comply with all other requirements of this Ordinance.

B. Modification or Relocation

1) Nonconforming signs may not be modified or altered, except that copy may be changed on an existing sign.
2) Nonconforming signs may not be moved on the site or relocated to another site, except in conformance with this Ordinance.

C. Reconstruction of Damaged Signs or Sign Structures

1) Any nonconforming sign or sign structure which has been damaged may be repaired and used as before, provided all repairs are initiated within 90 days and completed within 120 days of such damage. However, if the County Building Inspector declares the sign structure unsafe, the owner of the sign or the owner of the property where the sign is

located shall immediately correct all unsafe conditions to the satisfaction of the Inspector.

ARTICLE 11 ROAD NAMING AND ADDRESSING

11.1 AUTHORITY

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:

A. Change the name, if any, given to the road by the Board of Transportation unless the Board of Transportation agrees;
B. 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
C. Give the road a name that is phonetically similar to the name of any other public road in the vicinity.

A county shall not rename a road 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 renaming a road 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.

11.1.1 Jurisdiction

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.

11.1.2 Responsibility

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.

11.2 PURPOSE

11.2.1 Providing a Uniform Naming System

A. The purpose of this article is to provide a uniform system of road naming and addressing along both public and private roads in order to facilitate the provision of adequate public safety and emergency response services.
B. This article is designed to:
    1) Establish the procedures by which a road may be named and addressed or by which an existing name may be changed and readdressed.
    2) Establish and maintain an official map and listing of all roads in Pender County.

3) Eliminate duplicate or phonetically similar road names in accordance with the National Emergency Number Association (NENA) road naming standards.
4) Provide for the uniform marking of roads.
5) Implement a systematic numbering system for all addressable structures within the geographic limits of Pender County as related to the Emergency 911 Telephone System.
6) Establish procedures through which the implementation of Chapter 62A of the North Carolina General Statutes may be carried out.

11.3 ROAD NAMING

11.3.1 New Road Names

A. The Pender County Addressing Coordinator or their designated agent is authorized to determine the need for new road names or road name changes within jurisdiction of Pender County for both private and public roads outside the corporate limits of any municipality within the county.

B. When a public or private road provides access to more than three (3) addressable structures or combinations thereof, regardless of the length of such road, a road name shall be assigned.

1) If a private access easement is greater than two hundred (200) feet in length, the affected property owner(s) may petition the addressing coordinator to name the road.

C. The property owners along such road shall provide a petition with the proposed road name to the Pender County Addressing Coordinator within thirty (30) days of written notice.

1) If a single property owner is the sole owner of a private road access or easement which meets the requirements for road naming, they alone shall petition the addressing coordinator for a new road name, whether neighboring properties are allowed to access the road or not.

D. The proposed road name will be subject to review pursuant to the criteria set forth in this article.

E. If there is a unanimous decision among the property owners as to the name of the road and the submitted name satisfies the criteria established by this article, the Addressing Coordinator or their designated agent shall review the petition and approve the submitted name.

F. If a consensus among the property owners cannot be met, the Addressing Coordinator or their designated agent shall submit the name recommended by the majority of the property owners to the Pender County Board of Commissioners.

11.4 ROAD NAME CHANGES

11.4.1 Petition for Road Names

A. Any road officially named by the Pender County Board of Commissioners shall not be petitioned for a road name change unless:

1) Evidence shows a mistake was made in the naming of the road in the form of deeds, plats, or maps.
2) The road has been physically altered.
3) By special direction from the Addressing Coordinator for a unique circumstance.

B. If a petition is made for a road name change, the petition must be signed by a majority of the property owners along the road in question with each such person's mailing address and telephone number listed. The petition shall identify one of the signatories as spokesman for the applicants. If a road is solely owned by one entity, no others shall have input with the petition. Because of the cost involved and the confusion generated during this process, the county will follow a basic policy of discouraging petitioned road name changes.

C. The following criteria shall be used to formulate recommendations for road names or changes:

1) When appropriate and feasible, commonly known informal road names shall be retained.
2) The Addressing Coordinator or their designated agent should consider geographical, physical and historically significant factors regarding the road.
3) U.S. and N.C. highways shall retain their numbers as their road names throughout the county.
4) Offensive or distasteful road names shall not be used.
5) Family names for road identification shall be permitted when there is a well-established non-conflicting history as to the particular family being the majority of the residents of the road.
6) Roads with continuous alignments should have only one name.
7) New road segments that are an extension or a continuous alignment of an existing road shall maintain the existing road name.
8) Road names and/or numbers should only change when there is a substantial intersection, or at municipal boundaries.

11.4.2 Renaming

A. When renaming a road the following should be considered;

1) The road with a name of historical significance should have its name retained.
2) The road with the most properties on it should retain its name.
3) The road that has been named for the longest period of time shall retain its name.

B. A directional must be placed ahead of the road name and cannot be used as a suffix. If a "North" directional is used there must be a "South" directional. If an "East" directional is used there must be a "West" directional. The prefix "N" shall be used for North, the prefix "S" shall be used for South, the prefix "E" shall be used for East and the prefix "W" shall be used for West.

C. In the case of a double ended road, two different road names may be assigned or a directional prefix may be utilized indicating which direction that portion extends from the road of origin. A cardinal direction is recommended in the naming of a T intersection.

11.4.3 Prohibited Road Names

A. The Pender County Addressing Coordinator shall not recommend newly proposed road names which fall under the following categories:

1) Numbers used as part of the name, unless the name is well known and there is a general acceptance.
2) Names which are difficult to pronounce.

3) Names which are less than 3 characters in total length or over 20 characters in total length, including spaces, but not including street type.
4) Names which are duplicated in neighboring counties if the roads are in the same postal district, fire department/rescue district, or telephone exchange.
5) Names which are similar to the name of an existing subdivision or landmark unless the road lies within that same subdivision.
6) Duplicate, near duplicate (Ex. Apple Road and Apple Hill Road) or phonetically similar road names.
7) Streets having the same name but different street types are considered duplicate names.
8) Streets having the same name but different cardinal direction designations are considered duplicate names unless they are in continuous alignment and are intersected by another road.
9) Names that contain a street type or directional within the road name field.
10) "EXT" is not to be used as a suffix when a road is extended. Instead, the name shall remain the same and the address range extended to accommodate the new section.

11.4.4 Street Suffixes

Alley = Aly	Lane = Ln
Avenue = Av	Loop = Loop
Bay = Bay	Parkway = Pkwy
Bend = Bend	Path = Path
Boulevard =Blvd	Place = Pl
Branch = Br	Point = Pt
Cay = Cay	Ridge = Rdg
Center = Ctr	Road = Rd
Circle = Cir	Run = Run
Court = Ct	Spur = Spur
Cove = Cove	Station = Sta
Crest = Crst	Street = St
Crossing = Crsg	Terrace = Ter
Drive = Dr	Trace = Trc
Highway = Hwy	Trail = Tr
Hollow = Holw	Walk = Wk
Landing = Ldg	Way = Way

11.5 SUBDIVISIONS

11.5.1 New Road Proposals

A. For all subdivisions in which new roads are proposed, the following items must be submitted by the developer to the Pender County Addressing Coordinator at the preliminary review phase:

1) A scaled map of the road layout with the proposed name identified on each road.

2) An alphabetical list of the proposed road names and subdivision name. An alternate for each road name and subdivision name should also be submitted for review should the proposed name not comply with this article.
3) A signature line labeled "Reviewed and Approved by the Addressing Coordinator."

B. The new subdivision name shall not duplicate or be phonetically similar to an existing road name or existing subdivision name.

C. The Addressing Coordinator will review the proposed road names for overall compliance with the Pender County Unified Development Ordinance. If a submitted road name(s) does not comply with this article, the Addressing Coordinator will contact the developer, explain the reasons for non-compliance, and request new names be submitted. Road names and subdivision names for new developments may be reserved for up to two years or through validation of the preliminary plat.

D. After preliminary approval, any road configuration change or any request to change an approved road name will require resubmission of the map and the road name list for review. The approved road names/subdivision name shall be identified on the final approved plan with a signature line labeled "Reviewed and Approved by the Addressing Coordinator" and a copy submitted by the developer to the Addressing Coordinator.

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. Addresses will be assigned during the building permit approval phase of development.

1) Exceptions to this policy are permissible in the following situations:
   a) When the structure is located in an approved subdivision where preliminary addresses have been assigned.
   b) Small Business Administration (SBA) loans for housing following a catastrophe.
   c) An address will be given to a bona fide farm upon completion of the Bona Fide Farm Determination and submission of a site plan or property sketch to the Pender County Addressing Coordinator.
   d) Any other address assignment that is deemed appropriate by the Addressing Coordinator given that it does not violate any other rule set forth within Article XI of this code.

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 11.6.1.D 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 or accessible 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 of the structure.

I. In the event a portion of a roadway that has been addressed using the 5.28 numbering scheme is spot annexed into a municipality, the current numbering scheme shall be maintained.

J. Corner lots will be assigned an address from the road on which the structure faces. An address can be assigned from the side road location in situations where the front of the building is obscured or difficult to distinguish.

K. Addresses should not be assigned to structures that are simply accessory to the principal building.

L. An accessory residence, such as a garage apartment, or an accessory business, such as a commercial workshop on the same lot as a residence, shall be given a new address. If there are no more contiguous numerical addresses available, then a unit letter may be assigned (ex. 503A) as a last resort.

M. Duplexes and apartments will be assigned structure numbers as well as unit numbers for secondary locators. For multi-story development the number will reflect the floor number and unit number.

N. Townhouses/Condominiums shall be assigned individual addresses for each unit.

O. Commercial development will be assigned one address per building as well as suite numbers for secondary location indicators. Each individual building shall have a separate address. For multi-story development the number will reflect the floor number and suite number.

P. Each mobile home within a mobile home park shall be assigned a primary 911 address. A mobile home park owner may assign lot numbers but the lot numbers shall not be used as the physical address.

Q. A temporary address may be assigned to a temporary structure such as a fireworks stand, a FEMA trailer, or a construction trailer. Other temporary structures approved for addressing by the Addressing Coordinator may also be assigned temporary addresses.

11.7 COMPLIANCE

11.7.1 Certificate Issuance

The Building Inspector shall not issue a Certificate of Compliance or a Certificate of Occupancy until the new structure complies in full with the requirements of this article.

11.7.2 Owners Compliance

The owner of any existing structure, mobile home park, or complex shall be required to comply with this article within thirty (30) days of written notification by the Pender County Addressing Coordinator, or their agent.

11.8 SIZE, COLOR, MAINTENANCE & LOCATION

11.8.1 Size

A. The standard minimum size of a number for a typical residential or nonresidential structure shall be in accordance with Section R319 of the North Carolina Residential Code.

B. The standard minimum size of a number for a large residential or nonresidential structure such as an apartment, townhouse, condominium complex or a commercial or industrial complex shall be six (6) inches in height. Minimum sizes larger than the standard shall be required in any situation where the standard size would not provide necessary identification deemed appropriate by the 911 Addressing Coordinator or their assigned agent.

11.8.2 Color

A. The color of the numbers placed on a structure or pedestal shall be in contrast to the color scheme of the structure or pedestal so that the number is clearly visible. Reflective numbers for nighttime identification are encouraged.

11.8.3 Display of Numbering

A. Every structure shall be posted with the official assigned number in at least one location in conformance with this article and Section R319 of the North Carolina Residential Code and as follows:

1) The numbers shall be placed in a position that is plainly legible and visible from the road fronting the property. For apartment, townhouse, condominium, commercial or industrial complexes, the numbers shall be located in the approximate center of the building or on the end of the building so that they are clearly visible from the road. Each individual unit must also be posted with the assigned unit number/suite number, letter or combination thereof. In the event the structure is located in such a manner that the assigned number is not visible, additional posting of the numbers shall be required at the driveway entrance or access to the structure.
2) All commercial or industrial buildings that have a rear or side door that is used for deliveries, public entry purposes, or as a required exit, shall be posted with the official assigned number at such doors.
3) In a “pocket neighborhood” the numbers shall be displayed on the rear of the structure and the front of the structure facing the common green space.

B. The Addressing Coordinator will have the right to authorize and approve alternate methods of displaying property numbers which meet the intent of this article when strict adherence to the standards herein set forth cannot reasonably be met.

11.8.4 Maintenance

Following the posting of the assigned number, as required, the owner or occupant shall at all times maintain such house or building number in compliance with the above standards. Building numbers shall not be obstructed from view.

11.9 SUBDIVISIONS

11.9.1 Addresses

A. The address shall be displayed on the structure in such a way that is clearly visible from the roadway. Additional requirements are as follows:

1) These numbers shall contrast with their background.
2) Address numbers shall be sized in accordance with Section R319 of the North Carolina Residential Code.
3) According to the U S Postal Service Reform Act a cluster box is required when there are eight (8) or more lots in a subdivision.
4) When the structure is accessed by an alleyway the address may be assigned from that access.

11.10 OFFICIAL LIST, OFFICIAL MAP, AND IDENTIFICATION

11.10.1 Road Name List and Map

The Pender County Planning and Community Development Department shall maintain a listing of all official road names in Pender County as well as maintain an official street centerline database exhibiting the approved names and location of all roads in Pender County.

11.10.2 Identification

A sign showing the official name and state road number shall identify all public roads in the unincorporated areas of Pender County. Private named roads shall have a sign showing the official name of the road. These road signs shall be placed at all intersections.

A. Every road sign shall comply with the following criteria:

1) The sign blade shall be constructed of aluminum with green sheeting, 6 inches in width, and extruded edges.
2) The lettering shall be upper case, 4 inches in height, at least ½ inch in stroke, and shall be made of white reflective material.
3) The street type and state road lettering shall be upper case, 2 inches in height, at least ¼ inch in stroke, and shall be made of white reflective material.
4) The post shall be constructed of U-shaped galvanized steel measuring 12 feet in height.
5) The post shall be firmly anchored with the sign blade approximately 8 feet above ground.

B. Developers of subdivisions shall be responsible for the initial street signs. The sign blade must meet the criteria as set forth in this article.

C. Developers of subdivisions may utilize decorative posts and brackets only if the road will not be petitioned for addition to the state highway system. In the event the sign is stolen or damaged, the developer or Homeowners Association shall be responsible for replacing the posts and brackets.

D. Sign installers shall work with the North Carolina Department of Transportation and the various utility companies as to the particular location of the sign. If the road is private in nature, the sign must be installed within the right-of-way or easement of said road and be clearly visible.

11.11 INSTALLATION AND MAINTENANCE

11.11.1 Installation

The Pender County Facilities and Fleet Services Department shall be responsible for the provisions of installation of road signs, except in the case of subdivisions with proposed new roads wherein the developer in that case shall be responsible for the installation of said signs.

11.11.2 Maintenance

The Pender County Facilities and Fleet Services Department shall be responsible for repair and replacement of road signs.

11.12 VIOLATIONS, PENALTIES & ENFORCEMENT

11.12.1 Violations

A. It shall be unlawful for any person(s) to:

1) Erect any road sign with an unofficial name or a name that is substantially similar to any public road or private road in the unincorporated areas in Pender County.
2) Remove, deface, damage, or obscure a road sign in the jurisdiction of this article.
3) Erect any road sign that does not meet the Pender County sign specifications.
4) Number or assign a number to any structure without the written approval of Pender County.
5) Fail to post the official assigned number in accordance with this article.

11.12.2 Penalties

A. Any person who does not comply with this article will be notified, by certified mail, to meet the requirements within 30 days from the date of notification.

B. Any person violating provisions in this article shall be guilty of a misdemeanor and shall be subject to a fine of not more than fifty dollars ($50) dollars or imprisonment of not more than thirty (30) days as provided by North Carolina General Statute 14-4. Each day shall constitute a separate violation and shall be punishable as a separate offense.

C. Any person who does not comply with this article will be notified, by certified mail, and required to come into compliance within 30 days from the date of notification.

D. Any violation of this article may be subject to civil remedies as set forth in North Carolina General Statute 153A-123C.

11.12.3 Enforcement

This article shall be enforceable by citation, injunction and restraining order. Any person violating the provisions of this article shall be subject to a civil penalty for each violation in the amount of fifty dollars ($50). Each day of violation shall constitute a separate and distinct offense.

ARTICLE 12 Reserved

ARTICLE 13 Enforcement and Penalties

13.1 PURPOSE

This Article sets forth the procedures by which the County seeks correction of violations of this Ordinance. It also sets forth the remedies and penalties the County may apply where necessary to ensure correction of violations. The provisions in this Section are intended to encourage the voluntary correction of violations.

13.2 APPLICABILITY

This Ordinance shall be enforceable in accordance with the provisions of G.S.153A-113 and 160D-404. The Administrator may revoke any permit or other authorization granted under this Ordinance for failure to comply with the provisions of this Ordinance or the terms and conditions of the permit or authorization, or for false statements or misrepresentations made in securing the permit or authorization, or if the permit or authorization was mistakenly granted in violation of applicable State or local law. If the Administrator determines an imminent hazard exists, he may summarily revoke this permit.

13.3 VIOLATIONS

13.3.1 Any failure to comply with a requirement, prohibition, or limitation imposed by the provisions of this Ordinance, or the terms and conditions of any permit or other authorization granted pursuant to this Ordinance, shall constitute a violation of this Ordinance. One or more of the following responsible parties may be held responsible for a violation of this Ordinance and be subject to the remedies and penalties provided in this Section:

A. A contractor, agent, or any other person who participates in, assists, directs, creates, or maintains a situation that constitutes a violation of this Ordinance, and

B. An owner of the property, on which a violation of this Ordinance occurs, or any tenant or occupant of that property who has control over, or responsibility for, its use or development.

13.4 ENFORCEMENT PROCEDURES

13.4.1 Investigation

On receiving complaints or other information suggesting a violation of this Ordinance, the Administrator, or other official(s) designated by the Board of County Commissioners shall investigate the situation and determine whether a violation exists. The Administrator or their designated agent shall have the right to enter upon private property at any reasonable time necessary to carry out their duties. All questions arising in connection with enforcement and interpretation shall be presented first to the Administrator. Appeal from their decision may be made to the Board of Adjustment.

13.4.2 Initial Notice of Violation

A. On determining that a violation exists, the Administrator shall give the responsible person(s) written notice of the violation by personal delivery, first class mail, or certified or registered mail, return receipt requested. The notice shall describe the nature of the violation, state the actions necessary to correct the violation, and invite the alleged violator to meet with the Administrator within ten days to discuss the violation and how it may be corrected. The Administrator may provide the alleged violator additional written notices of violation.

B. If reasonable attempts have been made to effect service of the written notice upon the responsible person(s) by personal delivery, first class mail, or certified or registered mail have been unsuccessful, then notice may be provided by posting the written notice upon the property in a conspicuous place for a period of not less than ten days.

C. Before revoking a permit or other authorization, the Administrator shall give the holder of the permit or authorization ten days notice of intent to revoke the permit or authorization. The notice shall state the reasons for the intended revocation and state that the holder may have an informal hearing on the intended revocation before the Administrator. On revoking a permit or authorization, the Administrator shall give the holder of the permit or authorization a written notice of the revocation and the reasons for it.

13.4.3 Final Notice of Violation; Correction Order

The Administrator's final written notice of violation (which may be the initial notice) shall be served upon the responsible person(s) in the same manner as the Initial Notice of Violation and shall order correction of the violation not to exceed thirty 30 days, state which of the remedies and penalties authorized in Section 12.4.9 the Administrator may pursue if the violation is not corrected within the specified time limit, and state that the correction order may be appealed to the Board of Adjustment.

13.4.4 Reinstatement of Permit by Zoning Administrator

The holder of a revoked permit or authorization may, within 90 days after the revocation, submit to the Administrator a written request to reinstate the revoked permit or authorization. On determining that the conditions justifying the revocation have been eliminated and that the development fully complies with all applicable requirements of this Ordinance, the Administrator may reinstate the permit or authorization

13.4.5 Appeal to the Board of Adjustment.

A. Any person aggrieved by the Administrator's determination of a violation or correction order may appeal that determination or order to the Board of Adjustment in accordance with the provisions of Section 3.15, Appeal of Administrative Decision. As provided by that section, an appeal generally stays all further actions to enforce a correction order until the Board of Adjustment has decided the appeal.

B. If the recipient of a correction order does not appeal the order to the Board of Adjustment within the time limit specified in Section 3.15, Appeal of Administrative Decision, that person may not later appeal to the Board of Adjustment the subsequent imposition of any remedy or penalty specified in the order.

13.4.6 Appeal of Temporary Sign Violation

A. Any person aggrieved by the Zoning Code Enforcement's determination of a violation may appeal that determination to the Administrator.

1) Appeals to the Administrator must be taken within ten (10) business days of the receipt of violation.
   a) The Administrator shall review all pertinent evidence to the case and make a determination within five (5) business days of the appeal hearing.
   b) If the recipient of a correction order or determination of a violation does not appeal within the allotted time limit specified in Section 11.4.6.A., that person may not later appeal to the Administrator and will become liable to all civil penalties incurred.

13.4.7 Extension of Time Limit to Correct Violation

The recipient of a correction order, or the owner of the property on which the violation occurs, may submit to the Administrator or designated agent, a written request for extension of the order's specified time limit for correction of the violation. On determining that the request includes enough information to show that the violation cannot be corrected within the specified time limit, the Administrator may extend the time limit as reasonably necessary to allow timely correction of the violation.

13.4.8 Enforcement Action after Time Limit to Correct Violation

Following the time limit for correction of the violation, including any stay or extension thereof, the Administrator shall determine whether the violation has been corrected. If the violation has been corrected, the Administrator shall take no further action against the alleged violator. If the violation has not been corrected, the Administrator may act to impose one or more of the remedies and penalties specified in the correction order.

13.4.9 Emergency Enforcement without Notice

If delay in correcting a violation would seriously threaten the effective enforcement of this Ordinance or pose a danger to the public health, safety, or welfare, the Administrator may seek immediate enforcement without prior written notice through any of the remedies or penalties authorized in Section 12.4.9, below.

13.4.10 Remedies and Penalties

The Administrator may pursue one or more of the following remedies and penalties to prevent, correct, or abate a violation of this Ordinance. Use of one of the authorized remedies and penalties does not preclude the Administrator from using any other authorized remedies of penalties, nor does it relieve any party to the imposition of one (remedy or penalty) from imposition of any other authorized remedies or penalties.

A. Permit Revocation

1) In accordance with the provisions of Section 12.2 of this Ordinance and the provisions of N.C.G.S. 160D-403(f) and 160D-1115, the Administrator or Building Inspector may revoke any permit or other authorization granted under this Ordinance for failure to comply with the provisions of this Ordinance or the terms and conditions of a permit or authorization granted under this Ordinance.

B. Permit Denial

1) As long as a violation of this Ordinance remains uncorrected, the Administrator may deny or withhold approval of any permit or other authorization provided for in this Ordinance that is sought for the property on which the violation occurs.

C. Civil Penalty

1) Violation of this Ordinance subjects the violator to a civil penalty in the amount of One Hundred ($100.00) Dollars for each offense. If the offender fails to remedy the violation and pay any civil penalty within ten days after being cited for said violation (or within the time prescribed by a citation if it provides for a longer period of time than ten days), the civil penalty may be recovered in a civil action in the nature of a debt, as provided in G.S. 153A-123(c). The Administrator shall make written or in person demand for payment, delivered by certified mail, return receipt requested, upon the person or persons responsible or their agents and assigns, and shall set forth in detail the violation for which the penalty has been invoked. If payment is not received or equitable settlement reached within thirty (30) days after demand for payment is received, the County may refer the matter to the County Attorney for the institution of a civil action in the nature of debt in the name of Pender County in the appropriate division of the General Court of Justice in Pender County, for recovery of the penalty, and any equitable remedy available to the County.

2) Each day a violation continues, shall constitute a separate and distinct offense, punishable as set forth herein and described above.

   a) Violations of Section 9.7.2, Temporary Signs, shall in all cases be deemed a civil penalty in accordance with Section 12.4.9.

D. Criminal Penalty

1) As provided in Section 14-4 of the North Carolina General Statutes, violation of this Ordinance constitutes a misdemeanor, punishable by a fine up to $500.00 or imprisoned not more than thirty (30) days.

E. Injunction and Abatement Order

1) If a building or structure is erected, constructed, reconstructed, or altered, repaired, converted, or maintained, or any building, structure or land is occupied or used in violation of the General Statutes of North Carolina, this Ordinance, or other regulation made under authority conferred thereby. The Administrator may institute action in the district Court, Civil Division, or any other court of competent jurisdiction for a mandatory or prohibitory injunction and order of abatement commanding the violator to correct or cease a violation of this Ordinance. In addition to an injunction, the court may enter an order of abatement as a part of the judgment in the case. An order of abatement may direct that buildings or other structures on the property be closed, and demolished, or removed; that fixtures, furniture, or other movable property be removed from buildings on the property; that grass and weeds be cut; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with this Ordinance. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt, and the county may execute the order of abatement. The county shall have a lien on the property for the cost of executing an order of abatement.

F. Other Equitable Relief

1) In addition to the above remedies and penalties, the Administrator may institute any other appropriate equitable action or proceeding in a court of competent jurisdiction to prevent, correct, or abate a violation of this Ordinance.

13.4.11 Statute of Limitations

A. In accordance with the provisions of N.C.G.S. 1-51 and N.C.G.S. 1-49, the Administrator shall enforce violations within the mandated applicable timeframe. The statute of limitations is effective October 1, 2018 and applies to actions commenced on or after that date.

APPENDIX A DEFINITIONS

Words and terms set forth below shall have the meanings ascribed to them. Any word, term(s) or phrase used in this Unified Development Ordinance not defined below shall have the meaning ascribed to such word, term or phrase in the most recent editions of Merriam-Webster's Dictionary, Black's Law Dictionary or American Planning Association Planner's Advisory Service, Dictionary of Terms unless, in the opinion of the Administrator, established customs or practices in Pender County justify a different or additional meaning. Furthermore, for the purpose of this Unified Development Ordinance, certain words, terms and phrases are herein defined as follows:

A. Words used in the present tense shall include the future tense.
B. Words used in the singular number shall include the plural number and the plural singular.
C. The word "shall" and "will" are mandatory and not discretionary.
D. The word "may" is permissive.
E. The word "lot" shall include the words "parcel", "plot"' and "tract".
F. The phrase "used for" shall include the terms "intended to be used", or "intended for" and "designed for" and "occupied for".
G. Words used here in the masculine gender shall be interpreted to include the feminine gender.
H. References to Section numbers herein refer to the Pender County Unified Development Ordinance unless specifically stated otherwise.

60-YEAR Setback means a distance equal to sixty (60) times the average annual long-term recession rate at a site, measured from the reference feature.

ACCESS EASEMENT: An easement that is at least forty five (45') feet wide and is recorded by map or other instrument in the Registry that specifically transfers rights to the adjacent property owners or specific property owners and their assigns, invitees, licensors and permitters for ingress, egress and utilities and for the construction and maintenance of ingress, egress and utility facilities. An access easement by designation on a recorded plat also transfers the right to construct and maintain water, sewer, electric and communication lines within the easement by any public entity or public utility.

ACCESS: A way or means of vehicular or pedestrian approach to provide physical entrance to a property.

ACCESSORY OR SECONDARY USE: A use of land or of a building or portion thereof customarily associated with and incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use. A secondary use shall be a use not already permitted by right in a zoning district but may be permitted in conjunction with a permitted use. In no instances shall an accessory or secondary use be permitted without the presence of a primary use.

ACCESSORY STRUCTURE (Appurtenant Structure): a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole

barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

ACTIVE BUFFER: A distance buffer which contains no building or principal structure of activity but which may contain an accessory use or activity.

ACTIVE OPEN SPACE: Consists of areas such as park land chosen without regard to natural features for the explicit purposes of enhancing design, such as village commons, or providing space for outdoor recreation activities which may include, but not be limited to, tennis courts, ball fields, swimming pools, and tot lots with play equipment

ADDITION: A structure added to the original structure at some time after the completion of the original.

ADDRESSABLE STRUCTURE: Any structure requiring the installation of a dedicated permanent electrical meter.

ADDRESSING COORDINATOR: Individual, including their authorized representatives, charged with the administration of the road naming and addressing guidelines of Pender County along with the coordination of the E-911 Operations Director.

ADJACENT OR ADJOINING LOT OR LAND: A lot or parcel of land which shares all or part of a common lot line with another lot or parcel or land or which is immediately across a street or road from said parcel or lot.

ADULT CARE RESIDENCES: A public or private establishment operated or maintained for the maintenance or care of four or more adults who are aged, infirm or disabled and who are cared for in a primarily residential setting. Adult care residences do not include facilities or portions of a facility licensed by the State Board of Health and the home or residence of an individual who cares for or maintains only persons related to him by blood or marriage; and a facility or portion of a facility serving infirm or disabled persons between the ages of 18 and 21.

ADULT RETAIL: A retail establishment for which 25% or more of its stock in trade, as determined by floor area, is in videos, magazines, books, publications, tapes, films or other periodicals and paraphernalia which are distinguished or characterized by an emphasis on depicting or describing specified sexual conduct or specified anatomical areas.

ADULT OR SEXUALLY ORIENTED BUSINESS:

1. **Adult Arcade:** An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, or similar machines for viewing by five or fewer persons each are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas (as defined hereinafter).
2. **Adult Bookstore:** An establishment that has as substantial portion (over 25% of total retail space) of its stock-in-trade and offer for rent or sale, for any consideration, any one or

more of the following: 1) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations that an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or 2) instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

3. **Adult Business:** An adult business shall be defined as any business activity, club or other establishment which permits its employees, members, patrons or guests on its premises to exhibit any specified anatomical areas before any other person or persons.
4. **Adult Motion Picture Theater:** An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown, and in which 25% or more of the total presentation time is devoted to the showing of material characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.
5. **Adult Theater:** A theater, concert hall, auditorium or similar establishment characterized by (activities featuring) the exposure of specified anatomical area or by specified sexual activities.
6. **Massage:** Any manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping, by hand or mechanical device.
7. **Massage Business:** Any establishment or business wherein massage is practiced, including establishments commonly known as massage studios or massage parlors. Excluded from this definition are legitimate massage therapists, bodywork therapists, or contact manipulation therapists, working under the direct supervision of a licensed Physician, or who in the regular course of their respective businesses, have been licensed or certified by any governmental subdivision in North Carolina, or licensed or certified by a recognized association or organization on file with the North Carolina Secretary of State, the North Carolina Board of Chiropractic Examiners, North Carolina Board of Medical Examiners, N.C. Board of Occupational Therapy, NC Board of Physical Therapy Examiners, or Board of Podiatry Examiners, or have been certified or licensed by a national organization and similarly registered.
8. **Sexually Oriented Business:** A sexually oriented business shall be defined as any business activity, club or other establishment, within which the exhibition, showing, rental, or sale of materials distinguished or characterized by an emphasis on material depicting, describing, or exhibiting specified anatomical areas or relating to specified sexual activities is permitted. Sexually oriented businesses shall include, but are not limited to: adult arcades, adult bookstores, adult motion picture theaters, adult theaters, massage businesses, as defined by this Ordinance.
9. **Specified Anatomical Areas:** Specified anatomical areas shall be defined as less than completely and opaquely covered human genitals, pubic regions, buttocks and female breasts below a point immediately above the top of the areola.
10. **Specified Sexual Activities:** Specified sexual activities shall be defined as:
    a. Human genitals in a state of stimulation or arousal;
    b. Acts of human masturbation, sexual intercourse, sodomy; or
    c. Fondling of other erotic genitals, pubic regions, buttocks or female breasts.
11. **Total Retail Space:** Any space within the structure that is used for the direct sale of merchandise to the public and storage areas for those items.

ADULT TREATMENT HOME: A residential facility for persons recovering from alcohol abuse where supervision, rehabilitation and counseling are provided to the residents.

AGGREGATE BASE COURSE (ABC STONE): A mixture of various gradation of stone material, small and large, that is compacted together to provide a dense surface for different uses; Usually gray in color, consists of crushed granite or run stone, mixed with 3/4 inch average size crushed stone gravel; Also known as "crush and run" or "crusher run". Installation of ABC stone shall comply with current NCDOT depth standards.

AISLE: The traveled way by which vehicles enter and depart parking spaces.

ALL WEATHERED ROAD: An unpaved road that is constructed of a material that does not create mud, or sedimentation runoff during rainfall, which allows emergency and typical passenger vehicles to pass at all times.

ALLEY: A strip of land owned publicly or privately, set aside primarily for vehicular service access to the rear or side of property otherwise fronting on a street of a higher classification.

ALTERATION: Any change in the total floor area, use or external appearance of an existing structure.

ALTERNATIVE DESIGN STREET: Alternative Design Streets are intended to provide individual lot access to structures in order preserve the mobility of the transportation system. Alleys and marginal access roads are examples of alternative design streets.

AMBULANCE SERVICE: A state-licensed business for operating owned motor vehicles that are designed and used to provide immediate care or to transport any persons who are sick, injured or otherwise incapacitated or helpless.

APPROVED ARCHITECTUAL MATERIAL: The structural or applied surface component of a façade including brick, rock, tinted or textured concrete masonry units, wood plank, fiber cement siding, precast concrete, tilt up concrete, shakes, split faced block, marble or simulated substitute. All materials shall be of a high quality. Vinyl and metal siding may be used as a minor material of the building façade.

ARCHITECTUAL ELEMENT: A façade module feature that is applied, inserted, incorporated or constructed into or upon the primary or secondary façade including real or faux windows, real or faux doors, awnings, gables, parapets, porticos, porte cocheres, arcades, arches, cupolas, columns, roof lines, material projections, recesses, cornices, etc.

AREA OF SHALLOW FLOODING: a designated Zone AO on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD: see "Special Flood Hazard Area (SFHA)".

ARTERIAL HIGHWAY: A street so classified by the North Carolina Division of Highways or by the standards of Pender County which collects and distributes traffic to and from collector streets.

ARTISAN MANUFACTURING: On-site production of goods by hand manufacturing involving the use of hand tools and small-scale light mechanical equipment. Artisan Manufacturing businesses may not exceed 2,500 square feet. Typical uses include woodworking, cabinet shops, electronic goods, food and bakery products, printmaking, leather products, clothing and apparel, glass products, paper crafts, ceramic studios, jewelry manufacturing and similar types of arts and crafts or small-scale manufacturing uses that have limited, if any, negative external impacts on surrounding properties, water resource, air quality, and/or public health. Artisan manufacturing in the RP, Residential Performance zoning district may not include direct retail, loading areas or outdoor storage of products or materials.

ASSISTED-LIVING FACILITY: A building or series of buildings containing residential living facilities for older, disabled or infirm persons and which provides personal and health care services, twenty-four-hour supervision, and various types of assistance (scheduled and unscheduled) in daily living and meeting the requirements of the North Carolina State Legislative Code, as amended.

AUCTION HOUSE: A building in which the commissioned public sales of goods to the highest bidder, conducted by a licensed auctioneer for persons or groups other than community nonprofit organizations, occur more than once a year.

AUTOMOBILE GRAVEYARD: Any lot or parcel, upon which more than five inoperable motor vehicles which are exposed to the weather are placed, located or found.

AUTOMOBILE PARKING STRUCTURE: A building or structure consisting of more than one level designed and used for public or private parking of motor vehicles.

BASE FLOOD ELEVATION (BFE): a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a "Special Flood Hazard Area", it may be obtained from engineering studies available from a Federal or State or other source using FEMA approved engineering methodologies. This elevation, when combined with the "Freeboard", establishes the "Regulatory Flood Protection Elevation".

BASE FLOOD: The flood having a one-percent chance of being equaled or exceeded in any given year.

BASEMENT: Any area of the structure having its floor subgrade (below ground level) on all sides.

BEDROOM: A fully enclosed interior room as shown on the building plan for the structure having, as a minimum, a doorway, window and closet.

BOARD OF ADJUSTMENT: A Board whose members are appointed by the Circuit Court for the express purpose of considering and acting on variances and zoning appeals.

BOARDING- OR ROOMING HOUSE: A dwelling or part thereof where, for compensation, lodging and meals are provided to boarders.

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

BREAKAWAY WALL: A wall that is not part of the structural support of the structure and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the structure or the supporting foundation system.

BUFFER: An open area used to separate one use from another.

BUILDING LINE: Building lines are tangent to the exterior surface of a building or structure, parallel to front, side and rear lot lines. These are referred to as front, side and rear building lines, respectively.

BUILDING: Any structure used or intended for supporting or sheltering any use or occupancy.

BUSINESS PARK: A development which includes multiple buildings and uses. Shopping Centers, Industrial Parks, and Office Parks are types of Business Parks.

CALIPER: The diameter of a tree as defined by the American Association of Nurserymen.

CAMA – North Carolina's Coastal Area Management Act. This act, along with the Dredge and Fill Law and the federal Coastal Zone Management Act, is managed through North Carolina Department of Environment and Natural Resources' (NCDENR's) Division of Coastal Management (DCM).

CAMPGROUND: A lot or parcel, upon which two or more campsites are located, established or maintained for occupancy by the general public as temporary living quarters for recreation, education or vacation purposes.

CAPITAL IMPROVEMENTS PLAN OR PROGRAM: A plan or program adopted by the Pender County Board of Commissioners according to the provisions of the North Carolina Code, which recommends capital outlays by the County for a specific time period.

CBRS means Coastal Barrier Resources System.

CERTIFICATE OF OCCUPANCY: A required permit allowing occupancy of a building, structure or use after it has been determined that the building, structure or use meets all the requirements of the Pender County Code.

CERTIFIED LOCAL GOVERNMENT PROGRAMS (CLG): Approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1866 as amended in 1880.

CHEMICAL STORAGE FACILITY: A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

CHILD CARE CENTER : An arrangement where, at any one time, there are three or more preschool-age children or nine or more school-age children receiving child care, regardless of the time of day, wherever operated, and whether or not operated for profit, unless excluded by NC G.S. 110-82(2)

CLEAR ZONE: A designated area void of buildings, structures, fences, berms and vegetation.

COASTAL BARRIER RESOURCES SYSTEM (CBRS): Consists of undeveloped portions of coastal and adjoining areas established by the Coastal Barrier Resources Act (CoBRA) of 1882, the Coastal Barrier Improvement Act (CBIA) of 1880, and subsequent revisions, and includes areas owned by federal or state governments or private conservation organizations identified as Otherwise Protected Areas (OPA).

COASTAL HIGH HAZARD AREA: Means a Special Flood Hazard Area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on a FIRM, or other adopted flood map as determined in Section 9.3.2 of this Ordinance, as Zone VE.

COMMERCIAL INDOOR RECREATION: Private, fee-supported, indoor facilities used for athletic, training or recreational purposes.

COMMERCIAL OUTDOOR RECREATION: Private, fee-supported, outdoor facilities used for athletic, training, recreational or park purposes that utilizes supervised athletic or recreational activities.

COMMERCIAL SPORT AND RECREATION CLUBS: A public or private fee-supported recreational facility located indoors or outdoors that may include swimming pools, court games and other similar activities.

COMMERCIAL TELECOMMUNICATION FACILITY: A structure, including the tower, antennas, panels, microwave dishes, receiving dishes, equipment building, other transmitting and receiving components and other accessory structures, used for the wireless electromagnetic transmission of information, excluding structures utilized as satellite earth stations and structures utilized for amateur or recreational purposes such as ham radio or citizen band radio.

COMMERCIAL VEHICLE: Any vehicle or trailer (1) with a gross vehicle weight registered with the North Carolina Department of Motor Vehicles or any other state or government agency as 12,000

pounds and greater and used for commercial purposes, or (2) any vehicle or trailer, regardless of weight, including vehicles used for a business use or licensed as a "for hire" vehicle, or any limousine or bus used as a common or contract carrier vehicle. For purposes of this chapter, a commercial vehicle shall not be deemed to include any of the following: police vehicle, emergency vehicle, commuter van, motor home, camping trailer, boat trailer or similar recreational equipment used as a personal property and not for hire or used as a school van or bus.

COMMON AREA/OPEN SPACE: Land that is used for recreational purposes, environmental resource protection, buffer areas, stormwater management areas and passive areas that are dedicated to the residents of a development for use and maintenance, and is protected to ensure that it remains in such uses, unless utilized under the provisions of this chapter.

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

COMMUNITY WASTEWATER SYSTEM: A sanitary wastewater facility which is publicly or privately owned and established to serve more than one single residential dwelling, commercial, and/or industrial development and is approved through a state agency or utilities commission.

COMMUNITY WATER SYSTEM: A public water supply system established to serve all or a portion of a residential, commercial, and/or industrial development year round and is approved through a state agency or utilities commission.

COMPATIBLE: Capable of existing together in harmony; congruous.

COMPREHENSIVE LAND USE PLAN: A general plan for the future development of Pender County, adopted by the Pender County Board of Commissioners according to the provisions of the North Carolina Code.

CONFERENCE/EVENT CENTER: A structure or facility designed to accommodate meetings and other events with or without food service developed to be either stand-alone or within a hotel or motel.

CONFINED/CONCENTRATED ANIMAL FEEDING OPERATION: A lot or facility (other than an aquatic animal production facility) where at least one of the following conditions are met:1) Animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period; 2) Crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility; OR- Any animal feeding operation that requires a National Pollution Discharge Elimination System (NPDES) permit.

CONGREGATE-CARE FACILITY: A building containing residential living facilities intended as housing for older persons and which offers the residents of such facility the opportunity to receive their meals in a central dining facility, to receive housekeeping services and to participate in activities, health services, and other services offered through a central management structure/service.

CONSTRUCTION EQUIPMENT: Heavy equipment or vehicles of a type used primarily by the construction industries. Such equipment may include, but is not limited to, bulldozers, backhoes, cement trucks, concrete mixers, construction tractors, cranes, derricks, dredging machinery, dump trucks, excavators, graders, hoists, pavers, power shovels, road construction and maintenance machinery, scaffolds, tank trucks, trenching machines, and water well drilling machinery.

CONVALESCENT AND NURSING HOMES: An extended- or intermediate-care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

COTTAGE OCCUPATION: A use conducted for the generation of revenue in an accessory structure located on the same lot or tract as a dwelling. The use must: be clearly incidental and secondary to the use of the property for residential purposes; not change the character of the structure or area; or have any exterior evidence of the occupation. Cottage Occupations are intended to be limited to low intensity uses that produce or repair a product, but can be operated in such a way that they do not adversely affect adjacent properties.

COUNTRY GENERAL STORE: A retail business allowed where specified in the rural zoning districts which sells groceries along with a variety of other retail goods.

CROSS ACCESS: A service drive between two or more contiguous sites providing direct access to properties and limiting travel on the public street system.

DEDICATE: The transfer or reservation for future conveyance of property by the owner to another party.

DEVELOPER: The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such land.

DEVELOPMENT: 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.

DIRECTIONAL: This includes the cardinal (North, South, East, West) points of direction.

DISPLAY AREA: A specific area used for the purpose of displaying products and services offered by a business or organization located on the same property or a contiguous property which is appropriately zoned and with an approved site plan.

DISPOSAL: as defined in NCGS 130A-280(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

DISTANCE BUFFER: A buffer based upon a required distance between the use to be buffered and the lot line of adjoining lots or parcels, within which a buffer is to be provided.

DISTRICT: A zoning district established by this Ordinance.

DISTURBANCE: The act of stripping vegetation, disturbing the soil, regrading or development of the land.

DRAINAGE EASEMENT: An easement established to maintain and protect a drainageway.

DRAINAGEWAY: Any natural or artificial watercourse, trench, ditch, swale or similar depression through which surface water flows.

DRIVE-IN LANE: Any driveway, aisle or travel lane which allows customers to receive goods or services while they remain in their vehicles.

DRIVEWAY: An access roadway or point of ingress and egress between a street and a parking space, structure(s) or lot(s).

DRUG TREATMENT HOME: A residential facility for persons recovering from drug or controlled substance abuse where supervision, rehabilitation and counseling are provided to the residents.

DRY STACK STORAGE: A structure designed to shelve boats temporarily from weather, water and other things that can cause damage. Dry-stack storage is designed so a boat is raised by a high-capacity forklift and stashed on a rack in a covered building, ready for quick retrieval.

DWELLING: A building that contains one or two dwelling units used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

DWELLING UNIT: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

1. **DWELLING UNIT, MULTIFAMILY:** A dwelling unit that is part of a single structure arranged or designed to be occupied by two or more households, when the fee simple ownership of the underlying land is owned and maintained by an organization other that the occupants. This definition includes but is not limited to condominiums, apartments and single story structures.
2. **DWELLING UNIT, SINGLE-FAMILY:** A structure, not including manufactured homes, arranged or designed to be occupied by one household.

3. **DWELLING UNIT, DETACHED:** A dwelling unit that is not attached to any other dwelling by any means.
4. **DWELLING UNIT, SEMI-DETACHED:** A dwelling unit attached to one or more dwelling units by a common vertical wall, with each dwelling unit located on a separate lot.
5. **DWELLING UNIT, ATTACHED:** Two or more single-family dwelling units which are generally joined together by an above-grade common party wall extending from the lowest floor to the roof or by a common floor-ceiling. A common floor-ceiling shall be the floor of one unit that is shared with the ceiling of another unit in vertically stacked dwelling units. Townhouse units may be attached by a garage or a connecting permanent architecturally unified structure such as a breezeway, carport, or wall, where structures continue the design, pattern and/or materials of the facade from one dwelling unit to another.

EASEMENT: A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.

ELEVATED STRUCTURE: A non-basement structure built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).

ENCROACHMENT: With respect to a floodplain, an encroachment shall be the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

ENVIRONMENTAL EASEMENT: An easement established to protect and maintain particular environmental features according to the environmental protection requirements of this chapter.

ENVIRONMENTAL FEATURES: Land features that are classified as natural or environmentally sensitive areas including Special Flood Hazard Areas (SFHA), lakes, ponds, wetlands, natural stormwater retention areas, steep slopes, woodlands, stream buffers, water ways, riparian areas, and all other natural features.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
FAÇADE: The visible exterior portion of a building wall which extends from the ground to the top of the wall or roof line.

1) **FAÇADE, PRIMARY:** The façade containing the highest number of customer's entrances.
2) **FAÇADE, SECONDARY:** A façade which is designed to be viewed from a public street but is not the primary façade.
3) **FAÇADE, OTHER:** Any façade which is not considered a primary or secondary façade.
4) **FAÇADE, MODULE:** A sixty foot or shorter horizontal section of façade containing a minimum of five unique architectural elements.

FAMILY CARE HOME: A home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six resident persons with disabilities as defined in NCGS § 168, Article 3.

FAMILY CHILD CARE HOME: A child care arrangement located in a residence where, at any one time, more than two children, but less than nine children, receive child care, regardless of the time of day, wherever operated, and whether or not operated for profit, unless excluded by NC G.S. 110-82(2)

FAST-FOOD RESTAURANT: Any establishment whose principal business is the sale of food or beverages in a ready-to-consume state with a rapid turnover of customers. Food is provided for consumption on or off the premises. Such establishments usually involve customer self-service and the serving of food in disposable or edible containers.

FLEET MAINTENANCE FACILITY, MEDICAL AND ALLIED HEALTH: A structure or facility designed to maintain vehicles, aircraft and equipment associated with medical and allied health services.

FLEX-TECH: A development concept that accommodates aspects of retail, manufacturing, wholesale and warehousing by an individual user within a single structure. Such development is designed to accommodate users that require flexibility in their square footage allocation. A typical flex-tech user would be a small business that initially requires a relatively small square footage but may increase the business' square footage as the strength of the business improves.

FLOOD or FLOODING:

1) A general or temporary condition of partial or complete inundation of normally dry land areas from:
2) The overflow of inland or tidal waters; or
3) The unusual and rapid accumulation or runoff of surface waters from any source.
4) The collapse or subsistence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in Subsection A(1) of this definition.
5) Mudflows which are proximately caused by flooding as defined in Subsections A and B of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM): an official map of a community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

FLOOD HAZARD BOUNDARY MAP (FHBM): an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the area of special flood hazard have been defined as Zone A.

FLOOD INSURANCE: the insurance coverage provided under the National Flood Insurance Program.

FLOOD INSURANCE RATE MAP (FIRM): an official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

FLOOD INSURANCE STUDY (FIS): an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

FLOOD PRONE AREA: see "Floodplain"

FLOOD ZONE: a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

FLOODPLAIN ADMINISTRATOR: the individual appointed to administer and enforce the floodplain management regulations.

FLOODPLAIN DEVELOPMENT PERMIT: any type of permit that is required in conformance with the provisions of this Ordinance, prior to the commencement of any development activity.

FLOODPLAIN MANAGEMENT: the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

FLOODPLAIN MANAGEMENT REGULATIONS: This Ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

FLOODPLAIN or FLOOD-PRONE AREA: Any land area susceptible to being inundated by water from any source.

FLOODPROOFING: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FLOOR AREA, RATIO: The gross floor area of all buildings divided by the lot area.

FLOOR AREA, GROSS: The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls or from the center line of a wall separating two buildings.

FREEBOARD: The height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater that the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization on the watershed. The Base Flood Elevation plus the freeboard establishes the "Regulatory Flood Protection Elevation".

FULL SCREEN: Elements of landscape screen plus a six-foot in height opaque fence, hedge, wall, mound or berm.

FUNCTIONALLY DEPENDENT FACILITY: A facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

GARAGE, BODY REPAIR: A building or portion thereof, other than a private garage or public garage, designed or used for body or fender repair or spray painting.

GARAGE, PRIVATE: A deck, building or structure or part thereof used or intended to be used for the parking and storage of vehicles.

GARAGE, PUBLIC: A building or portion thereof, other than a private garage, designed or used for servicing, repairing or equipping motor vehicles, but not including spray painting, body or fender repair, service stations or vehicle sales.

GOLF COURSE: A tract of land used for playing golf, improved with tees, greens, fairways and other features, including accessory uses and structures.

GOLF DRIVING RANGE: An area in which individuals drive golf balls from a central tee.

GOVERNMENT SERVICES OFFICE: Offices or facilities owned, leased or operated by government agencies for government services. See "school" for school use.

GROSS AREA: The total area of the land contained within the boundaries of the lot or tract or within the perimeter boundaries of a development.

GROSS DENSITY: The total number of dwelling units divided by the total gross area within the perimeter boundaries of a development. The "gross density" within a section of a development shall be the number of dwelling units in the section divided by the total area of residential lots, common yard areas, common open space required in the section and right-of-way areas of roads and easements that are interior to the section.

GROUP HOME: For the purposes of this Ordinance, see "Family Care Home".
HABITABLE FLOOR: Any floor usable for living purposes, which includes working, sleeping, eating, cooking, or recreation, or a combination thereof, except for a floor used only for storage purposes.
HAZARDOUS WASTE FACILITY: as defined in NCGS 130, Article 8, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

HEIGHT: The vertical distance from the average street grade (at access) or finished grade at the building line, whichever is the highest, to the highest point of the building or roof structure.

HIGHEST ADJACENT GRADE (HAG): The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE: any structure that is:

1) Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
2) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3) Individually listed on a local inventory of historic landmarks in communities with a "Certified Local Government (CLG) Program"; or
4) Certified as contributing to the historical significance of a historic district designated by a community with a "Certified Local Government (CLG) Program"

HOME OWNERS' ASSOCIATION: A private, nonprofit organization or corporation of property owners, established to own, operate and maintain various common facilities or properties.

HOME OCCUPATION: An occupation or profession customarily carried on in a dwelling unit, which:

1) Actually is carried on wholly within the principal building or structure;
2) Is carried on by members of the household residing on the premises;
3) Is clearly incidental and secondary to the use of the dwelling unit for residential purposes with no exterior display, no exterior storage of materials and no exterior indication of the home occupation or variation from the residential character of the principal building and neighborhood;
4) Produces no offensive noise, vibrations, smoke, dust, heat, odor, glare, traffic hazard or congestion and does not adversely affect the surrounding properties; and
5) Requires no internal or external alterations or construction features or equipment or machinery not customary in residential areas.

HORIZONTAL SURFACE: A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

HOSPITAL: An institution rendering medical, surgical or convalescent care, including nursing homes, homes for the aged and sanatoriums and treatment centers that serve patients at least partially on an inpatient basis.

HUMANITARIAN AID ORGANIZATIONAL OFFICE: A charitable organization established to provide relief assistance to an identified distressed, underprivileged group. Relief would be provided in such forms as clothing, medical supplies or educational contributions. The organization must provide a public beneficial interest to the community.

IMMEDIATE FAMILY: Any person who is a natural or legally defined offspring, spouse, sibling, grandchild, grandparent, or parent of the property owner.

IMPACT ANALYSIS: A written statement describing the potential impacts of an application or development plan or proposal, including maps, plans, diagrams and other materials, and meeting all requirements set forth by the Pender County Division of Planning.

IMPERVIOUS AREA: Any area, generally paved or graveled, with a surface that prevents, or significantly reduces, absorption of stormwater into the ground.

INACTIVE DISTANCE BUFFER: A distance buffer which contains no structures, buildings, roads, driveways, accessory uses or activities.

INOPERABLE VEHICLE: Any vehicle, designed to be self-propelled, which by virtue of broken or missing component parts, is no longer capable of self-propulsion. For the purpose of this Ordinance, any motor vehicle or boat/boat trailer not having a current valid, applicable license registration affixed to the vehicle in the location and manner prescribed by law and in plain view, shall be considered an inoperable vehicle. This definition does not apply to farm exempt vehicles/machines including vehicles used exclusively for on-farm related activities, motor vehicles, boats/boat trailer displayed for sale or undergoing repair on an approved vehicle sales or repair business site.

INSTITUTIONAL USE: A nonprofit or quasi-public use or institution, such as a church, library, public or private school, hospital or municipally owned or operated building, structure or land used for public purposes.

INSTITUTIONS OF HIGHER EDUCATION: An educational institution whose primary purpose is to provide a collegiate or graduate education.

INTERMITTENT: Stopping and starting or alternating messages at two minute or less intervals.

INTER-PARCEL CONNECTOR: An at-grade entrance between adjoining properties that is designed to facilitate vehicular access between land uses without use of the street system.

JUNKYARD OR SALVAGE YARD: Any area, in whole or in part, where waste or scrap materials are bought, sold, exchanged, stored, baled, packaged, disassembled, or handled, including, however not limited to: scrap iron and other metals, scrap building/construction materials, plastic pipe, paper, rags, vehicles, vehicle parts and components, rubber tires, bottles, cans and household goods. The term includes junkyards and auto wrecking yards but does not include uses established entirely within enclosed buildings.

KENNEL: A place prepared to house, board, breed, handle or otherwise keep or care for dogs, cats or other domesticated animals for sale or in return for compensation.

LAKES AND PONDS: Natural or artificial bodies of water which retain water year round. Such bodies shall be considered to extend from the maximum water level plus an additional 10 feet.

LANDFILL: A sanitary landfill site used for the disposal of solid wastes beneath layers of soil and other materials.

LANDSCAPE SCREEN: A landscaped easement containing plants or other features approved by this chapter which provide a complete visual screen.

LEGALLY NONCONFORMING SIGN: Any sign lawfully existing on the effective date of an ordinance, or amendment thereto, that renders such sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended ordinance.

LEGALLY NONCONFORMING STRUCTURE: A structure, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to the Zoning Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

LEGALLY NONCONFORMING USE: A use or activity that was lawful prior to the adoption, revision or amendment of the Zoning Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

LIGHTING FIXTURE: A complete lighting unit consisting of the lamp, lens, optical reflector, housing and any electrical components necessary for ignition and control of the lamp, which may include a ballast, starter and/or photo control.

LIGHTING FIXTURE, DIRECTIONALLY SHIELDED: A lighting fixture which emits a light distribution where some light is emitted at or above a horizontal plane located at the bottom of a fixture. Such fixtures may contain visors, louvers, or other types of shields or lenses which are designed to direct light onto a target area and to minimize stray light.

LOADING AREA: An off-street area containing loading spaces and maneuvering areas, as well as their associated driveways.

LOADING SPACE: An off-street space used for loading or unloading by commercial, industrial, public, or semipublic vehicles.

LOT: A designated parcel, tract or area of land established or to be established by plat or subdivision or previously established as a recorded lot.

1) **LOT AREA:** The total area within the lot lines of a lot.
2) **LOT, CORNER:** A lot abutting two or more streets at their intersection. (See Figure 4.1)
3) **LOT COVERAGE:** The total built upon area, including all non-pervious surface materials.
4) **LOT, INTERIOR**: A lot other than a corner lot. (See Figure 4.1)
5) **LOT LENGTH:** The distance between the front lot line and the rear lot line measured at the maximum distance.
6) **LOT LINE, FRONT:** The front of a lot shall be considered to be that side of the lot which fronts on a street. In the case of a corner lot, either side abutting a street may be considered to be the front, provided the structure to be located on the lot is situated to meet the required front, side and rear yards for the zoning district in which the lot is located. (See Figure 4.1)
7) **LOT LINE, REAR:** The lot line opposite and parallel to the front lot line or within 45° of being parallel to the front lot line. (See Figure 4.1)
8) **LOT LINE, SIDE:** Any lot line other than front or rear lot lines. (See Figure 4.1)
9) **LOT OF RECORD:** A lot for which a plat or survey description has been legally recorded with the Pender County Register of Deeds.
10) **LOT, PIPESTEM:** A residential lot fronting on a public or a private street in which access is provided by a narrow strip of land, referred to as the "pipestem driveway yard," which is less than the minimum required front yard width, and located between adjoining residential lots fronting on the same street.
11) **LOT, THROUGH**: A lot, other than a corner lot, with frontage on more than one street. These lots may also be called "double frontage lots". (See Figure 4.1)
12) **LOT WIDTH:** The horizontal distance between side lot lines measured at the front yard setback line.

LOWEST ADJACENT GRADE (LAG): The elevation of the ground, sidewalk or patio slab immediately next to the structure, or deck support, after completion of the structure.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a structure's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44 CFR 60.3.

MAINTAINED LIGHTING LEVEL: A level of illumination which results when the initial output of the lamp is reduced by certain light loss factors. Such light loss factors typically include lamp depreciation and dirt accumulation on lenses and other light fixture components. For the purpose of this chapter, the maintained lighting level shall represent an average foot-candle level measured over a specified area.

MANEUVERING AREA, PARKING LOT: A traveled way, including driveways and aisles, by which vehicles enter and depart parking spaces.

MANEUVERING AREA: A traveled way by which commercial, industrial, public, or semipublic vehicles enter and depart loading spaces.

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

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

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

MANUFACTURING: The mechanical or chemical transformation of materials and substances into new products, including the assembly of component parts and the blending of materials.

MARGINAL ACCESS ROAD: a street parallel and adjacent to public or private streets (while physically separated from it) which provides both access to abutting properties and controlled access to the public or private street

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

MARKET VALUE: The building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal: replacement cost depreciated for age of building and quality of construction (Actual Cash Value): or adjusted tax assessed values.

MASTER DEVELOPMENT PLAN: A general plan of development approved by the Pender County Planning Board for new developments in certain zoning districts before subdivision or site plan approval, according to the requirements of this chapter.

MASTER STREET ADDRESS GUIDE (MSAG): Consists of the street name, number range, and emergency providers for that range.

MEAN SEA LEVEL: means, for purposes of this Ordinance, the National Geodetic Vertical Datum (NGVD) as corrected in 1828, the North American Vertical Datum (NAVD) as corrected in 1888, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

MEDICAL AND ALLIED HEALTH: Medical related facilities, activities, and personnel, including administrative, clinical support, and general support services and personnel.

MINIMUM LANDSCAPED AREA: The minimum area or portion of a lot or parcel that must be landscaped with grass, vegetation or other landscaping materials, not including pavement or structures.

MINING: The breaking or disturbing of the surface soil or rock in order to remove minerals to make them suitable for commercial, industrial or construction use, but not including excavation or grading when conducted in aid of on-site farming or construction.

MINOR MATERIAL: An architectural material that is described as being lesser, as in size, extent, or importance. A minor material may not exceed fifteen percent of a façade module.

MOTOR VEHICLE SERVICE: Businesses engaged in the maintenance, service or repair of motor vehicles.

NATURAL STORMWATER RETENTION AREA: Areas of poorly drained soils which are subject to periodic flooding and act as areas to temporarily store stormwater. In some cases, "natural stormwater retention areas" will contain floodplain and wetland areas.

NATURAL WATERWAY: Creeks, streams, runs, or other annual or perennial waterways identified on United States Geological Survey, State of North Carolina or Pender County maps.

NET DENSITY: The total net acreage divided by the total number of units within a proposed development.

NEW CONSTRUCTION: For the purposes of determining insurance rates, structures for which the start of construction commenced on or after the effective date of an initial Flood Insurance Rate Map on or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NON-ENCROACHMENT AREA: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing

the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

NUISANCE: An activity which annoys, vexes or creates a health hazard or that which, by its existence, created annoyance, injury or damage to persons or property.

NURSERY, RETAIL: Uses which raise plant materials or sell plant materials and related products.

OFFICE PARK: A development primarily devoted to office uses, containing two or more uses within a single master development or site plan.

OFFICE: A room or building used for conducting the affairs of a business, professional, service, industry, government or other enterprise.

OFFICIAL ROAD NAME: Any road name that has been approved by the Pender County Board of Commissioners.

OFF-STREET PARKING SPACE: A temporary storage space for a motor vehicle with access to an aisle and driveway which is not located within a street or road right-of-way.

ON-SITE UTILITY SYSTEMS: On-site heating and cooling plants, pump stations, electro-magnetic systems, distribution transformers, pipes and meters, water and sewer lines, booster or relay stations, transformer substations, and water supply stations either located within a structure or freestanding.

OPA: Otherwise Protected Area.

OPAQUE FENCE: A fence that is constructed to visually obscure structures, outdoor storage areas, and other uses. A chain-link fence with slats shall not constitute an opaque fence.

OPAQUE: Not transparent or translucent.

OUTDOOR SHOOTING RANGE: An area devoted to organized shooting and target shooting.

OUTDOOR STORAGE AND PROCESSING: The keeping or processing of goods, junk, material, merchandise or vehicles outside of an enclosed building and in the same place.

OWNER: An individual, firm, association, syndication, partnership or corporation having sufficient proprietary interest to seek development of land.
PARCEL: A lot or tract of land.

PARK: A tract of land designated and used for active and passive recreation.

PARKING AISLE: A vehicle access aisle used to provide direct access to a parking space in a parking lot.

PARKING LOT: An off-street, paved parking area containing parking spaces, aisles and other improvements.

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

PASSIVE OPEN SPACE: Areas consisting of undisturbed, unique and sensitive natural features that may include streams, floodplains, wetlands (excluding tidal marsh) conservation resources, and natural heritage areas if identified. These natural spaces will be characterized by undisturbed soils and natural vegetative cover for wildlife habitat.

PEDESTRIAN ACCESS: Means by which individuals can travel on foot outside of private lots and street travel ways.

PERIMETER BOUNDARY: The exterior boundary of a development contained within a single site plan or Master Development Plan.

PET GROOMING SERVICES: A personal service establishment at which domesticated animals are bathed, brushed, clipped, trimmed or shorn, or other such non-medical treatment is administered indoors, and no animals are kept on the premises outside of normal business hours of operation or overnight.

PLAYGROUND: A recreational area, including a play apparatus, designed to offer recreation to the public.

POCKECT DEVELOPMENT: A type of planned development that consists of a grouping of structures that face a shared common green space accessed by an alleyway and designed to promote a close knit sense of community.

PORTABLE STORAGE CONTAINERS: A container designed to store personal property which are typically rented and intended to be delivered, temporarily used, and removed by truck. Portable storage containers shall not be used as an accessory structure or dwelling and shall not impede public vehicular or pedestrian access or create a public safety hazard. This definition includes shipping containers and other portable self-storage units.

POST-FIRM: Construction or other development for which the “start of construction” occurred on or after the effective date of the initial Flood Insurance Rate Map for the area.

PRE-FIRM: Construction or other development for which the “start of construction” occurred before the effective date of the initial Flood Insurance Rate Map for the area.

PRIMARY FRONTAL DUNE: A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and

subject to erosion and over-topping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

PRIMARY SURFACE: A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the "primary surface" extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface or planned hard surface, the "primary surface" ends at each end of that width prescribed in Part 77 of the Federal Aviation Administration regulations for the most precise approach existing or planned for either end of that runway. The elevation of any point on the "primary surface" is the same as the elevation of the nearest point on the runway center line.

PRIVATE ROAD: A road that has not been or not intended to be accepted for permanent maintenance by North Carolina Department of Transportation for use by the public.

PRINCIPLE 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 the principle structure.

PRINCIPALLY ABOVE GROUND: at least 51% of the actual cash value of the structure is above ground.

PRIVATE CEMETERY: A place used for the interment of human remains, including a burial park for earth interments, a vault or crypt interments, a mausoleum, a columbarium for cinerary interments, or a combination thereof, and not subject to the provisions of the North Carolina Cemetery Act.

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

PROTECTED POPULATION HOME: A residential facility for persons protected pursuant to the provisions of the Federal Fair Housing Act.

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

PUBLIC SAFETY AND/OR NUISANCE: anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

PUBLIC WASTEWATER SYSTEM: A single system of wastewater collection, treatment, and disposal owned and operated by a sanitary district, water and sewer authority, county, municipality, or a public utility.

PUBLIC WATER SYSTEM: A water system owned and operated by a public entity, including municipal and sanitary district water systems, approved by a public entity or water and sewer district.

RAISED ISLAND: A built-up structure containing curbing or curb and gutter, placed within or at the end of parking rows and within property entrances to guide traffic and/or provide space for landscaping, signage, or lighting.

RECREATIONAL FACILITIES: A place or facility designed, equipped and used for the conduct of sports, leisure-time activities and other recreational activities.

RECREATIONAL VEHICLE: A vehicle which is:

1) Built on a single chassis;
2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
3) Designed to be self-propelled or permanently towable by a light-duty truck; and
4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel or seasonal use.

RECREATIONAL VEHICLE PARK: Any site or tract of land upon which fifteen (15) or more recreational vehicle spaces are provided for temporary occupancy. A recreational vehicle parks shall also be known as a campground or travel trailer park.

RECREATIONAL VEHICLE SPACE: A plot of land within a recreational vehicle park designated for the accommodation of one recreational vehicle and one motor vehicle.

RECREATIONAL VEHICLE STORAGE: An area provided within a residential recreational community for its residents to store recreational vehicles such as boats, campers, RV's and travel trailers.

REFERENCE LEVEL: the top of the lowest floor or the bottom of the lowest attendant utility, whichever is lower, for structures within Special Flood Hazard Areas designated as Zone A1-30, AE, A, A88 or AO. The reference level is the bottom of the lowest horizontal structural member of the lowest floor for structures within Special Flood Hazard Areas designated as zone VE.

REGULATORY FLOOD PROTECTION ELEVATION: The elevation above mean sea level to which the reference level of all structures and other development located within Special Flood Hazard Areas and Future Conditions Flood Hazard Areas must be protected.

1) In “Special Flood Hazard Areas” where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard.
2) In “Special Flood Hazard Areas” where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

3) In Future Conditions Flood Hazard Areas this elevation shall be the Future Conditions Flood Elevation plus two (2) feet of freeboard.

RELATED RESIDENTIAL LAND USE: A dwelling, structure or facility that has a specific affiliation with or whose residents receive a direct benefit from hospitals, medical centers, medical offices, clinics, and schools of medicine.

RELIGIOUS ORGANIZATIONS: Churches, mosques, synagogues, temples or other place of religious worship, including any accessory use or structure, such as an office or dwelling located on the same lot.

REMEDY A VIOLATION: To bring the structure or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

REPETITIVE LOSS: Flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five (25%) percent of the market value of the structure before the damage occurred.

RESORT: A facility for transient guests where the primary attraction is recreational features or activities.

RESTAURANT: A facility, in which food and drinks are prepared, served and consumed.

RETAIL PETROLEUM PUMP CANOPY: A roof-like structure designed to cover a retail petroleum pump island.

RETAIL USES: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. "Retail uses" shall not include coal, wood and lumber yards.

REZONE: To change the zoning district classification of a particular lot, parcel or area.

RIGHT-OF-WAY: Land dedicated or reserved for or occupied by a road, railroad, utility or other similar use.

RIPARIAN BUFFER: An area of trees, shrubs, or other vegetation that permits inundation by water and is at least 35 feet in width, measured outward from both sides of a natural waterway beginning along the slope of the ground from the channel scar line. A riparian buffer is managed to maintain the integrity of stream channels and reduce the effect of upland sources of pollution by trapping, filtering, and converting sediments, nutrients, and other chemicals.

RIVERINE: relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

ROAD OF ORIGIN: Each road shall have a road of origin. Generally, a road's origin will be the beginning point of the road as accessed from another road, from major road to minor roads, and from proximity to the axis point. These road origins shall be established by the Addressing Coordinator.

SALVAGE YARD: any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

SCENIC AREA: An open area, the natural features of which are visually significant or geologically or botanically unique.

SEWAGE LIFT STATIONS: A facility designed to move wastewater from lower to higher elevations.

SCHOOL: Without residential component: any building used for organized education or instruction in any branch of knowledge. This school does not contain rooms where overnight lodging and meals are provided to students. B. With residential component: any building used for organized education or instruction in any branch of knowledge. This school does contain rooms where overnight lodging and meals are provided to students.

SCREENING: A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

SEARCH AREA: A geographic area in which a commercial telecommunication facility site may be located that would satisfactorily cover a targeted area and/or hand-off with its neighboring sites.

SEASONAL USE: Any use which ceases operation for at least three months in a year.

SELF-SERVICE STORAGE FACILITY: A structure containing separate storage spaces of varying sizes leased or rented as individual leases for the purpose of storing personal property and household goods.

SEMITRAILER: Every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests on or is carried by another vehicle.

SERVICE STATION: Any premises primarily used for supplying gasoline, oil, tires, accessories and services for automobiles at retail directly to the motorist or consumer. Repair uses are accessory to the other retail services provided.

SETBACK: The required distance between a building or structure and a lot line.

1) **SETBACK, FRONT YARD:** The required distance between a street right-of-way line and the front line of a building or structure.

2) **SETBACK, REAR YARD:** The required distance between a building or structure and the rear lot line of the lot containing the building or structure.
3) **SETBACK, SIDE YARD:** The required distance between a building or structure and the side lot line of the lot containing the building or structure.

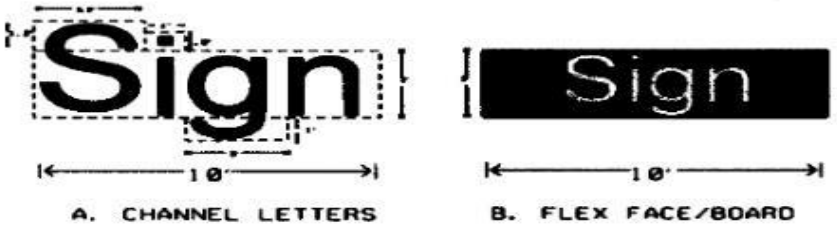
SEWAGE TREATMENT FACILITY: Any device or system used in the storage, treatment, disposal or reclamation of sewage and industrial wastes generated by more than two uses or dwellings.

SHARED DRIVEWAY: A driveway which provides access to more than one structure or lot primarily intended to ensure public safety access by providing mutual/common access to a street, to minimize the number of access points on streets, thereby maintaining street mobility, and to facilitate traffic flow between adjacent lots.

SHOPPING CENTER: Any development containing two or more uses within a single approved Master Development Plan or site plan.

SIGN: Any object, device, display or structure or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

1) **SIGN AREA:** The sign area shall be measured as the area of a sign face with the smallest square, circle, rectangle, triangle or combination thereof that encompasses the extreme limits of the letters, figures, designs, devices, pictures, projected images, symbols, fixtures, logos, emblems or insignias, or any part or combination thereof together with any materials or colors forming an integral part of the background of the sign face or used to differentiate the sign from the backdrop or structure against which it is placed. In the case of a double-faced sign where the interior angle formed by the faces is 45° or less or where the sign face is parallel, only one display face shall be used in calculating the area.



2) **SIGN, ANIMATED:** Any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation.
3) **SIGN, BANNER**: A sign having characters, letters or illustrations applied to cloth, paper, flexible plastic, or fabric of any other kind, with only such material for backing.
4) **SIGN, BUILDING ENTRANCE:** A sign designating the location to the outside entrance to a particular use**.**
5) **SIGN, BUSINESS:** A sign which directs attention to a business or profession conducted or to a commodity or service sold, offered or manufactured or to a service, activity or entertainment offered.

6) **SIGN, COTTAGE OCCUPATION:** A sign advertising an approved cottage occupation.
7) **SIGN, DIRECTIONAL:** A sign that is designed or erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.
8) **SIGN, ELECTRONIC MESSAGE:** A sign with a fixed or changing message and/or display composed of a series of lights that may be changed through electronic means. LED (light emitted diodes) is a type of electronic message sign. Such electronic sign messages shall be displayed for a minimum of two minutes, and shall not be animated by scrolling, flashing or other similar non-static displays. In no case shall an electronic message sign occupy more than 50% of the area of a permitted sign size.
9) **SIGN, FLASHING:** Any sign directly or indirectly illuminated that exhibits changing natural or artificial light or color effects by any means whatsoever.
10) **SIGN, ILLUMINATED:** A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign.
11) **SIGN, INFLATABLE:** Any display capable of being expanded or powered by air or other gas and used to advertise a business, service, product or event.
12) **SIGN, INFORMATIONAL:** A sign commonly associated with, and not limited to, information necessary for the convenience of visitors coming on the property, including signs marking entrances and exits, parking areas, circulation direction, rest rooms, and pick-up and delivery areas.
13) **SIGN, MONUMENT:** A freestanding sign placed directly on the ground by means other than a support pole or brace in which the message portion is either on top of, or affixed to, the support structure. The width of the support structure for the monument sign must be a minimum of 50% of the width of the sign face area.
14) **SIGN, MULTI-TENANT COMPLEX**: A sign that identifies the name of the development and the users in a shopping center or multi-tenant development.
15) **SIGN, OFF-PREMISES:** A sign which directs attention to a business, commodity, service, activity or entertainment conducted, sold or offered on a parcel of land other than the one on which the sign is located.
16) **SIGN, ON-PREMISES:** A sign which directs attention to a business, commodity, service, activity or entertainment conducted, sold or offered on the parcel of land on which the sign is located.
17) **SIGN, PORTABLE:** A sign designed or intended to be moved easily that is not permanently embedded in the ground or affixed to a building or other structure.
18) **SIGN, RESIDENTIAL SUBDIVISION IDENTIFICATION:** A sign which denotes the name of a residential subdivision, condominium or apartment complex.
19) **SIGN, ROOF:** A sign that is mounted on the roof of a building or a sign that projects above the top wall or edge of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.
20) **SIGN, TEMPORARY:** A sign intended to display either commercial or noncommercial messages of a transitory, nonpermanent, or temporary nature, and which may include, as a permitted sign pursuant to this chapter, a sign that is portable.
21) **SIGN, WALL-MOUNTED:** A sign fastened to the wall of a building or structure in such a manner that the wall becomes the supporting structure for the sign.

SITE PLAN: A specific and detailed plan of development meeting the requirements of this Ordinance.

SLEEPING UNIT: A room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

SOLID WASTE DISPOSAL FACILITY: As defined in NCGS 130A-280(a)(35), any facility involved in the disposal of solid waste.

SOLID WASTE DISPOSAL SITE: As defined in NCGS 130A-280(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

SPECIAL FLOOD HAZARD AREA (SFHA): The land in the floodplain subject to a one (1) percent or greater chance of being flooded in any given year, as determined in Section 9.3.2 of this Article.

SPECIAL FLOOD HAZARD AREA: Areas subject to inundation by the one (1) percent Annual Chance Flood.

START OF CONSTRUCTION: Substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the structure.

STREET ENTRANCE: The location where at-grade access from a street to a parcel is provided.

STREET INTERSECTION: The location where two or more streets cross at grade without a bridge.

STREET, LOCAL: A street, so classified by the North Carolina Department of Transportation or by the standards of Pender County, designed to provide access to adjoining or abutting properties.

STREET, PRIVATE: A street that has not been or not intended to be accepted for permanent maintenance by NCDOT for use by the public.

STRUCTURE:

1) Any man-made object having an ascertainable stationary location on or in land or water, whether or not it is affixed to the ground. All buildings are "structures."
2) For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Structure, for insurance rating purposes, means a walled and roofed building, other than a gas or liquid storage tank, which is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50~~%)~~ percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or any alteration of an historic structure, provided that the alteration will not preclude the structures continued designation as an historic structure.

SUPPORT SERVICE: A commercial, industrial, or institutional use providing a specific service for employees and patrons of hospitals, medical centers, medical offices, clinics, and schools of medicine.

SWEEPSTAKES CENTER: A business enterprise, whether principal or accessory, where persons may play games on on-site machines/terminals/computers that reveal the results of sweepstakes or similar contests associated with the on-site purchase of internet time, phone time, office supply or other retail good; and where redeemable cash sweepstakes awards (government issued coins and bills in hand) in amounts of $10.00 or more may be received. This definition does not apply to any game or process prohibited by N.C.G.S. §§ 14-304 through 14-309 or to any game regulated by the North Carolina Education Lottery Commission.

SWINE FARM: Means a tract of land devoted to raising 250 or more animals of the porcine species

T-INTERSECTION: A place where one road joins two others but does not cross them, so that the roads form the shape of a letter “T.”

TELECOMMUNICATIONS TOWERS: A structure, including the tower, antennas, panels, microwave dishes, receiving dishes, equipment building, other transmitting and receiving components and

other accessory structures, used for the wireless electromagnetic transmission of information, excluding structures utilized as satellite earth stations and structures utilized for amateur or recreational purposes such as ham radio or citizen band radio.

TEMPORARY HOUSING: Temporary accommodations for individuals or families whose homes have been destroyed or significantly damaged through no fault of the owner, by an emergency or disaster.

TEMPORARY HOUSING UNIT: Manufactured housing, recreational vehicle, or travel trailer providing temporary housing accommodations due to an emergency or natural disaster.

TEMPORARY TRAILER: A mobile home or trailer to be removed after a designated time period.

TEMPORARY USE: A use established for a designated fixed period of time with the intent to discontinue such use upon the expiration of the time period.

TOURIST HOME: An establishment in a dwelling which supplies temporary accommodation to up to 14 overnight guests for a fee.

TRACTOR-TRAILER TRUCK: A motor vehicle with a short chassis and a swivel (fifth wheel), with a trailer pulled by the tractor designed to be used to haul freight.

TRACTOR TRUCK: Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the load and weight of the vehicle attached thereto.

TRACTOR TRUCK TRAILER: The portion of a tractor truck without motive power, designed for carrying property or passengers wholly on its own structure.

TRANSITIONAL SURFACE: Surface which extends outward perpendicular to the runway center line extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

TRASH HEAP: An area where trash, garbage or other solid wastes are deposited without being covered by a sanitary fill.

TREE, DECIDUOUS: Trees which drop their foliage annually before becoming dormant.

TREE, EVERGREEN: Trees with foliage which remain green year-round.

TRIP ENDS: The total trips entering and leaving a specific land use or parcel over a designated period of time.

TRUCK: Every motor vehicle designed to transport property on its own structure independent of any other vehicle and having a registered gross weight in excess of 7,500 pounds.

USE: Any purpose for which a lot or structure may be designed, arranged, intended, maintained or occupied or any activity, occupation, business or operation carried on a parcel of land.

VARIANCE: A reasonable deviation from those provisions regulating the size or area of a lot or parcel of land or the size, area, bulk or location of a building or structure when the strict application of this Ordinance would result in unnecessary or unreasonable hardship to the property owners and such need for a variance would not be shared generally by other properties, and provided that such variance is not contrary to the intended spirit and purpose of this Ordinance and would result in substantial justice being done.

VIOLATION: For floodplain management purposes, "violation" includes the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Article VII, Part 702, of this chapter is presumed to be in violation until such time as that documentation is provided.

WAREHOUSING, MEDICAL AND ALLIED HEALTH: A structure or facility designed for the storage of medical supplies, equipment, furniture and fixtures associated with medical and allied health services.

WASTE RECOVERY AND RECYCLING FACILITY: A facility primarily engaged in (1) operating facilities for separating and sorting recyclable materials form nonhazardous waste streams (i.e., garbage) and/or (2) operating facilities where commingled recyclable materials, such as paper, plastics, used beverage cans, and metals are sorted into distinct categories.

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

WATERCOURSE: A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. "Watercourse" includes specifically designated areas in which substantial flood damage may occur.

WAYSIDE STAND, ROADSIDE STAND OR WAYSIDE MARKET: Any structure or land used for the sale of agricultural or horticultural produce, livestock or merchandise produced by the owner or his family on their farm.

WELLNESS CENTER: A structure or facility designed to provide recreational, educational, and medicinal benefits to the public.

WETLANDS: Areas that are inundated or saturated by surface or groundwater at a frequency or duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, and that is subject to a perpetual easement permitting inundation by water

APPENDIX B LANDSCAPING & BUFFER PLANT TYPE LIST

Value of Landscape and Buffer Plants

The placement of landscape plants on a property can serve numerous purposes. One of the most obvious is to enhance the appearance of the property and increase the property's value. Other benefits of plants and vegetative buffers in the home and business property landscape are as follows:

1) Reduce air pollution by absorbing Carbon Dioxide and releasing Oxygen.
2) Reduce erosion by dispersing and absorbing rainfall.
3) Reduce stream pollution by stabilizing soil and slowing, dispersing and absorbing stormwater runoff.
4) Reduce stormwater runoff and the potential for flooding.
5) As properties provide trees, plants and other landscape vegetation, not only is the appearance of individual properties improved, but Community Appearance is enhanced. This provides a substantial value to the community and other properties in the Community.
6) Buffer and Landscape trees and other plants also help reduce noise from auto traffic, glare from auto and other lights and help collect & reduce litter from reaching adjacent properties.

Pender County Landscape and Vegetative Buffer Requirements

The Pender County Unified Development Ordinance contains requirements for landscaping and buffer plantings for certain types of developments in and adjacent to parking lots containing more than 10 spaces and around the perimeter of the site or developed area of the site. These provisions are contained in Article 8, Landscaping and Buffering.

Source of Information in Attached Plant List

The plant list included herein has been compiled directly from the NC State Agricultural Extension Service, Pender County's Cooperative Extension for plant types specifically suited for Pender County and Southeastern North Carolina. A substantial amount of information on plant type and suitability is available from the Extension Service Web Site.

Purpose of This Plant List

The list attached is to be used as a guide for the reader only. The list of plants and shrubs included (in the list attached) are not the only types of trees and shrubs that may be used to meet the requirements in the Pender County Unified Development Ordinance for landscaping and buffering. The list only provides examples of plants that may be suitable for the locations on sites, where landscaping and plantings are required by the UDO. Many other types, species and varieties of plants can be used and are available. Plants for certain types of developments should be chosen that are low maintenance and adaptable to the conditions peculiar to the site. Landscape Architects, local nurseries, plant suppliers, the NC Agricultural Extension Service or other available sources should be consulted when making a substantial investment in plant materials and installation. Buffers and Landscaping required by the UDO must be maintained for the duration of any approval issued for the site and use. Preservation of existing trees and vegetation around the perimeter of the site and in other key locations on the site is recommended and can save substantial financial resources.

Explanation for the Attached Plant List

The Plant List attached is divided into five categories of plants that coincide with the requirements of the UDO. Those categories are as follows:

1) Recommended Canopy (large) Trees
2) Recommended Understory (small) Trees
3) Recommended Screening Shrubs
4) Recommended Ornamental Shrubs
5) Ground Covers & Grasses

FOR MORE INFORMATION

WEBSITE

For more detailed information about each plant and to see images, visit the Plant Fact Sheets on the NC Cooperative Extension Consumer Horticulture website: www.ncstate-plants.net

More fact sheets of recommended plants and other local garden and landscape information are available from the **Pender County Cooperative Extension** website at http://pender.ces.ncsu.edu. Click on the Lawn and Garden link to access information specifically for Pender County growing conditions.

CONTACT COOPERATIVE EXTENSION

If you have questions about plant selection and maintenance, lawn care, vegetable gardening or plant pest problems call or visit your local North Carolina Cooperative Extension office.

The **Pender County Cooperative Extension Center** is open 8am to 5pm, Monday – Friday and is located at 801 South Walker Street, Burgaw. Our phone number is (910) 259-1235.

For residents of other counties in North Carolina, find out how to contact your local Cooperative Extension Office at North Carolina Cooperative Extension.

Assistance provided by:
Charlotte Glen, Extension Agent
Agriculture—Horticulture
North Carolina Cooperative Extension—Pender County Center

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Recommended Canopy Trees

Botanical/ Common Name	Recommended Varieties	Height/Spread At Full Maturity	Growth Rate	Exposure	Notes & Culture
Acer rubrum Red Maple*	'October Glory' 'Red Sunset' 'Autumn Blaze'	40-50 ft Ht 25-35 ft Sp	Medium	Full Sun to Light Shade	Moist to well drained soil Does not perform well in parking lots. Needs consistent moisture
Betula Nigra River Birch* %	'Heritage' 'Dura Heat'	40-70 ft Ht 40-60 ft Sp	Fast	Full Sun	Moist to well drained soil
Celtis laevigata Sugarberry* %				Full Sun	Wet to well drained soil Extremely tough but not readily available
Crataegus phaenopyrum Washington Hawthorn*		25-30 ft Ht 20-25 ft Sp	Medium	Sun to Light Shade	Moist to well drained soil White flowers in Spring Red fruit in Fall
Fagus grandiflora American Beech*		50-70 ft Ht 40-60 ft Sp	Slow	Full Sun	Well drained soil Not readily available – not the best choice for parking lots
Ginko biloba Maidenhair Tree %	'Autumn Gold'	50-70 ft Ht 30-40 ft Sp	Slow	Full Sun	Well drained soil Very tough – good urban tree
Lagerstromia indica & fauriei Crepe Myrtle %	'Miami' 'Natchez' 'Tuscarora' Muskogee, Tuskegee, Biloxi, Choctaw, Fantasy	20-40 ft Ht 20-35 ft Sp	Medium	Full Sun	Well drained soil Flowers all Summer Drought tolerant

Magnolia grandiflora Southern Magnolia*	'DD Blanchard' 'Claudia Wanamaker' 'Overton' 'Bracken's Brown Beauty'	20-80 ft Ht 20-50 ft Sp	Slow to Medium	Full Sun to Part Shade	Well drained soil May be considered too large for most parking islands Evergreen
Botanical/ Common Name	**Recommended Varieties**	**Height/Spread At Full Maturity**	**Growth Rate**	**Exposure**	**Notes & Culture**
Pistache chinensis Chinese Pistache%		30-35 ft Ht 25-35 ft Sp	Slow	Full Sun	Well drained soil. Exceptionally tough urban tree.
Quercus alba White Oak*		50-80 ft Ht 40-80 ft Sp	Slow to Medium	Full Sun	Moist to well drained soil Reddish purple fall color Not tough enough for parking lots
Quercus lyrata Overcup Oak* %		40-60 ft Ht 40-60 ft Sp	Medium	Full Sun	Wet to well drained soil Very tough
Quercus nigra Water oak* %		50-80 ft Ht 30-60 ft Sp	Medium to Fast	Full Sun to light Shade	Moist to well drained soil Salt Tolerant
Quercus nutallii Nutall Oak* %		40-60 ft Ht 30-50 ft Sp	Medium	Full Sun	Moist to well drained soil Red fall color. Faster growing than Shumard Oak.
Quercus phellos Willow Oak* %		40-80 ft Ht 30-80 ft Sp	Medium to Fast	Full Sun	Moist to well drained soil Fine texture foliage
Quercus shumardii Shumard Oak* %		40-60 ft Ht 40-60 ft Sp	Medium	Full Sun	Moist to well drained. Very similar to Nutall Oak
Quercus virginiana Southern Live Oak* %		40-80 ft Ht 60-100 ft Sp	Medium	Full Sun to part Shade	Adapts to most soil types Salt Tolerant Evergreen

Taxodium distichum Bald Cypress* %		50-70 ft Ht 20-30 ft Sp	Medium	Full Sun	Wet to well drained soils Lacey foliage Extremely tough
Ulmus parvifolia Lacebark Elm %	'Bosque' 'Allee' 'Athena'	40-50 ft Ht 30-40 ft Sp	Fast	Full Sun	Well drained soil Exfoliating bark extremely tough

Native Plants*

Plants native to Southeastern USA are marked with an asterisk (*). These plants are endemic to Southeastern United States from Virginia to eastern Texas.

Trees recommended for parking islands %

Trees marked with a percent sign (%) indicates which trees are most likely to be successful in limited root zone areas (parking lot islands). Some of the others are great trees for our area (i.e. Red Maple and American beech) but they may not be suitable for confined areas such as parking lots. This does not mean they should not be considered for larger planting spaces such as common areas, buffer plantings or large islands.

Drought Tolerant Plants

Extremely drought tolerant plants are marked with an underline. When planted in their preferred soil type, these plants are able to withstand extended periods of drought, 4-6 weeks, without supplemental irrigation once established. Most trees and shrubs take two to three growing seasons to become fully established. Perennials, grasses and groundcovers usually require one to two seasons to become established. Regular supplemental water should be provided until plants become established.

Mature Size

Mature sizes of all plants are given as height and spread, though it may take many years to reach these dimensions. Mature size can vary depending on growing conditions.

Recommended Varieties

For many plants, recommended varieties are given. These are selections of that plant that either perform better in our area or are more suitable to the landscape than the plain species. Plant varieties, also known as cultivars, are listed enclosed in single quotes.

Exposure

Exposure refers to the amount of sunlight a site receives as follows:

- **Full Sun** indicates a site that receives at least 6-8 hours of direct sun each day.
- **Light Shade** indicates a site that is shaded less than half of the day by a light high shade such as that cast by pine trees.

- **Part Shade** indicates a site that is shaded half of the day by a dense shade like that cast by buildings or shade trees.
- **Full Shade** indicates a site that is in shade all day.

Soil Conditions

- **Wet** indicates a site that stays moist most of the time and receives periodic flooding
- **Moist** indicates a site that is moist most of the time with brief (less than 12 Hrs.) periods of standing water.
- **Well drained** indicates a site where water drains from the surface and rarely stands.
- **Xeric** indicates a site that is extremely dry and sandy with very little ability to hold water.

Recommended Understory Trees

Deciduous Species

Botanical/ Common Name	Recommended Varieties	Height/Spread At Full Maturity	Growth Rate	Exposure	Notes & Culture
Acer barbatum Southern Sugar Maple*		20-25 ft Ht 15-20 ft Sp	Medium	Sun to Light Shade	Moist to well drained soil Yellow & orange Fall color
Acer buergerianum Trident maple		20-25 ft Ht 10-15 ft Sp	Medium	Sun	Well drained soil Yellow, orange & red Fall color
Acer palmatum Japanese Maple		10-25 ft. Ht 10-20 ft Sp	Slow	Sun to Part Shade	Well drained, consistently moist soil. Good specimen tree. Does best under irrigation.
Amelanchier arborea Serviceberry*	'Autumn Brilliance'	20-25 ft Ht 10-15 ft Sp	Medium	Sun to Part Shade	Moist to well drained soil Orange fall color White flowers in Spring
Carpinus caroliniana Ironwood*		20-30 ft Ht 15-25 ft Ht	Slow	Sun to Shade	Wet to well drained soil Interesting bark Very shade tolerant

Cercis canadensis Redbud*	'Forest Pansy' 'Royal White' 'Oklahoma'	12-30 ft Ht 15-25 ft Sp	Medium	Sun to part Shade	Moist to well drained soil Purple or white flowers in Spring
Chionanthus retusus% Chinese Fringetree		12-25 ft. Ht 15-25 ft Sp	Slow	Sun to Part Shade	Well drained soil White flowers in Spring Very drought tolerant
Cornus florida Dogwood*	'Cloud 9' 'Cherokee Princess'	15-25 ft Ht 10-20 ft Sp	Slow to Medium	Sun to Part Shade	Moist to well drained soil White flowers in Spring Burgundy Fall color Performs best under irrigation.
Botanical/ Common Name	**Recommended Varieties**	**Height/Spread At Full Maturity**	**Growth Rate**	**Exposure**	**Notes & Culture**
Cornus kousa Kousa Dogwood		15-30 ft Ht 15-30 ft Sp	Slow to Medium	Sun to Light Shade	Well drained soil White flowers in Spring
Ilex decidua Possumhaw*	'Warren's Red' 'Council Fire'	15-20 ft Ht 10-15 ft Sp	Medium	Sun to Light Shade	Moist to well drained soil. Red berries in Fall and Winter
Lagerstromia indica% Crepe Myrtle	'Apalachee' 'Catawba' 'Osage' 'Seminole' 'Sioux' 'Tuskegee' 'Yuma'	10-30 ft Ht 10-25 ft Sp	Fast	Sun	Well drained soil Blooms in Smmer
Magnolia stellata Star Magnolia		15-20 ft Ht 10-15 ft Sp	Slow	Sun to Light Shade	Well drained soil White or pink flowers in Spring
Magnolia x soulangiana Saucer Magnolia		20-30 ft Ht 15-25 ft Sp	Medium	Sun to Light Shade	Pink flowers in Spring

Prunus campanulata% 'Okame' Cherry		15-30 ft Ht 15-30 ft Sp	Medium	Sun to Light Shade	Well drained soil Pink flowers in Spring More drought tolerant than most flowering cherries.
Prunus mume Japanese Flowering Apricot		15-25 ft Ht 15-25 ft Sp	Medium	Sun to Light Shade	Well drained soil Pink, Red or White flowers in Winter
Prunus serrulata Japanese Flowering Cherry	'Kwanzan'	20-30 ft Ht 20-30 ft Sp	Medium	Sun to Light Shade	Well drained soil Pink flowers in Spring Performs best under irrigation.
Prunus x yedoensis Yoshino Cherry		15-25 ft Ht 15-25 ft Sp	Medium	Sun to Light Shade	Well drained soil Light Pink flowers in Spring Performs best under irrigation.
Botanical/ Common Name	**Recommended Varieties**	**Height/Spread At Full Maturity**	**Growth Rate**	**Exposure**	**Notes & Culture**
Styrax japonicus Japanese Snowbell	'Emerald Pagoda' 'Pink Chimes'	20-30 ft Ht 20-30 ft Sp	Medium	Sun to Part Shade	Well drained soil White or Pink flowers in Spring Performs best under irrigation.
Viburnum prunifolium Blackhaw Viburnum*		10-20 ft Ht 10-15 ft Sp	Medium	Sun to part Shade	Moist to well drained soil White flowers in Spring Edible black fruit in Fall

Vitex agnus-castus% Chastetree		15-20 ft Ht 10-15 ft Sp	Medium	Sun	Well drained soil Pink or Lavender blue flowers in Summer Very drought tolerant

Evergreen Species

Botanical/ Common Name	Recommended Varieties	Height/Spread At Full Maturity	Growth Rate	Exposure	Notes & Culture
Butia capitata Pindo palm		10-15 ft Ht 10-15 ft Sp	Medium	Sun to Light Shade	Moist to well drained soil
Eriobotrya japonica Loquat		15-20 ft Ht 15-20 ft Sp	Medium	Sun to light Shade	Well drained soil Fragrant white flowers in Fall
Ilex Hybrids% Red Hollies	'Oakleaf' 'Cardinal' 'Robin' 'Liberty' 'Patriot'	10-15 ft Ht 8-15 ft Sp	Medium	Sun to light Shade	Well drained soil
Ilex latifolia Lusterleaf holly		20-25 ft Ht 15-20 ft Sp	Medium	Sun to Part Shade	Well drained soil Red berries in Fall and Winter
Ilex opaca American Holly*		20-30 ft Ht 15-20 ft Sp	Slow	Sun to Part Shade	Moist to well drained soil Red berries in Fall and Winter
Ilex vomitoria% Yaupon Holly*	'Hoskin's shadow' 'Kathy Ann' 'Katherine'	15-20 ft Ht 10-15 ft Sp	Medium to Fast	Sun to Light Shade	Moist to Xeric soils Red Orange or Yellow berries in Fall and Winter
Botanical/ Common Name	**Recommended Varieties**	**Height/Spread At Full Maturity**	**Growth Rate**	**Exposure**	**Notes & Culture**
Ilex x attenuata% Topel Holly*	'Savannah' 'Foster's #2' 'East Palatka'	20-30 ft Ht 10-15 ft Sp	Medium	Sun to Part Shade	Moist to well drained soils Red berries in Fall and Winter
Ilex x 'Nellie R. Stevens'% Nellie Stevens Holly		15-25 ft Ht 10-15 ft Sp	Medium	Sun to Part Shade	Moist to well drained soils Red berries in Fall and Winter

Magnolia grandiflora 'Little Gem'% Little Gem Magnolia*		15-25 ft Ht 10-15 ft Sp	Slow to Medium	Sun to Part Shade	Moist to well drained soils Fragrant White flowers in Summer
Magnolia virginiana Sweet Bay Magnolia*		20-30 ft Ht 10-20 ft Sp	Medium to Fast	Sun to Part Shade	Moist to well drained soil Fragrant White flowers in Spring Moderately evergreen – may lose most of its foliage in harsh winters
Myrica cerifera% Southern Wax Myrtle*		10-20 ft Ht 10-20 ft Sp	Fast	Sun to Light Shade	Wet to Xeric soil Blue-Black berries on female plants in winter
Prunus caroliniana% Carolina Cherry Laurel*		15-30 ft Ht 15-20 ft Sp	Fast	Sun to Light Shade	Well drained to Xeric soil White flowers in Spring
Osmanthus fragrans Fragrant Tea Olive		15-30 ft Ht 8-15 ft Sp	Medium	Sun to Light Shade	Moist to well drained soil Fragrant White flowers in Fall and Winter May be grown as a large shrub or small tree
Osmanthus fortunei Fortune's Osmanthus		15-25 ft Ht 8-20 ft Sp	Medium to Fast	Sun to Light Shade	Moist to well drained soil May be grown as a large shrub or small tree
Sabal palmetto Palmetto Palm*		10-30 ft Ht 10-15 ft Sp	Slow	Sun to Part Shade	Moist to well drained soil

Native Plants*

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Trees recommended for parking islands %

Trees marked with a percent sign (%) indicates which trees are most likely to be successful in limited root zone areas (parking lot islands). Some of the others are great trees for our area (ie. Red Maple and American beech) but they just are not going to make it in parking lots. This does not mean they should not be considered for larger planting spaces such as common areas, buffer plantings or large islands.

Drought Tolerant Plants
Extremely drought tolerant plants are marked with an underline. When planted in their preferred soil type, these plants are able to withstand extended periods of drought, 4-6 weeks, without supplemental irrigation once established. Most trees and shrubs take two to three growing seasons to become fully established. Perennials, grasses and groundcovers usually require one to two seasons to become established. Regular supplemental water should be provided until plants become established.

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For many plants, recommended varieties are given. These are selections of that plant that either perform better in our area or are more suitable to the landscape than the plain species. Plant varieties, also known as cultivars, are listed enclosed in single quotes.

Exposure
Exposure refers to the amount of sunlight a site receives as follows:

- **Full Sun** indicates a site that receives at least 6-8 hours of direct sun each day.
- **Light Shade** indicates a site that is shaded less than half of the day by a light high shade such as that cast by pine trees.
- **Part Shade** indicates a site that is shaded half of the day by a dense shade like that cast by buildings or shade trees.
- **Full Shade** indicates a site that is in shade all day.

Soil Conditions

- **Wet** indicates a site that stays moist most of the time and receives periodic flooding
- **Moist** indicates a site that is moist most of the time with brief (less than 12 Hrs.) periods of standing water.
- **Well** drained indicates a site where water drains from the surface and rarely stands.
- **Xeric** indicates a site that is extremely dry and sandy with very little ability to hold water.

Recommended Screening Shrubs

Botanical/ Common Name	Recommended Varieties	Height/Spread At Full Maturity	Spacing for Continuous Screen	Growth Rate	Exposure	Notes & Culture
Bambusa multiplex Hedge Bamboo		15-20 ft Ht 6-10 ft Sp	5 ft on center	Fast	Light to Part Shade	Well drained soil Clump forming bamboo. Not invasive – does not spread like most bamboos.

Elaeagnus Elaeagnus pungens, Elaeagnus ebbingii		10-15 ft Ht 10-15 ft Sp	5 ft on center	Fast	Sun	Well drained to Xeric soil, Very tough, Salt tolerant. Extremely vigorous. Best reserved for very sandy, poor soils and areas receiving salt spray.
Feijoa sellowiana Pineapple Guava		6-10 ft Ht 5-8 ft Sp	4-5 ft on center	Fast	Sun	Well drained soil Pink & crimson flowers in Spring, gray foliage
Ilex cornuta Chinese Holly	'Burfordii' 'Needlepoint' 'Fine Line'	8-15 ft Ht 6-12 ft Sp	6-8 ft on center	Medium	Sun to Light Shade	Well drained soil Dark green glossy leaves, Red berries in Fall & Winter
Ilex cornuta Dwarf Burford Holly	'Burfordii nana'	5-7 ft Ht 5-7 ft Sp	4 ft on center	Medium	Sun to Light Shade	Well drained soil Not to be confused with 'Burfordii' as it is much more compact
Ilex vomitoria Yaupon Holly*		8-15 ft Ht 6-10 ft Sp	6 ft on center	Medium to Fast	Sun to Part Shade	Moist to Xeric soil Red or orange berries in Fall & Winter. Tolerates salt spray.
Ilex x 'Nellie R. Stevens' Nellie Stevens Holly		15-25 ft Ht 10-15 ft Sp	10 ft on center	Fast	Sun to Part Shade	Moist to well drained soil, Green, glossy leaves. Red berries in Fall & Winter
Ilex x Red Hybrids Red Hollies	'Cardinal' 'Festive' 'Little Red' 'Oakleaf' 'Robin'	10-14 ft Ht 6-8 ft Sp	6 ft on center	Medium	Sun to Part Shade	Well drained soil Reddish new growth

Illicium parviflorum Anise Tree*		8-12 ft Ht 6-10 ft Sp	5-6 ft on center	Medium	Sun to Shade	Wet to well drained soil. Fragrant foliage
Botanical/ Common Name	**Recommended Varieties**	**Height/Spread At Full Maturity**	**Growth Rate**	**Exposure**	**Notes & Culture**	**Botanical/ Common Name**
Juniperus chinensis 'Spartan' 'Spartan Juniper'		12-20 ft Ht 4-6 ft Sp	4 ft on center	Medium	Sun	Well drained soil. Tolerates salt spray.
Ligustrum japonicum Japanese Privet	'Davidson's Hardy' 'Recurvifolium'	6-12 ft Ht 6-10 ft Sp	6 ft on center	Medium	Sun to Light Shade	Well drained soil Tough plant with green, glossy foliage
Loropetalum chinense Pink Lorepetalum	'Zhuzhou Fuchsia'	10-15 ft Ht 8-12 ft Sp	7 ft on center	Fast	Sun to Light Shade	Well drained, acid soil Hot pink fringy flowers in Spring Maroon-purple Foliage
Magnolia Grandiflora	'Little Gem' 'Kay Parris'	12- 20 ft Ht 8-10 ft Sp	8 ft on center	Slow	Sun to Part Shade	Large green glossy foliage. White flowers Summer
Myrica cerifera Southern Wax Myrtle*		8-15 ft Ht 8-15 ft Sp	6-8 ft on center	Fast	Sun to Part Shade	Moist to Xeric soil Extremely tough native shrub
Osmanthus Tea Olive	'Fragrans' 'Fortunei' 'Heterophyllus'	10-15 ft Ht 10-15 ft Sp	6-8 ft on center	Medium	Sun to Part Shade	Well drained soil Can be easily maintained at 5-6 ft
Pittosporum tobira	'Varegata' 'Variegata Winter Pride' 'Louisiana Green'	8-12 ft Ht 8-12 ft Sp	6-8 ft on center	Slow to Medium	Sun to Part Shade	Well drained soil Salt Tolerant Prone to deer damage
Rhaphiolepis umbellata. Indian Hawthorn	'Majestic Beauty'	8-10 ft Ht 8-10 ft Sp	6-8 ft on center	Medium	Sun	Well drained soil. Salt Tolerant. Prone to deer damage. Resistant to leaf spot disease that often affects other

						Indian Hawthorn varieties. Pink flowers in early summer.
Ternstromia gymnathera Japanese Cleyera	'Bronze Beauty' 'Jade Tiara'	8-12 ft Ht 5-7 ft Sp	5 ft on center	Slow	Sun to Full Shade	Well drained soil Very glossy green foliage with reddish new growth.
Thuja plicata Giant Arborvitae	'Green Giant'	30-40 ft Ht 10-15 ft Sp	10 ft on center	Fast	Sun to Part Shade	Well drained soil. Not as drought tolerant as 'Spartan' Juniper
Botanical/ Common Name	**Recommended Varieties**	**Height/Spread At Full Maturity**	**Growth Rate**	**Exposure**	**Notes & Culture**	**Botanical/ Common Name**
Viburnum awabuki 'Chindo' Chindo Viburnum		10-15 ft Ht 6-8 ft Sp	6 ft on center	Medium	Sun to Part Shade	Well drained soil Large dark green glossy leaves
Viburnum tinus Laurustinus		6-10 ft Ht 6-8 ft. Sp	4-6 ft on center	Medium	Sun to Shade	Well drained soil. Pink flower buds open up to white blossoms in late winter. Salt spray tolerant.

Native Plants*

Plants native to Southeastern USA are marked with an asterisk (*). These plants are endemic to Southeastern United States from Virginia to eastern Texas.

Drought Tolerant Plants

Extremely drought tolerant plants are marked with an underline. When planted in their preferred soil type, these plants are able to withstand extended periods of drought, 4-6 weeks, without supplemental irrigation once established. Most trees and shrubs take two to three growing seasons to become fully established. Perennials, grasses and groundcovers usually require one to two seasons to become established. Regular supplemental water should be provided until plants become established.

Mature Size

Mature sizes of all plants are given as height and spread, though it may take many years to reach these dimensions. Mature size can vary depending on growing conditions.

Recommended Varieties

For many plants, recommended varieties are given. These are selections of that plant that either perform better in our area or are more suitable to the landscape than the plain species. Plant varieties, also known as cultivars, are listed enclosed in single quotes.

Exposure

Exposure refers to the amount of sunlight a site receives as follows:

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- **Part Shade** indicates a site that is shaded half of the day by a dense shade like that cast by buildings or shade trees.
- **Full Shade** indicates a site that is in shade all day.

Soil Conditions

- **Wet** indicates a site that stays moist most of the time and receives periodic flooding
- **Moist** indicates a site that is moist most of the time with brief (less than 12 Hrs.) periods of standing water.
- **Well drained** indicates a site where water drains from the surface and rarely stands.
- **Xeric** indicates a site that is extremely dry and sandy with very little ability to hold water.

Recommended Ornamental Shrubs

Deciduous Species

Botanical/ Common Name	Recommended Varieties	Height/Spread At Full Maturity	Growth Rate	Exposure	Notes & Culture
Berberis thunbergii Japanese Barberry	'Crimson Pygmy' 'Gentry' 'Rose Glow'	2-3 ft Ht 3-4 ft Sp	Medium	Sun	Well drained soil Reddish-purple foliage. Small Thorns.
Callicarpa americana* American Beautyberry		4-8 ft Ht 4-8 ft Sp	Fast	Sun to Light Shade	Moist to well drained soil Magenta purple fruit in late Summer
Callicarpa dichotoma Purple Beautyberry		4-5 ft Ht 5-8 ft Sp	Fast	Sun to light Shade	Well drained soil Lilac-violet fruit in Summer
Chaenomeles speciosa Flowering Quince	'Cameo' 'Jet Trail' 'Texas Scarlet'	3-6 ft Ht 3-6 ft Sp	Medium	Sun to Part Shade	Well drained soil. Thorny plant with Scarlet –Red to Pink or White flowers in late Winter early Spring.

Euonymus alatus Winged Euonymus		5-15 ft Ht 5-15 ft Sp	Slow	Sun to Light Shade	Well drained soil Brilliant Red fall color deserving of the name'Burning Bush'
Forsythia x intermedia Forsythia	'Lynwood Gold'	6-10 ft Ht 6-10 ft Sp	Fast	Sun	Well drained soil Dark Green leaves in Summer Deep Yellow flowers in early Spring
Hibiscus syriacus Rose of Sharon		8-12 ft Ht 6-10 ft Sp	Medium	Sun to Part Shade	Moist, well drained soil with high organic matter. White to Red to Purple-Violet flowers in Summer
Hydrangea macrophylla Bigleaf Hydrangea	'Merritt's Beauty' 'Nikko Blue' 'Endless Summer' Too many to list	3-10 ft Ht 3-10 ft Sp	Fast	Light to Part Shade	Moist, well drained soil with high organic matter. White, Pink, Blue or Purple flowers in Summer
Botanical/ Common Name	**Recommended Varieties**	**Height/Spread At Full Maturity**	**Growth Rate**	**Exposure**	**Notes & Culture**
Hydrangea paniculata Panicle Hydrangea	'Chantilly Lace' 'Tardiva' 'Unique'	8-20 ft Ht 8-20 ft Sp	Fast	Sun to Part Shade	Moist well drained soil. White changing to mauve pyramidal shaped flowers in Summer
Hydrangea quercifolia* Oakleaf Hydrangea	'Alice' 'Snow Queen'	5-10 ft Ht 5-15 ft Sp	Slow to Medium	Sun to Part Shade	Moist, well drained soil. White changing to purplish-pink flowers in late Spring into early Summer.
Ilex verticillata* Winterberry	'Winter Red' 'Red Sprite'	6-10 ft Ht 8-15 ft Sp	Slow to Medium	Sun to Part Shade	Moist to wet acid soil. Red berries in Winter.

					Requires male & female for fruit set.
Lonicera sempervirens* Coral Honeysuckle	'Leo'	10-20 ft Ht 10-20 ft Sp	Fast	Sun to Shade	Well drained soil. Vigorous vine best placed on a fence or trellis. Orange, Red & Yellow flowers in Spring.
Spiraea x bumalda Japanese Spirea	'Anthony Waterer'	2-5 ft Ht 3-5 ft Sp	Fast	Sun	Well drained soil. White to Deep pink flowers in Summer.
Spiraea japonica Japanese Spirea	'Little Princess' 'Neon Flash' 'Shirobana' 'Goldmound'	2-4 ft Ht 2-4 ft Sp	Fast	Sun	Well drained soil. Rosy Pink flowers in Summer.
Spiraea nipponica 'Snowmound' Spirea	'Snowmound'	3-5 ft Ht 4-5 ft Sp	Medium	Sun to Part Shade	Well drained soil. Small Blue-Green leaves. White flowers in early Summer.
Spiraea x vanhouttei Vanhoutte Spirea		6-10 ft Ht 10-12 ft Sp	Medium	Sun to Part Shade	Well drained soil. Vase shaped plant with very showy White flowers in Spring
Viburnum macrocephalum Chinese Snowball Bush		12-15 ft Ht 10-15 ft Sp	Medium	Sun to Part Shade	Moist, well drained soil. Large clusters of white flowers in Spring
Botanical/ Common Name	**Recommended Varieties**	**Height/Spread At Full Maturity**	**Growth Rate**	**Exposure**	**Notes & Culture**
Viburnum plicatum var. tomentosum Doublefile Viburnum	'Shasta' 'Maresii'	8-10 ft Ht 8-10 ft Sp	Medium	Light Shade	Well drained soil. White flowers in Spring.
Viburnum prunifolium* Blackhaw Viburnum		12-15 ft Ht 8-12 ft Sp	Slow to Medium	Sun to Part Shade	Well drained to dry soil. Creamy White flowers in Spring.
Weigela florida Weigela		6-9 ft Ht 9-12 ft Sp	Medium	Sun	Well drained soil.

					Pink flowers in late spring.

Evergreen Species

Botanical/ Common Name	Recommended Varieties	Height/Spread At Full Maturity	Growth Rate	Exposure	Notes & Culture
Abelia x 'Rose Creek' Rose Creek Abelia		3-4 ft Ht 3-4 ft Sp	Medium	Sun to part Shade	Well drained soil. Whitish-Pink flowers all Summer turning mauve .Dried flowers persist into Winter.
Abelia grandiflora Glossy Abelia	'Edward Goucher' 'Francis Mason' 'Little Richard' 'John Creech'	3-6 ft Ht 3-6 ft Sp	Medium to fast	Sun	Well drained soil. Semi evergreen during cold winters. Pink or White flowers in Summer.
Aucuba japonica Dwarf Aucuba	'Gold Dust' 'Nana' 'Serratifolia'	5-10 ft Ht 4-8 ft Sp	Slow	Part Shade to Shade	Moist, well drained acid soil that is high in organic matter. Large Green, glossy leaves with a tropical look. 'Gold Dust' has yellow speckled foliage.
Bambusa multiplex Hedge Bamboo		15-20 ft Ht 6-10 ft Sp	Fast	Light to Part Shade	Well drained soil Clump forming bamboo. Not invasive – does not spread like most bamboos.
Camellia japonica Common Camellia	'Marie Bracie' 'Professor Charles S. Sargent' 'Dr. Tinsley' Too many to list	5-15 ft Ht 5-15 ft Sp	Slow	Sun to Shade	Well drained acid soil with high organic matter. Blooms in late Winter to early Spring. Many varieties available in White, Pink, & Red
Botanical/ Common Name	**Recommended Varieties**	**Height/Spread At Full**	**Growth Rate**	**Exposure**	**Notes & Culture**

		Maturity			
Camellia sasanqua Sasanqua Camellia	'Yuletide' 'Kanjiro' 'Show-no-Sake' Too many to list	5-15 ft Ht 5-15 ft Sp	Slow	Sun to Shade	Well drained acid soil with high organic matter. Blooms in late Fall to early Winter. Many varieties available in White, Pink, & Red
Cephalotaxis harringtonia False Yew	'Duke Gardens' 'Prostrata'	3-4 Ht 6-8 ft Sp	Slow	Sun to Shade	Well drained soil. Drought tolerant once established. Deer resistant
Chamaecyparis obtusa Hinoki False Cypress	'Nana Gracillis'	5-6 ft Ht 3-4 ft Sp	Slow	Sun to Part Shade	Moist, well drained acid soil.
Chamaecyparis pisifera Japanese False Cypress	'Boulevard' 'Filifera' 'Filifera Aurea'	10-20 ft Ht 10-15 ft Sp	Medium	Sun	Moist, well drained soil.
Clematis armandii Evergreen Clematis		20 ft Sp	Fast	Light to Part Shade	Well drained soil. Vine with dark Green, glossy leaves and white flowers in mid Spring. Needs support.
Clethra alnifolia* Summersweet	'Sixteen Candles' 'Hummingbird'	4-8 ft Ht 4-6 ft Sp	Slow to Medium	Sun to Part Shade	Moist to Wet acid soil. Very fragrant, white flowers in Summer
Eleagnus pungens Eleagnus ebbingii Eleagnus		10-15 ft Ht 10-15 ft Sp	Fast	Sun	Well drained to Xeric soil, Very tough, Salt tolerant. Extremely vigorous. Best reserved for very sandy, poor soils and areas receiving salt spray

X Fatshedera lizei Fatshedera		6-8 ft Ht 4 ft Sp	Medium	Part to Full Shade	Tolerant of light sandy or clay soils but prefers moist acid soil high in organic matter. Vine that is a cross between Fatsia & English ivy
Botanical/ Common Name	**Recommended Varieties**	**Height/Spread At Full Maturity**	**Growth Rate**	**Exposure**	**Notes & Culture**
Fatsia japonica Japanese Fatsia		6-10 ft Ht 6-10 ft Sp	Medium	Part to Full Shade	Tolerant of light sandy or clay soils but prefers moist acid soil high in organic matter. Large Green glossy tropical looking leaves. White flowers in Fall
Feijoa sellowiana Pineapple Guava		6-10 ft Ht 5-8 ft Sp	Fast	Sun	Well drained soil. Pink & crimson flowers in Spring, gray foliage.
Gardenia jasminoides Cape Jasmine	'Chuck Hayes' 'August Beauty' 'Frost proof'	5-10 ft Ht 5-10 ft Sp	Medium	Sun to Part Shade	Moist well drained, acid soil that is high in organic matter. Protect from winter winds. Deer Resistant.
Ilex cornuta Chinese Holly	'Carissa' 'Needlepoint' 'Rotunda' 'Burfordi' 'Dwarf Burford'	4-15 ft Ht 5-12 ft Sp	Medium	Sun to Part Shade	Well drained soil. Drought & heat tolerant. Green, glossy, spined leaves. Red berries in Winter
Ilex glabra Inkberry Holly*	'Shamrock'	4-6 ft Ht 4-6 ft Sp	Slow	Sun to Shade	Moist acid soil.
Ilex vomitoria Yaupon Holly*	'Katherine' 'Hoskins Shadow'	15-20 ft Ht 8-12 ft Sp	Medium to Fast	Sun to Shade	Moist to Xeric soil. Drought, heat & salt tolerant. Most adaptable native shrub for SE North Carolina

Ilex vomitoria * Dwarf Yaupon	'Shillings' 'Bourdeaux'	3-5 ft Ht 4-5 ft Sp	Medium to Fast	Sun to Shade	Moist to Xeric soil. Drought, heat & salt tolerant. Most adaptable native shrub for SE North Carolina
Ilex hybrids Hybrid Hollies	'Lydia Morris' 'Mary Nell' 'Emily Brunner' 'Nellie R. Stevens'	15-25 Ht 10-15 ft Sp	Medium to Fast	Sun to Part Shade	Well drained soil. Dark Green, spined leaves. Red berries in Winter. Pyramidal growth habit.
Botanical/ Common Name	**Recommended Varieties**	**Height/Spread At Full Maturity**	**Growth Rate**	**Exposure**	**Notes & Culture**
Illicium anisatum Spice Bush		6-10 ft Ht 6-10 ft Sp	Medium to Fast	Sun	Moist, well drained, acid soil. Fragrant foliage smells like licorice.
Illicium floridanum* Florida Anise Tree	'Halley's Comet' 'Shady Lady'	6-10 ft Ht 5-8 ft Sp	Medium	Part Shade to Shade	Moist, well drained to poorly drained acid soil with high organic content. Deer resistant
Illicium parviflorum* Small Anise Tree		6-10 ft Ht 5-8 ft Sp	Medium	Part Shade to Shade	Moist well drained to poorly drained soil with high organic content. Deer resistant
Jasminum nudiflorum Winter Jasmine		3-4 ft Ht 4-7 ft Sp	Fast	Sun to Part Shade	Prefers moist well drained soil but adaptable to poor soil. Moderately drought tolerant once established. Good erosion control.

Juniperus chinensis Chinese Juniper	'Compacta' 'Spartan' 'Robusta green' 'Hetzii' 'Sargentii' 'Pfitzeriana'	3-20 ft. Ht 3-12 ft Sp	Slow to Medium	Sun	Well drained soil. Drought tolerant once established.
Juniperus 'Kaizuka' Hollywood Juniper	'Torulosa'	15-25 ft Ht 8-15 ft Sp	Medium	Sun	Well drained soil. Drought tolerant once established. Salt tolerant
Juniperus davurica Parson's Juniper	'Expansa'	2-3 ft Ht 6-8 ft Sp	Medium	Sun to Part Shade	Well drained soil. Excellent heat tolerance.
Ligustrum japonicum Japanese Privet	'Davidson's Hardy' 'Recurvifolium'	6-12 ft Ht 6-10 ft Sp	Medium	Sun to Light Shade	Well drained soil Tough plant with green, glossy foliage
Loropetalum chinense Pink Lorepetalum	'Zhuzhou Fuchsia' 'Ruby' 'Burgundy' 'Blush'	6-15 ft Ht 6-12 ft Sp	Fast	Sun to Light Shade	Well drained, acid soil Hot pink fringy flowers in Spring Maroon-purple Foliage
Botanical/ Common Name	**Recommended Varieties**	**Height/Spread At Full Maturity**	**Growth Rate**	**Exposure**	**Notes & Culture**
Michelia figo Banana Shrub		5-10 ft Ht 5-10 ft Sp	Medium	Sun	Moist, well drained, acid soil. Small creamy white flowers that smell like ripe bananas in Spring
Myrica cerifera* Southern Wax Myrtle		8-15 ft Ht 8-15 ft Sp	Fast	Sun to Part Shade	Moist to Xeric soil Extremely tough native shrub
Nandina domestica Heavenly Bamboo	'Gulfstream' 'Harbor Dwarf' 'Firepower' 'Moon Bay'	2-5 ft Ht 2-4 ft Sp	Medium	Sun to Shade	Well drained soil. Clusters of Red berries in winter. White flower panicles in spring.
Osmanthus Tea Olive	'Fragrans' 'Fortunei' 'Heterophyllus'	10-15 ft Ht 10-15 ft Sp	Medium	Sun to Part Shade	Well drained soil

					Can be easily maintained at 5-6 ft
Podocarpus macrophyllus Chinese Podocarpus	'Maki'	10-15 ft Ht 5-6 ft Sp	Slow	Sun to Shade	Well drained soil. Deer resistant.
Pittosporum tobira Japanese Pittosporum	'Variegata' 'Winter Pride' 'Louisiana Green'	2-12 ft Ht 4-12 ft Sp	Slow to Medium	Sun to Part Shade	Well drained soil Salt Tolerant Prone to deer damage
Pyracantha coccinea Scarlet Firethorn		6-18 ft Ht 6-18 ft Sp	Medium to Fast	Sun to Part Shade	Well drained soil. Commonly used for espaliers on walls & trellises. Red or orange berries in winter. Thorns!
Rhapheolepsis umbellata Indian Hawthorn	'Olivia' 'Eleanor Tabor' 'Majestic Beauty'	2-10 ft Ht 4-10 ft Sp	Medium	Sun	Well drained soil. Salt Tolerant. Prone to deer damage. 'Majestic Beauty' is resistant to leaf spot disease that often affects other Indian Hawthorn varieties. However best used as a beach plant in sandy soils with good air circulation. Pink or White flowers in early summer.
Botanical/ Common Name	**Recommended Varieties**	**Height/Spread At Full Maturity**	**Growth Rate**	**Exposure**	**Notes & Culture**
Rhododendron Hybrids Azalea	'Formosa' 'Coral Bells' Too many to list!	2-6 ft Ht 2-4 ft Sp	Medium	Light to Part Shade	Moist, well drained soil a must! Available in many different colors blooming from early Spring to early Summer.

					'Encore'TM varieties bloom Spring, Summer & Fall
Rosa banksiae 'lutea' Lady banks rose		20 ft Sp	Medium to Fast	Sun	Well drained soil. Plant on fences, arbors & trellises. Thornless rose with Yellow or White flowers in Spring.
Rosa 'Radrazz' Knockout Rose		3-5 ft Ht 3-5 ft Sp	Medium to Fast	Sun	Well drained soil. Cherry Red Rose with excellent resistance to leaf spot and other problems associated with Roses. Drought and salt tolerant
Rosa Rugosa Saltspray Rose		4-6 ft Ht 4-6 ft Sp	Fast	Sun	Well drained soil. Excellent beach plant with good salt & drought tolerance. Rose-purple to White flowers in Summer
Rosmarinus officialis Rosemary		2-5 ft Ht 2-5 ft Sp	Slow	Sun	Well drained soil. Tolerates wind and salt spray. Very deer resistant.
Ternstromia gymnathera Japanese Cleyera	'Bronze Beauty' 'Jade Tiara'	8-12 ft Ht 5-7 ft Sp	Slow	Sun to Full Shade	Well drained soil Very glossy green foliage with reddish new growth
Thuja occidentalis Emerald Arborvitae	'Emerald'	10-15 ft Ht 3-4 ft Sp	Slow to medium	Sun	Moist, well drained, acid soil. Good specimen, accent or hedge plant
Botanical/ Common Name	**Recommended Varieties**	**Height/Spread At Full Maturity**	**Growth Rate**	**Exposure**	**Notes & Culture**

Tracheospermum jasminoides Confederate Jasmine		15 ft Sp	Medium to Fast	Part Shade to Shade	Well drained soil. Climbing vine that needs support. Dark, Green, glossy leaves with fragrant White flowers in Spring.
Viburnum awabuki 'Chindo' Chindo Viburnum		10-15 ft Ht 6-8 ft Sp	Medium	Sun to Part Shade	Well drained soil Large dark green glossy leaves
Viburnum obovatum* Walter's Viburnum	'Densa' 'Whorled Class'	4-8 ft Ht 3-8 ft Sp	Medium	Sun to Part Shade	Wet to well drained soil. Fine textured foliage with clusters of small White flowers in early Spring
Viburnum tinus Laurustinus		6-10 ft Ht 6-8 ft. Sp	Medium	Sun to Shade	Well drained soil. Pink flower buds open up to white blossoms in late winter. Salt spray tolerant.
Yucca filamentosa* Adam's Needle Yucca	'Bright Edge' 'Colorguard'	2-3 ft Ht 2-3 ft Sp	Medium	Sun to Light Shade	Well drained soil. Drought, heat & salt tolerant. White panicle type flowers rise 2-3 ft above foliage in late spring. Great beach plant. Deer resistant

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- **Xeric** indicates a site that is extremely dry and sandy with very little ability to hold water.

Recommended Groundcovers

Deciduous Species

Botanical/ Common Name	Recommended Varieties	Height/Spread At Full Maturity	Growth Rate	Exposure	Notes & Culture
Canna hybrids Canna Lily	'Miss Oklahoma' 'Red King Humpert' 'The President'	2-6 ft Ht 3- 6 ft Sp	Medium to Fast	Sun	Moist to well drained soil. Good choice for slopes and excellent erosion control
Cotoneaster dammeri Rockspray Cotoneaster	'Tom Thumb'	1-2 ft Ht 2-4 ft Sp	Medium	Sun	Well drained soil. Drought tolerant once established
Hemerocallis Daylily	'Stella D'Oro' 'Lemon Yellow' 'Cranberry baby' 'Happy Returns' 'Little Business'	1-3 ft Ht 1-3 ft Sp	Fast	Sun to Light Shade	Tolerant of most soils. Excellent for erosion control. Extremely drought and salt tolerant

Hosta lancifolia Plantain Lily	'Albomarginata' 'Francee' 'Krossa Regal' 'Gold Standard'	1-4 ft Ht 1-3 ft Sp	Medium	Shade	Moist to well drained soil.
Lantana camara Lantana	'New Gold' 'Spreading Sunset' 'Lemon Drop'	1-3 ft Ht 3- 4 ft Sp	Fast	Sun	Well drained to Xeric soil. Excellent for profuse color till frost. Drought and salt tolerant

Evergreen Species

Botanical/ Common Name	Recommended Varieties	Height/Spread At Full Maturity	Growth Rate	Exposure	Notes & Culture
Ajuga reptans Carpet Bugle	'Bronze Beauty' 'Burgandy Glow' 'Black Scallop'	3-4" Ht 24" Sp	Fast	Part Shade to Shade	Moist soil. Low spreading with lavender-blue flowers in Spring
Aspidistra elatior Cast Iron Plant		2 ft Ht 2-3 ft Sp	Slow	Light to Full Shade	Well drained soil. Large green upright leaves.
Cotoneaster dammeri Rockspray Cotoneaster	'Streib's Findling'	6"-12" Ht 3-4 ft Sp	Medium	Sun to Part Shade	Well drained soil Drought tolerant once established
Cyrtomium falcatum Holly Fern		2-3 ft Hg 2-3 ft Sp	Medium	Part to Full Shade	Well drained soil. More drought tolerant than most ferns. Deer Resistant.
Dryopteris erythrosora Autumn Fern		18"-24" Ht 2-3 ft Sp	Medium	Light to Full Shade	Bronze fronds emerge turning green with maturity. Can take some sun if under irrigation. Deer Resistant.
Euonymus fortunei Wintercreeper	'Coloratus'	2 ft Ht 3-4 ft Sp	Medium to Fast	Sun to Part Shade	Excellent for erosion Control. Scale insects can be a problem. Prone to deer damage.
Hedera canariensis Algerian Ivy		12-18"Ht Indeterminate SP	Medium	Light to Full Shade	Well drained soil. Excellent for slopes & erosion control.
Juniperus chinensis Chinese Juniper	'Sargentii'	1 ft Ht 6-8 ft Sp	Medium	Sun	Well drained soil. Heat and salt tolerant
Juniperus conferta		12"-18" Ht 6-8 ft Sp	Fast	Sun	Well drained soil. Heat, drought and salt

Shore Juniper					tolerant. Excellent for erosion control on banks and landward side dunes.
Juniperus horizontalis Spreading Juniper	'Bar Harbor' 'Blue Rug' 'Andorra'	12"-18" Ht 3-5 ft Sp	Medium to Fast	Sun	Well drained soil. Good choice for difficult conditions and urban plantings
Juniperus procumbins nana Dwarf Japanese Garden Juniper		8"- 2 ft Ht 10-15 ft Sp	Slow	Sun	Well drained soil. Good choice for adverse conditions
Liriope muscari Lily Turf	'Big Blue' 'Varegata' 'Evergreen Giant'	1-3' Ht. 12"-18" Sp	Medium	Sun to Part Shade	Moist to Xeric soil. Drought and salt tolerant. Excellent erosion control. Can handle root competition
Botanical/ Common Name	**Recommended Varieties**	**Height/Spread At Full Maturity**	**Growth Rate**	**Exposure**	**Notes & Culture**
Liriope spicata Creeping Lily Turf		6"-12" Ht. Indeterminate Sp	Fast	Sun to Part Shade	Moist to well drained soil. Rapidly spreading groundcover. Excellent erosion control. Can handle root competition
Nandina domestica Heavenly Bamboo	'Harbor Dwarf' 'Harbor Belle' 'Firepower'	2-3 ft Ht 2-3 ft Sp	Medium	Sun to Part Shade	Moist to well drained soil. Green foliage with red new growth.
Ophiopogon japonicus Mondo Grass		6-8" Ht 8"-12" Sp	Slow	Part Shade to Sun	Well drained soil Dark green foliage similar to Liriope with a narrower bladed leaf
Rosa wichuraiana Wichura Rose		1-2 ft Ht 10-20 ft Sp	Fast	Sun to Part Shade	Well drained soil. Excellent groundcover for erosion control on slopes
Rosmarinus officialis 'Prostratus' Trailing Rosemary		2-4 ft Ht 2-3 ft Sp	Slow	Sun	Well drained soil. Tolerates wind and salt spray. Very deer resistant.
Trachelospermum asiaticum Asiatic Jasmine		12"- 18" Ht 8-15 ft Sp	Medium to Fast	Sun to part Shade	Moist to well drained soil. Excellent vining groundcover. Good for erosion control once established

Vinca minor Periwinkle		5”-8” Ht 3-4 ft Sp	Medium to Fast	Shade to part Shade	Moist to well drained soil. Excellent under trees and shady banks.
Vinca major Big Leaf Periwinkle		1 ft Ht Indeterminate SP	Fast	Sun to Part Shade	Moist to well drained soil. Spreads rapidly. Lavender flowers in Spring. Good for slopes

Recommended Grasses

Botanical/ Common Name	Recommended Varieties	Height/Spread At Full Maturity	Growth Rate	Exposure	Notes & Culture
Acorus gramineus Japanese Sweetflag	‘Variegatus’	2-3 ft Ht 12”-18” Sp	Medium	Sun to Light Shade	Wet to Moist soil. Not drought tolerant. Evergreen.
Carex morrowii Japanese Sedge	‘Aureo-variegata’	12” Ht 12” SP	Medium	Sun to Part Shade	Wet to well drained soil. Evergreen.
Eragrostis curvula Weeping Love Grass		1-2 ½ ft Ht 18”- 24” Sp	Fast	Sun to Part Shade	Well drained soil. Good temporary erosion control. Short lived.
Botanical/ Common Name	**Recommended Varieties**	**Height/Spread At Full Maturity**	**Growth Rate**	**Exposure**	**Notes & Culture**
Lomandra longifolia Breeze Grass	BreezeTM	2’ Ht 2’ Sp	Medium	Sun to Part Shade	Moist to well drained soil. Evergreen. Soft, bright green foliage.
Pennisetum alopecuroides Fountain Grass	‘Moudry’ ‘Hamlin’ ‘Little Bunny’	1-3 ft Ht 1-3 ft Sp	Medium	Sun to Light Shade	Moist to well drained soil. Good for erosion control
Leymus arenius Blue Lyme Grass	‘Blue Dune’	1-2 ft Ht 3-4+ ft Sp	Fast	Part Shade	Moist soil. Striking blue-green foliage. Spreads extremely rapidly.
Miscanthus sinensis Maiden Grass	‘Adagio’ ‘Little Kitten’	3-4 ft Ht 3-4 ft Sp	Medium to Fast	Sun	Well drained soil Drought and salt tolerant.
Muhlenbergia capillaris* Muhly Grass		2-3 ft Ht 2-3 ft Sp	Fast	Sun	Well drained soil. Pink flower plumes in fall.

Native Plants*

Plants native to Southeastern USA are marked with an asterisk (*). These plants are endemic to Southeastern United States from Virginia to eastern Texas.

Drought Tolerant Plants

Extremely drought tolerant plants are marked with an underline. When planted in their preferred soil type, these plants are able to withstand extended periods of drought, 4-6 weeks, without supplemental irrigation once established. Most trees and shrubs take two to three growing seasons to become fully established. Perennials, grasses and groundcovers usually require one to two seasons to become established. Regular supplemental water should be provided until plants become established.

Mature Size

Mature sizes of all plants are given as height and spread, though it may take many years to reach these dimensions. Mature size can vary depending on growing conditions.

Recommended Varieties

For many plants, recommended varieties are given. These are selections of that plant that either perform better in our area or are more suitable to the landscape than the plain species. Plant varieties, also known as cultivars, are listed enclosed in single quotes.

Exposure

Exposure refers to the amount of sunlight a site receives as follows:

- **Full Sun** indicates a site that receives at least 6-8 hours of direct sun each day.
- **Light Shade** indicates a site that is shaded less than half of the day by a light high shade such as that cast by pine trees.
- **Part Shade** indicates a site that is shaded half of the day by a dense shade like that cast by buildings or shade trees.
- **Full Shade** indicates a site that is in shade all day.

Soil Conditions

- **Wet** indicates a site that stays moist most of the time and receives periodic flooding
- **Moist** indicates a site that is moist most of the time with brief (less than 12 Hrs.) periods of standing water.
- **Well drained** indicates a site where water drains from the surface and rarely stands.
- **Xeric** indicates a site that is extremely dry and sandy with very little ability to hold water.

APPENDIX C WALLACE MUNICIPAL AIRPORT – AIRPORT RESTRICTION MAP

WALLACE MUNICIPAL AIRPORT

Airport Minimum Standards Ordinance

AIRPORT MINIMUM STANDARDS ORDINANCE FOR COMMERCIAL ACTIVITIES (FBO/SASO/IO)

AN ORDINANCE SPECIFYING A THRESHOLD OF SUITABLE REQUIREMENTS FOR AN OPERATOR ENGAGED IN COMMERCIAL AERONAUTICAL ACTIVITY AT THE WALLACE MUNICIPAL AIRPORT. THIS ORDINANCE PROVIDES CONTINUITY FOR MAINTAINING THE ORDERLY DEVELOPMENT OF COMMERCIAL BUSINESSES AT THE AIRPORT.

The Town of Wallace, a Municipal Corporation of the State of North Carolina, hereby adopts and approves the following Minimum Standards Ordinance for conducting commerce at the Henderson Field Airport located in Pender County, North Carolina. The Airport is owned and operated by the Town of Wallace. Administration and enforcement of the terms of the Airport Minimum Standards shall be delegated at the discretion of the Town of Wallace.

Section 1: Terms and Definitions

Section 2: Regulations Governing Fixed Base Operators (FBO) / Special Aviation Service Organizations (SASO) and Independent Operators (IO)

Section 3: General Regulations Governing Minimum Standards

Section 4: Required Minimum Standards for Commercial Aeronautical Activities

Section 5: Procedures for Receiving and Processing Applications

Section 6: Lease Termination

Section 7: Amendments, Conflicting Regulations, Violation, Changes

Section 1: Terms and Definition

1. **"Aeronautical Activity"** shall mean any activity which involves, makes possible, or is required for the operation of aircraft, or which contributes to or is required for the safety of such operations.
2. **"Air Charter"** shall mean an FAA certified commercial operator providing on-demand, non-scheduled service of persons or property for hire.
3. **"Airport"** shall mean the Wallace Municipal Airport (Henderson Field) (ACZ), North Carolina.
4. **"Airport Commission (Committee)"** An advisory group appointed by the Town Board charged with overseeing the supervision of Airport activities.

5. **“Airport Manager”** shall mean the representative of the Town having day-today oversight of Airport activities. If no individual is designated with such charge, this responsibility is retained by the Airport Commission.
6. **“Airport Owner”** shall mean the Town of Wallace, as Airport Sponsor.
7. **“Commercial Aeronautical Activity”** shall mean a person or business providing goods and services to the aviation public for which compensation is received.
8. **“Commercial Aeronautical Operator (Operator)”** - Fixed Base Operator (FBO) / Special Aviation Service Organization (SASO) / Independent Operators (IO) shall mean a person or aeronautical business offering or supporting general aviation services.
9. **"Exclusive Rights"** shall mean excluding a Person from enjoying or exercising privileges conferred on one or more parties by excluding others by unreasonable standards or requirements.
10. **"FAA"** shall mean the Federal Aviation Administration.
11. **"Hangar"** shall mean a building providing shelter or enclosed space for the storage or aircraft or aircraft parts.
12. **“Lease”** shall mean an executed contract, in writing and enforceable by law, granting interests in property or the conduct of certain activities.
13. **“Motor Vehicle”** shall mean any powered ground vehicle.
14. **“Person”** shall mean an individual, partnership, firm, association, commercial business or corporation.
15. **"State"** shall mean the NCDOT - Division of Aviation (NCDOA).
16. **"Tenant"** shall mean a Person who leases or subleases real property and whose premises has access to the Airport.
17. **“Through-the-Fence”** shall mean any use of the Airport public landing areas by any person offering aeronautical activity or by aircraft based on land adjacent to, but not a part of, the Airport property.
18. **“Town”** shall be the Town of Wallace, North Carolina.
19. **"Town Board"** shall mean the Town of Wallace Board of Commissioners, the governing body lawfully empowered to exercise legal control over the Airport.

Section 2: Regulations Governing Fixed Base Operators (FBO) / Special Aviation Service Organizations (SASO) and Independent Operators (IO)

No commercial enterprise of any kind or type shall conduct commercial aeronautical activities on or at the Airport unless specifically authorized in writing by the Town Board. The privilege of using the Airport and its facilities shall impose full responsibility and risk by the Operator thereof, and shall release and hold harmless and indemnify the Town, and its agents, from any liability or charges of loss resulting from such use, as well as claims of third persons using the Airport.

A. FBO/SASO/IO Commercial Designation: In all cases, the Town Board will determine if the aeronautical activity qualifies as a commercial aeronautical activity. If determined to be commercial, the person or business shall conform to the requirements of the Wallace Municipal Airport ‘Minimum Standards For Commercial Activities.’ FBO/SASO/IO Compliance: All Fixed Base Operators (FBO), Special Aviation
B. Service Organizations (SASO) and Independent Operators (IO) shall comply fully with this Ordinance, and applicable regulations contained in the Wallace Municipal Airport ‘Rules & Regulations’, as adopted and amended.

C. FBO/SASO/IO Discrimination: No person shall be denied service because of their race, national origin, or gender. The Operator shall offer and provide services in accordance with the provisions of Title VI of the Civil Rights Acts of 1964 (P.L. 88-352). Accordingly, no person shall be denied equal services on the ground of race, color, or national origin in accordance with Regulation DOT Part 21.

Section 3: General Regulations Governing Minimum Standard Requirements

The operating standards outlined below are the minimum threshold requirements for Commercial Aeronautical Operators (Fixed Base Operator, Special Aviation Service Organization, and/or Independent Operators) as a condition of the Operator's right to lease premises and provided services on and at the Airport. The following shall apply to all prospective Operators, as disclosure of adequate intent and resources to offer or conduct commercial aeronautical activity at the Airport:

A. Prior to initiating operations or providing services at the Airport, Operators must be a party to a fully-executed lease or rental agreement with the Town Board.
B. Any executed agreement or lease with an Operator shall be subordinate to the provisions of any existing or future Airport property agreements or grant assurances relative to the operation or maintenance of the Airport, as agreed between the Town Board/Airport Sponsor and the United States Government and/or State of North Carolina.
C. The Operator ground lease or operating agreement shall not include any of the airfield or taxiway systems as specified by FAA Order 5100.38B, Section 526.
D. No Airport land or building space in excess of present and foreseeable Operator requirements shall be leased to any Operator. Any additional land may be made available on the basis of need and availability. Although Airport land designated or leased for Operator activities is limited and valued, nothing contained herein shall be construed to grant or authorize the granting of an exclusive right as forbidden by Section 308 of the Federal Aviation Act of 1958.
E. Operators must comply with applicable regulations set forth by local, state and federal agencies. The Operator shall post, in a prominent place, all necessary or required licenses or permits.
F. The Operator must establish an office at the Airport for public availability, and for public access to staff, facilities and equipment offered by the Operator Office hours shall coincide with attended hours of Airport operation as published in the Airport/Facility Directory, unless stated otherwise in the Operator lease agreement.
G. The rates, charges and prices assessed by the Operator may be requested, and must be divulged, to the Airport Committee/Town Board upon written request, including any discounts, rebates or other similar type price reductions.
H. Operator shall have the right to choose, at its sole discretion, its vendors and suppliers. Operator reserves the right, at its sole discretion, to grant others certain rights and privileges upon the Airport which are identical in part or in whole to those granted to Operator.
I. The distribution or sale of fuel on or at the Airport is authorized only with the express prior written approval of the Town Board. No Operator may sell or distribute aviation petroleum

products at the Airport unless having the prior written approval of the Airport Committee and Town Board, and having met the minimum standards found in Section 3.

J. Operations such as UNICOM radio, aircraft tie-down and other miscellaneous aeronautical activities not specifically described herein may be provided or conducted by any Operator upon application to and approval of the Airport Committee/Town Board. Reasonable terms and conditions for the privilege of engaging in these various services will be established or determined by the Airport Committee/Town Board as commensurate with the nature and scope of the activities involved.

K. Failure or inability of the Operator to meet the Airport Minimum Standards shall be reported in writing to the Airport Committee/Town Board, without delay.

Proposed Construction/Capital Improvements: Any Operator desiring to erect or construct any new or renovated permanent or temporary structure, landscaping, signs or support facilities at the Airport shall submit plans and specifications to the Airport Committee and Town Board for review and approval. No such approval shall be granted unless such construction and design is consistent with the Airport Layout Plan (ALP) drawing. The plans shall include a general layout, drawn to scale, showing said structure (site location, building, ground and top elevations, and aesthetic and decorative features), access and proposed boundary of leasehold area, plus a completed FAA Form 7460 'Notice of Proposed Construction or Alteration'. The Town Board, prior to construction, shall submit this information to the NCDOT, Division of Aviation/FAA for review and airspace determination.

A. Before construction of facilities and equipment is undertaken, the Operator must furnish the Airport Committee/Town Board with a performance bond commensurate with the construction costs to be performed.

B. The building structure shall be constructed in accordance with North Carolina Building Codes and National Fire Protection Association (NFPA) standards.

C. All such building permits, licensing and environmental certifications shall be obtained by the Operator prior to construction. A certificate of occupancy must be obtained before the structure can be occupied.

D. No Operator shall erect advertising or vendor signs at the Airport without express written permission of the Airport Committee/Town Board.

Staffing & Employment Conditions: The Operator must ensure that all of its employees meet physical requirements and mental competency necessary to carry-out the employee's job tasks in a safe manner.

A. Operators shall furnish prompt service adequate to meet all reasonable demands for its services at the Airport. All service offered by the Operator shall be provided to persons on a fair, equal and non-discriminatory basis.

B. The Operator shall appoint a qualified person (Operation Manager) stationed at the Airport, a position vested with full-power and authority to act in the name of Operator. The Operator Manager shall be available to the Town Board/Airport Sponsor for routine communication and coordination, and shall attend official Town meetings, as required or necessary. If absent, a duly authorized subordinate shall be in charge and available to the Town Board/Airport Sponsor.

C. All Operator personnel shall hold all necessary FAA certificates and ratings as required to carry-out the nature of their services, and shall maintain such certificates and ratings, as appropriate.
D. Operator shall provide, at its sole expense, a sufficient number of qualified employees and resources to provide safe and effective services. It shall be the responsibility of Operator Manager to maintain close supervision over its employees. The Operator Manager shall control the conduct, demeanor and appearance of its employees.
E. The Operator is responsible for informing and training its employees as to the current contents of the Airport Minimum Standards and Airport Rules and Regulations, and applicable portions of the Operator lease agreement with the Town Board/Airport Sponsor.

Leasehold Conditions: Operator lease terms shall be mutually agreed upon with due consideration for the financial investment and the need to amortize improvements to or on the leasehold. Operator have the right to further improve and develop its leasehold area. Any plans by the Operator for leasehold improvements, modifications or like development shall be submitted, prior to initiating construction, to the Airport Committee/Town Board for review and approval.

A. No Operator leases are agreements will be executed for a period in excess of twenty (20) years.
B. Operator leaseholds may be subleased by a lessee only with prior written approval of the Town Board, or designated representative.
C. All improvements made by the Operator to their leasehold property become the property of the Town upon termination of the Operator's leasehold for such areas or facilities.
D. No new leases will be executed, amended or assigned unless the existing lease is in compliance with the standards and requirements contained herein.

Insurance Coverage: Unless otherwise approved or directed by the Town, each Operator shall furnish satisfactory evidence of, at minimum, the following Insurance coverage and conditions:

A. $1,000,000 Single Limit Airport Premises Liability, Bodily Injury and Property Damage.
B. $1,000,000 for Hangar Keeper's Liability, or otherwise as applicable.
C. Aircraft Liability in an appropriate amount.
D. Workmen's Compensation Insurance as required by the State of North Carolina.

The Airport Committee/Town Board may choose, at their discretion, to modify insurance requirements on a case-by-case basis, depending on statutory and/or inherent risk factors. Operator insurance policies shall also declare the Town as a named insured and shall contain a clause which shall provide that in the event Lessee's insurance coverage, or any part thereof, should be cancelled or materially changed, the Town shall receive at least thirty (30) days prior written notice of such change.

Section 4: Required Minimum Standards for Commercial Aeronautical Activities

As a practical matter due to the surrounding circumstances that make such an arrangement necessary, the Town of Wallace intends to provide any and/or all activities related to the sale and distribution of aviation fuel needed by the public at the Airport.

Based on statutory requirements, the Town may not refuse any person from the sale or distribution of fuel on or at the Airport. However, the sale and distribution of fuel must be authorized with the expressed prior written approval of the Town Board. Any distributor or seller of fuels must comply fully with the Wallace Municipal Airport Rules & Regulations Ordinance, as adopted. The distribution or sale of fuels without prior written consent is a violation, and subject to prescribed penalties listed herein.

Fuel and Oil Sales. Persons conducting aviation fuel and oil sales on the Airport shall be required to provide:

1. All fuel systems must be capable of dispensing fuel directly into aircraft. Only properly trained personnel shall dispense fuel. In conducting refueling operations, the Operator shall install and use adequate grounding at fueling locations to eliminate the hazards of static electricity and shall provide types of fire extinguishers or other equipment commensurate with the hazard involved in refueling and servicing aircraft.
2. The Operator shall provide at a minimum 100-Low Lead aviation fuel, and pending user demand, standard Jet-A fuel.
3. Hours of fuel dispensing must be publicly posted, with a contact employee for on-demand fuel required during hours of not in operation to the public.
4. Adequate storage and inventory of at least one (1) brand of generally accepted grade of aviation fuel, engine oil and lubricants.
5. If supplied by the Operator, a minimum of 8,000 gallon on-site aircraft fuel storage capacity, per grade of fuel. A minimum capacity of 500 gallons is required for any fuel truck storage vehicle used for aircraft refueling. All fuel storage tanks and vehicles must meet federal, state, and local regulations and shall be regularly inspected and maintained by the Operator.
6. The Airport Committee/Town Board may prescribe a reasonable fuel flowage fee to be charged for all fuel sales or distributions, as specified in the Operator's lease agreement. Disclosure of Operator fuel sale quantities and revenues can be requested, and shall be furnished, to the Airport Committee/Town Board upon written notice.

Aircraft Line Service.

1. Adequate towing equipment and parking and tie-down areas to safely and efficiently move aircraft and store them in all reasonably expected weather conditions.
2. Proper equipment for repairing and inflating aircraft tires, servicing oleo struts, changing engine oil, washing aircraft and aircraft windows, and for recharging or energizing discharged aircraft batteries and starters.
3. Conveniently located lounge or waiting rooms for passengers and airplane crews of itinerant aircraft, together with sanitary restrooms and public telephones.

Hangar Storage: Operators desiring to provide hangar storage rental will meet the following requirements:

1. Lease at least 10,000 square feet for T-hangars.
2. Lease at least 3,000 square feet for common hangars.

Aircraft Maintenance and Repair: All persons operating aircraft engine and accessory maintenance facilities shall meet the following provisions:

1. Sufficient equipment, supplies and spare parts to perform maintenance in accordance with FAA Part 145 'Certified Repair Station'.
2. Trained and uniformed personnel to sufficiently meet the demand for aircraft maintenance services. At least one (1) mechanic shall be a FAA certified Airframe & Powerplant (A&P) technician, available during established business hours. Contact for on-demand services shall be publicly posted at the Airport.
3. New maintenance hangars constructed by or for an Operator shall contain a minimum of 3,600 square feet of storage and/or floor space. Adequate shop space to house the equipment and adequate equipment and machine tools, jacks, lifts, and testing equipment to perform top overhauls as required for FAA certification and repair
4. Suitable leased parking and/or storage space for aircraft awaiting maintenance or delivery after repair and maintenance has been completed.

Flight Training/Rental: Persons or Operators conducting flight training/aircraft rentals shall provide:

1. Flight instruction shall be provided by at least one properly FAA certified flight instructor with commercial certificate. Hours of availability and contact information must be publicly posted at the Airport.
2. At least one aircraft to be used for flight training and/or rental. Additional types of aircraft as may be required to give flight training, check-outs, proficiency training and instruction of the kind as advertised.
3. Adequate mock-ups, pictures, slides, film strips or other visual aids necessary to provide proper ground school instruction.
4. Adequate facilities for servicing and repairing the aircraft or satisfactory arrangements with other operators on the Airport for such service and repair.
5. Proper check lists and operating manuals on all aircraft rented and adequate parts catalogue and service manual on new aircraft sold.
6. Adequate liability and property damage insurance sufficient to protect the operator and the Town from legal liabilities involved. Indemnification and Hold-Harmless Agreement to protect the Town. A copy of this Agreement shall be provided to the Town Board before flight training activities commence.

Aircraft Charter and Taxi Service: Persons or Operators operating aircraft charter and taxi service shall provide:

1. Shall have properly certified suitable aircraft with properly certified and qualified operating crew available for service when not otherwise engaged in such service.
2. Adequate building or office lease area for passenger and baggage processing.
3. Adequate facilities for servicing and repairing the aircraft or satisfactory arrangements with other operators on the Airport for such service and repair.

4. Shall provide passenger liability insurance of at least $100,000 per passenger seat and property damage liability of at least $300,000. Indemnification and Hold-Harmless Agreement to protect the Town. A copy of this Agreement shall be provided to the Town Board before flight training activities commence.

Crop Dusting and Spray Operators. Persons or Operators seeking to conduct crop dusting or spraying of agricultural chemicals shall be required to satisfy the Town Board that operations shall be conducted in compliance with applicable local, state and federal laws. Staging and washing areas shall be conducted in compliance with the applicable regulations. Any liability resulting from agricultural spraying operations is the sole responsibility of the operator. The Town Board has authority to require said operators to post a bond that would cover, with the intent of mitigating, liabilities to the Town and County resultant from the intentional or accidental dispersion of agricultural spraying or other compounds.

Through-the-fence Operators: In accordance with FAA AC 150/5190-5, through the-fence operators conducting commercial business at the Airport may be charged an access fee commensurate with fair and uniform standards set by the Town Board.

Flying Club/Association. A flying club, or similar organization, is recognized as a plan for joint ownership of aircraft and the fair distribution of the cost of maintaining and operating such an aircraft. Such operation is not considered to be commercial in nature when so operated, nor is flight instruction by flying club members for flying other club members considered to be commercial in nature so long as there is not profit or for-hire motive involved in the operation. In all cases, the Town Board will determine if the operation is a commercial aeronautical activity. If determined to be commercial, the club or organization shall conform to the requirements set forth herein for commercial aeronautical operators.

Section 5: Procedures for Receiving And Processing Applications

All Operators, as part of the application process, must show and demonstrate business and financial ability to the satisfaction of the Airport Committee/Town Board. The City will not accept, or take action on, a request to lease building space or land area, or a request for assignment of an existing lease, or in any way permit the installation of a commercial aeronautical activity until after the applicant, in writing, submits a proposal, which clearly sets forth the scope and type of operations being proposed, including the following:

1. The name and address of the applicant;
2. The proposed aeronautical operation or activity sought;
3. The proposed land use and facility needs sought;
4. The names and qualifications of the personnel to be involved in conducting the activity;
5. The financial responsibility and technical ability of the applicant and operator to carry out said operations or activity, including historical evidence of satisfactory performance of previous similar
6. The tools, equipment, services, and inventory, if any, associated with the proposed activity;
7. The requested or proposed date for commencement of the activity and the term conducting the same;

8. The estimated cost of any structure or facility to be furnished, the proposed specifications for the same, and the means or method of financing such construction or acquisition of facilities.
9. Other information the Airport Committee/Town Board may require and specifically request.

Only applications completed according to the requirements will be considered. Upon approval of any such application in principal, the Town Board, or designated agent shall prepared a suitable lease or contract agreement setting forth the terms and conditions under which the Operator shall be conducted. Any rejected application shall be returned to the applicant within thirty calendar (30) days of the rejection with a written explanation of the reasons for rejection. Candidates are invited to resubmit at their discretion.

Section 6: Lease Termination

Any Operator or tenant who violates these minimum standards will be given written notice by the Airport Committee/Town Board describing the violation and suggesting corrective action (hereafter referred to as a "notice of violation"). The tenant may be given a specified and reasonable time period to correct any violations. If the tenant does not correct the cited violation(s) in the prescribed manner and time, the tenant's lease and continued use of Airport facilities are subject to termination.

Section 7: Amendments, Conflicting Regulations, Violation, Changes

The minimum standards contained herein may be revised, supplemented, and/or amended by the Town from time to time in such a manner as to reflect changes at the Airport and fairness and consistency to all existing and prospective future airport tenants.

Violation of the rules and regulations may be considered reason to restrict or terminate the activities on the Airport for said person or tenant. Upon written notice of the violation and restriction, the Town Board, in lieu of termination of the lease or contract, can conclude that the person or tenant could correct the violation so that the violation is eliminated. Any restriction may be limited to certain areas of the Airport, or may be limited to a certain time period, depending upon the violation.

A. If any conflict is found between provisions of this Ordinance, the more stringent provision shall prevail. If any provisions of this Ordinance, or application thereof, are held invalid it shall not effect or impose other provisions of this Ordinance. To this end, the provisions of this Ordinance are declared to be severable.
B. Any published FAA regulation shall become effective as part of this Ordinance without requiring any action on the part of the Town Board.

A copy of these Minimum Standards and any adopted changes will be available at the Town Manager's office.

Adopted By the Town Board of Commissioners on _____, 20____ and signed by

Chairperson, Town of Wallace Board of Commissioners

Witnessed by: Clerk to the Town Board of Commissioners

WALLACE MUNICIPAL AIRPORT

Airport Rules and Regulation Ordinance

AIRPORT RULES AND REGULATION ORDINANCE

AN ORDINANCE TO PROMULGATE UNIFORM RULES AND REGULATIONS PERTAINING TO THE OPERATION OF THE WALLACE MUNICIPAL AIRPORT. THE ORDINANCE REGULATES THE CONDUCT OF AIRPORT USERS AND BASED OPERATORS, IN A SAFE, ORDERLY, AND EFFICIENT MANNER.

Authority and Applicability

The Town of Wallace, a Municipal Corporation of the State of North Carolina, hereby adopts and approves the following Airport Rules and Regulations for the operation and use of the Wallace Municipal Airport (Henderson Field) located in Pender County, North Carolina. The Airport is owned and operated by the Town of Wallace. Administration and enforcement of the terms of the Rules and Regulations shall be delegated at the discretion of the Town of Wallace.

Section 1: Terms and Definitions
Section 2: Delegated Powers and Compliance
Section 3: Airport Leases
Section 4: Air Traffic Procedures
Section 5: Airport Operating Procedures
Section 6: Aircraft Maintenance
Section 7: Aircraft Fueling Procedures
Section 8: Airport Motor Vehicle Operations
Section 9: Airport Fire Procedures
Section 10: Airport Security
Section 11: Conflicting Regulations, Violation, Changes

Section 1: Terms and Definition

1. **"Aeronautical Activity"** shall mean any activity which involves, makes possible, or is required for the operation of aircraft, or which contributes to or is required for the safety of such operations.
2. **"Airport"** shall mean the Wallace Municipal Airport (Henderson Field) (ACZ), North Carolina.
3. **"Airport Commission (Committee)"** An advisory group appointed by the Town Board charged with overseeing the supervision of Airport activities.
4. **"Airport Manager"** shall mean the representative of the Town having day-today oversight of Airport activities. If no individual is designated with such charge, this responsibility is retained by the Airport Commission.
5. **"Airport Owner"** shall mean the Town of Wallace, as Airport Sponsor.
6. **"Commercial Aeronautical Activity"** shall mean a person or business providing goods and services to the aviation public for which compensation is received.

7. **"Commercial Aviation Operator"** - Fixed Base Operator (FBO) / Special Aviation Service Organization (SASO) / Independent Operators (IO) shall mean a person or aeronautical business offering or supporting general aviation services.
8. **"FAA"** shall mean the Federal Aviation Administration.
9. "**Hangar"** shall mean a building providing shelter or enclosed space for the storage or aircraft or aircraft parts.
10. **"Lease"** shall mean an executed contract, in writing and enforceable by law, granting interests in property or the conduct of certain activities.
11. **"Motor Vehicle"** shall mean any powered ground vehicle.
12. **"Person"** shall mean an individual, partnership, firm, association, commercial business or corporation.
13. **"State"** shall mean the NCDOT - Division of Aviation (NCDOA).
14. **"Tenant"** shall mean a Person who leases or subleases real property and whose premises has access to the Airport.
15. **"Through-the-Fence"** shall mean any use of the Airport public landing areas by any person offering aeronautical activity or by aircraft based on land adjacent to, but not a part of the Airport property.
16. **"Town"** shall be the Town of Wallace, North Carolina.
17. **"Town Board"** shall mean the Town of Wallace Board of Commissioners, the governing body lawfully empowered to exercise legal control over the Airport.

Section 2: Delegated Powers / Liability Exclusion / Compliance

The Town Board shall, at all times, have power to take such reasonable action as may be necessary to enforce these regulations, including contingencies not specifically mentioned by this Ordinance. The Town assumes no liability or responsibility for any loss, injury or damage to persons or property by reason of fire, theft, vandalism, wind or other natural causes, nor does the Town assume any liability for injury or death to any person while on Airport property or while using any public or private facilities at the Airport.

A. Compliance – All persons on, and users of, the Airport shall comply with and be governed by these Rules and Regulations. The privilege of using the Airport and its facilities shall impose full responsibility and risk by the user thereof, and shall release and hold harmless and indemnify the Town, and its agents, from any liability or charges of loss resulting from such use, as well as claims of third persons using the Airport.
B. Failure to Comply – Any person violating this Ordinance may be subject to pertinent deprivation of use of the Airport facilities for such period of time as may be deemed necessary by the Town Board, or legal representation.
C. Enforcement -These Airport Rules and Regulations, as well as all applicable state laws and Town ordinances, shall be enforced by the Town Board and/or law enforcement officers appointed pursuant to law.

Section 3: Airport Leases

The Town Board may lease Airport property in accordance with the approved Airport Layout Plan (ALP). All construction by any person must be authorized by the Town Board, or designated agent, and comply with applicable land use regulations and building codes.

A. Lease Records: Any person, hangar tenant and/or commercial aviation operators conducting business at the Airport must have an executed lease agreement or contract with the Town Board. Such persons shall retain and become familiar with the current Airport Rules and Regulations.
B. Airport Lease / Erection of Buildings or Structures: Any person desiring to erect or construct any new or renovated permanent or temporary structure, landscaping, signs or support facilities at the Airport shall submit plans and specifications to the Airport Committee and Town Board for review and approval. The plans shall include a general layout, drawn to scale, showing said structure (site location, building, ground and top elevations, and aesthetic and decorative features), access and proposed boundary of leasehold area, plus a completed FAA Form 7460 'Notice of Proposed Construction or Alteration'. The Town Board, prior to construction, shall submit this information to the NCDOT, Division of Aviation/FAA for review and airspace determination. Buildings shall meet all building codes and development ordinances. All such building permits, licensing and environmental certifications shall be obtained by the person prior to construction. A certificate of occupancy must be obtained before the structure can be occupied. No Airport leases will be executed for a period in excess of twenty (20) years.

C. Subleasing: Leased property may be subleased by the lessee only with prior written authorization or approval of the Town Board, or designated representative. Any person that subleases, assigns their lease, or rents to any person who then performs any commercial aeronautical activity on the Airport shall notify the Town Board of such tenant within ten (10) days of such transaction.
D. Leasehold Condition / Abuse of Property – Tenants are required to keep their premises clean and clear of all rubbish, junk, debris, disabled/dismantled aircraft, vehicles and unsightly objects. No person shall construct, erect or store facilities, equipment or materials in a manner as to constitute a hazard to persons or property, or that could interfere with the safe movement of aircraft. Garbage, refuse, chemicals, or other waste material shall be placed in appropriately approved receptacles used to dispose of off Airport property. No person shall, in any way, destroy, remove or disturb buildings, signs, equipment, markers or other property on the Airport. The borrowing or use of Airport-owned tools or equipment must be specifically permitted by the Airport Manager/Airport Committee.
E. Through-the-Fence: The NCDOT, Division of Aviation and FAA discourage through-the-fence operations. Through-the-fence arrangements will not be allowed unless approved by the Town Board, and coordinated with the NCDOT, Division of Aviation.
F. Right of Entry: The Town Manager, Airport Manager, Fire Chief, or other designated Town agents shall have reasonable right-of-entry into all areas of the Airport, including enclosed structures.
G. Solicitation: – No person shall solicit funds nor post commercial-related signs or advertisements at the Airport without written permission of the Town Board/Airport Committee.

H. Abandonment: No person may abandon vehicles, equipment, aircraft or parts on the Airport property. The Town Board, or designated representative, has the right following due written notice to the owner after 90 days to have such equipment removed and/or disposed of without liability. The last registered owner of the equipment shall be liable for all costs incurred in the disposal of such property.

Section 4: Air Traffic Procedures

A. Airmen Certification: Any person operating aircraft on the Airport must be certified by the FAA.
B. FAA Regulations: All aeronautical activities at the Airport and all flight operations in the airspace above the Airport shall be conducted in conformity with FAA regulations.
C. Aircraft Movements: All takeoffs and landings, by fixed-wing and rotorcraft, shall be conducted on paved areas. Any aircraft movement conducted in non-designated areas must be approved, in advance, by the Town Board, or designated representative.

Section 5: Airport Operating Procedures

A. Public Use: The Town Board may suspend or restrict Airport operations when deemed necessary in the interest of safety, or as otherwise restricted due to weather, construction development, national security, and "Acts of God". The Airport Manager/Airport Committee has the authority to temporarily close the Airport by means of NOTAM.
B. Aircraft Registration: All aircraft based at the Airport shall be registered with the Airport Manager/Advisory Committee (pilot name, address, phone number, aircraft type, model, N-number).
C. Aircraft Size & Weight: Airport operations by aircraft and/or other operating vehicles in excess of the published pavement strength shall require prior written permission by the Airport Manager, or designated Town representative. Such operations will be evaluate on a case-by-case basis.
D. Aircraft Engine Run-Up: Aircraft engines shall be started and run-up only in the places designated for such purposes. Engine run-ups shall be conducted so not to cause harm to people or damage to property, structures, or other aircraft. At no time shall engines be operating in hangars or enclosed structures.
E. Parked Aircraft: No aircraft shall be parked or stored at the Airport except in areas for such use, as designated or instructed by the Airport Manager, or designated representative. All aircraft not hangared shall be sufficiently secured at night and during inclement weather.
F. Aircraft Emergency Transmitter: Should an aircraft's Emergency Locator Transmitter (ELT) accidentally be activated, and the pilot or owner unable to be contacted or respond, the Airport Manager shall take steps to turn-off the ELT.
G. Taxiing Aircraft: Aircraft shall be taxied at a safe and reasonable speed with due respect for other aircraft, persons, or property. No two aircraft shall occupy the runway at the same time. Aircraft waiting on the taxiway for another aircraft to takeoff or land shall remain behind the runway holding position markings.

H. Public Access Within Aircraft Movement Areas: Only airmen, aircraft passengers, duly authorized personnel or persons being escorted by authorized personnel shall be permitted to access areas in which aircraft operate.

I. Aircraft Accident: In the event of an aircraft accident, the aircraft operator and/or owner shall promptly remove any disabled aircraft or parts hereof, subject to FAA/NTSB accident investigation. If unable, the Town Board/Airport Sponsor may, in compliance with FAA and other governmental regulations, move damaged or wrecked aircraft and parts from aircraft maneuvering and operating areas. The pilot of an aircraft involved in an accident on or near the Airport causing personal injury or property damage shall immediately report such incident to the Town Board/Airport Manger. In the event that the pilot is unable, the owner of the aircraft or the owner's agent shall submit an accident report to the Town Board/Airport Manager within 24 hours, including 1) names of persons involved, 2) addresses, 3) phone numbers and 4) general description of the accident. Airport property damaged or otherwise destroyed by an accident or other activity shall be paid for by parties responsible.

J. Special or Unique Airport Uses: Special use of the Airport shall be governed by the following:

    1) Flying Events: No person or organization will engage in or promote any show, contest, demonstration or similar exhibition at or on the Airport without specific prior written authorization from the Airport Committee and Town Board. Said request for authorization must be submitted at least sixty (90) calendar days prior to the event. Such permission shall not be given without appropriate FAA clearance or exemptions, nor without proof of an insurance policy for the event, which covers hazards and holds the Airport Owner harmless from any and all claims resulting from such events.
    2) Parachute Activity: Parachute jumps at or onto the Airport must receive prior consent from the Airport Manager/Airport Committee. An FAA "NOTAM" shall be filed by the Airport Manager, or designated representative prior to any said parachute jumps.
    3) Agricultural Spray Activity: Aircraft agricultural spraying operations shall be conducted in compliance with applicable local, state and federal laws. Staging and washing areas shall be conducted in compliance with the applicable regulations. Any liability resulting from agricultural spraying operations is the sole responsibility of the operator. The Town Board has authority to require said operators to post a bond that would cover, with the intent of mitigating, liabilities to the Town and County resultant from the intentional or accidental dispersion of agricultural spraying or other compounds.
    4) Model Aircraft: The flying of model aircraft at the Airport is prohibited. No person shall operate or release any model aircraft, rocket, kite, balloon, or other similar contrivance at or upon the Airport.

<u>Section 6: Aircraft Maintenance</u>

The Airport Manager reserves the right to designate areas for performing major and minor aircraft and engine repair and maintenance, including immobilized aircraft. Major engine, airframe,

avionics or aircraft apparatus repairs shall be conducted by a properly licensed mechanic, and shall be performed within an enclosed hangar designated for such purposes. All minor preventative aircraft maintenance and repairs authorized by FAR Part 43, 'Maintenance, Preventative Maintenance Rebuilding and Alteration' shall be performed in the owner's hangar or designated hangar for such purposes. If required, minor aircraft adjustments or repairs may be performed outside of hangars, at places assigned or designated by the Airport Manager/Airport Committee. Any engine work requires the use of adequate drip pans. Spent oil, fuels, and lubricants must be disposed in appropriate containers.

Persons in violation of these rules can be subject, at the discretion of the Airport Committee/Town Board, to the following fines, payable to the Town for Airport purposes:

- First offence: $100.00
- Second offence: $250.00
- Third offence: $500.00 and eviction from, or excluded from Airport use.

Section 7: Aircraft Fueling

The following rules shall govern and control the fueling and defueling of aircraft and motor vehicles at the Airport:

A. No fuel storage and dispensing equipment, whether publicly or privately owned, shall be installed and used at the Airport without the prior written approval of the Airport Committee and Town Board. All equipment or storage used for the handling of fuels, whether 100LL, Jet-A or Avgas, shall fully comply with current National Fire Protection Association (NFPA) regulations and all applicable local, state or national regulations. Aircraft authorized by the FAA to use automobile gas shall be fueled in outside areas, unless the aircraft cannot be moved due to maintenance reasons.
B. Aircraft shall be grounded by an approved method during all fueling and de-fueling operations. No aircraft shall be fueled or de-fueled while the aircraft engine is running. No person shall engage in aircraft fueling operations without adequate fire extinguishers within ready reach.
C. Aircraft fuel dispensing trucks must be appropriately registered with the State, and parked at least fifty feet (50') from any hangar or building.
D. Smoking or lighting of an open flame shall be prohibited, at minimum, within one hundred feet (100') of any fueling operation.
E. Any person involved with an accidental release of fuel or fuel contamination situation must immediately contact the Airport Manager/Town Official and notify the: 1) type of fuel, 2) spill location, 3) quantity of fuel released, and 4) time of spill. If requested by the Airport Manger/Town Official, a written report shall be filed by the responsible persons within seven (7) calendar days of the spill. Persons responsible for a spill will be accountable for any assessed fines and spill liability, including clean-up as prescribed by regulatory agencies.

Section 8: Airport Motor Vehicle Operations

The following govern the movement of auto vehicles at the Airport:

A. Motor vehicles shall be operated on designated roadways, parking areas, et cetera, unless authorized by the Airport Manager. Motor vehicles shall be parked in accordance with markings and posted signs.
B. An aircraft owner who rents, leases, or owns a hangar at the Airport may park their motor vehicle in their hangar while their aircraft is being flown.
C. Motor vehicles shall not be permitted on the runways, taxiways, aprons, or ramps (aircraft movement areas) without the express permission of the Airport Manager, unless the operation of such vehicle is in accordance with prior agreement to accomplish a necessary Airport purpose, service or inspection. No motor vehicle may operate on the runway while an aircraft is preparing for or conducting a takeoff or landing.
D. Any motor vehicles authorized to operate on aircraft movement areas must be properly illuminated during night operations or periods of reduced visibility. Motor vehicles operating on the runway must monitor the designated common traffic frequency channel (CTAF/UNICOM).
E. No vehicle shall exceed a speed of 15 mph while on the apron, and 45 mph while on the taxiway and runway system.
F. Pedestrians or motor vehicle operators observed in areas other than public use areas without authorization by the Airport Manager/Airport Committee will be considered trespassing and may be subject to arrest.
G. Any vehicle parked in violation or abandoned may be towed by the Airport Manager at the owner's expense, and without liability for damage which may result in the course of such moving.
H. Any motor vehicle accident involving injury or property damage on the Airport shall be reported to the Airport Manager and/or Town Board representatives no later than 24 hours after the accident occurred.

Section 9: Fire Procedures

A. Smoking or lighting of an open flame is prohibited at places with posted signs or within one hundred feet (100') of any aircraft, hangars, fuel trucks, fuel loading stations, or tank farms. No person shall have an open fire any place on the Airport without prior permission from the Airport Committee/Town Board.
B. No person shall bring any explosives onto the Airport.
C. No person shall store material or equipment, use flammable liquids or gases, or allow their premises to become in such condition as to violate, in any manner, the fire code in force in the area of the Airport. Unless authorized by the Town Board, the storage of paint thinners, fuels, or other such combustible materials in hangars or hangar areas is prohibited.
D. Tenants of all hangars and buildings shall provide suitable fire extinguishers and equipment to be kept in ready condition as required by the Town Fire Chief.
E. Any changes to the hangar electrical system must receive prior authorization from the Town Board/Airport Committee. At a minimum, extension cords must be of the grounded type and are for temporary use only.
F. Tenants and persons are required to keep their premises clean and clear of all rubbish, junk, debris, old aircraft and vehicles and unsightly objects. If, after written warning by the

Airport Committee/Town Board, the area is not cleaned, removal of such items will be performed at the direction of the Town and billed to the responsible tenant or persons.

Section 10: Airport Security

A. Security Requirements Regulated by the Town Board or their agents:
   1) Restricted areas are established for safety and security reasons. Except for passenger enplaning or deplaning of aircraft, the general public is prohibited from the areas of the airport posted as being RESTRICTED AREAS.
   2) Only flight crews, passengers going to and from aircraft, aircraft service and maintenance technicians, FAA, Fire Fighting personnel, and others authorized by the Town Manager, shall be permitted into the RESTRICTED AREAS.
B. Security of Aircraft and Airport Operations Area
   1) A breach in security caused by a user or person that results in an FAA finding of negligence will be cause to review, find, and possibly cancel or curtail tenant access to the RESTRICTED AREAS.
C. Weapons
   1) No person will carry a weapon on the Airport except encased for appropriate transport in an aircraft. Federal, state, and local law enforcement officers are exempt from this rule.

Section 11: Conflicting Regulations, Violation, Changes

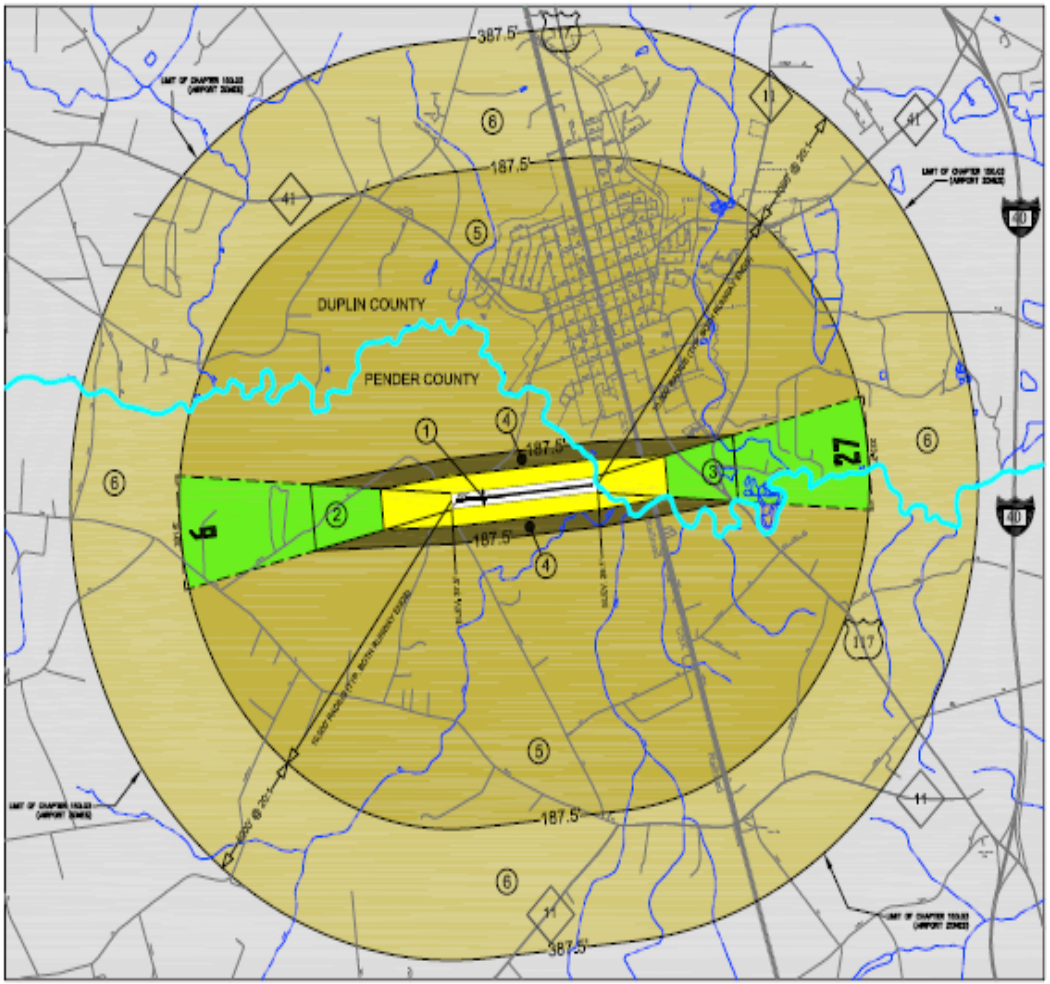
Violation of the rules and regulations may be considered reason to restrict or terminate the activities on the Airport for said person or tenant. Upon written notice of the violation and restriction, the Town Board, in lieu of termination of the lease or contract, can conclude that the person or tenant could correct the violation so that the violation is eliminated. Any restriction may be limited to certain areas of the Airport, or may be limited to a certain time period, depending upon the violation.

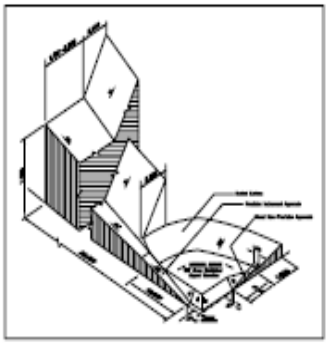
A. If any conflict is found between provisions of this Ordinance, the more stringent provision shall prevail. If any provisions of this Ordinance, or application thereof, are held invalid it shall not effect or impose other provisions of this Ordinance. To this end, the provisions of this Ordinance are declared to be severable.
B. Any published FAA Federal Aviation Regulations shall become effective as part of this Ordinance without requiring any action on the part of the Town Board.
C. A copy of these Rules and Regulations and any adopted changes will be available at the Town Manager's office.

Adopted By the Town Board on _____, 20____ and signed by

Chairperson, Town of Wallace Board of Commissioners
Witnessed by:

Clerk to the Board of Commissioners





ISOMETRIC VIEW OF FAR PART 77 IMAGINARY AIRSPACE (TYPICAL)

(CHAPTER 150.03: AIRPORT ZONES)

1. PRIMARY SURFACE: 5400' X 500' (SAME ELEVATION AS RUNWAY CENTERLINE)
2. RWY 9 APPROACH SURFACE: 500' X 10,000' X 3,500' (34:1 APPROACH SLOPE)
3. RWY 27 APPROACH SURFACE: 500' X 10,000' X 3,500' (34:1 APPROACH SLOPE)
4. TRANSITIONAL SURFACE: (7:1 INCLINED SLOPE EXTENDING FROM PRIMARY SURFACE TO HORIZONTAL SURFACE)
5. HORIZONTAL SURFACE: (150' ABOVE ESTABLISHED AIRPORT ELEVATION)
6. CONICAL SURFACE: (20:1 INCLINED SURFACE EXTENDING FROM PERIPHERY OF HORIZONTAL SURFACE)

PERMIT REQUIREMENTS

ALL ZONES NOT SHADED YELLOW DO NOT REQUIRE A PERMIT FOR TREES OR STRUCTURES LESS THAN 75' OF VERTICAL HEIGHT ABOVE THE GROUND.

RUNWAY DATA

RUNWAY	ELEVATION	LATITUDE	LONGITUDE	TRUE AZIMUTH
RWY 9 END (U)	37.5'	34°43'01.83"	78°00'46.80"	48°03'07.75"
RWY 27 END (U)	29.1'	34°43'06.10"	77°59'46.23"	268°03'34.98"
AIRPORT (U)	37.5'	34°43'03.75"	78°00'22.03"	N/A

RUNWAY LENGTH (U): 5,000'
AIRPORT REFERENCE POINT (U) (ARP)
ARP LATITUDE NORTH (U): 34°43'03.75"
ARP LONGITUDE WEST (U): 78°00'22.03"

(U) – ULTIMATE PLANNED AIRPORT DEVELOPMENT

SOURCE: GEODETIC SURVEY PROVIDED BY ROBERT H. SCHULZ & ASSOCIATES, PA (9/3/03)

NOTE: AIRSPACE DRAWING REFLECTS UPDATED WALLACE MUNICIPAL AIRPORT LAYOUT PLAN (ALP) DRAWING DATED DECEMBER, 2003.

LEGEND

ITEM	
FAR PART 77 BOUNDARY	
COUNTY BOUNDARY	
MUNICIPAL BOUNDARY	
RUNWAY END 9	9
RUNWAY END 27	27
RAILROAD	
ROADWAYS	
WATER FEATURE	

TALBERT & BRIGHT

WALLACE MUNICIPAL AIRPORT (ACZ)
WALLACE, NORTH CAROLINA

AIRPORT HEIGHT RESTRICTION MAP
(CHAPTER 150)

Date: MAY 2004
Scale: 1"= 2000'
Drawn: MD
Checked: JPS
Project No.: 4210-0201
Sheet No.: 1

APPENDIX D TYPICAL FORMS AND SURVEYOR NOTES

PERFORMANCE GUARANTEE REQUIREMENTS

Guarantee Required Prior to Signing Final Plat

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

A. All requirements of this Ordinance are complete including the following:
    1) All improvements required by this Ordinance and required as a condition of approval, must be constructed and/or installed.
    2) All improvements required by this Ordinance and required as a condition of approval must be certified by a licensed surveyor and/or engineer that their construction and installation is complete in accordance with the standards of this Ordinance.
    3) All public streets and related drainage are certified to be complete and in accordance with NCDOT requirements by the NCDOT District Engineer.

B. Documents guaranteeing the completion of all required improvements have been submitted and approved including the following:
    1) A Performance Guarantee Agreement for Improvements in favor of Pender County on an approved format in this Ordinance or in a format approved by the Pender County Attorney shall be submitted and approved.
    2) An Irrevocable Letter of Credit, Performance Bond, or Escrow Agreement in favor of Pender County or in a format approved by the Pender County Attorney shall be submitted and approved to cover the cost of the incomplete and uncertified improvements. The amount of the Guarantee will be at least equal to the cost of construction of the improvements as shown on a Construction Cost Estimate prepared, signed, and sealed by a licensed engineer.
    3) Release of Guarantee Security
    4) The County may release a portion of any security posted as the improvements are completed once said improvements are inspected and approved and that their construction and installation is complete in accordance with the standards of this Ordinance.

Type Guarantee Required

- The Guarantee shall provide for 125% of the estimated cost of completion in one of the following forms:
    1) Filing an irrevocable letter of credit from a federally insured lending institution specifying the limit of credit dedicated to the subject subdivision which will be extended to the County upon request.

2) Depositing or placing in escrow, a certified check or cash, conditioned upon satisfactory completion of the final plat requirements and improvements.
3) Filing a performance or surety bond from a licensed surety or bonding company assuring completion of the improvements.

Release of Guarantee Requirements

A. The Administrator shall release the Performance Guarantee when all requirements of this Ordinance have been met, and construction and installation of all required and proposed improvements have been completed and certified. Certification must include the following:
   1) Certification from a Professional Land Surveyor that all monuments and markers required by this Ordinance and NCGS 39-32.1-4 have been installed.
   2) Certification from the District Engineer that public streets have been constructed to NCDOT Secondary Road Standards.
   3) Certification from a Registered Engineer that construction of private streets and all other required and proposed improvements have been completed specifically in compliance with the provisions of this Ordinance.
   4) Certification of completion and performance of the Drainage System by a Registered Engineer or Land Surveyor.
   5) Certification by the Administrator or his designee that the improvements required have been installed and such approval is issued to the Subdivider in writing and entered into the record file.
   6) Performance Guarantees shall require construction and installation of improvements within one year after the date of issuance of a permit or approval of construction plans if no permit is required.
   7) The applicant may request up to two (2) extensions up to six months of the time limit for compliance if circumstances beyond the control of the applicant warrant an extension. The request for an extension shall be in writing and accompanied by a schedule for completion of remaining work. Approval of such request shall be at the Administrator‘s sole discretion.

Required Improvements

A. Monuments and Markers
   1) Control monuments shall be set at the points of curvature (“PC” and “PT”) or at the “PI” of all street centerline curves (one monument per curve if installed at the “PI” and two if installed at the points of curvature). However, no more than two street centerline curve control monuments will be required within a 1,000 feet lineal section of any street. A standard steel 60 penny nail or a standard “PK” or “MAG” nail shall be placed at these points where control monuments are not located. “PK” and “MAG” nails shall be at least 2.5 inches long.
   2) Centerline control monuments will not be required on cul-de-sacs 500 feet or less in length when nails specified above are located at required monument control points.
   3) A control monument shall be placed at all street centerline intersections.
   4) Monuments set in the street pavement shall have monument access boxes set on top of a brick, block, other masonry, or rock footing.

5) When any portion of the development is in a Special Flood Hazard Area, as defined in this Ordinance, as amended, and set out in the FEMA Flood Insurance Rate Maps (FIRM), one (1) permanent monument in each subdivision is required to have its elevation recorded on the final plat.
6) A steel or iron pipe or the equivalent of not less than one-half (1/2) inch in diameter and at least thirty (30) inches in length, where possible, shall be set at all property and lot corners, except those located by monuments. A property marker shall also be set in street right-of- way lines at the point of curvature and point of tangency.
7) Control Corners, as described and required in NCGS 39-32.1-4, shall be installed.

GRANTOR/GRANTEE CERTIFICATE

The following statement shall appear on the plan and be signed by the Grantor(s) and Grantee(s) prior to approval:

The Grantor(s) and Grantee(s) certify that the Grantee(s) is within three (3) degrees of collateral kinship to the Grantor(s), and that the purpose of this waiver is not to circumvent the provisions of the Pender County Unified Development Ordinance, and that none of the lots shall be conveyed to non-family members for a period of not less than five (5) years.

_____ _____
Grantor Grantee

Commentary: "Siblings are related to each other in the second degree and uncle and niece are related to each other in the third degree"

CERTIFICATE OF DISCLOSURE: PRIVATE ROADS

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

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

Developer's Name _____ Date _____

DEVELOPMENT AGREEMENTS

As authorized by this Ordinance, Development Agreements must comply with all state regulations in NCGS §160D-1001 et. seq.

MULTIJURISDICTIONAL DEVELOPMENT

A parcel in multiple jurisdictions may allow the development regulations from one jurisdiction to apply upon agreement between the owner and jurisdictions, pursuant to G.S. 160D-203 and G.S. 160A Article 20.

CERTIFICATE OF CONDITION ACCEPTANCE

Applications approved by the Planning Board or Board of County Commissioners with conditions must amend their site plans to include this certificate in order for the approval to take effect. Applications which lack final administrative approval within six (6) months of final board approval are considered withdrawn. Upon written request received prior to this deadline, the Administrator may grant a three (3) month extension when external permitting agencies have resulted in delays.

The following are Conditions of Approval for this [development application type] and are hereby accepted. I/we acknowledge that the approval is dependent on these conditions, and failure to honor the conditions shall constitute a violation of this ordinance as well as grounds for permit revocation.

Condition 1:

Condition 2:

Applicant Signature: _____ Date: _____

Applicant Printed Name: _____

Owner Signature: _____ Date: _____

Owner Printed Name: _____

REQUIRED CERTIFICATES (PRELIMINARY PLAT)

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

Certification of Submission

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

Pender County Utilities:_____Date:_____

Pender County Environmental Health:_____Date:_____

Pender County Addressing Coordinator:_____Date:_____

Pender County Fire Marshal:_____Date:_____

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

Planning Staff: _____Date:_____

REQUIRED CERTIFICATES (FINAL PLAT)
The following certificates shall appear on the final plat signed and sealed prior to approval:

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

Surveyor Certificate I
I, _____, certify that this plat was (drawn by me or drawn under my supervision) from (an actual survey made by me or made under my supervision) (deed description in Book _____, Page_____,) or (other); that the boundaries not surveyed are clearly indicated as drawn from the information found in Book___, Page___; that the ratio of precision as calculated is 1:____; that the plat was prepared in accordance with G.S.47-30 as amended.
Witness my original signature, registration number and seal this day of _____A.D. _____.
Signature:_____ (Seal)
Registration Number:_____

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

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

Witness my original signature, registration number and seal this day of _____A.D. _____.
Signature: _____ (Seal)
Registration Number: _____

Surveyor Certificate III

One of the following must be stated:

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

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

Signature: _____ (Seal)

Registration Number: _____

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

Parcel Identifier Certificate

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

Tax Supervisor: _____ Date: _____

Certificate of Registration by Register of Deeds

Pender County, North Carolina

Filed for registration on the ____ day of _____ 20___ at _____a.m./p.m. and duly recorded in book _____ at page _____, slide_____.

Register of Deeds: _____

Private Road Certification

I (we) hereby certify that all private roads as depicted on subdivision plat _____ have been designed, installed, inspected, and approved in accordance with Article 7 of the Pender County Unified Development Ordinance and all applicable Pender County Codes prior to final plat approval for all or a portion of the subdivision.

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

Certified Professional Engineer: _____ Date: _____

(Seal)

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: _____

Reviewed and Approved by Pender County Fire Marshal

Pender County Fire Marshal: _____ Date: _____

Engineer Improvement Certification, Major Subdivisions

(Example Form)

(Letterhead)

Date

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

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

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

1. The streets in this development are private, however, I have observed the construction of said streets and certify that their construction is complete and meets NCDOT Subdivision Roads Minimum Construction Standards and drainage facility requirements. Said streets have been designed and constructed in accordance with Minimum Design and Construction Criteria for Subdivision Roads, contained in the NCDOT Subdivision Roads Minimum Construction Standards and NCDOT Guidelines for Drainage Studies and Hydraulic Design.
2. Alternatively designed streets comply with the requirements for submission to NCDOT Minimum Design and Construction Criteria for Subdivision Roads, contained in the NCDOT Subdivision Roads Minimum Construction Standards, except the width of said streets.
3. Drainage facilities, in addition to the street drainage, have been installed for the remainder of the development to accommodate a ten year, one hour storm event, without flooding or substantial ponding of water on any lots in the development or any area of the development to be used for building construction. Drainage easements of at least 20 feet in width have been reserved astride these facilities where they are located on private property.
4. Street name signs have been installed at all street intersections in accordance with the specifications and requirements of the Pender County Emergency Management Office.
5. Road signs have been installed in accordance with NCDOT Standards.
6. Additional statements verifying the construction of community or public water or sewer systems will be required as appropriate.

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

Engineer Signature _____

(Seal)

Engineer Name _____

Surveyor Improvement Certification, Major Subdivisions

(Example Form)

(Letterhead)

Date

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

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

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

1. Concrete control monuments, or other markers as required in the Pender County Unified Development Ordinance, have been set at the points of curvature (PC and PT) or at the point of intersection (PI) of all street centerline curves. All control corners comply with the requirements of Article 5A of GS 39.
2. Steel or iron pipes, not less than one half inch in diameter and at least thirty inches long (property markers), have been installed at all property and lot corners, except those located by concrete monument.
3. This development or a portion thereof is located in a FEMA designated Special Flood Hazard Area and a permanent concrete monument located _____ has been installed and its elevation is shown on the final plat of _____ Section _____ *OR* This development does not contain any FEMA designated Special Flood Hazard Areas and elevation monuments have not been installed.
4. The Homeowner' s Association documents for this development have been recorded in Book ____ Page ___ and the plat for this Section has been recorded at Slide _____ , Sheet _ and all open space, common area, and facilities shown on the plat have been transferred to the Homeowner's Association.

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

Surveyor Signature _____

(Seal)

Surveyor Name __

STATE OF NORTH CAROLINA **COUNTY OF PENDER**

PERFORMANCE GUARANTEE AGREEMENT FOR IMPROVEMENTS

(Example Form)

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

WITNESSETH:

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

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

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

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

IT IS THEREFORE, AGREED AS FOLLOWS:

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

Improvement	Cost to Complete

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

For Pender County:

_____ Date: _____

Planning Director

For Subdivider:

Name/Title: _____Date: _____

Signature: _____

IRREVOCABLE LETTER OF CREDIT
(Name of Bank)
(Address, include branch, if any)
(Date)
(*Example Form)*

Phone Number: _____ Contact Name: _____

Irrevocable Letter of Credit Number: _____

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

Commissioners,

We hereby open our irrevocable credit in your favor available by your drafts at sight on us for a sum not exceeding $_____ for the account of _____ hereinafter known as "Customer". When presented for negotiation, drafts must be accompanied by the signed statement of the County Manager of Pender County that drawing is due to default or failure to perform by Customer, the following improvements in the _____ Subdivision on or before the _____day of_____, 20____:

(List here the required improvements)

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

The Pender County Manager or Planning Director will notify us when either of the following occurs:
1. The required improvements have been timely completed and the credit may be released; or
2. The Customer has failed to perform or is in default hereunder.

All drafts drawn hereunder must be marked as follows:
_____
_____
_____

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

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

Very truly yours,
By: _____ By: _____
Name of Bank Authorized Signature

STATE OF NORTH CAROLINA **COUNTY OF PENDER**

PERFORMANCE BOND

(*Example Form)*

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

THE CONDITIONS OF THIS OBLIGATION ARE SUCH THAT:

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

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

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

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

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

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

Principal: _____ Surety:_____

By: _____ (SEAL)
President

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

Attest: _____

STATE OF NORTH CAROLINA **COUNTY OF PENDER**

ESCROW AGREEMENT

(*Example Form)*

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

WITNESSETH:

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

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

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

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

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

1. The funds may be deposited in a federally insured institution at interest payable to the Developer.
2. Funds will be disbursed after improvements secured by the Performance Guarantee Agreement are completed.
3. Upon completion of the prescribed improvements, the Developer will submit a written request for disbursement to the County through the Planning Director, together with a certification satisfactory to the County from an engineer or other qualified person that the prescribed improvements have been completed in accordance with the Ordinance and approved plans.
4. Upon receipt of the request for disbursement the County Planning Director will determine if the prescribed improvements have been completed as required and proposed, and shall either inform the Developer of any deficiencies in order that they may be corrected, or authorize disbursement in the event they have been satisfactorily completed as prescribed.
5. Upon submission, execution and approval of the request for disbursement by the Developer and the County through the Planning Director, it shall be forwarded to the Escrow Agent who shall make disbursements in accordance with the approved request.
6. Upon completion of improvements and receipt of an approved Final Request and Authorization for release of escrow funds, the Escrow may be terminated.
7. In the event that Developer and/or his contractor does not complete the improvements provided for herein by the ____day of _____ 20_____, then County may, at its sole option give the Developer 30 days notice of its intent to declare the Agreement in default. If the Developer does not complete the improvements provided for herein within the 30 day period, or reach other satisfactory arrangements with the County, then the County may in its sole discretion declare this Agreement to be in default and may demand that the Escrow Agent forthwith pay all sums held by him and not previously released for _____ subdivision to the County. The County agrees

that it will use such sums so received to apply toward the completion of the improvements to the extent that said sums last, and will refund to Developer any surplus not needed to complete said improvements. Provided, that the County does not agree to complete the improvements using any of its own funds, nor does it obligate to ensure the completion of the improvements beyond the sums made available under this Agreement to pay for same.

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

FOR: PENDER COUNTY

_____

Planning Director Date

FOR: SUBDIVIDER

_____

Print Name Title

_____

Signature Date

FOR: ESCROW AGENT

_____

Print Name Title

_____

Signature Date

STATE OF NORTH CAROLINA, COUNTY OF PENDER

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

_____ My Commission Expires: _____

Notary Public

STATE OF NORTH CAROLINA, COUNTY OF PENDER

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

_____ _____My Commission Expires: _____

Notary Public

STATE OF NORTH CAROLINA, COUNTY OF PENDER

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

_____ My Commission Expires: _____

Notary Public

FOR RELEASE OF ESCROW FUNDS

REQUEST AND AUTHORIZATION FOR RELEASE OF ESCROW FUNDS

(Subdivision Name)

(*Example Form)*

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

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

(Insert improvements completed and amount to be disbursed)

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

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

TYPE REQUEST: Partial or Final

REQUEST FOR RELEASE OF ESCROW FUNDS:

<u>FOR: SUBDIVIDER</u>

_____

Print Name Title

_____

Signature Date

AUTHORIZATION FOR RELEASE OF ESCROW FUNDS:

<u>FOR: PENDER COUNTY</u>

_____

Planning Director Date

Engineer Certification - Low Impact Development Project

Example Form

(Letterhead)

Date:

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

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

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

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

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

_____(Engineer Signature)_____
Seal
_____(Engineer Name)_____

Engineer Certification – Stormwater Compliance

Example Form

(Letterhead)

Date:

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

Re: Stormwater Certification for: (Name and Section of Subdivision/Development)

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

- The project complies with the requirements for stormwater management as set forth in Section 7.9 of the Pender County Unified Development Ordinance.
- All stormwater analysis, design and preparation of plans shall be performed by or under the direct supervision of a NC licensed professional. A NC licensed professional is considered any individual licensed by the State of North Carolina to perform such work as defined by their respective licensing board. The design professional shall date, sign and seal all design documents according to the requirements and standards as set out by their licensing board.
- Typical industry standards of care shall be used in the design, analysis and preparation of plans in accordance with rules and requirements of the applicable licensing board.

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

_____(Engineer Signature)_____

Seal

_____(Engineer Name) _____

APPENDIX E CONDITIONAL ZONING DISTRICTS

In accordance with Section 3.3.B. Conditional Rezoning; the following conditional zoning districts are established and applied to each subject property as set forth on the official zoning map. New Conditional Zoning districts shall be numbered sequentially – e.g. CZ-1, Conditional Zoning district 1; CZ-2, Conditional Zoning district 2; etc.

Case Number	Change Requested	Final Action
11034	From RP to RA-CD1	Approved 12/9/13
11031-R	From PD to OI-CD1	Approved 1/20/15
CZMA 132-2015	From RP to RM-CD1	Approved 12/3/15
CZMA 160-2016	From RP to RA-CD2	Approved 5/16/16
CZMA 305-2016	From RP to RM-CD2	Approved 11/21/16
CZMA 367-2016	From PD to IT-CD1	Approved 11/21/16
CZMA 448-2017	Amend RM-CD2 for additional acreage (From RP to RM-CD2)	Approved 3/20/2017
CZMA 497-2017	From RP to GB-CD1	Approved 6/19/2017
CZMA 519-2017	From PD to GB-CD2	Approved 6/19/2017
REZONE 2018-05	From RP to RM-CD4	Approved 11/19/2018
REZONE 2018-08	From PD to OI-CD2	Approved 3/18/2019
REZONE 2019-09	From RA to GB-CD3	Approved 7/8/2019
REZONE 2020-18	Amend GB-CD2 for additional use	Approved 2/16/2021
REZONE 2020-19	From PD to CZ-1	Approved 3/15/2021

CASE 11034

Rezoning Proposal: EFS Properties, LLC, applicant and owner, is requesting approval of a Zoning Map Amendment for a Conditional Rezoning from RP, Residential Performance, to RA-CD1, Rural Agricultural – Conditional District for the use of a Nonmetallic Mineral Mining and Quarrying (NAICS 2123) operation.

Property Record Numbers, Acreage, and Location: The property is located along the north side of NC Highway 210, approximately 3,400 feet northeast of the intersection of Shaw Hwy and NC Hwy 210, Rocky Point. The property contains approximately 55.69 acres and may be identified as Pender County PIN 3255-78-6248-0000.

Summary: This proposal consists of a Zoning Map Amendment for a conditional rezoning of 55.69 acres from RP, Residential Performance, to RA-CD1, Rural Agricultural – Conditional District, for the use of a Nonmetallic Mineral Mining and Quarrying (NAICS 2123), specifically for a sand mine. The request complies with the criteria set forth in Article 3.4.4 of the Unified Development Ordinance. The request is consistent with the 2010 Comprehensive Land Use Plan.

Project Description: According to the applicant's submitted site plan and supporting materials, the site will contain several areas associated with the sand excavation. These areas, as depicted within Table 1 below will contain areas for temporary sediment collection, stockpile areas, and the pit/excavation area. Adjacent to the excavation area, will contain an office/construction trailer for on-site staff when the mine site is active. Ingress/egress to the site will utilize a driveway connection to NC Highway 210, subject to review and approval from the NCDOT.

Table 1

CATEGORY	**AFFECTED ACREAGE**
Tailings/Sediment Ponds	0.86
Stockpiles	1.65
Wastepiles	0
Processing Area/Haul Roads	1.45
Mine Excavation	12.7
Other	0
Total Disturbed Acreage	**16.66**

It is anticipated that the mine excavation will commence and be active for approximately three years. The State Mining Application (Attachment 1) submitted is requesting a ten year approval, this is in part due to demand of the excavated material and is requested to allow for the full ten year state allowance. Excavation activities will be limited to a frontend loader and truck as there will be no explosives used on site. The maximum depth of the mine will be limited to twenty (20') feet below the natural ground level, which is a decrease from the applicant's original request of thirty (30') feet due in part to address community concerns of impacts that may be caused to wells.

The anticipated mine depth will require dewatering activities on site. The applicant has stated that this will not exceed 5,000 gallons per day (gpd). As outlined within Attachment 1, there are not any wells located within 500' of the excavation area. This is confirmed through statement provided by Pender County Utilities (November 28, 2012 phone conversation).

The project will incorporate a minimum of a 100' No Disturb Area surrounding the excavation area, stockpile, and temporary sediment trap. Any areas outside of the limits of disturbance will maintain the existing natural vegetation.

According to the Pender County Unified Development Ordinance, a public input meeting must be held with the adjacent property owners to discuss concerns and evaluate mitigating factors that may be conditioned with the application. On September 25, 2013, Mr. Charles Cazier, Professional Engineer, held the required meeting at the county administrative building, Pender County planning staff was present. The meeting was attended by four individuals in which the main topics brought up for discussion were: *effects to wells within the area; concerns of depth of mine; values of adjacent properties; and the intention of future site use*. As a resultant of the meeting and comments, the applicant has proposed to reduce the maximum mine depth from thirty (30') feet to twenty (20') feet. Also, it has been stated that the resultant of the mine will be a pond feature that could be utilized for future residential development on the tract.

As a criterion for a conditional rezoning request, mutually established conditions must be met between the applicant and the county for the project. Staff has met with the applicant to discuss the project and review proposed conditions. The applicant has verbally accepted these conditions and are proposed in this report (see item F) under EVALUATION.

Approval: On December 9, 2013 the Pender County Board of Commissioners approved a Zoning Map Amendment for a Conditional Rezoning from RP, Residential Performance, to RA-CD1, Rural Agricultural – Conditional District as described herein.

Conditions of Approval:

1. Maximum depth of the pit/excavation area will be limited to twenty (20') feet in depth measured from the natural ground level.
2. Hours of operation shall be from 7am to 7pm Monday through Saturday.
3. Mining/extraction activities on-site shall be limited to three (3) years.
4. Material mined/extracted shall be limited to sand only.
5. The project shall comply with all applicable requirements as outlined in the Pender County Unified Development Ordinance.
6. No junk, debris, trash, inoperable vehicles, recycled or salvaged materials shall be stored on the site.
7. All operations must follow federal, state, and local standards, regulations, ordinances, permits, statutes, and/or laws.
8. As shown on the site plan submitted for the project, a No Disturb Buffer of at least 100' shall be maintained around the permitted Pit/Excavation Area.
9. Dewatering of the excavation site utilizing pumping mechanisms shall be prohibited.

CASE 11031-R

Rezoning Proposal: Pender County, applicant and owner, is requesting approval of a zoning map amendment for a conditional rezoning of one (1) tract from PD, Planned Development zoning district, to OI-CD1, Office & Institutional conditional zoning district. The proposed use of the property— the existing Pender Solid Waste Transfer Station and proposed Hampstead Convenience Center— shall be classified as NAICS, North American Industry Classification System Number 562111- Solid Waste Collection Public.

Property Record Numbers, Acreage, and Location: The subject property is located at 248 Transfer Station Road (SR 1695) in Hampstead, and may be further identified by Pender County PIN 4203-17-8616-0000. There is one (1) tract associated with this request totaling ± 19.21 acres.

Summary: The application consists of a zoning map amendment for a conditional rezoning of one (1) tract (± 19.21 acres total) from PD, Planned Development zoning district, to OI-CD1, Office & Institutional conditional zoning district. The proposed use of the property— the existing Pender Solid Waste Transfer Station and proposed Hampstead Convenience Center— shall be classified as NAICS, North American Industry Classification System Number 562111- Solid Waste Collection Public. A conditional rezoning of this property to OI-CD1, Office & Institutional conditional zoning district is consistent with three (3) policies in the 2010 Comprehensive Land Use Plan and conflicts with one (1) policy. It is also in conflict with the 2010 Comprehensive Land Use Plan conservation designation of this tract. However, all County-owned property was designated as conservation in 2010. A public meeting was held on November 10, 2014 to address the potential impacts to adjacent property owners.

Project Description: Pender County, applicant and owner, is requesting approval of a zoning map amendment for a conditional rezoning of one (1) tract totaling ± 19.21 acres from PD, Planned Development zoning district, to OI-CD1, Office & Institutional conditional zoning district. The proposed use of the property— the existing Pender Solid Waste Transfer Station and proposed Hampstead Convenience Center— shall be classified as NAICS, North American Industry Classification System Number 562111- Solid Waste Collection Public. The subject property is located at 248 Transfer Station Road (SR 1695) in Hampstead, and may be further identified by Pender County PIN 4203-17-8616-0000.

The Solid Waste Transfer Station is currently on the site and is operated by Pender Solid Waste. The Transfer Station's primary purpose is to serve as a collection location for all incorporated and unincorporated municipal solid waste in Pender County. All municipal solid waste collected at the Transfer Station is transported to a landfill located in Sampson County. This operation is six days a week Monday through Saturday from 8am until 4:30pm and is available to the general public, private collectors, and municipal collectors. Pender Solid Waste anticipates this facility has the capacity to accept municipal solid waste, including growth, for the next fifteen to twenty (15-20) years.

On November 15, 2010 the Board of Commissioners voted 4-0 to relocate the scales and associated scale house for the County's Transfer Station in coordination with the Hawksbill Cove Master

Development Plan proposal (case 10771), which received conditional Planning Board approval for 1,023 single-family residential units on October 2, 2012. This consent included ingress/egress to the Transfer Station solid waste facilities on a new location within the County's site and the future right of way connection in the current scale location.

The Hampstead Convenience Center is currently located at 17619 US HWY 17 in Hampstead. This property may be further identified by Pender County PIN 3293-98-7023-0000. The Hampstead Convenience Center is one of twelve (12) centers throughout the County to provide for convenient disposal of general household waste and recycled materials. The Hampstead Convenience Center will be relocated from its present location to 248 Transfer Station Road (SR 1695) as part of this conditional rezoning request.

Public Input Meeting Summary:
According to Pender County Unified Development Ordinance Section 3.4.3, prior to scheduling a public hearing on the rezoning application, the applicant must conduct one public input meeting. On November 10, 2014, Pender Solid Waste held the required meeting at the Pender County Hampstead Annex located at 15060 US HWY 17. The meeting was attended by three (3) individuals. At the meeting, the applicant introduced the proposed site plan and discussed the following items:

1. Project will be in two (2) phases – scale relocation followed by the Hampstead Convenience Center relocation;
2. The scales will not be relocated until Transfer Station Road (SR 1695) is extended by the developer of Hawksbill Cove, necessitating the scale relocation;
3. The proposed NCDOT bypass is not the major impetus for the Hampstead Convenience Center relocation; rather, it is safety concerns;
4. Construction for the Hampstead Convenience Center relocation will begin in approximately one year from the subject public input meeting;
5. Proposed OI-CD1 rezoning will not affect the zoning of adjacent PD, Planned Development zoning districts;
6. A formal public hearing will be held on Jan. 6, 2015 where concerns can also be voiced;
7. An eight-foot (8') shadow box fence is proposed as a visual buffer around the northwest and southwest perimeter of the project area.

The attendees of the meeting had the following concerns:

1. Traffic, noise, and groundwater contamination;
2. Diminishment of property values;
3. Illegal dumping on adjacent properties;
4. Litter and debris along Transfer Station Road (SR1695);
5. Feeding and establishment of feral cats.

Approval: On January 20, 2015 the Pender County Board of Commissioners approved a zoning map amendment for a conditional rezoning from PD, Planned Development zoning district, to OI-CD1, Office & Institutional conditional zoning district as described herein.

Conditions of Approval:

1. Pender Solid Waste shall continue to monitor existing groundwater wells as required by the local regulatory authority;
2. Pender Solid Waste shall coordinate with selected contractor, at the request of adjacent property owners, to remove errant waste disposed of on adjacent properties;
3. Pender Solid Waste shall coordinate with selected contractor to establish a schedule to litter-sweep Transfer Station Road (SR 1695);
4. Promoting the feeding of animals that may constitute a nuisance or hazard on-site shall be prohibited;
5. Pender Solid Waste shall install a shadow box fence ten (10) feet in height along the northwest and southwest sides of the project area in order to minimize the visual impact for adjacent property owners. This height shall be increased as necessary to provide a visual barrier to the Hampstead Convenience Center prior to final zoning approval. Additionally, Pender Solid Waste shall provide a vegetated buffer twenty (20) feet in width along the southwest side of the project area and a quarter of the way up the northwest side of the project area. The buffer shall consist of broadleaf evergreen vegetation that is six (6) feet in height at planting and ten (10) feet in height within four (4) years of planting. The vegetated buffer shall be visually-opaque at maturity. The buffer shall contain no vegetation that is toxic to horses or any other livestock (As recommended at the January 6, 2015 Planning Board meeting);
6. Hours of operation for the Transfer Station shall be Monday through Saturday from 8:00am to 4:30pm;
7. Hours of operation for the Hampstead Convenience Center shall be Monday through Saturday from 7:00am to 7:00pm and Sunday from 1:00pm to 7:00pm;
8. Operators shall inspect the site daily, and any windblown trash shall be disposed of in appropriate containers. When conditions are extremely dry, the operator shall have water and hoses to wet down surfaces as necessary;
9. No sorting, separation, or material recovery shall be conducted at the Transfer Station;
10. Disposal of items that are banned from solid waste landfills shall not be allowed at the Pender County Solid Waste Transfer Station. Loads shall be occasionally screened by operators to ensure compliance;
11. A major site development plan shall be required prior to issuance of permit for the construction of any building or improvement on the site.

CASE 132-2015 (11458)

Rezoning Proposal: Grey Bull Inc., applicant, on behalf of Linda Kaye Howard Taylor et al, owner, is requesting approval of a Zoning Map Amendment for a conditional rezoning of one (1) tract totaling approximately 120.87 acres from RP, Residential Performance zoning district to RM-CD1, Residential Mixed conditional zoning district. The proposed uses within the RM-CD1, Residential Mixed conditional zoning district are; telecommunication tower, single family dwelling conventional detached and other typical neighborhood amenities or project infrastructure. All other uses will be prohibited unless an alteration is made to the approval. It is the applicant's intention to develop the site for a single family residential subdivision. There are 106 proposed residential units on the subject parcel.

Property Record Numbers, Acreage, and Location: The subject property is located to the east of US HWY 17, to the south and west of the residential subdivision Forest Sound, and to north of the residential subdivision Hampstead on the Sound in Hampstead and may be further identified by Pender County PIN 3292-27-2690-0000.

Summary: The application consisted of a conditional rezoning of one (1) tract totaling approximately 120.87 acres from RP, Residential Performance zoning district to RM-CD1, Residential Mixed conditional zoning district. As submitted, the request complies with all criteria set forth in Section 3.4.4 Review Criteria for Rezoning of the Pender County Unified Development Ordinance and is not in conflict with the 2010 Comprehensive Land Use Plan. The application is consistent with three (3) goals and thirteen (13) policies of the 2010 Pender County Comprehensive Land Use Plan and potentially conflicts with one (1) policy. At their October 13, 2015 meeting the Pender County Planning Board unanimously recommended approval of the conditional rezoning request with the conditions as outlined in this report.

Project Description: The proposed uses within the RM-CD1, Residential Mixed conditional zoning district are; telecommunication tower, single family dwelling conventional detached and other typical neighborhood amenities or project infrastructure. All other uses will be prohibited unless an alteration is made to the approval. It is the applicant's intention to develop the site for a single family residential subdivision. There are 106 proposed residential units on the subject parcel.

The minimum lot size proposed is 6,800 sq. ft. and a proposed maximum height of forty (40) feet. Setbacks of this conditional rezoning are below:

	Proposed Setbacks (in feet)	RP Zoning District Setbacks (in feet)
Front Yard	5	30
Side Yard	5	10
Corner Yard	5	15
Rear Yard	10	25
Chord Length	40	30

Utilities

The Applicant is proposing a public water connection to Pender County Utilities and all review and approvals for the public water service are per Pender County Utilities Department. An intent to service letter was provided by the applicant on behalf of Old North State Water Company LLC. to service 110 single family residential units. The applicant shall work directly with Old North State Water Company LLC. and Pender County for wastewater approval for service to each phase of the development prior to final approval. Old North State Water Company LLC. currently operates the Majestic Oaks wastewater package plant and the subject parcel is proposing connection into the same plant for wastewater services.

Open Spaces
The applicant is required to provide 3.18 acres of open space with at least 1.59 acres of active open space.

Recreational Units
With 106 lots proposed the applicant is required to provide 1.5 recreational units, which equates to $15,000. The Applicant intends to develop the recreation facilities within the subject property; a commercial outdoor fitness equipment for the residents to utilize while they are walking throughout the subdivision. There are also "senior playgrounds" where unit has component that are geared toward increasing the balance, coordination and agility of the adult users.

Public Roadways
A public collector roadway will connect Forest Sound Road (private) to Second Street (SR 1616). This roadway is recommended in the 2007 Coastal Pender Collector Street Plan in Figure 4.1 as a priority new collector with bicycle facilities.

Private Roadways
The Applicant has provided evidence of legal rights for ingress and egress through Forest Sound Road (private) from the subject property. The access point and use of Forest Sound Road (private) shall be in accordance with the current HOA of Forest Sound and their road maintenance agreement on this private roadway.

Traffic
A Traffic Impact Analysis (TIA) is required for this development.

Public Input Meeting Summary:
According to Pender County Unified Development Ordinance Section 3.4.3, prior to scheduling a public hearing on the rezoning application, the applicant must conduct one public input meeting. On September 2, 2015 the Applicant held a Community Meeting at the Auditorium of the Hampstead Annex at 4:30PM in accordance with Section 3.4.3 of the Pender County Unified Development Ordinance. Approximately sixty (60) citizens were present at the meeting; concerns raised at this community meeting include but were not limited to;
1. type of product and the projected price point
2. timeframe for construction build out
3. impact on schools
4. planned roadway improvements and the coordination of the U-5732 Hampstead Superstreet

5. traffic and safety at Forest Sound Rd. (private) driveway with US HWY 17
6. maintenance of Forest Sound Rd. (private)
7. construction traffic
8. wetlands, drainage and other environmental impacts
9. safety of neighborhood and the private boat ramp
10. the unknown potential of the stub connection shown on the southwestern portion of the proposal
11. future land use and growth patterns of the County
12. appropriate buffers
13. buildout if the conditional rezoning proposal is not approved
14. utilities connections.

Following the Community Meeting, the Applicant has met with Forest Sound HOA Representatives to devise a list of mutually established conditions to further expand upon on the concerns.

Approval: On November 23, 2015 the Pender County Board of Commissioners approved a zoning map amendment for a conditional rezoning from RP, Residential Performance zoning district to RM, Residential Mixed conditional zoning district 1 as described herein.

Conditions of Approval:
The conditions for this project as approved by the Board of County Commissioners are as follows:

1. Uses allowed shall be limited to one hundred and six (106) Single Family Detached Conventional housing type as defined typical neighborhood amenities and project infrastructure, as well as an approved telecommunication tower (Case 10965). A "single-family detached residence" shall be a dwelling unit located on a single lot with private yards on all four sides.
2. The Applicant shall submit an approved Traffic Impact Analysis (TIA) prior to the approval of any phases of the development proposal.
3. Buffers

    a. The project shall provide a twenty (20) foot buffer within common area along Forest Sound Road (private) where single family lots are proposed and are adjacent to the private road right of way through a combination of existing vegetation and supplemental plantings to preserve community cohesiveness with the adjacent Forest Sound neighborhood to the extent practical. Buffer plantings shall be installed in addition to existing natural growth on the property where existing vegetation and natural growth does not meet the required buffer.

    The plantings shall consist of indigenous trees and shrubs such as but not limited to; wax myrtles, red cedars, oak species, maples and other similar species. The specific plantings shall have a minimum plant size in accordance with the Pender County Unified Development Ordinance (Section 8.1.6) including; for canopy trees a minimum of a two (2) inch caliper measured at four and a half (4.5) feet above ground and planted thirty (30) feet on center or as a mature canopy tree may dictate and for understory trees a minimum of four (4) feet in height at planting.

Landscape and buffer maintenance shall be the responsibility of the homeowners association and referenced within the restrictive covenants and subsequently recorded in the Pender County Register of Deeds. All buffer installation is required prior to the Final Plat approval of any phase.

b. Applicant met with adjacent property owners located on Second Street (SR 1616) where the platted right of way exists located within the legal description of "Lot 1 & 2" and "Lot 19 & 20" on Map Book 8 Page 27 Hampstead on the Sound Section 5 and both parties agreed to mutually define, establish, and install a landscape buffer equal to ten (10) feet in width measured from the outside boundary of the NCDOT right of way identified as Second Street (SR 1616) and the side yard of each property aforementioned.

The plantings shall consist of indigenous trees and shrubs such as but not limited; to wax myrtles, red cedars, oak species, maples and other similar species as available. The specific plantings shall be a minimum of two (2) inch caliper. All buffers shall be installed by the Applicant at Applicant's expense and maintained by property owners as mutually agreed upon.
The developer shall work with NCDOT in the installation of any additional driveway accesses requested by the property owners on Second Street (SR 1616) and culverts, if any, to allow for access to existing rear yards.

c. The project shall contain a twenty (20) foot landscape easement measured from the rear of the lots on the eastern property boundaries (Grovediere Lane), specifically lot numbers 20-23 as depicted on the Conditional Rezoning Site Plan dated September 14, 2015. The easement shall require the Applicant and property owners for these lots to maintain existing and natural vegetation. The easement shall serve as a perpetual vegetative buffer between adjacent properties. Responsibility of maintenance shall be conveyed to each individual property owner and referenced and enforced by the rights conveyed to the homeowners association through the bylaws and restrictive covenants recorded at the Pender County Register of Deeds.

4. Roadways

a. The Applicant shall collaborate with the Forest Sound Homeowners Association, herein FSHA, to devise a Road Maintenance Agreement specifically to address improvements and long-term maintenance of Forest Sound Road (private) from the site entrance to US HWY 17. The applicant has agreed to resurface Forest Sound Road (private) and enter into a mutually satisfactory Agreement, herein "Agreement", with the FSHA to effectuate the same. The Agreement will define the resurfacing to meet or exceed the current NCDOT Subdivision Roads (Secondary Roads) Standards for resurfacing. All improvements are required prior to the approval of Final Plat for any phase.
b. If there are any changes requested to the site plan presented with this Conditional Rezoning or if additional single family residential structures are proposed, the project shall be reevaluated in accordance with Pender County Unified Development Ordinance standards. If future development is proposed, roadway connection to Davis Road and Lea Drive Extension (SR 1614) will be revaluated.

5. The Applicant and FSHA have collaborated independently from Pender County to mutually agree upon a private agreement to assist in alleviating some of the concerns FSHA expressed as a result of the proposed development. Some of the terms and conditions of the private agreement contain provisions for the following;

a. Privacy through funding a private gate entrance designed and maintained by FSHA.

b. Formal education by Applicant delivered to each future homeowner of the proposed residential subdivision through written documents, such as but not limited to Restrictive Covenants, maps, and notices, outlining the easements, buffers and various private property areas of the FSHA and the necessary legal requirements to adhere to the private property restrictions in place to protect unauthorized access of the same.

6. The applicant shall direct site work involved with the construction of the project to the greatest extent possible to ingress on Second Street (SR 1616)and egress on Forest Sound Road (private) to distribute traffic equitably as not to decrease service at any intersection or negatively increase safe conditions to the network (Added at 11/23/2015 Board of County Commissioners Meeting).

CASE 160-2015

Rezoning Proposal: Charlotte P. Kelly, applicant and owner, requested a conditional zoning map amendment for one (1) tract totaling approximately 0.47 acres from RP, Residential Performance zoning district to RA-CD 2, Rural Agricultural zoning district. The approval is to allow only the following NAICS uses: 453 Miscellaneous Store Retailers, 7222 Limited Service Eating Places and 445 Food and Beverage Stores.

Property Record Numbers, Acreage, and Location: The subject property, located at 5230 Point Caswell Road, recorded on Register of Deeds Book 403 Page 528, is located near the intersection of Point Caswell Road (SR 1128) and Rooks Road (SR 1126) in the Caswell Township and may be further identified by Pender County PIN: 2257-66-1048-0000.

Summary: The approval is to allow only the following NAICS uses: 453 Miscellaneous Store Retailers, 7222 Limited Service Eating Places and 445 Food and Beverage Stores.

Public Input Meeting Summary:
According to Pender County Unified Development Ordinance Section 3.4.3, prior to scheduling a public hearing on the rezoning application, the applicant must conduct one public input meeting. On February 22, 2016 the Applicant held a community meeting in accordance with Section 3.4.3 of the Pender County Unified Development Ordinance. Two citizens participated and on February 22, 2016 both adjoining landowners submitted emails to the applicant that they did not object to this conditional zoning map amendment.

Approval: On May 16, 2016 the Pender County Board of Commissioners approved a zoning map amendment for a conditional rezoning from RP, Residential Performance zoning district to RA-CD2, Rural Agricultural zoning district 2 as described herein.

CASE 305-2016

Rezoning Proposal: DRC Hampstead, LLC., applicant, on behalf of Jesse F. Lea Sr et al, owner, is requesting approval of a Conditional Zoning Map Amendment for three (3) tracts totaling approximately 78.39 acres from RP, Residential Performance zoning district to RM-CD 2, Residential Mixed conditional zoning district 2. The request is to allow the following NAICS uses only: conventional single family detached homes, multifamily and associated neighborhood amenities in a proposed residential mixed use development known as Sparrows Bend. The project proposal consists of 137 conventional single family detached homes and 228 multifamily units.

Property Record Numbers, Acreage, and Location: The subject properties are located to the west of US HWY 17 and along the east side of Hoover Road (SR 1569). The subject properties are in the Topsail Township and may be further identified by Pender County PINs 3293-01-5693-0000, 3293-11-0659-0000 and 3293-01-9640-0000.

Project Description: This application consists of a conditional rezoning of three (3) tracts totaling approximately 78.39 acres from RP, Residential Performance zoning district to RM-CD 2, Residential Mixed conditional zoning district 2. The density proposed on the entire tract is 7.1 units per acre.

The proposed uses within the RM-CD 2, Residential Mixed conditional zoning district 2 are only to include; single family dwelling conventional detached (NAICS 236117), multifamily housing (NAICS 236116) and other typical neighborhood amenities or project infrastructure as described in the Applicant's narrative and demonstrated on the Applicant's site plan. All other uses will be prohibited unless an alteration is made to the approval. Any changes to the requested petition shall be processed in accordance with amendments to the zoning map and in accordance with Section 3.4 of the Pender County Unified Development Ordinance.

It is the Applicant's intention to develop the site for a single family residential subdivision and a multifamily housing complex. There are 137 proposed residential units on single family lots and 228 multifamily units in 10 (ten) apartment buildings on the subject parcel. The multifamily units will range between 1 (one) and 3 (three) bedrooms according to the Applicant.

Setbacks

According to the submitted site plan; the minimum lot size proposed is 6,000 sq. ft. and the maximum lot size proposed is 12,000 sq. ft. As proposed, the maximum height of the single family units is 35 feet. The maximum height of the multifamily buildings is 45-feet. Setbacks of this conditional rezoning are below:

Location	Approved Setback (in feet)
Front Yard	5
Side Yard	5
Corner Yard	5
Rear Yard	10
Chord Length	40

Density

DENSITY CALCULATIONS	
Total Apartment Units: 228 Total Single Family Units: 137 Grand Total Units: **365**	
Total Acreage	**78.39**
Total Non-Residential Acreage (ROW,parking,sidewalks)	**10.14**
Total Wetlands Acreage (11.65) –Total Passive Open Space (5.45)	**5.59**
Total Open Space (.03 acres/unit)	**10.95**
Active Open Space	6.43
Passive Open Space	6.06
Total Developable Land Acreage	**51.53**
Maximum Allowable Density Units/Acre (max. 5du/ac allowed	**257.66**
Total Proposed Density Units/Acre using 399 units	**7.1**

The Applicant's intent is to utilize Low Impact Design (LID) measures to the greatest extent possible and to preserve mature existing vegetation, according to the submitted site plan and their narrative. Exceptional design locations have been identified on the site plan. The Applicant has listed on the site plan types of exceptional design that may be included in this development. These include bio-retention systems/rain gardens, the use of permeable pavement, water harvesting systems, swales and infiltration basins. These activities are all supported in the NC State Low Impact Development Guidebook.

Buffers

The buffers provided are consistent with the buffer requirements in the Pender County Unified Development Ordinance Section 8.2.8, Project Boundary Buffer. The south project border is proposed to be a B-3 Buffer. The north project border is proposed to be a B-4 Vegetative Buffer. The east project border is proposed to be a C-4 Buffer. The western project border is proposed to be a B-4 Vegetative Buffer, as well as undisturbed project area.

The applicant has initiated a property transfer with property owners that abut Old Marsh Road (private). Although not finalized, the density calculations were performed without the acreage proposed to be involved in this transfer. The purpose of this transfer is to give the property owners the land they have historically utilized for access to their properties, which currently belongs to the Applicant. Additionally, there is still a 10-foot buffer with a fence proposed in this area.

Recreational Units

With 365 units proposed the applicant is required to provide 4 (four) recreational units, which equates to $40,000. This can be installed on the property, approved in conjunction with the Parks and Recreation Master Development Plan or a payment in lieu of dedication can be made as the Board deems appropriate. The Applicant intends to develop the recreation facilities within the subject property. The Parks and Recreation Supervisor stated in her TRC report that a playground should be installed for children ages 2-12. The Applicant has agreed to provide this amenity as requested, and has demonstrated it on the site plan.

Traffic
A Traffic Impact Analysis has been conducted and the traffic impact has been scoped by the WMPO. The approved project includes 34 less units than originally were proposed in the TIA.

Public Input Meeting Summary:
On July 12, 2016 the Applicant held a Community Meeting at the Hampstead Annex Auditorium from 4:00 PM until 5:30 PM in accordance with Section 3.4.3 of the Pender County Unified Development Ordinance. Approximately 13 citizens were present at the meeting; the roster can be found in Attachment 6. A report of the community meeting can be found in Attachment 9. Concerns raised at this community meeting include but were not limited to:

1. Adequate buffers between existing uses and the proposed project are necessary (fence or berm suggested)
2. Motorists are traveling too fast on Hoover Road (SR 1569). This may be exacerbated with a new development.
3. There is an existing drainage problem around the Kingsport residential subdivision.
4. Peak traffic hour congestion is present at the Hoover Road (SR 1569) and US HWY 17 intersection.
5. Multi-family housing may decrease single family home values.

Following the Community Meeting, the Director of Planning and Community Development contacted the NCDOT regarding the perceived speeding on Hoover Road (SR 1569). He requested information on a previously completed study that considered lowering the speed limit from 45 miles per hour to 35 miles per hour. A written response was provided stating that the conditions observed in the area did not warrant a reduction in speed.

Approval: On November 21, 2016 the Pender County Board of Commissioners approved a zoning map amendment for a conditional rezoning from RP, Residential Performance zoning district, to RM-CD2, Residential Mixed conditional zoning district 2 as described herein.

Conditions of Approval:

1. Specific approval of density bonus, not to exceed 7.1 units per acre.
2. Finalization of property exchange along Old Marsh Road.
3. Installation of 10-foot fence on western property boundary.

CASE 367-2016

Rezoning Proposal: Rocky Point Holdings, LLC., applicant, on behalf of Jack Stocks and Rocky Point Holdings, LLC, owners, is requesting approval of a Conditional Zoning Map Amendment for a portion of one (1) tract and the entirety of another tract totaling approximately 18.11 acres from PD, Planned Development zoning district to IT-CD 1, Industrial Transitional conditional zoning district 1. The request is to allow Warehousing (NAICS 493110).

Property Record Numbers, Acreage, and Location: The subject properties are located along Carver Road (SR 1437) approximately 3,000 feet west of the intersection with NC 133 and Carver Road (SR 1437) in the Rocky Point Township and may be further identified by Pender County PINs: 3223-53-8360-0000 and 3223-55-9108-0000.

Project Description: The project as proposed will be composed of two (2) parcels. The first parcel is made up of approximately 4.51 acres and currently houses a Filmwerks facility that was permitted through the Master Development Plan process. There are no changes proposed to the existing development on this portion of the site. The second part of this project includes a 13.6 acre portion of a 162.7 acre parcel owned by Jack Stocks. This portion is proposed to be split off from the parent track at a later date.

The proposed uses within the IT-CD, Industrial Transitional conditional zoning district are only to include NAICS 493110: General Warehousing and Storage. By definition, this industry comprises establishments primarily engaged in operating merchandise warehousing and storage facilities. These establishments generally handle goods in containers, such as boxes, barrels, and/or drums, using equipment, such as forklifts, pallets, and racks. They are not specialized in handling bulk products of any particular type, size, or quantity of goods or products.

It is the Applicant's intention to develop the site for a 100,000 square foot metal warehouse structure to be used both for storage and construction of items associated with Filmwerks. Filmwerks produces stages for broadcasting and products associated with backup power sources. The Applicant proposes to construct a new access onto the southwest side of Carver Road (SR 1437) that will range between 28-feet and 30-feet wide and will require approval by NCDOT. The Applicant has also proposed two (2) wet detention basins, a 15-20 foot vegetated buffer, an exterior parking and storage area, and 20 additional parking spaces. All other uses will be prohibited unless an alteration is made to the approval.

Height:
As approved, the building height will be forty (40) feet high, consistent with IT, Industrial Transitional regulations listed in Section 4.14 of the Unified Development Ordinance Zoning District Dimensional Requirements. The maximum height in this district is fifty (50) feet.

Setbacks:

Location	Approved
Front	399.4'

Side	50.1’ Left 300.2’ Right
Rear	48.6’

Public Input Meeting Summary:
On September 20, 2016, the Applicant held a Community Meeting at the existing Filmwerks facility at 589 Carver Road in Rocky Point at 5:30 pm in accordance with Section 3.4.3 of the Pender County Unified Development Ordinance. Letters inviting adjacent property owners were mailed to the community on September 9, 2016. No representatives from the public attended this meeting or called for further information on the project.

Approval: On November 21, 2016 the Pender County Board of Commissioners approved a zoning map amendment for a conditional rezoning from PD, Planned Development zoning district, to IT-CD1, Industrial Transitional conditional zoning district as described herein.

Conditions of Approval:

1. Building shall be painted or colored green to blend in with the landscape and existing building

CASE 448-2017

Rezoning Proposal: DRC Hampstead, LLC., applicant and owner, is requesting approval of a Conditional Zoning Map Amendment Revision and Preliminary Plat review for four (4) parcels totaling approximately 87.87 acres in the RM-CD2, Residential Mixed Conditional zoning district 2. The request is to add approximately ten (10) acres and twelve (12) single family dwellings from the original approval. The current project proposal consists of 228 apartment units and 149 single family homes with associated neighborhood amenities. The subject properties are located along the north side of US HWY 17 and may also be accessed from the east side of Hoover Road (SR 1569).

Property Record Numbers, Acreage, and Location: The subject properties are in the Topsail Township and may be further identified by Pender County PINs: 3293-01-5693-0000, 3293-11-0659-0000, 3293-01-9640-0000 and 3292-02-1695-0000.

Project Description: The Board of County Commissioners approved the RM-CD2, Residential Mixed conditional zoning district 2 on November 21, 2016 for the subject parcels. Following the conditional approval, the applicant did not submit an amended plan for administrative zoning review and approval.

The proposal consists of amending a previously conditionally zoned property by adding to the adjacent parcel to the RM-CD2, Residential Mixed conditional zoning district 2. The proposed RM-CD2, Residential Mixed conditional zoning district 2 equals approximately 87.87 acres.

The applicant proposes amending the total number of single family dwelling lots to 149 by adding approximately ten (10) acres of the adjacent parcel. The adjacent property has been purchased by the applicant and will be recombined to add to the overall project area. The proposed uses within the RM-CD 2, Residential Mixed conditional zoning district 2 are only to include; single family dwelling conventional detached (NAICS 236117), multifamily housing (NAICS 236116) and other typical neighborhood amenities or project infrastructure as described in the Applicant's narrative and demonstrated on the Applicant's site plan. All other uses will be prohibited unless an alteration is made to the approval. Any changes to the requested petition shall be processed in accordance with amendments to the zoning map and in accordance with Section 3.4 of the Pender County Unified Development Ordinance.

	Previously Approved RM-CD2 District November 2016	Proposed RM-CD2 District February 2017
Single Family Units Proposed	137 units	149 units
Multi-Family Units Proposed	228 units (10 buildings)	228 units (10 buildings)
Total Number Units	365 units	377 units

Proposed Density	5.84 units per acre
Previously Approved RM-CD2 Density	7.1 units per acre

Open Spaces

	November 2016	February 2017
Open Spaces Required (in acres)	10.95	11.31
Active Open Space	5.475	5.965
Passive Open Space	5.475	5.655
Open Space Provided (in acres)	12.49	18.83
Active Open Space	6.43	7.79
Passive Open Space	6.06	11.04

Lot Sizes

	RM-CD2 zoning district
Front Yard	5 feet
Side Yard	5 feet
Corner Yard	5 feet
Rear Yard	10 feet
Chord Length	40 feet
Height	
Single Family Units	35 feet
Multi-Family Units	45 feet
Minimum Lot Size	6,000 square feet
Maximum Lot Size	12,000 square feet

Services

The Applicant is proposing a public water connection to Pender County Utilities and all review and approvals for the public water service are per Pender County Utilities.

Recreation Units

With 377 units proposed the applicant is required to provide 4 (four) recreational units, which equates to $40,000. The Applicant intends to develop the recreation facilities within the subject property. The Parks and Recreation Supervisor stated in her TRC report that a playground should be installed for children ages 2-12, and the applicant has committed to such on their submitted site plan. Also provided is a recreation building, pool and a 2,500 sq. ft. dog park.

Traffic

A Traffic Impact Analysis (TIA) is required for this development.

Public Input Meeting Summary:

On January 12, 2017 the Applicant held a Community Meeting at the Hampstead Annex Auditorium from 6:00 PM until 7:30 PM in accordance with Section 3.4.3 of the Pender County Unified Development Ordinance. Approximately 9 citizens were present at the meeting. A report of the community meeting can be found in Attachment 9. Concerns raised at this community meeting include but were not limited to:

1. Location of project entrances;
2. General project information including number of units proposed;
3. Relationship to adjacent parcels;
4. Drainage and traffic improvements.

Approval: On March 21, 2017 the Pender County Board of Commissioners approved a zoning map amendment for a conditional rezoning from RP, Residential Performance zoning district to RM, DE 2 Residential Mixed conditional zoning 2 district as described herein.

Conditions of Approval:

1. Density not to exceed 5.84 units per acre
2. Finalization of property exchange along Old Marsh Road.
3. Amend the project boundary buffers; on the southern property bounds (nearest Old White Marsh access easement) is required as a C type, instead of what is shown as a B-1 buffer. It is recommended that the applicant construct a C-1 or C-2 buffer with a higher fence in order to meet the previous condition and the requirement for the C type buffer.
4. A 15 foot easement along the subject properties connection to Hoover Road (SR 1569). The applicant had agreed in the November 2016 on their submitted site plan to coordinate with Pender County on this easement dedication in compliance with the Pender County Collector Street Plan.
5. No individual lot access to the parcels to be created along Collector Street A, as demonstrated on the submitted site plan.
6. Extension of the sidewalk located on Collector Street A to the extent of the project bounds in order to connect with the commercial properties along US HWY 17.
7. Alternative parking areas shall be provided

Case 497-2017

Rezoning Proposal: Hampstead Investment Holdings, LLC., applicant and owner, is requesting approval of a conditional zoning map amendment for two (2) tracts totaling approximately ±2.22 acres from RP, Residential Performance zoning district to GB-CD 1, General Business conditional zoning district 1. The request is to allow the storage of boats and watercraft outdoors on dry stack structures, an existing fishing supply store (NAICS 451110), an existing food and beverage store (NAICS 445), and associated parking and landscaping.

Property Record Numbers, Acreage, and Location: The subject properties are located at the terminus of Lewis Road (SR 1564) approximately 3,000 feet east of the intersection of Sloop Point Loop Road (SR 1563) and Lewis Road (SR 1564) in the Topsail Township and may be further identified by Pender County PINs: 4224-02-5093-0000 and 4224-01-5894-0000.

Project Description: The ±2.22 acres are currently occupied by a commercial use, as described in the History Section of this report. In addition to the existing retail store, the applicant proposes a dry stack storage facility. The proposal also includes a parking area, stormwater facilities, and temporary boat staging for the boats stored in the dry stack to be transferred into the water. The applicant proposes 224 dry stack storage spots. There are no permanent wet slips proposed. The applicant also proposes to use low impact design (LID) features such as underground stormwater containment or permeable pavement. An adjacent dock and boat ramp service the Pecan Grove Homeowner' Association, with the State of North Carolina's public boat ramp further to the south.

Proposed Uses: The proposed uses within the GB-CD1, General Business conditional zoning district 1 are to include the storage of boats and watercraft outdoors or on dry stack structures, an existing fishing supply store (NAICS 451110), and an existing food and beverage store (NAICS 445). NAICS Sector 451110 industry comprises of establishments primarily engaged in retailing new sporting goods, such as bicycles and bicycle parts; camping equipment; exercise and fitness equipment; athletic uniforms; specialty sports footwear; and sporting goods, equipment, and accessories. This includes fishing supply stores, such as the one currently operating on-site. NAICS Sector 445 usually retails food and beverage merchandise from fixed point-of-sale locations. The GB, General Business zoning district is designed to accommodate uses which require close access to major highways. The district is established to provide convenient locations for businesses which serve the needs of surrounding residents, including office, retail, and personal service uses.

All other uses or expansions will be prohibited unless an alteration is made to the approval. Any changes to the requested petition shall be processed in accordance with amendments to the zoning map and in accordance with Section 3.4 of the Pender County Unified Development Ordinance.

Proposed Height and Setbacks According to Section 5.3.13.F. of the Pender County Unified Development Ordinance, dry stack storage found in the definition of a marina (commercial) must follow;

1) Setbacks
    a) Up to 35' in height: 100' front and 50' sides and rear.

b) Between 36' to 50' in height: Add two (2) additional feet of setback for every one foot in height above 35'.

The applicant intends on applying b) above for additional height on the dry stack storage beyond 35 feet in height. The structures are proposed at 43 feet in height. Which is 8 feet above the required setback for dry stack storage.
Additionally, as this is an LID project per Section 7.14.B details: LID Projects in the RA, RP, GB, OI, and IT zoning districts shall be allowed a 50% reduction in the Minimum Lot Width, Minimum Chord Length at ROW Line for "cul de sac's", Minimum Front, Side, and Rear Yards, and Minimum Required Structure Separation. Meaning that in order to further reduce the setback, the applicant may employ LID measures. Section 7.14.A states that in order for a project to utilize the variations to dimensional standards as prescribed in Section 7.14.B, the applicant shall submit a certification from a licensed professional stating that the project conforms to all of the Low Impact Development (LID) criteria found in the Ordinance.

Setback Location	**Setback Required (in feet)**	**Height Allowable (in feet)**
Front Yard	100	35
Side and Rear Yards	50	
Setback Location	**Setback Provided (in feet)**	**Height As Proposed (in feet)**
Front Yard	66	43
Side and Rear Yards	41	

For every two (2) feet in setback the applicant earns one (1) additional foot in height. The Applicant has provided 16 additional setback feet which would allow for 8 feet in height allowance over the required 35 feet.

Public Input Meeting: On March 13, 2017, the Applicant held a Community Meeting at the Pender County Hampstead Annex at 6:00 pm in accordance with Section 3.4.3 of the Pender County Unified Development Ordinance. Letters inviting adjacent property owners were mailed to the community on March 1, 2017 (Attachment 1). Two (2) representatives from the public attended this meeting to gather further information on the project.

Approval: On June 19, 2017, the Pender County Board of Commissioners approved a zoning map amendment for a conditional rezoning from RP, Residential Performance zoning district, to GB-CD1, General Business conditional zoning district as described herein.

Conditions of Approval:

1. There shall be no more than 1 boat trailer parked on the site.
2. All parking associated with the proposed use shall be contained on-site.
3. The applicant shall take proactive steps to ensure that there is no stacking on Lewis Road (SR 1564).
4. A minimum of Forty-two (42) on-site parking spaces shall be required based on comments received at the May 2, 2017 Board of Commissioners hearing.

Case 519-2017

Rezoning Proposal: Monkey Junction Mini Storage, applicant, on behalf of Pinnacle Property of Hampstead and Michael D. Hoover, owners, is requesting the approval of a Conditional Zoning Map Amendment for four (4) tracts totaling approximately 9.41 acres from PD, Planned Development zoning district to GB-CD2, General Business conditional zoning district 2. This request is to allow for multi-unit self-storage units (NAICS 531130).

Property Record Number, Acreage, and Location: The subject properties are located along the west side of US HWY 17 approximately ± 2,500 feet to the north of the intersection of US HWY 17 and Sloop Point Loop Road (SR 1563) in the Topsail Township and may be further identified by Pender County PINs: 4204-76-8504-0000, 4204-86-1659-0000, 4204-77-7047-0000, and 4204-77-3088-0000.

Description: The proposed development consists of ten (10) detached storage buildings totaling 185,325 square feet of storage space with an additional office space of 1,200 square feet. "Multi-unit self-storage units", which includes industries primarily engaged in renting or leasing space for self-storage.

Proposed Use: The proposed uses within the GB, General Business zoning district are to include the use of multi-unit, self-storage units (NAICS 531130). NAICS Sector 531130 industry comprises of establishments primarily engaged in renting or leasing space for self-storage. The applicant also proposes storage of boats and recreational vehicles. The GB, General Business zoning district is designed to accommodate uses which require close access to major highways. The district is established to provide convenient locations for businesses which serve the needs of surrounding residents, including office, retail, and personal service uses.

All other uses or expansions will be prohibited unless an alteration is made to the approval. Any changes to the requested petition shall be processed in accordance with amendments to the zoning map and in accordance with Section 3.4 of the Pender County Unified Development Ordinance.

Setbacks: Per Section 4.14, Zoning District Dimensional Requirements, the setback requirements for the GB, General Business zoning district are as follows:

Dimensional Standards for GB Zoning District	Required Setback	Provided Setback
Min. Front Yard	25'	25'
Min. Side Yard	10'	10'
Min. Corner Yard	12'	N/A
Min. Rear Yard	10'	10'

Public Input Meeting

The public meeting was held on April 20, 2017, at the Hampstead Annex from 6 to 7:30 PM. Approximately fifteen (15) residents of the surrounding properties participated in the community meeting. Topics of the meeting ranged from traffic and access concerns, drainage, building locations,

buffering, and property values. Lengthy discussions were held regarding the building aesthetics and impact that buildings 'I' and 'J' will have on the surrounding properties. Based on the results of the community meeting, staff formulated the suggested conditions found within this report based on conversations with community and the applicant in an attempt to mitigate these concerns.

Approval: On June 19, 2017, the Pender County Board of Commissioners approved a zoning map amendment for a conditional rezoning from PD, Planned Development zoning district, to GB-CD2, General Business conditional zoning district as described herein.

Conditions of Approval:

1. All outdoor lighting shall be located in a manner that will not direct light on adjacent properties.
2. A C-2 Buffer containing a 15 foot wide strip with a 6 foot high wood stockade, basket weave, or other solid wood fence and an evergreen hedge that will provide a continuous screen at least 6' high within 4 years and 1 canopy tree, 4 understory trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet along the entire westernmost property line near building 'J'.
3. Architectural design standards for structures along US HWY 17 shall follow the submitted artistic rendering submitted by the applicant, as shown in Attachment 4, containing a brick façade and two-story columns.

REZONE 2018-05

Rezoning Proposal: RHH Land Investors, LLC., applicant, on behalf of Lanwillo Development Co., owner, is requesting the approval of a Conditional Zoning Map Amendment for two (2) tracts totally approximately 18.00 acres from RP, Residential Performance zoning district to RM-CD4, Residential Mixed conditional zoning district 4. The request is to allow for 49 single-family detached dwelling units.

Property Record Number, Acreage, and Location: The subject properties are located to the east of US HWY 17 and west of, and adjacent to, the intersection of Deerfield Drive (SR 1673) and Creekview Drive (SR 1674), in the Topsail Township and may be further identified by Pender County PINs: 3282-73-8614-0000; and 3282-83-0888-0000.

Description: The proposed development consists of forty-nine (49) single-family detached dwelling units (NAICS 236117) on lots with a minimum size of 5,000 sq. ft. In addition, the proposed development consists of typical neighborhood amenities and project infrastructure as shown on the applicant's site plan and in the applicant's submitted narrative. All other uses will be prohibited unless an alteration is made to the approval. Any changes to the requested petition shall be processes in accordance with amendments to the zoning map and in accordance with Section 3.4 of the Pender County Unified Development Ordinance.

Density and Open Space

Total Acreage	18.00
Required Open Space Acreage	1.47
Required Active Open Space Acreage	0.73
Required Passive Open Space Acreage	0.73
Total Units	49
Developable Land Acreage	12.79
Net Density	3.83

Lot Size and Setbacks

Proposed Dimensional Standards for RM-CD4 Zoning District	**Single Family Conventional Lots**
Minimum Lot Size (in sq. ft.)	5,000 sf
Maximum Lot Size (in sq. ft.)	20,000 sf
Minimum Lot Width	27'
Minimum Front Yard	5'
Minimum Side Yard	5'
Minimum Corner Yard	5'
Minimum Rear Yard	10'
Chord	25'
Maximum Building Height	35'
Structure Separation	10'

Services
The Applicant is proposing a public water connection to Pender County Utilities and private wastewater services through Pluris, Inc.

Recreational Units
With 49 proposed units, the applicant is required to provide one (1) recreational unit which equates to $10,000. The Applicant intends to provide a gazebo on the open space parcel.

Traffic
As part of a previously approved Master Development Plan, a TIA was conducted for the subject properties that included multi-family residential units on the subject properties. Due to the decreased density associated with single-family dwelling units, an updated TIA was not required for this specific proposal.

Public Input Meeting Summary: On June 19, 2018, the Applicant held a Community Meeting at the Hampstead Annex Auditorium from 6:00PM until 7:30PM in accordance with Section 3.4.3 of the Pender County Unified Development Ordinance. In addition, the Applicant held a second Community Meeting on August 16, 2018, also in the Hampstead Annex Auditorium. Concerns raised at both community meetings included but are not limited to:

1. Stormwater and Flooding
2. Traffic
3. Density inconsistent with existing neighborhoods

Approval: On November 19, 2018, the Pender County Board of Commissioners approved a Conditional Zoning Map Amendment from RP, Residential Performance zoning district to RM-CD4, Residential Mixed conditional zoning district 4 as described herein.

Conditions of Approval:

1. All external buffers shall be 25 feet wide with a minimum of two canopy trees and a grass cover of at least 98% coverage (except within 4 feet of the base of any tree), per 100 linear feet. Natural vegetation within external buffers shall be preserved to the greatest extent possible.
2. All lots adjacent to properties zoned RP, Residential Performance shall be no less than 12,000 square feet in size. Lots 48 and 49 shown on site plan submitted August 27, 2018 shall be reduced in size to no less than 6,000 square feet to provide the largest possible open space buffer between those properties and properties along Deerfield Drive. (Note: now shown as lots 24 and 25 on updated site plan).
3. The proposed collector street to the west of the project, between Hughes Road and Deerfield Drive, and included as part of the previously-approved Headwaters Commercial development (Case #: MDP 436-2016), shall be constructed and accessible prior to final plat approval.
4. Sidewalks shall be constructed along one side of “Road A” and “Road B” throughout the entire length of the roadways.
5. Stormwater control mechanisms shall ensure all stormwater runoff flows to internal streets and collection system.

6. Signage explaining the presence of wetlands shall be placed at 200 ft. intervals along all delineated wetland boundaries.
7. A significant tree survey shall be conducted as per Section 8.1.3 of the Pender County Unified Development Ordinance, and any significant tree proposed to be removed shall be mitigated as per requirements in Section 8.1.3.A.4 of the Unified Development Ordinance.
8. Driveway access shall be provided to Lot 18 of the Mill Creek Ridge at Deerfield subdivision at the intersection of Deerfield and Creekview Drives at the applicant's expense.
9. All construction traffic shall enter the subject properties from the proposed collector street referenced in Condition #3 and not from the intersection of Deerfield and Creekview Drives.

REZONE 2018-08

Rezoning Proposal: Pender EMS and Fire, Inc., applicant and owner, is request the approval of a Conditional Zoning Map Amendment for a portion of (1) tract totaling approximately 2.15 acres from PD, Planned Development zoning district to OI-CD2, Office and Institutional conditional zoning district 2. This request is to allow for the construction of a fire and EMS station with a firefighter training facility (NAICS 922160).

Property Record Number, Acreage, and Location: The subject property is located on the south side of Island Creek Road (SR 1002), approximately 0.9 miles west of the intersection of Island Creek Road and NC HWY 210 in the Topsail Township and may be further identified by Pender County PIN: 3262-69-4150-0000.

Description: The proposed development is an approximately 6,084 sq. ft. fire and EMS station in conjunction with a 500 sq. ft. firefighter training facility located behind the station. The proposed development is a replacement for the existing Station #28 along NC HWY 210, which will be demolished during construction of the Hampstead Bypass (R-3300a and R-3300b).

Proposed Use: The proposed uses within the OI, Office and Institutional zoning district is a fire and EMS station with a firefighter training facility, classified under "fire and rescue services" (NAICS 922160). NAICS Sector 922160 includes government establishments primarily engaged in firefighting and other related fire protection services. Government uses providing combined fire protection and ambulance or rescue services are also classified under this code. Per the Pender County Unified Development Ordinance, this use is classified under NAICS Code 92 'Public Administration' and is permitted in the OI, Office and Institutional zoning district.

All other uses or expansions will be prohibited unless an alteration is made to the approval. Any changes to the requested petition shall be processed in accordance with amendments to the zoning map and in accordance with Section 3.4 of the Pender County Unified Development Ordinance.

Setbacks: Per Section 4.14, Zoning District Dimensional Requirements, the setback requirements for the GB, General Business zoning district are as follows:

Dimensional Standards for OI Zoning District	RequiredSetback	Provided Setback
Min. Front Yard	25'	102'
Min. Side Yard	10'	88'
Min. Corner Yard	12'	40'
Min. Rear Yard	10'	67'

Public Input Meeting

The public input meeting was held on January 18, 2019 from 6PM to 7PM at Pender EMS and Fire Station #16 in Hampstead. Notices of the meeting being held were mailed to all residents within 1,000 feet of the subject property on January 7, 2019. The meeting was conducted as an "open-house" in which attendees were given the opportunity to see proposed plans and renderings and ask

question. One community member attended the meeting, with questions about water and sewer service to the proposed development.

Approval: On March 18, 2019, the Pender County Board of Commissioners unanimously approved a zoning map amendment for a conditional rezoning from PD, Planned Development zoning district, to OI-CD2, Office and Institutional conditional zoning district 2 as described herein.

Conditions of Approval: Following the results of the public input meeting and hearings before the Planning Board and Board of County Commissioners, no conditions of approval other than the Conditional Zoning Map Amendment itself were proposed or included in the final motion of approval.

REZONE 2019-09

Rezoning Proposal: Par 5 Development Group, LLC, applicant, on behalf of Kenneth L. West et al., owner, is requesting the approval of a Conditional Zoning Map Amendment for (1) tract totaling approximately ±2.76 acres from RA, Rural Agriculture zoning district to GB-CD3, General Business conditional zoning district 3 as part of a Major Site Development Plan that also totals ±2.76 acres. This request is to allow for the construction of a Dollar General retail store (NAICS 453).

Property Record Number, Acreage, and Location: The subject property is located on the south side of NC HWY 11, approximately ±500 feet west of the intersection of NC HWY 11 and Willard Railroad Street (SR 1309) and approximately ±1,000 feet east of the intersection of NC HWY 11 and Courtney Drive (Private) in the Union Township. The subject property may be further identified by Pender County PIN 3304-63-4215-0000.

Description: The proposed development is situated on approximately ±2.76 acres, which is currently vacant land. This request seeks approval for the Conditional Zoning Map Amendment to the GB-CD3, General Business conditional zoning district 3 to allow for construction and operation of an approximately ±9,100 sq. ft. Dollar General retail store (NAICS 453), with associated parking, landscaping, and stormwater facilities.

Proposed Use: The proposed uses within the GB-CD3, General Business conditional zoning district 3 are to include 'Miscellaneous Store Retailers' (NAICS Code 453), which is described as retail merchandise sold from fixed point-of-sale locations, a use permitted by-right in the GB, General Business zoning district. This district is primarily intended to accommodate uses which require close access to major highways. The district is established to provide convenient locations for businesses which serve the needs of surrounding residents, including office, retail, and personal service uses.

All other uses or expansions will be prohibited unless an alteration is made to the approval. Any changes to the requested petition shall be processed in accordance with amendments to the zoning map and in accordance with Section 3.4 of the Pender County Unified Development Ordinance.

Setbacks: Per Section 4.14, Zoning District Dimensional Requirements, the setback requirements for the GB, General Business zoning district are as follows:

Dimensional Standards for GB Zoning District	Required Setback	Provided Setback
Min. Front Yard	25'	143'
Min. Side Yard	10'	37'
Min. Corner Yard	12'	N/A
Min. Rear Yard	10'	256'

Landscaping and Buffers: The applicant has proposed a Type A-1 Buffer along the front property boundary, which is adjacent to NC HWY 11, and a Type C-1 Buffer along all other property boundaries. The Type A-1 Buffer shall contain a fifteen (15) foot wide strip with 3 canopy trees, 2 understory trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100

linear feet and the Type C-1 Buffer shall contain a ten (10) foot wide strip with a 6 foot high wood stockade, basket weave, or other solid wood fence and 2 canopy trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet. Once the sale of the property is final, the applicant will submit a map of recombination for a portion of the southwest corner of the subject property to the Pender County Planning and Community Development department for the required signatures to be recorded at the Pender County Register of Deeds. This will be conveyed from the future property owner to Edward Earl Padgett (PIN 3304-62-1970-000). This will be done in an effort to mitigate potential concerns expressed by the surrounding property owners.

Architectural Considerations: In response to concerns from community members and members of the Planning Board, the applicant has proposed an additional condition of approval (see below). Using other buildings in the Willard "core" as a guide, the applicant has proposed to construct the entrance of the proposed building using an approximately 40-inch high split-face block knee wall, with neutral-colored hardy siding above it, and similarly-colored metal siding on all other exterior walls. Please see Condition of Approval #5 and the associated renderings of the proposed building.

Public Input Meeting: The public meeting was held on April 2, 2019 from 5:30 pm to 7:00 pm at the Willard Outreach Community Center in Willard. Notices of the meeting being held were mailed to all residents within 500 feet of the subject property on March 22, 2019 (Please see Exhibit A and B within Attachment 2). The meeting was conducted as an "open-house" in which attendees were given the opportunity to see proposed site plan and ask questions. Eleven community members attended the meeting to discuss the plans for the site with the engineer, applicant, and County Staff. The community members voiced concerns regarding traffic, product delivery, parking, stormwater design and safety, mosquito growth within the retention pond, construction timeframe and related noise, landscaping and buffering (fencing material), property boundaries shown on submitted survey, the possible sale of alcohol, the size of the structure and its relative size compared to other Dollar Generals throughout Pender County, and the GB, General Business zoning districts already in place in the immediate surrounding parcels. Aside from these concerns, the community members inquired about the Conditional Zoning Map Amendment process, the factors used to select the site location, the types of goods sold, anticipated job creation, and the Pender 2.0 Comprehensive Land Use Plan.

Approval: On July 8, 2019, the Pender County Board of Commissioners unanimously approved a zoning map amendment for a conditional rezoning from RA, Rural Agriculture zoning district to GB-CD3, General Business conditional zoning district 3 as described herein.

Conditions of Approval:

1. The stormwater retention pond shall be enclosed by a chain-link or other similar-type fence to ensure safety of surrounding property owners and visitors.
2. The stormwater retention pond, shall be designed to incorporate a mechanism to the extent permitted by NCDEQ to minimize the likelihood of a mosquito breeding ground.
3. The required fence along the western, southern, and eastern property boundaries shall be constructed using solid, opaque, painted wood.
4. The hours of operation shall be from 8:00 AM to 10:00 PM, seven days a week (Monday – Sunday).

5. The entrance of the proposed retail store shall be constructed with an approximately 40-inch-high split-face block knee wall, utilizing a neutral-colored hardy plank siding above the split face block as shown in Exhibits A and B (see below). Side and rear exterior walls shall be constructed with metal siding, to be painted the same color as the entrance. Neutral colors shall consist of shades of white, tan, and light brown.

REZONE 2020-18

Rezoning Proposal: Archie McGirt, applicant, on behalf of AJ McGirt Land Management, LLC, owner, is requesting the approval of a Conditional Zoning Map Amendment for one (1) tract totaling approximately ±9.39 acres to amend a previously-approved conditional rezoning for detached storage buildings, boat and RV storage, and a two-story office building to further allow for a caretaker apartment on the second story of the office building. The subject property is zoned GB-CD2, General Business conditional zoning district 2 and the request would amend the allowable uses in that district.

Property Record Number, Acreage, and Location: The subject property is located along the west side of US HWY 17 approximately ± 2,500 feet to the north of the intersection of US HWY 17 and Sloop Point Loop Road (SR 1563) in the Topsail Township and may be further identified by Pender County PIN: 4204-76-9748-0000.

Recommendation: At their January 20, 2021 meeting, the Pender County Planning Board unanimously recommended conditional approval of this application based on its consistency with the Pender County Unified Development Ordinance and lack of conflict with the Pender 2.0 Comprehensive Land Use Plan. Staff are also recommending approval of the request with the continuation of previously-imposed conditions.

Description: The Pender County Board of County Commissioners approved the creation of the GB-CD2, General Business Conditional zoning district 2, on June 19th, 2017 to allow for the development of ten (10) detached storage buildings totaling 185,325 square feet of storage space with an additional office space with a footprint of 1,200 square feet. The approval also encompassed storage of boats and recreational vehicles on the site.

Subsequent to the approved conditional rezoning, staff approved a Major Site Development Plan for the first phase of 7 detached storage buildings, office, and associated improvements on August 15, 2018. A second Major Site Development Plan for the remaining structures and associated improvements was approved on February 20, 2019,

The current application is to amend the allowable uses within the district to permit an upstairs apartment within the office building for an onsite caretaker.

Proposed Use: The caretaker apartment is the only additional proposed use in comparison to the previously approved conditional zoning district. The currently approved uses within the GB-CD2, General Business Conditional zoning district 2 are multi-unit, self-storage units (NAICS 531130). NAICS Sector 531130 industry comprises of establishments primarily engaged in renting or leasing space for self-storage in addition to RV and boat storage. The previous application was filed soon after boat storage had been broken out as its own use in the Table of Permitted Uses but was not illustrated as such in the corresponding staff report. For the purposes of clarity, the previously proposed and approved boat storage is illustrated as it appears in the current Table of Permitted Uses in the Pender County Unified Development Ordinance.

All other uses or expansions will be prohibited unless an alteration is made to the approval. Any changes to the requested petition shall be processed in accordance with amendments to the zoning map and in accordance with the Pender County Unified Development Ordinance.

Setbacks: Per Section 4.14, Zoning District Dimensional Requirements, the setback requirements for the GB, General Business zoning district are as follows:

Dimensional Standards for GB Zoning District	Required Setback	Provided Setback
Min. Front Yard	25’	25’
Min. Side Yard	10’	10’
Min. Corner Yard	12’	N/A
Min. Rear Yard	10’	10’

Hours of Operation: According to the applicant in the previous submittal, the facility’s office will be open on Monday-Saturday from 9 a.m. to 6 p.m. and on Sundays from 11:00 a.m. to 4:00 p.m. The storage units will be open from daily from 6:00 a.m. to 10:00 p.m. for customer access through a locked gate that requires a passcode for entry.

Public Input Meeting: The public meeting was held on November 12, 2020, at Hampstead Kiwanis Park at 5:30 P.M. One member of the public attended to obtain additional information about the project, but did not express any specific concerns.

Approval: On February 16, 2021 the Pender County Board of Commissioners unanimously approved a zoning map amendment to amend the GB-CD2, General Business conditional zoning district 2 as described herein.

Conditions of Approval:

1. All outdoor lighting shall be located in a manner that will not direct light on adjacent properties.
2. A C-2 Buffer containing a 15 foot wide strip with a 6 foot high wood stockade, basket weave, or other solid wood fence and an evergreen hedge that will provide a continuous screen at least 6’ high within 4 years and 1 canopy tree, 4 understory trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet along the entire westernmost property line near building ‘J’.
3. Architectural design standards for structures along US HWY 17 shall follow the submitted artistic rendering submitted by the applicant, as shown in Attachment 4, containing a brick façade and two-story columns.

REZONE 2020-19

Rezoning Proposal: Chris & Vickie Jones, applicants, on behalf of PH Lanco Inc, owner, is requesting approval of a Conditional Zoning Map Amendment of one (1) tract totaling approximately ±8.42 acres from PD, Planned Development zoning district to CZ-1, Conditional Zoning district 1 to allow for boat sales and service (NAICS 441222), recreational vehicle storage (NAICS 531130), and storage of boats and watercraft outdoors or on dry stack structures.

Property Record Number, Acreage, and Location: The subject property is located in the Topsail Township at the intersection of US HWY 17 and Pinnacle Parkway (Private), to the west of US HWY 17 and to the south of Pinnacle Parkway, and may be further identified by Pender County PIN: 4204-65-5211-0000.

Recommendation: At their February 2, 2021 meeting, the Pender County Planning Board recommended conditional approval of this application based on its conformity with the Pender County Unified Development Ordinance and conformance with the Pender 2.0 Comprehensive Land Use Plan. Staff are also recommending conditional approval of the request as it was found to be consistent with one (1) goal, one (1) objective, and three (3) policies and the Future Land Use Map in the Pender 2.0 Comprehensive Land Use Plan while conflicting with one (1) goal found in the plan.

Description: The applicant proposes to establish a business for boat sales and service (NAICS 441222), which is classified under "*Motor Vehicle and Parts Dealers*" in the Table of Permitted Uses. The applicant has also proposed a fenced storage area for RVs and boats, which are classified under "*Real Estate and Rental and Leasing*", and "*Storage of boats and watercraft outdoors or on dry stack structures*" respectively.

A boat display area is proposed along US Hwy 17. Section 7.12 Outdoor Display and Storage of the Pender County Unified Development Ordinance details screening standards for display and storage uses on a property. However, the section also states that the display of vehicles for sale by a vehicle dealer or nursery stock by a commercial nursery, along with other products for sale that are normally displayed outdoors, shall be exempt from the above requirements.

Dimensional Requirements

The applicant has requested standard GB, General Business zoning district dimensional standards as found in Section 4.14 Zoning District Dimensional Requirements of the Pender County Unified Development Ordinance.

Dimensional Standards	GB
Min. Front Yd.-Ft.	25
Min. Side Yard-Ft	10
Min. Corner Yard Ft (10)	12
Min. Rear Yard-Ft	10
Max. Height-Ft	40

Min. Req. Structure Separation	20

Public Input Meeting: The public meeting was held on January 5, 2021 at 6:00 PM at 220 NC Hwy 210 W in Hampstead. Community concerns included traffic, curb appeal, and legal access to Pinnacle Parkway. The applicant did not propose any changes to the site plan based on the results of the meeting.

Approval: On March 15, 2021, the Pender County Board of Commissioners approved a zoning map amendment for a conditional rezoning from PD, Planned Development zoning district, to CZ-1, Conditional Zoning district 1, as described herein.

Conditions of Approval:

1. Unless and until Pinnacle Parkway is accepted for maintenance by the North Carolina Department of Transportation, or other public entity, the applicant and its successors, assigns and Grantees shall be responsible for payments for maintenance and repair of the roadway based on the ratio of usage and the cause for the need for repair and maintenance to the Pinnacle Ridge HOA or successor entity with responsibility for road maintenance.
2. No structures shall be constructed in a Special Flood Hazard Area as illustrated on the 2007 effective flood maps (Panel 3720329300J) or the 2014 preliminary flood maps (Panel 3720420400K).
3. The applicant shall construct a 5’ sidewalk along the property boundary with US Hwy 17.