Pender County

Agenda

Board of County Commissioners Meeting
Monday, December 5, 2022 @ 4:00 PM
Pender County Public Assembly Room
805 S. Walker Street, Burgaw, NC

		Presenter	Page
1.	CALL TO ORDER		
2.	INVOCATION Commissioner Brown		
3.	PLEDGE OF ALLEGIANCE Commissioner Piepmeyer		
4.	ADOPTION OF AMENDED AGENDA Amended Agenda voted on Friday 12-2-2022 at 4 PM Emergency Meeting of the Board of Commissioners adding item 6.3.		
5.	OLD BUSINESS		
5.1.	BOCC Meeting Minutes November 21, 2022 Meeting Minutes November 21, 2023 - Pdf		5 - 19
5.2.	Public Service Recognition of outgoing Commissioner David Piepmeyer		
5.3.	Public Service Recognition of outgoing Commissioner George Brown		
6.	REORGANIZATION		
6.1.	Assign County Attorney Trey Thurman as Moderator		
6.2.	Oath of Office for Newly Elected Pender County Board of Commissioner Member Jerry Groves	Carson Smith	
6.3.	Oath of Office for Newly Elected Pender County Commissioner Jimmy T Tate	Carson Smith	
6.4.	Oath of Office for Newly Elected Pender County Board of Commissioner Member Wendy Fletcher-Hardee	Judge Ray	
6.5.	Nomination and Selection of Chairman and VIce-Chairman		
7.	PUBLIC INFORMATION		
8.	PUBLIC COMMENT		
9.	CONSENT AGENDA		
9.1.	Approval of an On-Call Child Welfare and Adult Services Supervisor part-time position Description - Pdf	Wes Stewart	21 - 28
9.2.	Approval of a Budget Amendment to Increase the Department of Social Services Revenues and Expenditures for Fiscal Year 2022-2023 SNAP ARPA Funding: $15,635.33	Wes Stewart	29 - 34

	CAA ARPA Funding - Pdf		
9.3.	Approval of the 2023 BOCC Meeting Calendar 2023 Meeting Calendar - Pdf	Cline	35 - 36
9.4.	Approval of Pender County 2023 Holiday Calendar 2023 Holiday Calendar - Pdf	Cline	37 - 38
9.5.	Approval of Tax Releases and Refunds November 2022 Releases and Refunds - Pdf	Pound	39 - 41
9.6.	Approval of Contract with Highfill Infrastructure Engineering for Batson Road Water Extension Design Services for $45,900 Contract_Highfill_BatsonRdWaterExt - Pdf	Keel	43 - 50
9.7.	Approval of a Purchase Order to Bobbitt Construction Inc for Site Design and Pre-Construction Services in the amount of $38,146 Bobbitt Construction for Pre-construction Services PO - Pdf	Moser	51
9.8.	Pender County Emergency Management Extendo Bed Sole SourceSupplier Output Document (AIR - 2741) - Pdf	Batson	53 - 54
10.	APPROVALS AND RESOLUTIONS		
10.1.	Resolution approving map review officers for the Town of Burgaw Map Review Officers Resolution - Pdf	Andrews	55 - 56
10.2.	Approval of Offer & Authorize Closing Process for Sale of Surplus Property - Parcel 2373-58-7162-0000 2907 Englishtown Road, Willard Englishtown - Pdf	Blue	57 - 59
10.3.	Award and Approval of Contract to Complete Clearing and Snagging Work Under the StRAP Program Award and Approval of Contract to Complete Clearing and Snagging Work Under the StRAP Program - Pdf	Adams	61 - 82
10.4.	Burgaw Fireworks Display Output Document (AIR - 2764) - Pdf	Batson	83
10.5.	Resolution approving interlocal agreement with New Hanover County related to the Scotts Hill Medical Center. Resolution approving interlocal agreement with New Hanover County related to the Scotts Hill Medical Center. - Pdf	Brantley	85 - 92
10.6.	Consideration of a Contract to Replace the Cooling Tower and Public Restroom HVAC unit at the Pender County Courthouse Courthouse Cooling Tower - Pdf	Vann	93 - 95
10.7.	Process for selection of Consultant to assist with Healthcare Provider Negotiations Output Document (AIR - 2769) - Pdf	Andrews	97
11.	DISCUSSION		
12.	APPOINTMENTS		
13.	MAPLE HILL WATER AND SEWER DISTRICT		

14. ROCKY POINT WATER AND SEWER DISTRICT

15. SCOTTS HILL WATER AND SEWER DISTRICT

16. MOORES CREEK WATER AND SEWER DISTRICT

17. CENTRAL PENDER WATER AND SEWER DISTRICT

18. PENDER COUNTY BOARD OF HEALTH

19. SOCIAL SERVICES BOARD

20. ITEMS FROM THE COUNTY ATTORNEY, COUNTY MANAGER, ASSISTANT COUNTY MANAGERS, & COUNTY COMMISSIONERS

21. CLOSED SESSION (IF APPLICABLE).

22. 7PM PUBLIC HEARINGS: SPECIAL USE PERMITS/ZONING MAP AMENDMENTS/ RESOLUTIONS

22.1.	REZONE 2022-38: Zoning Map Amendment of one Tract in the Rocky Point Township from RA, Rural Agricultural, and GI, General Industrial, to GB, General Business, and GI, General Industrial. REZONE 2022-38 - Pdf		99 - 125
22.2.	REZONE 2022-37: Zoning Map Amendment of Two Tracts in the Long Creek Township from GB, General Business, to RP, Residential Performance. REZONE 2022-37: Zoning Map Amendment of Two Tracts in the Long Creek Township from GB, General Business, to RP, Residential Performance. - Pdf	Brantley	127 - 156
22.3.	ZTA 2022-17 - Zoning Text Amendment to amend Section 5.2.3, Table of Permitted Uses, to modify approval requirements for 'Other Electric Power Generation'. ZTA 2022-17 - Pdf	Brantley	157 - 224

23. ADJOURNMENT

Pender County
BOCC Meeting Minutes November 21, 2022

TO:	Board of County Commissioners
FROM:	Tera Cline
DATE:	December 5, 2022
SUBJECT:	BOCC Meeting Minutes November 21, 2022

SUMMARY:
BOCC Meeting Minutes November 21, 2022

ACTION REQUESTED:
Adopt BOCC meeting Minutes

MINUTES
Board of County Commissioners Meeting
Monday, November 21, 2022 4:00 PM
Pender County Public Assembly Room

MEMBERS PRESENT: George Brown
Fred McCoy
Jacqueline A. Newton
Jimmy T Tate

MEMBERS ABSENT: David Piepmeyer

OTHERS PRESENT: David Andrews, County Manager
Trey Thurman, County Attorney
Tera Cline, Clerk to the Board
Allen Vann, Assistant County Manager
Other Staff and Members of the Press and Public.

1 CALL TO ORDER
Chairman called the meeting to order at 4:00 PM

2 INVOCATION
Commissioner Tate

3 PLEDGE OF ALLEGIANCE
Commissioner Newton

4 ADOPTION OF AGENDA
Commissioner Brown made a motion to excuse Commissioner Piepmeyer from the meeting due to an emergency.

Moved by George Brown, seconded by Jacqueline A. Newton

Motion Approved

	For	Against	Abstained	Absent
George Brown	x			
Fred McCoy	x			
Jacqueline A. Newton	x			

David Piepmeyer				x
Jimmy T Tate	x			
	4	0	0	1

CARRIED.

4.2 Motion to remove Item 11.2 from the agenda

Moved by Jacqueline A. Newton, seconded by George Brown

Motion Approved

	For	**Against**	**Abstained**	**Absent**
George Brown	x			
Jacqueline A. Newton	x			
Fred McCoy	x			
David Piepmeyer				x
Jimmy T Tate	x			
	4	0	0	1

CARRIED.

4.3 Motion to approve agenda with removal of Item 11.2

Moved by George Brown, seconded by Jimmy T Tate

Agenda Adopted with amendments

	For	**Against**	**Abstained**	**Absent**
George Brown	x			
Fred McCoy	x			
Jacqueline A. Newton	x			
David Piepmeyer				x
Jimmy T Tate	x			
	4	0	0	1

CARRIED.

5 PUBLIC HEARING

6 PUBLIC INFORMATION

6.1 Public Defenders Office

Jennifer Harjo, Chief Public Defender, for NHC and now Pender County office. They assist persons charged with a crime with discounted representation as appointed by the court. They have been to the building and agree with the purchase and the minimal upgrades. that have been requested. Ms. Harjo explained that the public defender's office is a state agency. They are state employees. The county provides the facility. State provides the video conferencing once the county provides the equipment.

6.2 Update on Surplus Generators

Tommy Batson, EM Director, the 4 generators were offered to the school system and they accepted them.

7 PUBLIC COMMENT

Carolyn Moser, HHS Director, wanted to acknowledge that the Pender County Health Department was accredited with honors for the next 6 years. Proud of all persons in the health department. Ms. Moser acknowledged Commissioner Brown for being a significant member of the Board of Health and presented him with a clock in honor of his years of service. Commissioner Brown acknowledged the work of the Board of Health and its accomplishments. Commissioner Newton gave kudos to the health department as well. Commissioner Tate spoke in high regard to the health department and its leadership.

8 CONSENT AGENDA

8.1 Approval of the Pender County Energy Outreach Plan.

8.2 Approval of a Purchase Order to McGill for sludge removal at the PCP WWTP

8.3 Approval of Change Order #1 for the Scotts Hill Elevated Tank and Wells Project for a Decrease in Cost of $293,736.65

8.4 Conservation Treatment of Vital Records

8.5 Approval of Sheriff Office Restructuring plan

8.6 Administration restructuring and reclassification

8.7 Approval of BOCC meeting Minutes 11-7-2022

Moved by George Brown, seconded by Jimmy T Tate

Motion to adopt the consent agenda as is

	For	Against	Abstained	Absent
George Brown	x			
Fred McCoy	x			

Jacqueline A. Newton	x			
David Piepmeyer				x
Jimmy T Tate	x			
	4	0	0	1

CARRIED.

9 APPROVALS AND RESOLUTIONS

9.1 ABC Board Profit Distributions and Facility Approval

Susan Crawford, ABC Board, stated they have met with the municipalities and acknowledged what changes will be made with the distribution of a new ABC warehouse and office building. She stated that withholding profit distributions for the quarter ending December 2022 and March 2023 to cover the Construction contract in the amount of approximately $218,000.00 and the loan deposit amount due January 2023 in the amount of $105,000.00. Also, need the approval to withhold county and town distributions to cover the loan payment amount (approximately $150,000.00) quarterly starting January 2024 or end of construction.

For FY 2023, Pender County budgeted the following amounts per quarter for ABC Profit Distributions based on information obtained from the ABC Board Finance personnel and projected actuals using trend lines for FY2022:
Q1 $148,294
Q2 $184,761
Q3 $177,254
Q4 $51,153
Total $561,462 projected to 666,000 (under forecasted but above lower confidence level)

Moved by George Brown, seconded by Jimmy T Tate

Motion to approve

	For	**Against**	**Abstained**	**Absent**
George Brown	x			
Fred McCoy	x			
Jacqueline A. Newton		x		
David Piepmeyer				x
Jimmy T Tate	x			
	3	1	0	1

CARRIED.

9.2 Space Needs Study

Elizabeth Craver, Clerk of Court, stated that she is here to ask for help from the County. She stated that she does not have enough room to conduct court as needed. She stated the lease where the files are kept now is not being renewed. Madam Clerk, Judge Corpening, and Judge Gorham are requesting a space needs study, the money to fund it, and a timeline for when it will be done. Judge Corpening stated that the court is being held in an unsafe place and the space needs study needs to happen. Judge Gorham stated that the annex is not an acceptable space to spend an extensive amount of time. She also stated that it will be years until ECourts (paperless) will be implemented. The board expressed concern for the study and needs of the courthouse.

Moved by Jimmy T Tate, seconded by Jacqueline A. Newton

Motion to approve

	For	**Against**	**Abstained**	**Absent**
George Brown	x			
Fred McCoy	x			
Jacqueline A. Newton	x			
David Piepmeyer				x
Jimmy T Tate	x			
	4	0	0	1

CARRIED.

9.3 Award and Approval of Contract to WSP to Complete the NC HWY 210 Resiliency Analysis

Daniel Adams, Interim Planning Director, presented on behalf of Pender County. Staff submitted a grant application to the North Carolina Emergency Management (NC EM) Transportation Infrastructure Resiliency Grant Program in March of 2022. The application requested funding to conduct a resiliency analysis of the NC Highway 210 corridor between US Highway 17 in Hampstead and Interstate 40 in Rocky Point. This corridor serves as a hurricane evacuation route for the eastern part of the County. The goal of the analysis is to improve the resiliency of the 13-mile corridor by identifying the roadway's deficiencies and providing actionable recommendations for improved resilience. Staff received notice from NC EM in June that our application had been funded in the amount of $200,000. On August 29, 2022,

Pender County published a Request for Qualifications (RFQ) soliciting statements of qualification from firms interested in conducting the resiliency analysis as outlined in our grant application and within the RFQ. Statements of qualification were due on September 19. Staff received statements of qualification from three firms and the submittals were reviewed by a selection committee that evaluated them based on the criteria outlined in the RFQ, including the firm's competency and experience on similar projects, the qualifications of the staff assigned to work on the project, and the firm's demonstrated ability to complete the project on time and within budget. Based on the results of the selection committee's review, staff began negotiations with Wood Environment & Infrastructure Solutions, Inc. (It should be noted that during negotiations Wood Environment & Infrastructure Solutions, Inc. was purchased by WSP. WSP has retained all staff that is identified to work on this project). Wood has agreed to complete the task at a lump sum cost of $192,152.00. The remaining balance of the grant, totaling $7,848.00, will serve as a contingency. Therefore, the staff is requesting that the Board award a contract to WSP and approve a purchase order in the amount of $200,000, which includes the remaining grant fund balance serving as a contingency of less than 5% of the cost of the project. This project is fully grant-funded, so there will be no direct cost to the County.

Moved by George Brown, seconded by Jacqueline A. Newton

Motion Approved

	For	**Against**	**Abstained**	**Absent**
George Brown	x			
Fred McCoy	x			
Jacqueline A. Newton	x			
David Piepmeyer				x
Jimmy T Tate	x			
	4	0	0	1

CARRIED.

9.4 Approval of Budget Amendment and Purchase Order & Authorize Closing Process for Purchase of Office Building for Public Defender's Office - 301 S. McNeil Street, Burgaw

David Andrews, County Manager, stated that County Management and the Board of County Commissioners were approached by the Public Defender's Office requesting office space in Burgaw. Please consider the attached documentation recommending the purchase of property at 301 South McNeil Street, Burgaw - parcel number 3229-52-7935-0000. Note that this property was identified and vetted by County Management

with the Public Defender's Office Representatives. It is recommended that the purchase of this property for $245,000 be approved and authorize County Manager's Office to begin the closing process. The attached letter indicates the details of the purchase of this property. The tax value for this property is listed at $277,818. The price per square foot is $130.67, which is lower than all but one comp. The commercial building inspection has been returned with minor cosmetic items as well as expected items like the A/C unit and water heater to be replaced. As explained in the attached, there are some additional funds included in the budget amendment to make the necessary adjustments identified by the Public Defender's Office and County Management, for a total of $301,500 to be funded with proceeds from the sales of other surplus properties. See attached budget amendment.

Moved by George Brown, seconded by Jimmy T Tate

Motion to approve

	For	Against	Abstained	Absent
George Brown	x			
Fred McCoy	x			
Jacqueline A. Newton	x			
David Piepmeyer				x
Jimmy T Tate	x			
	4	0	0	1

CARRIED.

9.5 Approval of a Purchase Order for Capital Chevrolet of Wake Forest to purchase 5 (five) Chevrolet Tahoes in the amount of $263,342.92.

Sheriff Cutler, presented to the board that Pender County Sheriff's Office is requesting the approval of a Purchase Order to Capital Chevrolet of Wake Forest to purchase 5 (five) Chevrolet Tahoes in the amount of $263,342.92. NC State Contract pricing. (070A) These funds were budgeted for in FY 23. Funds will come from account 510-407403. There was discussion by the board as to why Tahoes were being purchased and how the state contracting works and supply and demand as well.

Moved by George Brown, seconded by Jimmy T Tate

Motion to approve

	For	Against	Abstained	Absent
George Brown	x			

Fred McCoy	x			
Jacqueline A. Newton		x		
David Piepmeyer				x
Jimmy T Tate	x			
	3	1	0	1

CARRIED.

9.6 Approval for gift/donation policy

Jeremy Drummond, Director of Fleets and Facilities, stated what this policy will be used for and it clarifies any questions and concerns. Commissioner Newton questioned restrictions etc. We can't have all gifts approved. Jeremy Drummond clarified the restrictions. Commissioner Brown stated he wants the board to have more input on donations and gifts without having to deal with a policy. Trey Thurman, the Attorney, stated that it needs to be stated that the board should make all decisions about donations, not staff.

Moved by George Brown, seconded by Jimmy T Tate

Motion to table until wording can be updated to reflect that the Board of Commission has the final decision for any donation. It needs to be more specific. Mr. Thurman. stated that no political party donations will be accepted needs to be included.

	For	**Against**	**Abstained**	**Absent**
George Brown	x			
Fred McCoy	x			
Jacqueline A. Newton	x			
David Piepmeyer				x
Jimmy T Tate	x			
	4	0	0	1

CARRIED.

10 DISCUSSION

11 APPOINTMENTS

11.1 Pender County appointment to the Cape Fear Council of Governments Board

Moved by Jimmy T Tate, seconded by George Brown

Motion to appoint Commissioner Newton, to the Cape Fear Council of Government Board.

	For	Against	Abstained	Absent
George Brown	x			
Fred McCoy	x			
Jacqueline A. Newton	x			
David Piepmeyer				x
Jimmy T Tate	x			
	4	0	0	1

CARRIED.

11.2 Appointment of BOCC Topsail Island Shoreline Protection Commission

Removed per vote.

12 MAPLE HILL WATER AND SEWER DISTRICT

13 ROCKY POINT WATER AND SEWER DISTRICT

14 SCOTTS HILL WATER AND SEWER DISTRICT

15 MOORES CREEK WATER AND SEWER DISTRICT

16 CENTRAL PENDER WATER AND SEWER DISTRICT

17 PENDER COUNTY BOARD OF HEALTH

Pender County Board of Health called to order at 5:25 PM

17.1 Approval of the Job Description for the Health and Human Services Director

Moved by George Brown, seconded by Jacqueline A. Newton

Motion to approve HHS Director job description as stated.

	For	Against	Abstained	Absent
George Brown	x			
Fred McCoy	x			
Jacqueline A. Newton	x			
David Piepmeyer				x
Jimmy T Tate	x			
	4	0	0	1

CARRIED.

17.2 Health Department Financial Update

Moved by George Brown, seconded by Jimmy T Tate

Motion to approve 2022-2023 financial report from Pender County Health Department.

	For	Against	Abstained	Absent
George Brown	x			
Fred McCoy	x			
Jacqueline A. Newton	x			
David Piepmeyer				x
Jimmy T Tate	x			
	4	0	0	1

CARRIED.

17.3 Approval to Write-Off Bad Debt for the Health Department for Calendar Year 2020: $12,151.80

Motion to approve Bad Debt Write-off 2020

Moved by George Brown, seconded by Jimmy T Tate

Motion to write-off bad debt in the amount of $12,151.80

	For	Against	Abstained	Absent
George Brown	x			
Fred McCoy	x			
Jacqueline A. Newton	x			
David Piepmeyer				x
Jimmy T Tate	x			
	4	0	0	1

CARRIED.

18 SOCIAL SERVICES BOARD

19 ITEMS FROM THE COUNTY ATTORNEY, COUNTY MANAGER, ASSISTANT COUNTY MANAGERS, & COUNTY COMMISSIONERS

- Trey Thurman, County Attorney, Items for the Closed session are as follows Item 3 Attorney Client

- David Andrews, County Manager, Offices closed for Thanksgiving, Holiday party, and Commissioner orientation.
- Allen Vann, Assistant County Manager, gave an update on the EM Winter weather exercise.
- Commissioner Tate, Thanked the board for allowing him to represent the county at the Legislative Goals Conference.
- Commissioner Brown- Thanked the health department again.
- Chairman McCoy Stated Veterans day celebration at the train depot was very nice.

20 CLOSED SESSION (IF APPLICABLE).

20.1 Motion to enter closed session

Moved by George Brown, seconded by Jimmy T Tate

Motion approved

	For	Against	Abstained	Absent
George Brown	x			
Fred McCoy	x			
Jacqueline A. Newton	x			
David Piepmeyer				x
Jimmy T Tate	x			
	4	0	0	1

CARRIED.

21 7PM PUBLIC HEARINGS: SPECIAL USE PERMITS/ZONING MAP AMENDMENTS/ RESOLUTIONS

21.1 Adopting a Resolution to approve the proposed road name and range

The Pender County Road Naming Ordinance provides that when a public or private road provides access to more than 3 residences a road name shall be assigned. Therefore, to avoid conflicts and delays with emergency and public safety responses, and to provide for conformance with the County's addressing and road naming ordinances, the request is made to assign a road name and to reassign addresses for the three structures. An unnamed easement off NC Hwy 210 in Rocky Point has exceeded the number of addressable structures required to force the road to be named. A petition was circulated amongst the property owners affected by this, and three of the seven property owners responded in agreement on the name. The public hearing notice has run in the Pender-Topsail Post and Voice and has been placed in the county

courthouse and in the appropriate post office. Public hearing signs have been posted at the entrance of the affected roadways. Mike Dickson, GIS addressing, presented the resolution to propose a road name, Serenity Lane. Unnamed private drive off NC 210. Residents are encouraged to come up with names and it is checked in the database to make sure it is not a duplicate.

Moved by George Brown, seconded by Jacqueline A. Newton

Motion to adopt road name changed to Serentiy Lane

	For	**Against**	**Abstained**	**Absent**
George Brown	x			
Fred McCoy	x			
Jacqueline A. Newton	x			
David Piepmeyer				x
Jimmy T Tate	x			
	4	0	0	1

CARRIED.

21.2 REZONE 2022-34: Zoning Map Amendment of One Tract in the Rocky Point Township from GB, General Business to RP, Residential Performance

Daniel Adams, Interim Planning Director, rezone from General Business to Residential Performance. Does not meet UDO ordinances. The applicant is rezoning to conform with surrounding zoning. Nancy Romero, applicant, and owner is requesting approval of a Zoning Map Amendment to rezone one tract totaling approximately 0.33 acres of land from the GB, General Business zoning district, to the RP, Residential Performance zoning district. The subject property is located at the intersection of Railroad Street and Casha Road, approximately one-tenth of a mile south of NC Highway 210, in the Rocky Point Township, and may be further identified by Pender County PIN 3235-50-3750-0000.

Moved by George Brown, seconded by Jimmy T Tate

Motion to approve Rezone 2022-34

	For	**Against**	**Abstained**	**Absent**
George Brown	x			
Fred McCoy	x			

Jacqueline A. Newton	x			
David Piepmeyer				x
Jimmy T Tate	x			
	4	0	0	1

CARRIED.

21.3 REZONE 2022-35: Zoning Map Amendment of One Tract in the Topsail Township from RP, Residential Performance to GB, General Business

Peter S. Vinal of TP Factory, LLC, applicant, and owner, is requesting approval of a Zoning Map Amendment to rezone one tract totaling approximately 2.85 acres of land from the RP, Residential Performance zoning district to the GB, General Business zoning district. The subject property is located on Factory Road approximately one-tenth of a mile east of the intersection of Factory Road and US Highway 17 in the Topsail Township and may be further identified by Pender County PIN 3282-97-9136-0000. Greg Feldman, Long Range Planner, presented on behalf of the applicant requesting rezone from Residential Performance to General Business. The planning board agreed with the recommendation of the staff. Mr. Feldman stated that the staff received 3 phone calls in regard to this rezoning request.

Leslie Armstrong, 760 Lea Drive, spoke in regards to not being opposed just curious as to what they can put on the property with the zoning of GB.

Moved by Jimmy T Tate, seconded by George Brown

Motion to approve Rezone 2022-35

	For	**Against**	**Abstained**	**Absent**
George Brown	x			
Fred McCoy	x			
Jacqueline A. Newton	x			
David Piepmeyer				x
Jimmy T Tate	x			
	4	0	0	1

CARRIED.

21.4 REZONE 2022-36: Zoning Map Amendment of Three Tracts in the Topsail Township from PD, Planned Development and RP, Residential Performance to GB, General Business,

Greg Feldman, Long Range Planner, presented on behalf of the applicant. The request is to rezone 3 tracts of land. Lanwillo Development Company, applicant and owner, is requesting approval of a Zoning Map Amendment to rezone three tracts totaling approximately 15.21 acres of land from the PD, Planned Development and RP, Residential Performance zoning districts to the GB, General Business zoning district. The subject properties are located on the east side of US Highway 17, along Headwaters Drive, approximately two-tenths of a mile south of the intersection of NC Highway 210 and US Highway 17 in the Topsail Township and may be further identified by Pender County PINs 3282-85-3556-0000, 3282-85-8450-0000, & 3282-95-2659-0000.

Moved by Jimmy T Tate, seconded by George Brown

Motion approved

	For	**Against**	**Abstained**	**Absent**
George Brown	x			
Fred McCoy	x			
Jacqueline A. Newton	x			
David Piepmeyer				x
Jimmy T Tate	x			
	4	0	0	1

CARRIED.

22 ADJOURNMENT

Pender County
A request for an On-Call Child Welfare and Adult Services Supervisor part-time position

TO:	Board of County Commissioners
FROM:	Wes Stewart
DATE:	December 5, 2022
SUBJECT:	Approval of an On-Call Child Welfare and Adult Services Supervisor part-time position

SUMMARY:
County child welfare agencies must receive, and screen all reports of abuse, neglect, or dependency, regardless of residency. Each county child welfare services agency must have written procedures for receiving CPS reports and for providing supervisory decision-making 24 hours a day. Pender County DSS currently has five child welfare supervisors that provide coverage Monday-Friday from 8-5 to their individual assigned units. In addition, on a weekly rotational schedule, the same supervisors also provide overnight and weekend coverage in addition to weekly daytime coverage. Relieving this responsibility would benefit our organization as evidenced by the supervisor's ability to regain the capacity to do their day jobs well, not experience burnout, compassion fatigue and secondary traumatic stress.

The cost of this position will be $10,436.00 annually with no organizational benefits, overhead or expenditures. A county cell phone and laptop with access to all mandated state systems as well as Laserfiche would be provided to the hired employee.

Proposed position name: Weekend, On-Call Child Welfare and Adult Services Supervisor

Company Name: Pender County DSS

Reporting to: Social Work Program Manager, Aimee Watson-Green

Proposed by: Social Work Program Manager, Aimee Watson-Green
awatsongreen@pendercountync.gov

Submitted to: Pender County DSS Director, Wes Stewart wstewart@pendercountync.gov

Date Submitted: September 22,2022

Why is this position necessary? County child welfare agencies must receive, and screen all reports of abuse, neglect, or dependency, regardless of residency. Each county child welfare services agency must have written procedures for receiving CPS reports and for providing supervisory decision-making 24 hours a day. Pender County DSS currently has five child welfare supervisors that provide coverage Monday-Friday from 8-5 to their individual assigned units. In addition, on a weekly rotational schedule, the same supervisors also provide overnight and weekend coverage in addition to weekly daytime coverage.

Being on call 24/7, not being able to detach from the workplace leads to stress from an unpredictable schedule, issues with job performance (not being able to be on time for Monday-Friday shift) and morale issues as well as health related problems. Supervisors must make arrangement for childcare, elder care, and transportation ahead of time. Supervisors are not able to travel, pursue additional education or training or effectively plan events outside of work due to the unpredictable nature of child welfare and adult protective services. A supervisor's stress level and well-being directly affect their work performance. Satisfied employees are more able to meet the functions of our organization. Supervisors experiencing work related stress surrounding on-call scheduling can significantly increase the risk of heart attack, weight issues, depression and sometimes substance abuse. All of the aforementioned issues directly affect our organization's productivity and attendance. Workplace stress directly affects healthcare cost and the number of missed workdays.

How will Pender DSS benefit? Providing supervisory decision-making 24 hours a day. Pender County DSS currently has five child welfare supervisors that provide coverage Monday-Friday from 8-5 to their individual assigned units. In addition, on a weekly rotational schedule, the same supervisors also provide overnight and weekend coverage in addition to weekly daytime coverage.

Our agency would benefit by lifting the 24/7 supervisory coverage responsibility from the five, Monday-Friday Child Welfare Supervisors. Affording the current five supervisors the opportunity to have weekends off, detach from work related electronics/activities and achieve an appropriate work/life balance. Relieving this responsibility would benefit our organization as evidenced by the supervisor's ability to regain the capacity to do their day jobs well, not experience burnout, compassion fatigue and secondary traumatic stress.

Investing in supervisory quality will help our agency protect itself from high turnover. Staff consistency matters to the children and families we serve as well as our adult disabled population. When supervisors leave, our agency has to spend more money on recruiting, hiring, and onboarding their replacements, during this process, families suffer.

Investing in the quality and capacity of child welfare supervisors is one of the most important strategic steps our agency can take. Supervisor satisfaction affects not only the quality and effectiveness of casework staff in their work with vulnerable children and families, but they influence staff retention and organizational climate and culture as well.

Investing in one, part-time weekend supervisor to provide supervisory oversight would greatly enhance the quality of supervision for our agency, community partners and all those we are entrusted to serve.

Job Description: weekend on-call supervisor position de

Financial projections/salary range: The cost of this position will be $10,436.00 annually with no organizational benefits, overhead or expenditures**.** A county cell phone and laptop with access to all mandated state systems as well as Laserfiche would be provided to the employee.

Listing Qualifications: Master's Degree from an accredited school of social work and one year of social work or counseling experience; or a bachelor's degree in social work from an accredited school of social work and two years of social work or counseling experience; or a master's degree in a counseling field and two years of social work; or a four-year degree in a human service field or related curriculum including at least 15 hours in courses related to social work or counseling.

COUNTY OF PENDER

1. Present Classification Title of Position:	7. N/A
2. Usual Working Title of Position: part -time weekend on-call social work supervisor	8. Dept. University, Commission, or Agency Pender County Department Social Services
3. Requested Classification of Position:	9. Institution & Division: Pender County Department of Social Services
4. Name of Immediate Supervisor: Aimee Watson-Green	10. Section and Unit:
5. Supervisor's Position and Title: Social Work Program Manager	11. Street Address, City and County: 810 S. Walker St., Burgaw, Pender
6. Name of Employee:	12. Location of Workplace, Bldg., and Room No. Pender County DSS Building

I. A. PRIMARY PURPOSE OF THE ORGANIZATION UNIT:

The Pender County Department of Social Services operate under legal mandates to administer social services programs at the county level under federal and state law according to state plan under the direction of Health and Human Services Director, Social Services Director, and Pender County Commissioners.

The basic goals are:

1. to administer public assistance programs
2. to administer funds for the needy persons according to approved polices
3. to promote safety and well-being of children and families
4. to investigate adoption applicants and supervise adoption placements
5. to supervise rest homes and homes for the aged and infirmed
6. to investigate reports of child abuse and appropriately protect children
7. to establish collaborative relationships with other agencies to develop resources enabling the provision of more efficient services to clients
8. to investigate reports of adult abuse and appropriately protect adults
9. to enforce child support claims in order to protect abandon families
10. to provide therapeutic services to adjudicated juvenile delinquents
11. to reduce the ill effects of poverty

Provide services for children and families where child abuse, neglect and/or dependency has occurred which include family/investigative assessments and services for families that are statutorily required. Provide screening of adult services reports and assign appropriate timeframes per NC DAAS Adult Services Policy. Oversee initial NC Safety Assessments for child welfare initiations to ensure that children can remain safely in their home of origin or oversee and approve the completion of appropriate Temporary Safety Provider Placement Paperwork and interviews (to include all required/checks/exc.), with the family's consent. Make a two-level social work decision with agency Program Manager to assume custody if needed, prior to reaching out to agency attorney.

B. PRIMARY PURPOSE OF POSITION:

The Pender County DSS centralized intake unit provides (24/7) service delivery for both child welfare and adult services reports. Coverage of intake is mandated 24/7. This position provides continuity and on-going mandated coverage for intake callers. This position is responsible for assessing the safety of children, intervening to protect children from harm, strengthening the abilities of families to protect their children from harm, and to provide reunification or an alternative safe placement for children. This position supervises the on-call, after hours emergency duty social workers from Friday 5pm-Monday at 8am. The position provides two level supervisory screening and approval for both child welfare and adult services intake reports. This position provides supervisory direction to the on-call social worker for any case needing case directives.

C. WORK SCHEDULE:
This position is required to work Friday, 5:00 p.m. to Monday, 8:00am. This position is a part-time after hours, on-call position. Employee must work shelters during emergencies or disasters.

D. CHANGE IN RESPONSIBILITIES OR ORGANIZATIONAL RELATIONSHIP:
This position will be responsible for providing two level supervision for all reports received from both child welfare and adult services, as well as case direction, to the Pender County DSS on- call emergency duty social workers Friday from 5pm through Monday at 8am. Supervisor is responsible for resolving interagency problems, and ensuring that timely, quality customer service is provided. Supervisor is responsible for providing fact-based information, timely to higher level management on administrative and personnel issues on an as needed basis. Reviews, screens, and monitors all protective services reports using the NC screening tools by assessing abuse/neglect/dependency and adhering to the time frames associated with each, per state standards for 100% accuracy. Assigns courtesy request from other counties. Ensures proper notifications are sent to reporters/law enforcement. Ensures checks are completed timely by the on-call social workers. Research and provide case history for other counties seeking assistance. Assure all reports are error free and convey the information received is provided. Review, assign and process after hours protective services reports, and also adult services reports or adult services outreach reports. Ensure timeframes for initiations are met as outlined in state policy for both child welfare and adult services policy.

II. A. DESCRIPTION OF RESPONSIBILITIES AND DUTIES:

100% Plans, organizes, and directs the work of agency on-call social workers providing the most advanced or complex casework within protective services. Refers problems to other agency staff, evaluates the effectiveness of policies and procedures; talks with other county DSS agency supervisors for jurisdiction and/or conflict of interest (COI) concerns; evaluates the performance of personnel and takes or recommends appropriate courses of action; prepares reports; and does other duties as required.

B. OTHER POSITION CHARACTERISTICS:

1. Accuracy Required in Work:
Highly accurate work is required to manage federal, state, and local resources (equipment, facilities, and money) and to ensure the application and oversight of policy driven practice within child welfare and adult services screening of reports and application of service delivery.

2. Consequence of Error:
The elderly, vulnerable and those in need of protection could continue to be harmed/exploited. A child fatality could occur. Loss of funding could also occur.

3. Instructions Provided to Employee:
Work interdependently, while relying on experience gained from years of involvement with department services and knowledge of federal, state, and local regulatory guidelines.

4. Guides, Regulations, Policies and References Used by Employee:
Must be familiar with and knowledgeable about a multitude of guidelines from federal, local, and state programs and understand internal procedures for NC DAAS/Pender County Adult Services Provision and NC DHHS DSS /Pender County Child Welfare service provision.

5. Supervision Received by Employee:
Work interdependently. Supervision is provided by the Social Work Program Manager.

6. Variety and Purpose of Personal Contacts:

a. Department Employees- Financial management procedures within DSS, staffing & review issues.
b. County Finance Officer, County Manager, Health & Human Services Director- to discuss and coordinating appropriate ways to handle fiscal matters locally. Also, in budget preparation meetings.
c. County Department Heads- in meetings at local levels, provide information concerning DSS programs, if necessary, or in matters related to other departments and DSS.
d. State and Regional Consultants- to discuss budgetary guidance concerning state programs.
e. Other DSS Personnel- at meetings, workshops, Division of Social Services Regional Meetings.
f. Other administrative personnel from other counties through state organization or workshops.
g. County Commissioners and general public

7. Physical Effort: Minimum physical effort other than skill in use of office equipment.

8. Work Environmental and Condition:
The Department of Social Services is a one-story building with central heat and air. Offices and restrooms are easily accessible.

9. Machines, Tools, Instruments, Equipment and Materials Used:
Variety of computer systems and software (PC and State Network), Laserfiche, calculator, high speed copy machines, FAX machine, audiovisual equipment, multi-line telephone system, postal equipment, dictionary, NC DAAS, and NC DHHS DSS Child Welfare policy and procedure manuals.

10. Visual Attention, Mental Concentration and Manipulative Skills:
Mental concentration and attention to details are of vital importance. Planning, analyzing, conferring, all take skill. Manipulative skill in use of computer and laptop, continual. Ability to maintain concentration and accuracy despite constant interruptions is required. Also, must be able to jump for one problem or program to another with little or no time between.

11. Safety for Others:
Participate in and facilitate trainings as appropriate.

12. Dynamics of Work:
Changes in staffing ratio, absence of adult services supervisor and assigned child welfare supervisor on the weekend. Changes in fiscal policies, changes in both adult services policies and child welfare policies on use of funds can impact greatly on this position. Deadlines for use of funds, preparing budgets, reports, etc., can impact greatly on this position. The work can be stressful and emotional for both the supervisor and the staff they supervise.

III. KNOWLEDGE, SKILLS & ABILITIES AND TRAINING & EXPERIENCE REQUIREMENTS:

A. Knowledges, Skills and Abilities:

Ability to plan, supervise, and instruct subordinate personnel in record keeping and other technical work. Considerable knowledge of office techniques. Ability to practice effective communication techniques both orally and in writing. Considerable knowledge of effective supervisory practice and ability to plan and direct the work of others. Skill in organizing workflow and coordinating and prioritizing work activities. Knowledge and understanding of NC General Statutes for Child Welfare Services and also NC General Statutes for Adult Services service provision. Possess strong supervisory skills as well as the ability to instruct, organize and direct staff. Must be able to assess information and make independent decisions on assigned program areas. Must be a proactive and positive team player and have the ability to multitask and empower staff to make decisions. Familiar with social work principles of client respect, techniques, practices, individuality, confidentiality, and empowerment. Considerable knowledge of a wide range of medical, behavioral, and/or psychosocial problems and their treatment theory. Able to establish rapport with a variety of individuals and have a variety of techniques for intervening in complex situations. Able to assess a client's needs and assist clients in developing suitable strategies to implement change. Must be able to communicate effectively with people of varying backgrounds and establish working relationships with other employees, supervisors, and agencies as well as the public. Good people skills, a positive outlook, patience, and maturity. Knowledge of governmental agencies, and the local community.

B.

1. Required Minimum Training:
Master's degree from an accredited school of social work and one year of social work or counseling experience; or a bachelor's degree in social work from an accredited school of social work and two years of social work or counseling experience; or a master's degree in a counseling field and two years of social work or counseling; or a four-year degree in human services field or related curriculum including at least 15 semester hours in courses related to social work or counseling.

2. Additional Training/Experience:
Workshops on local policies and procedures, state contract system and other state and federal policies and procedures. Completion of pre-service for NC DHHS DSS Child Welfare Services. Maintain 24 hours of Division required training, annually and any required Adult Services Training provided.

3. Equivalent Training and Experience:
Child Welfare and/or adult services Intake screening worker as well as supervisory oversight to either program area.

C. License or Certification Required by Statute or Regulation:
N/A

IV. CERTIFICATION: I certify that (a) I am the Immediate Supervisor of this position, that (b) I have provided a complete and accurate description of responsibilities and duties and (c) I have verified (and reconciled as needed) its accuracy and completeness with the employee.

Signature: _____ Title: _____ Date: _____

Employee's Certification: I certify that I have reviewed this position description and that it is a complete and accurate description of my responsibilities and duties.

Signature: _____ Title: _____ Date: _____

Section or Division Manager's Certification: I certify that this position description, completed by the above-named immediate supervisor, is complete and accurate.

Department Head or Authorized Representative's Certification: I certify that this is an authorized, official position description of the subject position.

Signature: _____ Title: _____ Date: _____

Pender County
Request for Board Action

TO:	Board of County Commissioners
FROM:	Wes Stewart
DATE:	December 5, 2022
SUBJECT:	Approval of a Budget Amendment to Increase the Department of Social Services Revenues and Expenditures for Fiscal Year 2022-2023 SNAP ARPA Funding: $15,635.33

SUMMARY:
We have received additional SNAP ARPA funds from The American Rescue Plan Act of 2021.
100085-461419 $15,635.33 12-385417 $15,635.33

ACTION REQUESTED:
To consider approving a budget amendment for increasing additional programmatic revenues and related expenditures for the Department of Social Services for Fiscal Year 2022-2023.

			SNAP ARPA Funding to Counties			
			For August services, reimbursed in September 2022		For October services, reimbursed in November 2022	
County	Cases	Case %	Total Portion of Funds	New Revenue	Total Portion of Funds	New Revenue
Alamance	12,708	1.67%	$ 8,349.88	$ 4,174.94	$ 100,198.56	$ 50,099.28
Alexander	2,352	0.31%	$ 1,545.40	$ 772.70	$ 18,544.78	$ 9,272.39
Alleghany	818	0.11%	$ 537.47	$ 268.74	$ 6,449.67	$ 3,224.84
Anson	3,554	0.47%	$ 2,335.18	$ 1,167.59	$ 28,022.17	$ 14,011.08
Ashe	2,113	0.28%	$ 1,388.36	$ 694.18	$ 16,660.34	$ 8,330.17
Avery	1,018	0.13%	$ 668.88	$ 334.44	$ 8,026.61	$ 4,013.30
Beaufort	5,011	0.66%	$ 3,292.51	$ 1,646.26	$ 39,510.15	$ 19,755.08
Bertie	2,736	0.36%	$ 1,797.71	$ 898.85	$ 21,572.50	$ 10,786.25
Bladen	4,202	0.55%	$ 2,760.95	$ 1,380.48	$ 33,131.44	$ 16,565.72
Brunswick	7,540	0.99%	$ 4,954.21	$ 2,477.10	$ 59,450.52	$ 29,725.26
Buncombe	17,460	2.29%	$ 11,472.22	$ 5,736.11	$ 137,666.58	$ 68,833.29
Burke	6,502	0.85%	$ 4,272.18	$ 2,136.09	$ 51,266.21	$ 25,633.11
Cabarrus	11,330	1.49%	$ 7,444.46	$ 3,722.23	$ 89,333.47	$ 44,666.73
Caldwell	6,983	0.92%	$ 4,588.23	$ 2,294.11	$ 55,058.75	$ 27,529.37
Camden	467	0.06%	$ 306.85	$ 153.42	$ 3,682.15	$ 1,841.07
Carteret	3,876	0.51%	$ 2,546.75	$ 1,273.38	$ 30,561.03	$ 15,280.52
Caswell	2,298	0.30%	$ 1,509.92	$ 754.96	$ 18,119.00	$ 9,059.50
Catawba	11,596	1.52%	$ 7,619.23	$ 3,809.62	$ 91,430.79	$ 45,715.40
Chatham	2,638	0.35%	$ 1,733.32	$ 866.66	$ 20,799.80	$ 10,399.90
Cherokee	2,441	0.32%	$ 1,603.88	$ 801.94	$ 19,246.51	$ 9,623.26
Chowan	1,521	0.20%	$ 999.38	$ 499.69	$ 11,992.60	$ 5,996.30
Clay	807	0.11%	$ 530.24	$ 265.12	$ 6,362.94	$ 3,181.47
Cleveland	11,489	1.51%	$ 7,548.93	$ 3,774.46	$ 90,587.13	$ 45,293.57
Columbus	6,440	0.85%	$ 4,231.45	$ 2,115.72	$ 50,777.36	$ 25,388.68
Craven	7,375	0.97%	$ 4,845.80	$ 2,422.90	$ 58,149.54	$ 29,074.77
Cumberland	38,646	5.08%	$ 25,392.62	$ 12,696.31	$ 304,711.49	$ 152,355.75
Currituck	978	0.13%	$ 642.60	$ 321.30	$ 7,711.22	$ 3,855.61
Dare	1,410	0.19%	$ 926.45	$ 463.23	$ 11,117.40	$ 5,558.70
Davidson	13,037	1.71%	$ 8,566.05	$ 4,283.03	$ 102,792.62	$ 51,396.31
Davie	2,399	0.32%	$ 1,576.28	$ 788.14	$ 18,915.36	$ 9,457.68

Duplin	4,468	0.59%	$ 2,935.73	$ 1,467.87	$ 35,228.77	$ 17,614.38
Durham	19,224	2.53%	$ 12,631.26	$ 6,315.63	$ 151,575.16	$ 75,787.58
Edgecombe	8,100	1.06%	$ 5,322.16	$ 2,661.08	$ 63,865.94	$ 31,932.97
Forsyth	29,677	3.90%	$ 19,499.48	$ 9,749.74	$ 233,993.76	$ 116,996.88
Franklin	4,776	0.63%	$ 3,138.10	$ 1,569.05	$ 37,657.25	$ 18,828.63
Gaston	19,325	2.54%	$ 12,697.63	$ 6,348.81	$ 152,371.52	$ 76,185.76
Gates	864	0.11%	$ 567.70	$ 283.85	$ 6,812.37	$ 3,406.18
Graham	785	0.10%	$ 515.79	$ 257.89	$ 6,189.48	$ 3,094.74
Granville	3,993	0.52%	$ 2,623.63	$ 1,311.81	$ 31,483.54	$ 15,741.77
Greene	2,064	0.27%	$ 1,356.17	$ 678.08	$ 16,273.99	$ 8,136.99
Guilford	47,984	6.31%	$ 31,528.22	$ 15,764.11	$ 378,338.67	$ 189,169.34
Halifax	8,598	1.13%	$ 5,649.38	$ 2,824.69	$ 67,792.51	$ 33,896.26
Harnett	9,645	1.27%	$ 6,337.31	$ 3,168.66	$ 76,047.78	$ 38,023.89
Haywood	4,574	0.60%	$ 3,005.38	$ 1,502.69	$ 36,064.54	$ 18,032.27
Henderson	5,306	0.70%	$ 3,486.34	$ 1,743.17	$ 41,836.13	$ 20,918.07
Hertford	3,295	0.43%	$ 2,165.00	$ 1,082.50	$ 25,980.03	$ 12,990.02
Hoke	4,892	0.64%	$ 3,214.32	$ 1,607.16	$ 38,571.87	$ 19,285.94
Hyde	523	0.07%	$ 343.64	$ 171.82	$ 4,123.69	$ 2,061.84
Iredell	6,763	0.89%	$ 4,443.68	$ 2,221.84	$ 53,324.12	$ 26,662.06
Jackson	2,449	0.32%	$ 1,609.13	$ 804.57	$ 19,309.59	$ 9,654.80
Johnston	13,470	1.77%	$ 8,850.56	$ 4,425.28	$ 106,206.69	$ 53,103.35
Jones	1,090	0.14%	$ 716.19	$ 358.10	$ 8,594.31	$ 4,297.15
Lee	4,501	0.59%	$ 2,957.41	$ 1,478.71	$ 35,488.96	$ 17,744.48
Lenoir	7,417	0.97%	$ 4,873.39	$ 2,436.70	$ 58,480.70	$ 29,240.35
Lincoln	5,290	0.70%	$ 3,475.83	$ 1,737.92	$ 41,709.98	$ 20,854.99
Macon	2,274	0.30%	$ 1,494.15	$ 747.07	$ 17,929.77	$ 8,964.89
Madison	1,778	0.23%	$ 1,168.25	$ 584.12	$ 14,018.97	$ 7,009.48
Martin	2,767	0.36%	$ 1,818.08	$ 909.04	$ 21,816.92	$ 10,908.46
McDowell	4,524	0.59%	$ 2,972.53	$ 1,486.26	$ 35,670.31	$ 17,835.15
Mecklenburg	67,559	8.88%	$ 44,390.11	$ 22,195.06	$ 532,681.36	$ 266,340.68
Mitchell	1,335	0.18%	$ 877.17	$ 438.59	$ 10,526.05	$ 5,263.03
Montgomery	2,075	0.27%	$ 1,363.39	$ 681.70	$ 16,360.72	$ 8,180.36
Moore	5,148	0.68%	$ 3,382.53	$ 1,691.26	$ 40,590.35	$ 20,295.18
Nash	9,146	1.20%	$ 6,009.44	$ 3,004.72	$ 72,113.32	$ 36,056.66

New Hanover	14,561	1.91%	$ 9,567.41	$ 4,783.70	$ 114,808.88	$ 57,404.44
Northampton	2,763	0.36%	$ 1,815.45	$ 907.72	$ 21,785.38	$ 10,892.69
Onslow	10,546	1.39%	$ 6,929.32	$ 3,464.66	$ 83,151.88	$ 41,575.94
Orange	5,685	0.75%	$ 3,735.37	$ 1,867.68	$ 44,824.43	$ 22,412.21
Pamlico	983	0.13%	$ 645.89	$ 322.94	$ 7,750.64	$ 3,875.32
Pasquotank	4,000	0.53%	$ 2,628.23	$ 1,314.11	$ 31,538.74	$ 15,769.37
Pender	3,966	0.52%	$ 2,605.89	$ 1,302.94	$ 31,270.66	$ 15,635.33
Perquimans	1,238	0.16%	$ 813.44	$ 406.72	$ 9,761.24	$ 4,880.62
Person	3,628	0.48%	$ 2,383.80	$ 1,191.90	$ 28,605.63	$ 14,302.82
Pitt	17,944	2.36%	$ 11,790.23	$ 5,895.12	$ 141,482.77	$ 70,741.38
Polk	1,098	0.14%	$ 721.45	$ 360.72	$ 8,657.38	$ 4,328.69
Randolph	10,985	1.44%	$ 7,217.77	$ 3,608.89	$ 86,613.25	$ 43,306.63
Richmond	7,469	0.98%	$ 4,907.56	$ 2,453.78	$ 58,890.70	$ 29,445.35
Robeson	21,601	2.84%	$ 14,193.09	$ 7,096.54	$ 170,317.06	$ 85,158.53
Rockingham	9,119	1.20%	$ 5,991.70	$ 2,995.85	$ 71,900.43	$ 35,950.22
Rowan	10,575	1.39%	$ 6,948.38	$ 3,474.19	$ 83,380.53	$ 41,690.27
Rutherford	7,030	0.92%	$ 4,619.11	$ 2,309.56	$ 55,429.33	$ 27,714.66
Sampson	6,016	0.79%	$ 3,952.85	$ 1,976.43	$ 47,434.26	$ 23,717.13
Scotland	5,302	0.70%	$ 3,483.72	$ 1,741.86	$ 41,804.59	$ 20,902.30
Stanly	4,445	0.58%	$ 2,920.62	$ 1,460.31	$ 35,047.42	$ 17,523.71
Stokes	3,237	0.43%	$ 2,126.89	$ 1,063.45	$ 25,522.72	$ 12,761.36
Surry	6,229	0.82%	$ 4,092.81	$ 2,046.40	$ 49,113.70	$ 24,556.85
Swain	1,070	0.14%	$ 703.05	$ 351.53	$ 8,436.61	$ 4,218.31
Transylvania	1,885	0.25%	$ 1,238.55	$ 619.28	$ 14,862.63	$ 7,431.31
Tyrrell	376	0.05%	$ 247.05	$ 123.53	$ 2,964.64	$ 1,482.32
Union	8,581	1.13%	$ 5,638.21	$ 2,819.10	$ 67,658.47	$ 33,829.24
Vance	6,802	0.89%	$ 4,469.30	$ 2,234.65	$ 53,631.62	$ 26,815.81
Wake	40,819	5.36%	$ 26,820.41	$ 13,410.20	$ 321,844.91	$ 160,922.46
Warren	2,355	0.31%	$ 1,547.37	$ 773.68	$ 18,568.43	$ 9,284.22
Washington	1,608	0.21%	$ 1,056.55	$ 528.27	$ 12,678.57	$ 6,339.29
Watauga	1,481	0.19%	$ 973.10	$ 486.55	$ 11,677.22	$ 5,838.61
Wayne	11,466	1.51%	$ 7,533.82	$ 3,766.91	$ 90,405.79	$ 45,202.89
Wilkes	6,249	0.82%	$ 4,105.95	$ 2,052.97	$ 49,271.39	$ 24,635.69
Wilson	8,551	1.12%	$ 5,618.49	$ 2,809.25	$ 67,421.93	$ 33,710.97

Yadkin	2,330	0.31%	$ 1,530.94	$ 765.47	$ 18,371.31	$ 9,185.66
Yancey	1,552	0.20%	$ 1,019.75	$ 509.88	$ 12,237.03	$ 6,118.51
			$500,000.00	**$250,000.00**	**$6,000,000.00**	**$3,000,000.00**
	760969					

Dear DSS Directors,

On April 12, 2022, you received a DCDL regarding additional FNS funding through SNAP ARPA. This letter provided information regarding SNAP ARPA funds from the American Rescue Plan Act of 2021 and indicated that DHHS was allocating additional funds to be used for county administrative costs associated with the administration of FNS programs. This letter included SNAP ARPA allocations for each county for Federal Fiscal Year (FFY) 2022 (October 1, 2021 – September 30, 2022).

Based on the methodology created by USDA for the ARPA, the funds you received through the EFT in August 2022 (for July 2022 services) are your federal ARPA funds. Your federal share for FNS (that is normally reimbursed at 50%) was reclassified to replace the 50% reimbursement with a 100% reimbursement using federal ARPA funds. As counties would have normally received 50% federal reimbursement for these expenditures, counties will realize the county portion in savings of 50% of your ARPA allocation amount.

Unfortunately, USDA has indicated states must utilize 100% ARPA funds or use the regular 50% federal reimbursement, not both. We will continue to advocate with our federal partners about the importance of flexibility to maximize the value of future funding opportunities to support your work.

We have identified additional funds from our FFY 2022 SNAP ARPA grant, which ends on September 30, 2022. We have disbursed an additional $500,000 of our FFY 2022 SNAP ARPA grant in funding to counties for August services, reimbursed in September 2022. This means that counties can expect to see **additional revenue of $250,000**. Your September EFT for August services will include these amounts.

Looking ahead to using our FFY 2023 SNAP ARPA grant of $15.44M (October 1, 2022 – September 30, 2023), providing additional funding to counties is a top priority. From our FFY 2023 SNAP ARPA grant, we will allocate $6M of our $15.44M grant in funding to counties. This will result in **additional revenue of $3 million** in realized savings for counties. We will provide these funds for October services, reimbursed in November, as this is the earliest we can reimburse counties through our FFY 2023 SNAP ARPA grant.

The attached PDF titled “SNAP ARPA Funding Amounts for September and November 2022” includes information for both the funding that will be reimbursed to counties in September 2022 and November 2022. The PDF has a column for the total portion of this funding for each county and a column with the total “New Revenue” to the county. The “New Revenue” is the additional revenue that will be available to the county DSS in savings of county funds (50% in realized county savings).

We are committed to identifying additional funds to counties if they become available during the period of our FFY 2023 SNAP ARPA grant. We will monitor our SNAP ARPA expenditures throughout FFY 2023 (between October 1, 2022 and September 2023) and if there are additional unspent funds, we will prioritize allocating these funds to counties.

Thank you for the work you do every day in addressing food insecurity in your communities.

Sincerely,
Madhu Vulimiri

Madhu Vulimiri, MPP
Deputy Director
Division of Child and Family Well-Being
NC Department of Health and Human Services

Mobile: 919-608-4267
madhu.vulimiri@dhhs.nc.gov
Pronouns: she / her / hers

Pender County
2023 Meeting Calendar

TO:	Board of County Commissioners
FROM:	Tera Cline
DATE:	December 5, 2022
SUBJECT:	Approval of the 2023 BOCC Meeting Calendar

SUMMARY:
2023 Board of County Commissioners meeting calendar

ACTION REQUESTED:
Adopt the 2023 Meeting calendar

2023 CALENDAR
REGULAR MEETINGS
PENDER COUNTY BOARD OF COMMISSIONERS

DAY	DATE	TIME
Tuesday	January 3	4:00 p.m.
Tuesday (Hampstead Annex)	January 17	4:00 p.m./7:00 p.m.
Monday	February 6	4:00 p.m.
Tuesday	February 21	4:00 p.m./7:00 p.m.
Thursday (Hampstead Annex)	March 02 (Board Retreat – Day 1)	4:00 p.m.
Friday (Hampstead Annex)	March 03 (Board Retreat – Day 2)	9:00 a.m.
Monday	March 13	4:00 p.m./7:00 p.m.
Monday	April 3	4:00 p.m.
Monday	April 17	4:00 p.m./7:00 p.m.
Thursday	April 27 (Budget Work Session)	4:00 p.m.
Monday	May 1	4:00 p.m.
Monday	May 8 (Budget Work Session)	4:00 p.m.
Monday	May 15	4:00 p.m./7:00 p.m.
Thursday	May 18 (Budget Work Session)	4:00 p.m.
Monday (If Needed)	May 22 (Budget Work Session)	4:00 p.m.
Monday	June 5	4:00 p.m.
Monday	June 19	4:00 p.m./7:00 p.m.
Monday	July 10	4:00 p.m./7:00 p.m.
Monday	August 7	4:00 p.m.
Monday	August 21	4:00 p.m./7:00 p.m.
Tuesday	September 5	4:00 p.m.
Monday	September 18	4:00 p.m./7:00 p.m.
Monday	October 2	4:00 p.m.
Monday (Hampstead Annex)	October 16	4:00 p.m./7:00 p.m.
Monday	November 6	4:00 p.m.
Monday	November 20	4:00 p.m./7:00 p.m.
Monday	December 4	4:00 p.m./7:00 p.m.

Note: All Meetings Held at Pender County Public Assembly Room, 805 South Walker Street, Burgaw, Unless Otherwise Advertised.

Pender County
2023 Pender County Holiday Calendar

TO:	Board of County Commissioners
FROM:	Pam Brame
DATE:	December 5, 2022
SUBJECT:	Approval of Pender County 2023 Holiday Calendar

SUMMARY:
Approval of 2023 County holiday calendar

ACTION REQUESTED:
Adopt the 2023 County holiday calendar

PENDER
COUNTY NC

2023
Pender County
Holiday Schedule

HOLIDAY	OBSERVANCE DATE	DAY OF WEEK
New Year's Day	January 2, 2023	Monday
Martin Luther King Jr. Day	January 16, 2023	Monday
President's Day	February 20, 2023	Monday
Good Friday Easter Monday	April 7, 2023 April 10, 2023	Friday Monday
Memorial Day	May 29, 2023	Monday
Independence Day	July 4, 2023	Tuesday
Labor Day	September 4, 2023	Monday
Veteran's Day	November 10, 2023	Friday
Thanksgiving	November 22, 2023 November 23, 2023 November 24, 2023	Wednesday Thursday Friday
Christmas	December 25, 2023 December 26, 2023 December 27, 2023	Monday Tuesday Wednesday

Pender County
Request for Board Action

TO:	Board of County Commissioners
FROM:	Justian Pound
DATE:	December 5, 2022
SUBJECT:	Approval of Tax Releases and Refunds

SUMMARY:
Releases and refunds result from listing and assessing due to incorrect and incomplete information. Taxpayers will or have overpaid taxes. Board action rectifies the mistake. The refunds and releases are recommended as follows:

ACTION REQUESTED:
Staff requests that the board approves the attached list of releases and refunds for November 2022.

Pender County

Request For Board Action

DATE OF MEETING: December 5, 2022

REQUESTED BY: Justian Pound, Tax Assessor, Tax Assessor's Office

SHORT TITLE: Approval of Tax Releases and Refunds

BACKGROUND: Releases and refunds result from listing and assessing due to incorrect and incomplete information. Taxpayers will or have overpaid taxes. Board action rectifies the mistake. The refunds and releases are recommended as follows:

RELEASES OVER $100

YEAR	NAME	ACCOUNT	AMOUNT	REASON
NONE				

REFUNDS OVER $100

YEAR	NAME	ACCOUNT	AMOUNT	REASON
2021	ESSID, MICHAEL CHRISTOPHER	260536956	242.48	SOLD
2021	HOPE HOUSE OF WILMINGTON	347810708	524.65	SITUS
2021	HOPE HOUSE OF WILMINGTON	247810720	249.33	SITUS
2021	MEJIA PADILLA, YEFRIN	262368723	172.35	SOLD
2022	NORRIS, RONALD EDWIN JR	260448939	180.90	MILTRY EXEMPT
2021	PAUL, BARBARA ELSIE	261257382	275.68	SOLD
2016	STRICKLAND, RYAN KEITH	260449437	135.33	MILTRY EXEMPT
2017	STRICKLAND, RYAN KEITH	260449434	117.44	MILTRY EXEMPT
2018	STRICKLAND, RYAN KEITH	260449440	112.56	MILTRY EXEMPT
2020	STRICKLAND, RYAN KEITH	260449446	252.81	MILTRY EXEMPT
2021	STUTZ, LARRY KENT	262251924	321.29	SOLD
2022	VINAL, PETER SCOTT	262022544	728.43	SOLD
2021	WENDLER, MATTHEW	260858061	282.85	MILTRY EXEMPT
2017	WENDLER, MATTHEW	260858298	238.63	MILTRY EXEMPT
2018	WENDLER, MATTHEW	260858082	236.88	MILTRY EXEMPT
2019	WENDLER, MATTHEW	260858073	193.14	MILTRY EXEMPT
2020	WENDLER, MATTHEW	260858070	165.17	MITLRY EXEMPT
TOTAL REFUNDS OVER $100			$4,429.92	

RELEASES UNDER $100

YEAR	NAME	ACCOUNT	AMOUNT	REASON
NONE				

REFUNDS UNDER $100

YEAR	NAME	ACCOUNT	AMOUNT	REASON
2022	BARNES, PHYLLIS ARMSTRONG	350240488	31.16	SITUS
2020	CHAMBLESS, KENNETH CAMP	260449185	74.42	OUT OF STATE
2021	CLEMONS, RICHARD SCOTT	262137816	33.02	SOLD
2021	CONKLIN, DONNA MARIE	260858412	12.34	SOLD
2021	GEORGE CHURCH CHILBERG	260349387	41.63	AJSTD VALUE
2021	GUERRIER, HAFIDA	262023135	43.47	OUT OF STATE
2021	HANSLEY, JARYAH R'EYANA	260217987	53.35	DESTROYED
2021	HIBACHI TO GO INC	262137822	2.55	SOLD
2021	HIBACHI TO GO INC	262137807	33.65	SOLD
2021	HOPE HOUSE OF WILMINGTON	347810728	9.96	SITUS
2022	JOSEPH, SAMARA LEAANNE	347383224	23.10	SITUS
2022	KARELS, BRITTANY ANN	260449341	29.19	SOLD
2021	MCINTYRE, GREGORY LEON	260230908	26.58	DESTROYED
2021	NETHERTON, HERBERT LEROY	260230461	19.33	SOLD
2021	PARKER, REGINA ANN	261351612	2.40	OUT OF STATE
2021	RICH, MICAH WILSON	262137846	52.94	SOLD
2021	RICH, MICAH WILSON	262137852	75.21	OUT OF STATE
2021	SHAPLEY, JAMES PATRICK	262368456	11.33	SOLD
2021	SISTO, FRANK MICHAEL	260348958	4.79	SOLD
2021	SMITH, JOHN PAUL	349669140	22.25	SITUS
2022	SPENCER, KEITH CHRISTIAN	350239592	51.38	SITUS
2021	SPENCER, TAMMY MARIE	261257400	26.33	SOLD
2019	STRICKLAND, RYAN KEITH	260449443	94.91	MILTRY EXEMPT
2021	THOMAS, MACKENZIE ALYSSA	260754855	70.89	DESTROYED
2022	TULLOCH, SARAH MARIE	262004913	33.50	SOLD
2020	VANTOL, JON ABRAHAM	261567192	5.00	MILTRY EXEMPT
2021	WENDLER, MATTHEW	260858067	71.93	MILTRY EXEMPT

TOTAL REFUNDS UNDER $100 $956.61

TOTAL OF ALL RELEASES NONE

TOTAL OF ALL REFUNDS $5,386.53

Pender County
Request for Board Action

TO:	Board of County Commissioners
FROM:	Kenneth Keel
DATE:	December 5, 2022
SUBJECT:	Approval of Contract with Highfill Infrastructure Engineering for Batson Road Water Extension Design Services for $45,900

SUMMARY:
This proposed contract is for engineering services (design, permitting, & bidding) for a water line extension to provide service along Batson Road in Hampstead to citizens that paid for water service in 2003, but water was not extended to them due to a shortage of construction funding at that time. Following our successful Factory Road Water Extension project last year, PCU is targeting other areas where a significant number of previous sign-ups have not been provided with water service.

Funds are included in the current FY23 budget year for this project in account # 072-407400 Capital Outlay, and we have those funds available for this engineering contract. The budgeted construction funding, which will not be needed until Spring 2023, is temporarily being used for our tank & wells project to proceed, but those funds will become available again after LGC approval of the loan for that project. The construction of this Batson Road project will not begin until after the construction funding is redirected back into this capital outlay account (with the Board's review and approval at that time).

This engineering contract is covered by our Mini-Brooks Act exemption included in the FY23 Budget Ordinance.(contract less than $50,000). We selected Highfill for this small job based on their past performance on similar projects for PCU.

ACTION REQUESTED:
Approve contract with Highfill Infrastructure Engineering

ATTACHMENTS:
Proposed Agreement
Map showing Batson Road area with sign-ups highlighted

SCOPE OF SERVICES, SCHEDULE, AND COMPENSATION
Batson Road Water Line Extension
Rocky Point/Topsail Water & Sewer District
November 18, 2022

Background:

The Rocky Point/Topsail Water & Sewer District (Owner) owns and operates a water distribution system in eastern Pender County near Surf City, North Carolina. The properties along the circle at the western end of Batson Road previously requested water service and the Owner has engaged HIGHFILL to provide design through bidding services for the extension of the existing water distribution system to serve these properties.

Scope of Work:

ENGINEER will provide the following Basic Services:

Task 40 – Design Phase Services

1. Receive and review the topographic and property survey from the Owner. The Owner shall provide the survey in .pdf and .dwg (AutoCAD) format.
2. Facilitate virtual kick-off meeting to discuss project design and Owner details and preferences.
3. Prepare construction drawings in accordance with the Owner's design standards.
4. Prepare a project manual that includes Owner's standard technical specifications, supplemental technical specifications as needed, and Owner's bidding and contract documents.
5. Prepare opinion of probable construction cost based on the design documents.
6. Up to two site reconnaissance visits to verify alignment and address potential conflicts.
7. Provide a 90% set of construction documents for Owner review. Address Owner review comments and provide a final set of construction documents.

Task 50 – Permitting Phase Services

1. Prepare the following NCDEQ permit applications on behalf of the Owner:
    a. Public Water Supply water line extension application.
    b. Energy, Mineral, and Land Resources Erosion Control Plan application.
    c. Energy, Mineral, and Land Resources Stormwater exemption request

Task 60 – Bidding Phase Services

1. Assist Owner with development of Advertisement for Bids.
2. Distribute electronic and hard copy bidding documents to plan rooms and perspective bidders. Maintain a planholders list during the bidding period.
3. Facilitate a pre-bid meeting with bidders and Owner.
4. Field questions from prospective bidders and prepare addenda. if required.
5. Attend bid opening, tabulate bids, and issue a letter of recommendation concerning award.

Assumptions and Clarifications

1. Any services not specifically included in the above Basic Services will be considered Additional Services.
2. The scope includes design for approximately 2,600 LF of water line; 2,100 LF of water line around the loop on southwestern end of Batson Road and approximately 500 LF of water line on a road that intersects the Batson Road circle.
3. The kickoff meeting will be held virtually after review of survey provided by owner to address any water line alignment concerns.
4. The topographic and property survey required for design will be provided by the Owner in pdf and dwg format. Any additional survey beyond what is provided that will be required for design is not included and will be considered Additional Services.
5. Batson Road right-of-way at the circle is not an NCDOT maintained road and no NCDOT encroachment agreement is included.
6. It is assumed that the Batson Road right-of-way is upland and no wetlands delineation or Army Corps of Engineers jurisdictional determination is included.
7. The Owner will provide flow testing results to indicate adequate flow and pressure for this water line extension. No hydrant flow testing or water modeling is included.
8. No geotechnical investigation is included.
9. No SUE services are included.
10. No construction administration or observation is included.
11. One bidding process and opening are assumed. Project rebid for any reason is not included in the current scope.
12. Owner pays all permit fees.

Schedule

The schedule will progress sequentially as follows:

- Task 40: 90% construction documents will be provided for Owner review 90 days after kickoff meeting. Final construction documents will be provided within 2 weeks of the receipt of the 90% construction document Owner comments.
- Task 50: Permitting phase services is anticipated as 90 days.
- Task 60: Bidding phase services is anticipated to be 30 days after Owner coordinated advertisement date.

ENGINEER shall endeavor to complete work tasks in accordance with the above schedule. Owner acknowledges that certain aspects of the project, including weather and Owner responses to information requests, are outside the ENGINEER'S direct control and may impact schedule significantly.

COMPENSATION:

ENGINEER will perform services described in Tasks 40, 50, and 60 above for a Lump Sum amount of $45,900. Services will be invoiced periodically on a percentage of work completed and work in progress.

Compensation for additional services, if required, will be negotiated prior to commencement of Additional Services.

IN WITNESS WHEREOF, the CLIENT and the ENGINEER have executed this Agreement as of the date written below and under the laws of the State of North Carolina.

CLIENT		**ENGINEER**	
By:		By:	
			J. Ray Cox, PE
Title:	Chairman	Title:	Vice President
Date:		Date:	11/18/2022
Address	PO Box 995 Burgaw, NC 28425	Address	3804 Park Avenue, Unit A Wilmington, NC 28403
Phone		Phone	910-313-1516

E-VERIFY REQUIREMENTS - As a condition for payment under this purchase order, Vendor shall: (i) comply with N.C. Gen. Stat. Sections 64-25 et seq. (the "EVerify Requirements"); and (ii) cause each subcontractor hereunder to comply with such requirements. Vendor will indemnify and save harmless the County from all losses, damages, fees, costs, expenses, fines, and other liabilities resulting from any failure by Vendor or any subcontractor to comply with the E-Verify Requirements.

PRE-AUDIT STATEMENT:
This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act, this the _____ day of _____, 2022.

_____
Meg Blue, Finance Officer

TERMS AND CONDITIONS

1. Changes in the Work. At any time after execution of this Agreement, CLIENT may order changes in ENGINEER Services consisting of additions, deletions, and revisions within the general scope of services being performed by ENGINEER under this Agreement and/or any applicable Work Authorizations. Whenever a change in the scope and/or time for performance of services occurs, or if CLIENT has notified ENGINEER of a change, ENGINEER shall submit to CLIENT a written estimate of the changes in cost and/or schedule, with supporting calculations and pricing. Pricing shall be in accordance with the pricing of this Agreement. CLIENT shall then confirm in writing that it has approved of the proposed changes to ENGINEER Services and that ENGINEER is authorized to proceed forward with the same. Except as specifically set forth herein, neither this Agreement or these Terms and Conditions may be modified, except as agreed to in writing by both Parties to the Agreement.

2. Termination of Agreement. Either Party may terminate this Agreement and any associated Work Authorizations without cause and/or for convenience after giving five (5) days' written notice to the other Party. In the event CLIENT terminates ENGINEER services without cause and/or for CLIENT'S convenience, CLIENT shall be liable to promptly pay ENGINEER for all work performed through the date of termination, all of ENGINEER expenses directly attributable to the termination, including fair and reasonable sums for overhead and profit for work performed, and costs incurred by ENGINEER in terminating any contracts entered into in connection with the performance of its Services.

3. Standard of Care; Limited Warranty. The standard of care for all professional services performed or furnished under this Agreement will be the care and skill used by members of ENGINEER's profession practicing under similar circumstances at the same time and in the same locality. ENGINEER agrees to correct, at its own expense, any services provided that do not conform to the standard of care hereunder for a period of one year following the completion of services. Except as set forth herein, ENGINEER makes no warranties, express or implied, under this Agreement or otherwise, in connection with ENGINEER's services, and ENGINEER hereby disclaims any and all express or implied warranties, including but not limited to the implied warranty of merchantability, the implied warranty of fitness for a particular purpose, and the implied warranty of workmanlike construction, to the fullest extent permitted by law.

4. Use of Documents. It is understood and agreed that all documents prepared pursuant to this Agreement are the product of professional services intended for one-time use in the Project that is the subject of this Agreement. Such documents are and shall remain the property of ENGINEER, and they are not intended or represented to be suitable for re-use by CLIENT or others on extensions of the Project or on any other project. With ENGINEER'S consent, the CLIENT may retain copies for information and reference in connection with the occupancy and use of the Project. In the event Project documents provided to the CLIENT in machine-readable form are so converted, or in the event of any re-use without written verification or adaptation by ENGINEER for the specific purposes intended, the CLIENT agrees to assume all risks associated therewith and, to the fullest extent permitted by law, to hold harmless and indemnify ENGINEER from and against all claims, liabilities, losses, damages and costs arising out of or resulting from said unauthorized use. Any written verification or adaptation authorized or performed by ENGINEER will entitle ENGINEER to additional compensation at rates to be agreed upon by ENGINEER and the CLIENT.

5. Hazardous Materials. To the fullest extent permitted by law, for any services provided by ENGINEER involving or relating to hazardous waste elements or to the removal or encapsulation of asbestos, the CLIENT agrees to indemnify and hold harmless ENGINEER and their consultants, agents and employees from and against all claims, damages, losses and expenses, direct and indirect, or consequential damages, including but not limited to fees and charges of attorneys and court and arbitration costs, arising out of or resulting from the performance of the work by ENGINEER, or claims against ENGINEER arising from the work of others, related to hazardous waste or asbestos activities.

6. Use of Electronic Media. Copies of documents that may be relied upon by CLIENT are limited to the final printed copies (also known as hard copies) that are signed or sealed by ENGINEER. Files in electronic media format or text, data, graphics or other types that are furnished by ENGINEER to CLIENT are only for convenience of CLIENT. Any conclusions or information obtained or derived from such electronic media format will be at the user's sole risk. When transferring documents in electronic format, ENGINEER makes no representations as to the long-term compatibility, usability, or readability of documents resulting from the use of software application packages, operating systems or computer hardware differing from those in use by ENGINEER at the beginning of the assignment.

7. Limitation of Liability. The total liability, in the aggregate, of ENGINEER and its directors, officers, or employees, and any of them, to CLIENT or anyone claiming by, under or through the CLIENT for any and all injuries, claims, losses, expenses, and damages whatsoever arising out of or in any way related to ENGINEER Services, shall be limited to or the total fees paid to ENGINEER by CLIENT, whichever is greater. In no event, however, shall any liability to CLIENT exceed the amount of applicable insurance that ENGINEER has procured for services under this Agreement.

8. Payment Terms. ENGINEER shall invoice CLIENT for Services in accordance with ENGINEER standard invoicing practices. Invoices are due and payable on receipt and should be remitted by check or wire transfer of immediately available funds. If CLIENT fails to make any payment due ENGINEER for services and expenses within thirty (30) days after receipt of invoice, the amounts due ENGINEER will be increased at the rate of 1.5% per month (or the maximum rate of interest permitted by law, if less) from accounts not paid within thirty (30) days.

If CLIENT reasonably objects to any portion of an invoice, CLIENT shall provide written notification to ENGINEER of CLIENT'S objection and the basis for such objection within fifteen (15) days of the date of receipt of the invoice. CLIENT shall not offset amounts due ENGINEER under a Work Authorization for any credit or disputes arising under a different Work Authorization. CLIENT shall waive any objections to ENGINEER invoice if it fails to timely provide such written notice to ENGINEER.

Failure of CLIENT to make payments when due shall be cause for termination of this Agreement (in accordance with Paragraph 2, above) or, at the option of ENGINEER, suspension of services under this Agreement until ENGINEER has been paid all amounts due.

In the event of litigation or other proceeding to enforce any payment obligation under this Agreement, the prevailing Party shall be entitled to recover from the other Party attorneys' fees and costs as may be reasonably incurred by reason of the litigation.

9. Subsurface Investigations. In soils, foundation, groundwater, and other subsurface investigations, the actual characteristics may vary significantly between successive test points and sample intervals and at locations other than where observations, exploration, and investigations have been made. Because of the inherent uncertainties in subsurface evaluations, changed or unanticipated underground conditions may occur that could affect total project cost and/or execution. These unforeseen conditions are not the responsibility of the ENGINEER.

10. ENGINEER'S Personnel at Construction Site. The presence or duties of ENGINEER'S personnel at a construction site, whether as onsite representatives or otherwise, do not make ENGINEER or ENGINEER'S personnel in any way responsible for those duties that belong to CLIENT and/or the construction contractors or other entities, and do not relieve the construction contractors or any other entity of their obligations, duties, and responsibilities, including, but not limited to, all construction methods, means, techniques, sequences, and procedures necessary for coordinating and completing all portions of the construction work in accordance with the construction Contract Documents and any health or safety precautions required by such construction work. ENGINEER and ENGINEER'S personnel have no authority to exercise any control over any construction contractor or other entity or their employees in connection with their work or any health or safety precautions and have no duty for inspecting, noting, observing, correcting, or reporting on health or safety deficiencies of the construction contractor(s) or other entity or any other persons at the site except the ENGINEER'S own personnel.

The presence of ENGINEER'S personnel at a construction site is for the purpose of providing to CLIENT a greater degree of confidence that the completed work will conform generally to the Contract Documents and that the integrity of the design concept as reflected in the Contract Documents has been implemented and preserved by the construction contractor(s). ENGINEER neither guarantees the performance of the construction contractor(s) nor assumes responsibility for construction contractor's failure to perform their work in accordance with the Contract Documents.

11. Opinion of Probable Construction Costs. ENGINEER'S opinion of probable construction costs, if rendered as a service under this Agreement, is based on assumed labor costs and approximate quantities of material and equipment, and therefore is of a conditional character. ENGINEER cannot guarantee the cost of work to be performed by others since market or bidding conditions can change at any time and changes in the scope or quality of the project may affect estimates.

12. Delays Beyond the Control of the ENGINEER. Events that are beyond the control of the ENGINEER may delay the performance of the Scope of Services. In the event that the performance of the Scope of Services by the ENGINEER is delayed beyond his control, the ENGINEER shall notify the CLIENT in writing of such delay and the reasons therefore, and the CLIENT extend the time of performance appropriately.

13. CLIENT'S Responsibilities and Representations:

a. Representative: The CLIENT shall designate a single representative with respect to the services to be rendered under this Agreement who shall act on behalf of the CLIENT and issue instructions to the ENGINEER.

b. Criteria and Information: The CLIENT shall provide all criteria and full information as to its requirements for the Project, including objectives, constraints, projected demands and service areas, well and water quality data and performance requirements.

c. Access: The CLIENT shall arrange access for the ENGINEER to all public and private properties where such access is required for the performance of services under this Agreement.

d. Reviews: The CLIENT shall examine all studies, reports, sketches, drawings, specifications, proposals, and other documents presented by the ENGINEER and shall render decisions pertaining thereto within a reasonable time as not to delay the services of the ENGINEER.

e. Permitting Fees: The CLIENT shall be responsible for payment of all required regulatory application fees, and those fees are not included in this Agreement unless specifically stated otherwise.

14. Permitting. The ENGINEER cannot guarantee any regulatory approval or a timeframe in which that approval might be granted. The CLIENT should be aware that significant delays can occur during regulatory review, and those delays may impact project schedule and scope of work. No such delays are currently anticipated, but should any materialize, the ENGINEER will present to the CLIENT alternatives for addressing the matter causing the delay.

15. Mutual Indemnity. To the fullest extent permitted by law, CLIENT and ENGINEER each agree to indemnify the other Party and the other Party's officers, directors, partners, employees, and representatives, from and against losses, damages, and judgments arising from claims by third parties, including reasonable attorney's fees and expenses recoverable under applicable law, but only to the extent that they are caused by a negligent act, error, or omission of the indemnifying Party or any of the indemnifying Party's officers, directors, members, partners, agents, employees, or subconsultants in the performance of services under this Agreement.

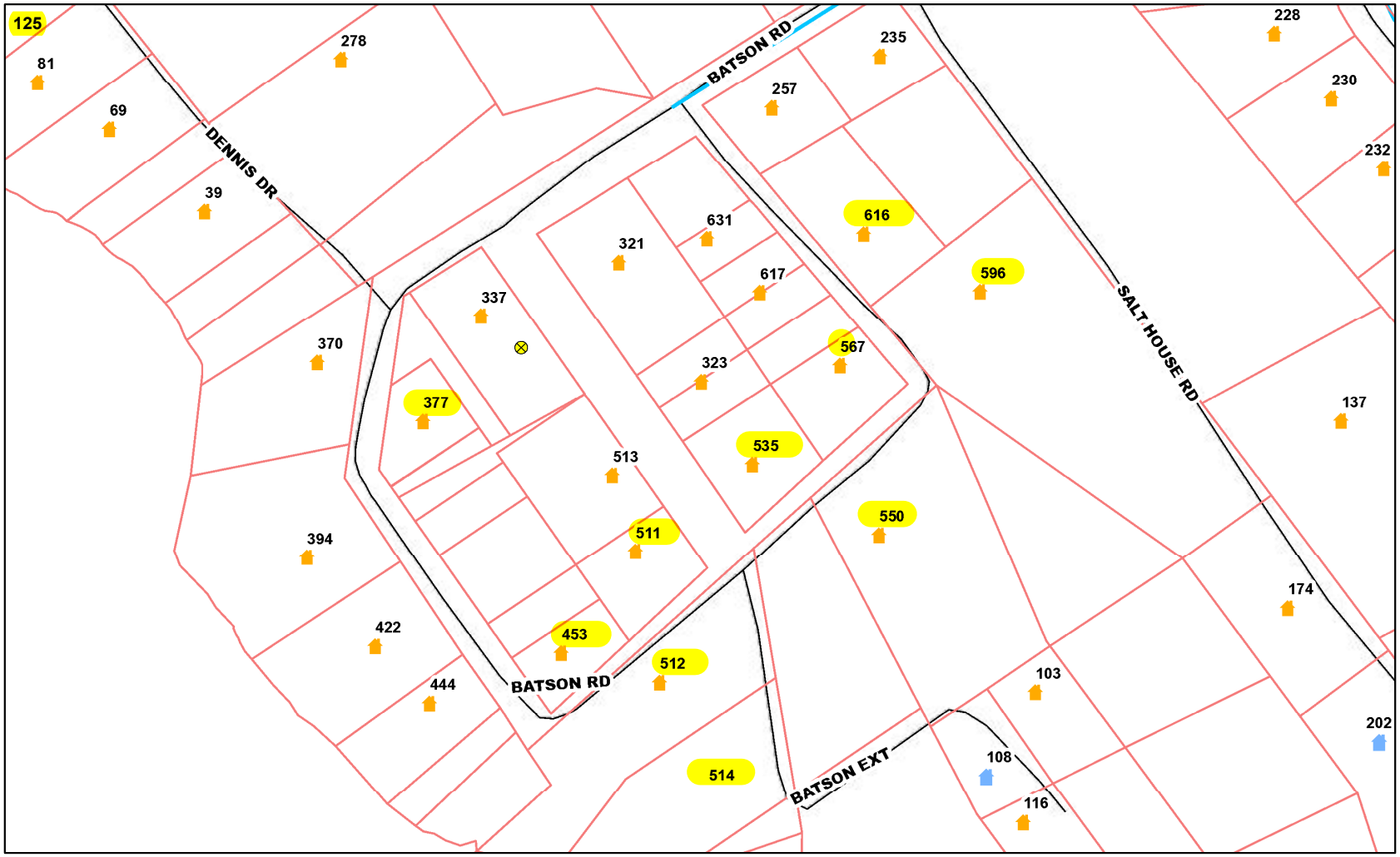
16. Mutual Waiver of Consequential Damages. Neither the CLIENT nor the ENGINEER shall be liable to the other or shall make any claim for any incidental, indirect or consequential damages arising out of, related to, or connected in any way to the Project or this Agreement. This mutual waiver includes, but is not limited to, damages, related to loss of use, loss of profits, loss of income, loss of reputation, unrealized savings, or diminution of property value and shall apply to any cause of action including negligence, strict liability, breach of contract, and breach of warranty.

17. Authorization by Purchase Order: Purchase Order terms are not consistent with these Terms and Conditions. If CLIENT issues a Purchase Order for authorization of services, it is hereby understood that the Terms and Conditions herein shall replace any Terms and Conditions contained in or attached to the Purchase Order.

18. Dispute Resolution. Except as indicated herein, CLIENT and ENGINEER agree that they shall first submit any and all unsettled claims, counterclaims, disputes, and other matters in question between them, arising out of or relating to the Agreement to mediation in accordance with the North Carolina Rules Implementing Statewide Mediated Settlement Conferences in Superior Court Actions. Any such disputes not resolved by mediation shall be submitted to arbitration in accordance with the North Carolina Revised Uniform Arbitration Act (N.C.G.S. § 1-569.1 et seq).

19. Governing Law and Venue: This Agreement shall be governed by the laws of the State of North Carolina and the venue for any civil action between the parties shall be located in North Carolina.

20. Special Conditions. None.



PIN: 4224-47-7097-0000
Owner: WALLIN, EDNA BROWN
PO BOX 1065
HAMPSTEAD, NC 28443
Deed Ref: 772/264

Property Address: 550 BATSON RD
Description: TRS 1&2 NEAR VA CRK PT BATSON DIV

Sale Price:
Sale Date: LAST_SALE_DATE
Plat:
Account No: 966493
Township: TOPSAIL
Subdivision:
Tax Codes: G01 F32 R40 S64

Acres: 1.33
Land Value:
Building Value:
Total value:
Deferred Value:
Exempt Amount: 0
PCL Class: R
Heated Sq Feet: 2280

Pender County

1:1,956

0 0.0125 0.025 0.05 mi

0 0.0225 0.045 0.09 km

1 inch = 163 feet

April 29, 2021

N W E S

Pender County
Request for Board Approval

TO:	Board of County Commissioners
FROM:	Carolyn Moser
DATE:	November 21, 2022
SUBJECT:	Approval of a Purchase Order to Bobbitt Construction Inc for Site Design and Pre-Construction Services in the amount of $38,146

SUMMARY:
Health and Human Service requests from the Board of County Commissioners to approve a purchase order to Bobbitt Construction in the amount of $ 38,146. The purchase order is for the site design and pre-construction services for the new Health and Human Services building.

Funding for this purchase order will come out of Medicaid Revenues, no county dollars included.

ACTION REQUESTED:
Approval of a purchase order to Bobbitt Construction in the amount of $38,146 for site design and pre-construction services for the new Health and Human Services building.

Pender County
Extendo Bed Sole Source Supplier

TO:	Board of County Commissioner
FROM:	Tommy Batson
DATE:	December 5, 2022
SUBJECT:	Pender County Emergency Management Extendo Bed Sole SourceSupplier

SUMMARY:
Pender County Emergency Management selected Extendo Bed as the sole supplier of the bed slide for all Emergency Management Units. Extendo Bed is the builder of the bed slide to meet the needs of the equipment security and storage for the duty of staff. This Slide is built to hold 1250 lb of equipment/gear and meets the clearance for a ¾ truck bed. The slide includes an open area that is 6.5 foot by two foot, the right side has two locking, sliding drawers for 500lbs each. Extendo Bed is the solution to follow to meet the needs of the department. We have reached out in fall of 2019 and spring of 2022 and no other suppliers can provide this setup to meet the needs of the job.

The purchasing of bed slides from Extendo Bed with type and specs for Emergency Management units is to be become a standard for the next five years.

ACTION REQUESTED:
Approval of a sole source for the Extendo Bed EB 1572 Frame and Deck, ATF Carrier (Like
18700) for five years.

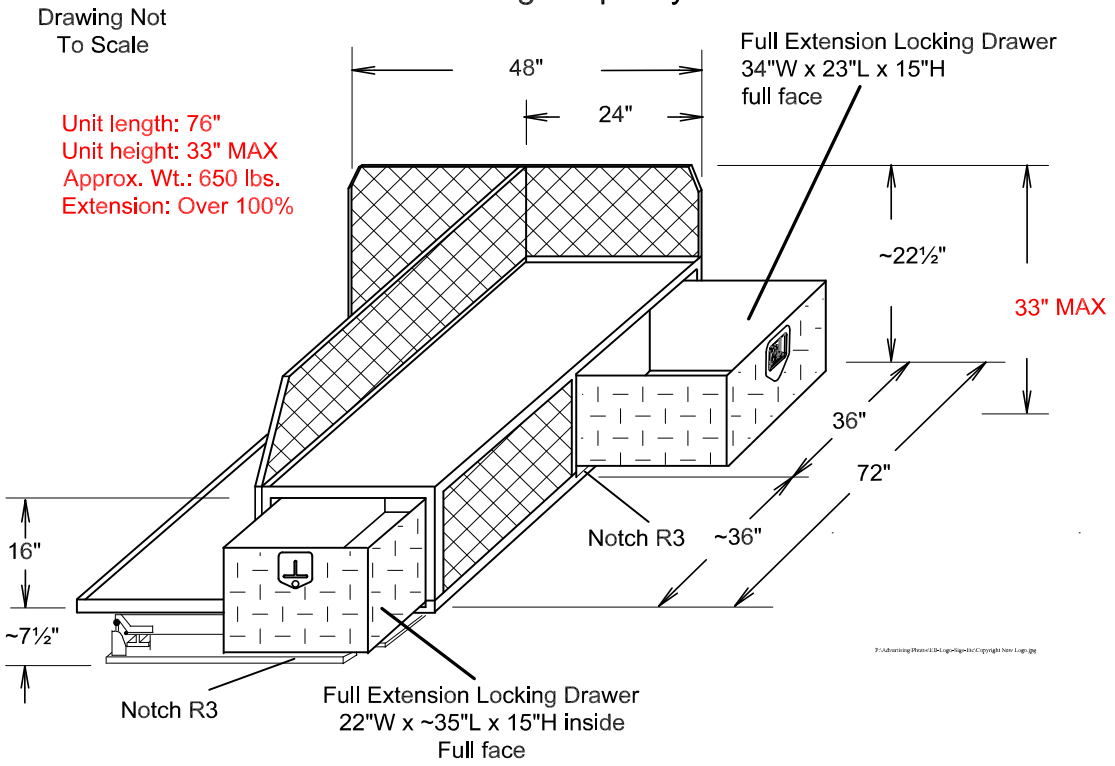
EXTENDO BED COMPANY

1-800-752-0706

Pender County Emergency Management

2018 Chevy 2500 6½' Bed, No Sideboxes

Prop 20162, October 13, 2022
EB 1572, Like ATF Carrier
~1250# cargo capacity



Lower platform will be ½" phenolic plywood with ½" phenolic plywood on upper shelf. Carrier will be built of (1/8)" steel angle, with 1½", 10 gauge flattened steel mesh screening. Lip of upper and lower decks will be punched for bungee cord ties. Top of plywood decks will jhave a textured coating. Drawers will be fabricated of .080 diamond plate aluminum with locking T handle on end of drawers. Both drawers will use 500# capacity slides. Steel parts will be powder coated black.

Pender County
Resolution approving map review officers for the Town of Burgaw

TO:	Board of County Commissioners
FROM:	David Andrews
DATE:	December 5, 2022
SUBJECT:	Resolution approving map review officers for the Town of Burgaw

SUMMARY:
The Town of Burgaw Board of Commissioners is requesting that the Pender County Board of Commissioners approve the appointment of Gilbert Combs, Town of Burgaw Planning Director, and James Gantt, Town Manager, as map review officers for the Town of Burgaw, in addition to Kimberly Rivenbark in accordance with NCGS 47-30.2.

ACTION REQUESTED:
Approval of the attached resolution

RESOLUTION 2022-22

REQUEST TO AMEND MAP REVIEW OFFICER LIST FOR THE TOWN OF BURGAW

WHEREAS, the Town of Burgaw must review maps and subdivisions; and

WHEREAS, the Pender County Board of Commissioners must approve the appointment of the Town's Map Review Officer.

NOW THEREFORE BE IT RESOLVED that the Town of Burgaw Board of Commissioners is hereby requesting that the Pender County Board of Commissioners approve the appointment of Gilbert Combs, Town of Burgaw Planning Director, and James Gantt, Town Manager, as map review officers for the Town of Burgaw, in addition to Kimberly Rivenbark in accordance with NCGS 47-30.2. Effective upon approval by the Pender County Board of Commissioners, Gilbert Combs, James Gantt and Kimberly Rivenbark shall serve as the Map Review Officers for the Town of Burgaw.

Adopted this the 8th day of November, 2022.

Signed: _____
G. Olivia Dawson, Mayor

Attest: _____
Kristin J. Wells, Town Clerk

Pender County
Approval of Offer & Authorize Closing Process for Sale of Surplus Property - Parcel 2373-58-7162-0000 2907 Englishtown Road, Willard

TO:	Board of County Commissioners
FROM:	Meg Blue
DATE:	December 5, 2022
SUBJECT:	Approval of Offer & Authorize Closing Process for Sale of Surplus Property - Parcel 2373-58-7162-0000 2907 Englishtown Road, Willard

SUMMARY:
Please consider attached documentation of bid for surplus property - parcel number 2373-58-7162-0000 at 2907 Englishtown Road, Willard. Note that because this property was authorized for public auction previously and auctioned on GovDeals, no upset bid period is required.

It is recommended that the $67,000 bid for this parcel from Linda Walker be accepted by the County and authorize County Manager's Office to begin closing process. The attached letter indicates the details of the bid for this property. The tax value for the land is listed at $53,421. The building value previously listed at $75,515 has been deemed of no value, per Tax Assessor's Office. This parcel was obtained by Pender County in 2016 through tax foreclosure.

ACTION REQUESTED:
Approval of Offer & Authorize Closing Process for Sale of Surplus Property - Parcel 2373-58-7162-0000 2907 Englishtown Road, Willard

Pender County Finance Department
PO Box 1578
Burgaw, North Carolina 28425

Asset Manager
Andy Devane
(910) 259-1467
e@pendercountync.gov

Auction results for sale of real property

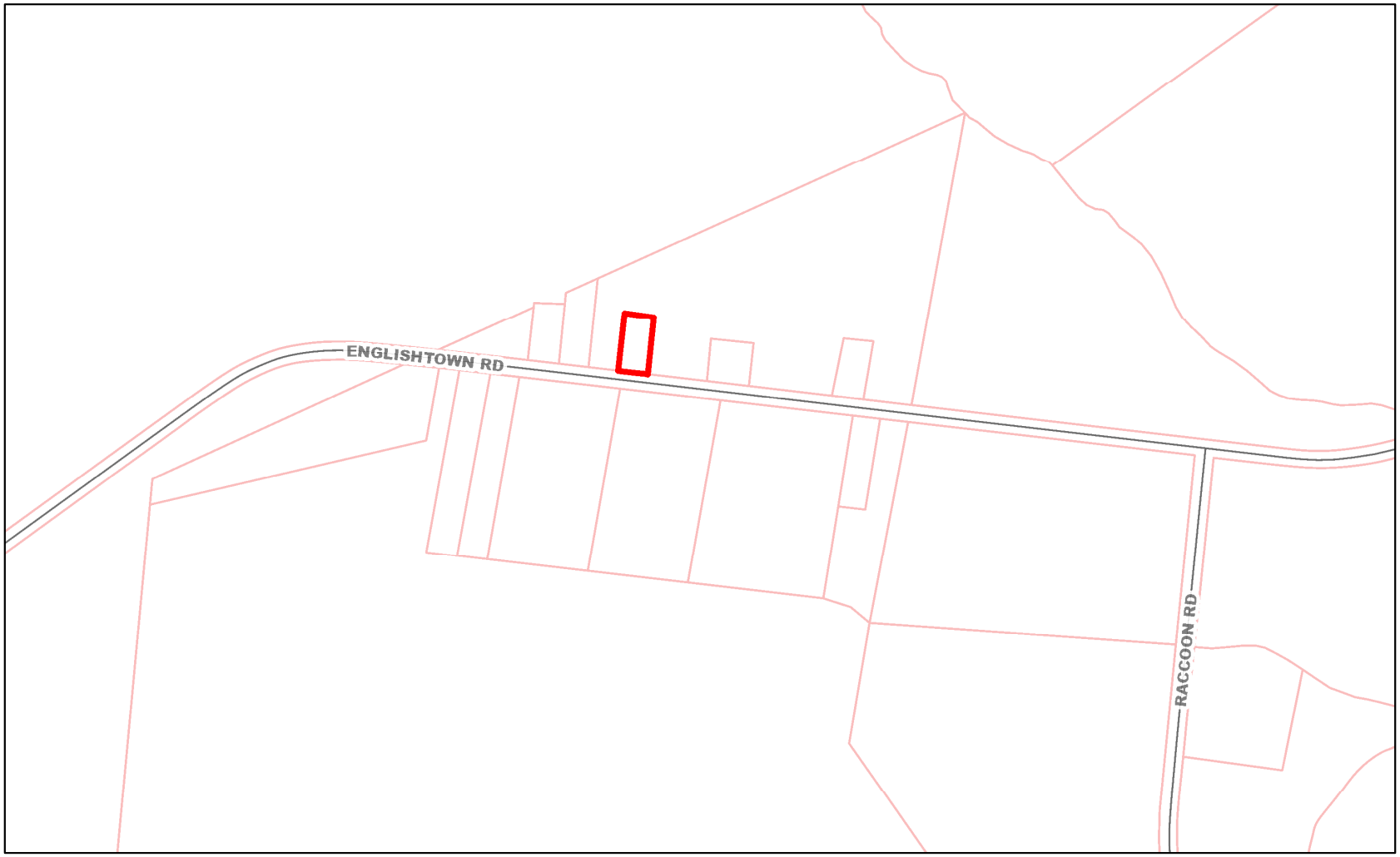
11/15/2022

Dear Commissioners,

For your consideration is the results of the auction for parcel number 2373-58-7162-0000 located at 2907 Englishtown rd. in Willard NC. Linda Walker was the highest bidder at $67,0000. The tax value in GIS is $53,421.00. After talking to Mrs. Walker, her plans are to develop it for residential purposes. Upon Board approval of the results of the auction the County will move forward with closing on the parcel.

Sincerely,

Andy Devane
Asset Manager



PIN: 2373-58-7162-0000
Owner: PENDER CNTY
PO BOX 5
BURGAW, NC 28425
Deed Ref: 4622/0597

Property Address: 2907 ENGLISHTOWN RD
Description: .46 ACRES, ON N/SIDE 300

Sale Price: $7,000
Sale Date: LAST_SALE_DATE
Plat: NOPLAT
Account No: 971338
Township: UNION
Subdivision:
Tax Codes: G01 F27 R40 S64

Acres: 0.46
Land Value: $53,421
Building Value: $75,515
Total value: $128,936
Deferred Value: $0
Exempt Amount: 128936
PCL Class: EX-1
Heated Sq Feet: 1313

Pender County

1:5,537

0 0.04 0.08 0.16 mi

0 0.05 0.1 0.2 km

1 inch = 461 feet

January 11, 2022

N W E S

Pender County
Award and Approval of Contract to Complete Clearing and Snagging Work Under the StRAP Program

TO:	Board of County Commissioners
FROM:	Daniel Adams
DATE:	December 5, 2022
SUBJECT:	Award and Approval of Contract to Complete Clearing and Snagging Work Under the StRAP Program

SUMMARY:
The North Carolina General Assembly allocated funding in the FY 21-22 budget aiming to reduce flooding across the state's waterways, creating the Streamflow Rehabilitation Assistance Program (StRAP). This program allocates money for projects that protect and restore the integrity of drainage infrastructure. The StRAP program is managed by the North Carolina Department of Agriculture and Consumer Services - Division of Soil and Water Conservation.

At their August 15, 2022, meeting, the Board of Commissioners approved a grant agreement with the State that provided the County with $357,888 to complete improvements to our drainage network. This work involves the removal of vegetative and woody debris that has accumulated in creeks and is obstructing the natural flow of water, thereby impairing the ability of the waterway to drain during flood events.

On October 25, staff published a Request for Proposals (RFP) soliciting bids from qualified contractors to perform clearing and snagging work at three sites. The deadline for contractors to submit a proposal was November 15.

Staff received five proposals, though one was disqualified for failing to submit all the required documents as directed in the RFP. Proposals were reviewed and scored by a selection committee based on the criteria outlined in the RFP, including lowest apparent bid, qualifications/experience, and additional factors. Additional factors included the completeness of the requested bid schedule, understanding of the project scope, and a timeline forecasting anticipated progress and completion of the proposed work.

Based on the results of the selection committee's scoring, staff is recommending a contract and purchase order be issued to Zulu Marine Services, Inc. This project is fully funded through StRAP program. The budget account for this project is 60-404500-6471.

ACTION REQUESTED:
To consider awarding a contract to Zulu Marine Services, Inc. and a purchase order for $279,201.78

ATTACHMENTS:
1. Bid Scorecard
2. Bid Qualification Forms
3. Zulu Marine Services, Inc. Proposal
4. Budget Ordinance Amendment

Bid Scorecard for StRAP Clearing and Snagging				
	Task 1 - Clearing and Snagging			
Company	**Lowest Apparent Bid (80 pts)**	**Qualifications/Experience (15 pts)**	**Additional Factors (5 pts)**	**Total Score**
CCIR	DQ	DQ	DQ	DQ
Hall's Tree Service	52	15	2	69
Grillot Construction	60	15	5	80
Zulu Marine	80	14	5	99
J&J Environmental	0	15	5	20

RECORD OF BID QUALIFICATION

Bid Opening for
Stream Clearing and Snagging Services
RFP# 221025-235
November 15, 2022
4:00PM

	Creek 1 - Bulltail Creek Disposal Method 1	Creek 1 - Bulltail Creek Disposal Method 2	Creek 1 - Bulltail Creek Disposal Method 3
Bidder			
1. CCIR	$71,500	$51,350	$38,350
2. Hall's Tree Service	$156,000	$182,000	$91,000
3. Grillot	$143,000	$182,000	$65,000
4. Zulu Marine	$111,540	$99,970	$88,400
5. J+J	$3,250,000	$3,900,000	$76,570.00
6.			

Completed by: Daniel Adams

RECORD OF BID QUALIFICATION

Bid Opening for
Stream Clearing and Snagging Services
RFP# 221025-235
November 15, 2022
4:00PM

	Creek 2 - Big Branch Disposal Method 1	Creek 2 - Big Branch Disposal Method 2	Creek 2 - Big Branch Disposal Method 3
Bidder			
1. CCIR	$60,520	$48,0060	$36,045
2. Hall's Tree Service	$106,800	$124,600	$62,300
3. Grillot	$97,900	$124,600	$44,500
4. Zulu Marine	$76,362	$68,441	$60,520
5. J + J	$2,225,000	$2,670,000	$52,421
6.			

Completed by: Daniel Adams

RECORD OF BID QUALIFICATION

Bid Opening for
Stream Clearing and Snagging Services
RFP# 221025-235
November 15, 2022
4:00PM

	Creek 3 - Harrison Creek Disposal Method 1	Creek 3 - Harrison Creek Disposal Method 2	Creek 3 - Harrison Creek Disposal Method 3
Bidder			
1. CCIR	$85,128	$63,846	$42,564
2. Hall's Tree Service	$127,692	$148,974	$74,487
3. Grillot	$117,051	$148,974	$53,205
4. Zulu Marine	$91,299.78	$81,829.29	$72,358.80
5. J + J	$2,660,250	$3,192,300	$62,675.49
6.			

Completed by: Daniel Adams

ZULU

AIR — LAND — MARINE

RFP # 221025-235
Stream Clearing & Snagging Services

for

Pender County, NC

By

Zulu Marine Services, Inc.

Representative for Zulu:
Alex Batey
Secretary/Operations
(910) 232-0290
alex.batey@zuludiscovery.com

3901 Aspen Road
Castle Hayne, NC 28429
(855) 400-9858
www.zuludiscovery.com

ATTACHMENT A: PROPOSAL FORM

Completed, signed, and notarized form shall be submitted with the proposal. Please attach a copy of your registration with the North Carolina Secretary of State.

A. OFFEROR INFORMATION:

Firm/Company Name (legal name): Zulu Marine Services, Inc.

Mailing Address: 3901 Aspen Road
Castle Hayne, NC 28429

Payment Address (if different from mailing address): 7505 Waters Avenue, Ste. A-8
Savannah, GA 31406

Firm Telephone Number: (855) 400-9858

Federal Employer Identification Number (FEIN): 27-3600913

Social Security Number (only if FEIN is NOT provided): _____

Representative Name/Title: Michael "Alex" Batey, Secretary

Representative Telephone Number: (910) 232-0290

Representative Email Address: alex.batey@zuludiscovery.com

B. AUTHORIZATION TO TRANSACT BUSINESS IN NORTH CAROLINA

By signature of this form, I certify that the firm identified above in Item A is legally authorized to transact business in the State of North Carolina. *A copy of the Certification of Existence or registration is attached to this form.*

North Carolina Secretary of State Identification Number (SOSID): 1169910

- OR -

Firm/company is not required to have/maintain registration because: N/A

C. PAYMENT TERMS

☒ Net 30

☐ Other (Specify): _____

If payment terms are not specified above, then the terms shall be Net 30 Days.

D. ADDENDA

Offeror hereby acknowledges receipt of and incorporation of all requirements of any addenda issued for this RFP:

Addendum No. 1 Dated: 11-08-2022

Addendum No. _____ Dated: _____

Addendum No. _____ Dated: _____

Addendum No. _____ Dated: _____

E. EXCEPTIONS

Indicate if exceptions are requested by acknowledging the appropriate statement below, as applicable:

☒ Offeror understands and agrees to all terms, conditions, requirements, and specifications stated herein.

☐ Offeror takes exception to terms, conditions, requirements, or specifications stated herein Offeror must itemize all exceptions below (attach additional pages if necessary):

The following exceptions are noted (attach additional sheets if necessary): _____

NOTE: Exceptions taken from the stated terms and/or specifications may be cause for proposals to be deemed "non-responsive".

F. COOPERATIVE PURCHASING

Offeror will extend term, conditions, and prices to other jurisdictions.

☐ Yes

☐ No

G. PROPOSAL CHECKLIST

This checklist is provided to assist offerors in submitting proposals. The proposal should include the following information in the quantities specified in Section 2.B Proposal Submission Requirements.

☒ Proposals developed according to the outline specified in Section 2.C Proposal Format Requirements and according to the instructions in Section 2.B Proposal Submission Requirements and elsewhere in this RFP.

☒ Attachment A: Proposal Form

☒ Attachment B: References Form

☒ Attachment C: Bid Schedule

☒ Attachment D: Offeror's Certification Form

☒ Attachment E: Certification Regarding Lobbying

☒ Other: FS 25-Bid, Payment, and Performance Bond Form

H. CONFLICT OF INTEREST

The offeror certifies that their proposal has not been arrived at collusively or otherwise in violation of federal, state, or local laws. Any purchase order, check requisition or contract from which any agent, officer, or employee of the County or any relative thereof, will realize a financial gain, directly or indirectly, shall be void, except that before the execution of a purchase order, check requisition or contract, the County shall have the authority to waive compliance with this section when it finds such action to be in the best interest of the County.

I. AUTHORIZATION

In accordance with the terms, conditions and specifications of this RFP, the undersigned agrees to furnish the items and/or services requested. The undersigned acknowledges that the proposal is valid for a period of 180 days from the due date and certifies he/she has read, understands, and agrees to all terms, conditions, and requirements of this RFP and is authorized to contract on behalf of firm named below.

Firm Name: Zulu Marine Services, Inc.

ATTACHMENT A: PROPOSAL FORM

Print Name: Micheal "Alex" Batey

Title: Secretary

Signature: Michael Batey

Date: November 11, 2022

Subscribed and sworn to before me this 11th **day of** November **, 2022**

Notary Public: Kim C. Haywood

My Commission expires: April 4, 2026

KIM C HAYWOOD
MY COMMISSION EXPIRES
NOTARY
PUBLIC
APRIL 04, 2026
BRYAN COUNTY, GEORGIA

ATTACHMENT B: REFERENCES

Completed form shall be submitted with the proposal. Provide at least three references. References must be for similar services provided and must have been completed within the past 5 years.

Offeror Name: Zulu Marine Services, Inc.

Reference 1:

Name of Entity or Business: Horry County, SC

Street Address: 4401 Privetts Road

City, State and Zip Code: Conway, SC 29526

Contact Name and Title: Adam Jordan, Civil Engineer

Phone Number: (843) 798-0538

Email Address: jordanad@horrycountysc.gov

Contract Dates: March 2022 - September 2022

Contract Amount: $765,340.00

Description of Services Provided: Removal and disposal of storm debris (to include trees, logs, stumps, brush, tops and blockages) from approximately 70 miles of the Waccamaw River.

Reference 2:

Name of Entity or Business: New Hanover County, NC

Street Address: 230 Government Center Drive, Ste. 160

City, State and Zip Code: Wilmington, NC 28403

Contact Name and Title: Timothy Lowe, Director of Storm Water Management

Phone Number: (910) 798-7117

Email Address: tlowe@nhcgov.com

Contract Dates: Multiple projects, January 2021 - May 2022

Contract Amount: $351,919.00

Description of Services Provided: Removal and disposal of woody and vegetative debris from multiple creeks thoughout the county, leaving the most natural appearance possible.

ATTACHMENT B: References

Reference 3:

Name of Entity or Business: Brunswick County, NC

Street Address: 179 March 9 1764 Drive

City, State and Zip Code: Bolivia, NC 28433

Contact Name and Title: Abram Young, Special Projects Coordinator

Phone Number: (910) 253-2511

Email Address: abram.young@brunswickcountync.gov

Contract Dates: July - October 2021, and October - November 2021

Contract Amount: Round 1: $237,797.00 Round 2: $210,632.80

Description of Services Provided: Removal of woody and vegetative debris and sediment and provided bank stabilization. R1: 15,7000 LF of vegetative debris clearing at 18 project sites. R2: 21,290 LF of debris clearing at 25 project sites.

NOTE: Do not include or attach additional pages.

ATTACHMENT C: BID SCHEDULE

ATTACHMENT C: BID SCHEDULE

Complete Bid Schedule for each task and submit with the proposal.

Contractor/Bidder Name: Zulu Marine Services, Inc.

Clearing & Snagging via Disposal Method 1: Offsite Disposal

Site No.	Creek Name	Linear Footage	Unit Rate Per Linear Foot ($)	Total Cost ($)
1	Bulltail Creek	13,000	$ 8.58	$ 111,540.00
2	Big Branch	8,900	$ 8.58	$ 76,362.00
3	Harrison Creek	10,641	$ 8.58	$ 91,299.78

Disposal Method 1 Narrative, Explanation or Details: Zulu Marine will remove woody and vegetative debris in accordance with Natural Resources standards, with special care taken to preserve the stream, bank and surrounding habitat. All necessary permits will be secured prior to commencing. Team will include project manager, safety officer, saw operator and laborers. A chainsaw operator will lead the work team using standard or hydraulic chainsaws, followed by two laborers who will pick up and load debris onto a jon boat. Debris will then be transported to offload site,

(Please use additional space below as needed)

loaded into a dump trailer and transported to Sampson County Landfill (arrangements to be made in advance).
Progression photos will be uploaded to the Zulu portal daily, with access made available to County.
Zulu anticipates the project taking no more than 61 working days to complete.

ATTACHMENT C: BID SCHEDULE

Clearing & Snagging via Disposal Method 2: Chipping/Shredding

Site No.	Creek Name	Linear Footage	Unit Rate Per Linear Foot ($)	Total Cost ($)
1	Bulltail Creek	13,000	$ 7.69	$ 99,970.00
2	Big Branch	8,900	$ 7.69	$ 68,441.00
3	Harrison Creek	10,641	$ 7.69	$ 81,829.29

Disposal Method 2 Narrative, Explanation or Details: Zulu Marine will remove woody and vegetative debris in accordance with Natural Resources standards, with special care taken to preserve the stream, bank and surrounding habitat. All necessary permits will be secured prior to commencing. Team will include project manager, safety officer, saw operator and laborers. A chainsaw operator will lead the work team using standard or hydraulic chainsaws, followed by two laborers who will pick up and load debris onto a jon boat. Debris will then be transported to offload site,

(Please use additional space below as needed)

processed through chipper, and dispersed at least 30 feet from stream, well away from wetlands or other sensitive areas.
Progression photos will be uploaded to the Zulu portal daily, with access made available to County.
Zulu anticipates the project taking no more than 61 working days to complete.

ATTACHMENT C: BID SCHEDULE

Clearing & Snagging via Disposal Method 3: Cabling/Strapping

Site No.	Creek Name	Linear Footage	Unit Rate Per Linear Foot ($)	Total Cost ($)
1	Bulltail Creek	13,000	$ 6.80	$ 88,400.00
2	Big Branch	8,900	$ 6.80	$ 60,520.00
3	Harrison Creek	10,641	$ 6.80	$ 72,358.80

Disposal Method 3 Narrative, Explanation or Details: Zulu Marine will remove woody and vegetative debris in accordance with Natural Resources standards, with special care taken to preserve the stream, bank and surrounding habitat. All necessary permits will be secured prior to commencing. Team to include project manager, safety officer, saw operator, skid operator and laborers. A chainsaw operator will lead the work team using standard or hydraulic chainsaws, followed by two laborers who will stack debris on bank. Debris will then be skidded back 30 feet with a small-tracked,

(Please use additional space below as needed)

low ground pressure vehicle and cabled off to a live tree or a soil anchor to prevent it from re-entering the stream.
Progression photos will be uploaded to the Zulu portal daily, with access made available to County.
Zulu anticipates the project taking no more than 61 working days to complete.

ATTACHMENT D: OFFEROR'S CERTIFICATION FORM

A completed, signed, and notarized form shall be submitted with the proposal.

To Whom It May Concern:

I have carefully examined the Request for Proposal (RFP) and any other documents accompanying or made a part of this RFP.

I hereby propose to perform the services as specified in the Scope of Work of this RFP at the rates described on the completed Attachment C: Bid Schedule for Task 1 and 2.

I certify that all information contained in this proposal is truthful to the best of my knowledge and belief. I further certify that I am duly authorized to submit this proposal on behalf of the firm, and that the firm is ready, willing, and able to perform if awarded a contract by Pender County.

I further certify, under oath, that this proposal is made without prior understanding, agreement, connection, discussion, or collusion with any other person, firm or corporation submitting a proposal for the same product or service; no officer employee or agent of the County of Pender or any other offeror is interested in said proposal; and that the undersigned executed this Offeror's Certification with full knowledge and understanding of the matters therein contained and was duly authorized to do so.

It is distinctly understood that Pender County reserves the right to reject any or all proposals.

Name of Firm: Zulu Marine Services, Inc.

Federal Employer Identification Number (FEIN): 27-3600913

Mailing Address: 7505 Waters Avenue, Ste. A-8

City, State, Zip Code: Savannah, GA 31406

Phone: (910) 232-0290 Email: alex.batey@zuludiscovery.com

Name and Title: Michael "Alex" Batey, Secretary

Authorized Signature: Michael Batey

Date: November 11, 2022

Subscribed and sworn to before me this 11th **day of** November**, 2022.**

Notary Public: Kim C. Haywood

My Commission expires: April 04, 2026

KIM C. HAYWOOD
MY COMMISSION EXPIRES
NOTARY
PUBLIC
APRIL
BRYAN COUNTY

ATTACHMENT E: CERTIFICATION REGARDING LOBBYING

A completed and signed form shall be submitted with each proposal offer exceeding $100,000.

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned [Contractor] certifies, to the best of his or her knowledge, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

3. The undersigned shall require that the language of this certification be included in the award documents for all sub awards at all tiers (including subcontracts, sub grants, and contracts under grants, loans, and cooperative agreements) and that all sub recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31, U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

The Contractor, Zulu Marine Services, Inc., certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. § 3801 et seq., apply to this certification and disclosure, if any.

Signature of Contractor's Authorized Official: Michael Batey

Name and Title of Contractor's Authorized Official: Michael "Alex" Batey, Secretary

Date: November 11, 2022

Document A310™ – 2010

Conforms with The American Institute of Architects AIA Document 310

Bid Bond

CONTRACTOR:
(Name, legal status and address)

Zulu Marine Services, Inc
441 Blossom Ferry Lane
Castle Hayne, NC 28429

SURETY:
(Name, legal status and principal place of business)

Great American Insurance Company
301 East Fourth Street
Cincinnati, OH 45202

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

OWNER:
(Name, legal status and address)

Pender County
805 S. Walker Street
Burgaw, NC 28425

BOND AMOUNT: $ 5% Five Percent of Amount Bid

PROJECT:
(Name, location or address, and Project number, if any)

RFP# 221025-235 - Stream Clearing & Snagging Services

The Contractor and Surety are bound to the Owner in the amount set forth above, for the payment of which the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein. The conditions of this Bond are such that if the Owner accepts the bid of the Contractor within the time specified in the bid documents, or within such time period as may be agreed to by the Owner and Contractor, and the Contractor either (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof; or (2) pays to the Owner the difference, not to exceed the amount of this Bond, between the amount specified in said bid and such larger amount for which the Owner may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect. The Surety hereby waives any notice of an agreement between the Owner and Contractor to extend the time in which the Owner may accept the bid. Waiver of notice by the Surety shall not apply to any extension exceeding sixty (60) days in the aggregate beyond the time for acceptance of bids specified in the bid documents, and the Owner and Contractor shall obtain the Surety's consent for an extension beyond sixty (60) days.

If this Bond is issued in connection with a subcontractor's bid to a Contractor, the term Contractor in this Bond shall be deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.

When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

Signed and sealed this 15th day of November, 2022

Amy Thurman
(Witness) Amy Thurman

Zulu Marine Services, Inc
(Principal) *(Seal)*

By: Michael Oates
(Title)

Kailee Rosenhaus
(Witness) Kailee Rosenhaus

Great American Insurance Company
(Surety) *(Seal)*

By:
(Title) Christian Collins Attorney-in-Fact

S-0054/AS 8/10

GREAT AMERICAN INSURANCE COMPANY®

Administrative Office: 301 E 4TH STREET • CINCINNATI, OHIO 45202 • 513-369-5000 • FAX 513-723-2740

The number of persons authorized by
this power of attorney is not more than FOUR

No. 0 20200

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That the GREAT AMERICAN INSURANCE COMPANY, a corporation organized and existing under and by virtue of the laws of the State of Ohio, does hereby nominate, constitute and appoint the person or persons named below, each individually if more than one is named, its true and lawful attorney-in-fact, for it and in its name, place and stead to execute on behalf of the said Company, as surety, any and all bonds, undertakings and contracts of suretyship, or other written obligations in the nature thereof; provided that the liability of the said Company on any such bond, undertaking or contract of suretyship executed under this authority shall not exceed the limit stated below.

Name	Address	Limit of Power
BRETT ROSENHAUS	ALL OF	ALL
DALE A. BELIS	DELRAY BEACH, FLORIDA	$100,000,000
TAYLOR ROSENHAUS		
CHRISTIAN COLLINS		

This Power of Attorney revokes all previous powers issued on behalf of the attorney(s)-in-fact named above.

IN WITNESS WHEREOF the GREAT AMERICAN INSURANCE COMPANY has caused these presents to be signed and attested by its appropriate officers and its corporate seal hereunto affixed this 16TH day of FEBRUARY, 2022

Attest

GREAT AMERICAN INSURANCE COMPANY

Assistant Secretary

Divisional Senior Vice President

MARK VICARIO (877-377-2405)

STATE OF OHIO, COUNTY OF HAMILTON - ss:

On this 16TH day of FEBRUARY, 2022, before me personally appeared MARK VICARIO, to me known, being duly sworn, deposes and says that he resides in Cincinnati, Ohio, that he is a Divisional Senior Vice President of the Bond Division of Great American Insurance Company, the Company described in and which executed the above instrument, that he knows the seal of the said Company, that the seal affixed to the said instrument is such corporate seal, that it was so affixed by authority of his office under the By-Laws of said Company, and that he signed his name thereto by like authority.

SUSAN A KOHORST
Notary Public
State of Ohio
My Comm. Expires
May 18, 2025

This Power of Attorney is granted by authority of the following resolutions adopted by the Board of Directors of Great American Insurance Company by unanimous written consent dated June 9, 2008.

RESOLVED: That the Divisional President, the several Divisional Senior Vice Presidents, Divisional Vice Presidents and Divisonal Assistant Vice Presidents, or any one of them, be and hereby is authorized, from time to time, to appoint one or more Attorneys-in-Fact to execute on behalf of the Company, as surety, any and all bonds, undertakings and contracts of suretyship, or other written obligations in the nature thereof; to prescribe their respective duties and the respective limits of their authority; and to revoke any such appointment at any time.

RESOLVED FURTHER: That the Company seal and the signature of any of the aforesaid officers and any Secretary or Assistant Secretary of the Company may be affixed by facsimile to any power of attorney or certificate of either given for the execution of any bond, undertaking, contract of suretyship, or other written obligation in the nature thereof, such signature and seal when so used being hereby adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed.

CERTIFICATION

I, STEPHEN C. BERAHA, Assistant Secretary of Great American Insurance Company, do hereby certify that the foregoing Power of Attorney and the Resolutions of the Board of Directors of June 9, 2008 have not been revoked and are now in full force and effect.

Signed and sealed this 15th day of November, 2022.

Assistant Secretary

S1029AH (03/20)

Wednesday, July 20, 2022

Pender County Budget Ordinance Amendment

Date Wednesday, July 20, 2022

Board Meeting Date (If Applicable) Monday, August 15, 2022

Fiscal Year FY 2022-2023

Fund 60 - CIP

Division, Program, Project, etc. Hazard Mitigation

Department 653 - PLANNING DEPARTMENT

Purpose of Request

County received grant funding for debris removal work.

REVENUES

	Account # (ORG-OBJECT)	Account Description	Amount
1	60-348366-6471	NC Dept of Ag & Con Serv Grant	$357,888.00
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			

Proposed Amendment:

EXPENDITURES

	Account # (ORG-OBJECT)	Account Description	Amount
1	60-404500-6471	Contracted Services	$357,888.00
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			

	Account # (ORG-OBJECT)	Account Description	Amount
13			

Total Revenues 357888

Total Expenditures 357888

Budget Amendment Balances when Zero. 0

Prepared By: Daniel Adams

Email dadams@pendercountync.gov

Pender County
Resolution Authorizing Approval of Burgaw Pyrotechnic Display on December 31, 2022, in Accordance with North Carolina General Statute 14-413.

TO:	Board of County Commissioners
FROM:	Tommy Batson
DATE:	December 5, 2022
SUBJECT:	Burgaw Fireworks Display

SUMMARY:
The Pender County Fire Marshal Office has received a request from the Town of Burgaw to allow a fireworks display at Burgaw Middle School, Burgaw NC on December 31, 2022. The North Carolina Office of State Fire Marshal now requires the Board of County Commissioners to approve all pyrotechnic displays under N.C.G.S. 14-413. This requirement was implemented as a result of a fireworks truck explosion that occurred while preparing for a show in Ocracoke, NC in 2009 in which four people were killed. The State of North Carolina Legislature passed the 2010 North Carolina Pyrotechnics Act that modified the General Statutes to define the term fireworks "expert" as a state requirement to obtain a display operator's permit (N.C.G.S. 14-410) effective February 1, 2010. The Burgaw Fire Marshal will be on site for review and approval of the complete setup, display shooting and cleaning up from the pyrotechnic display. The pyrotechnic display will be a public display in Burgaw NC. It will be conducted by an approved and licensed fireworks company, Pop Enterprise LLC Snow Hill NC. The display will meet all rules and regulations set by NC Code Fire Code, NFPA 1123, NFPA 1126, OSFM, and AFT. Cop Enterprise LLC meets all of the liability insurance requirements set by the State of North Carolina and the Fire Marshal Office recommends approval of their request.

ACTION REQUESTED:
Board hereby approves the resolution authorizing a public pyrotechnic display a at Burgaw Middle School, Burgaw NC on December 31, 2022, under N.C.G.S. 14-413. The Chairman/County Manager is authorized to execute any/all documents necessary to implement this resolution.

Pender County
Resolution approving interlocal agreement with New Hanover County related to the Scotts Hill Medical Center.

TO:	Board of County Commissioners
FROM:	Justin Brantley
DATE:	December 5, 2022
SUBJECT:	Resolution approving interlocal agreement with New Hanover County related to the Scotts Hill Medical Center.

SUMMARY:
Staff requests approval of a Resolution approving an Interlocal Agreement with New Hanover County related to the Scotts Hill Medical Center, which is located on the County Line in this area. Novant Health is building a medical facility with the majority of the project being located in the New Hanover County jurisdiction. The Interlocal Agreement authorizes New Hanover to perform all necessary zoning functions within the project site on behalf of Pender and consistent with the Pender County Unified Development Ordinance. This agreement is intended to simplify the development review and permitting of this site.

ACTION REQUESTED:
Approval of Interlocal Agreement with New Hanover County for Scotts Hill Medical Center

ATTACHMENTS:
1. Resolution
2. Interlocal Agreement
3. Scotts Hill Medical Center Site Plan

A RESOLUTION BY THE PENDER COUNTY BOARD OF COMMISSIONERS AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH NEW HANOVER COUNTY FOR THE NOVANT HEALTH NEW HANOVER REGIONAL DEVELOPMENT PROJECT LOCATED ON THE PENDER-NEW HANOVER COUNTY LINE

WHEREAS, the Novant Health New Hanover Regional (NHNHR) parcel located at 9144 Market St. and 10014 US HWY 17 crosses the common boundary of Pender County and New Hanover County; and

WHEREAS, the community and economic development benefits generated by NHNHR are mutually beneficial to both counties; and

WHEREAS, the portion of the site within the Pender County jurisdiction is identified by Parcel Identification Number 3270-28-5867-0000; and

WHEREAS, the attached Interlocal Agreement establishes an agreement for the administrative execution of the Scotts Hill Medical Center, which is located on the common boundary of Pender County and New Hanover County.

NOW THEREFORE, BE IT RESOLVED BY THE PENDER COUNTY BOARD OF COMMISSIONERS:

Pender County agrees to the attached Interlocal Agreement with New Hanover County for the Scotts Hill Medical Center. See attached Site Plan for the Scotts Hill Medical Center.

The Chairman/County Manager is authorized to execute any document necessary to implement this resolution.

_____ _____

Fred McCoy, Chairman Date

ATTEST:

_____ _____

Tera Cline, Clerk to the Board Date

STATE OF NORTH CAROLINA

AGREEMENT

COUNTY OF NEW HANOVER

THIS AGREEMENT, made and entered this _____ day of _____, 2022 by and between PENDER COUNTY, North Carolina, a political subdivision of the State of North Carolina, hereinafter referred to as "Pender"; and NEW HANOVER COUNTY, a political subdivision organized under the laws of the State of North Carolina, hereinafter referred to as "New Hanover."

W I T N E S S E T H

WHEREAS, the Novant Health New Hanover Regional (NHNHR) parcel located at 9144 Market St. and 10014 US HWY 17 crosses the common boundary of Pender County and New Hanover County; and

WHEREAS, the community and economic development benefits generated by NHNHR are mutually beneficial to both counties.

NOW THEREFORE, for and in consideration of the mutual promises and other good and valuable consideration set forth herein, Pender and New Hanover hereby agree, effective the 1st day of October, 2022 as follows as regards Parcel 3270-28-5867-0000 situated in Pender County

1. Pender requests and authorizes New Hanover to perform all necessary zoning within Pender utilizing the Pender County Unified Development Ordinance (UDO). New Hanover shall collect and retain any and all resulting zoning authorizations, permits or inspection fees. This authorization shall be deemed to have an effective date of October 1, 2022. Originals of development reviews, authorizations, plans, inspection reports and certifications shall be made available to and retained by Pender. Pender shall provide to New Hanover any requested documents relating to the UDO, including templates forms and other documents. Should there be any quasi-judicial determinations necessary for the property within Pender County, those shall be handled by the Pender Board with jurisdiction for such determinations.

2. Pursuant to N.C. State Building Code: Administrative Code and Policies, Section 204 City and County Government, and Section 204.2.2 Jurisdiction, and N.C. General Statute 160D-1107, Mutual Aid Contracts, as recodified from time to time, and as otherwise allowed by law, Pender requests, authorizes, and covenants with New Hanover for New Hanover to perform code enforcement over the above specifically referenced parcel, within Pender County, for all necessary plan reviews, building permit issuances, building inspections, and certification of occupancy issuance. In return for providing such contracted services, New Hanover shall collect and/or retain any and all resulting permit issuance and inspection fees. If this Agreement is terminated, then code enforcement within

Pender County shall be handled by Pender and code enforcement within New Hanover County shall be handled by New Hanover.

3. Pender requests and authorizes New Hanover to provide professional development review services for any development permitted by-right by the Pender County UDO within Pender County to ensure that all standards of the UDO are met, including general development standards such as, but not limited to, parking, landscaping, zoning district compliance, and site plan approval process.

4. New Hanover shall provide all plan reviews, permitting and inspections for Fire Code within Pender County through the time of certificate of occupancy issuance, and collect and retain any fees for such services. Inspections subsequent to certificate of occupancy shall be conducted by the respective fire marshal of each County as required by law or regulation.

5. Pender will delegate Sedimentation and Erosion Control and Stormwater within Pender County to New Hanover County for review and permitting, as long as approvals are consistent with state and Pender rules for the Pender County portion of the site. To the extent practicable, Pender shall provide coordination with its staff in regards to Stormwater requirements.

6. Either party may terminate this Agreement by giving one hundred twenty (120) days written notice to the other before the effective date of termination; provided, however, that if an application for a development approval, permit or determination is pending, no termination of this Agreement shall occur until after the initial development of the property is complete and a certificate of occupancy is issued. Termination of this Agreement will not affect the validity of any approvals, permits or determinations issued prior to the date of the termination pursuant to this Agreement.

7. Should any provision of this Agreement be determined to be void, invalid unenforceable or unlawful for whatever reason, such provision(s) shall be null and void, provided, however that the remaining provisions of this Agreement shall be unaffected thereby and shall continue to be valid and enforceable.

IN WITNESS WHEREOF, the parties hereto, have caused the execution of this Agreement under seal and by authority duly given the day and year below written.

SIGNED this _____ day of _____, 2022.

PENDER COUNTY

(SEAL)

_____
Pender County Manager

ATTEST:

_____

Clerk to the Board

STATE OF NORTH CAROLINA

COUNTY OF _____

I, _____, a Notary Public of the State and County aforesaid, certify that _____ personally came before me this day and acknowledged that (s)he is Clerk to the Board of Commissioners of Pender County, and that by authority duly given and as the act of the Board of Commissioners, the foregoing instrument was signed in its name by its County Manager, sealed with its corporate seal and attested by herself as its Clerk.

Witness my hand and official seal, this the ___ day of _____, 2022.

_____
Notary Public

My Commission Expires: _____

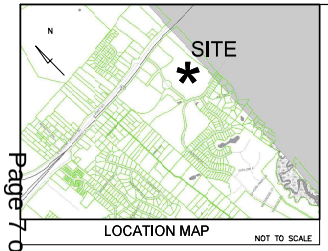
This instrument has been pre-
audited in the manner required
by the Local Government Budget
and Fiscal Control Act.

_____
Pender County Finance

Approved as to form:

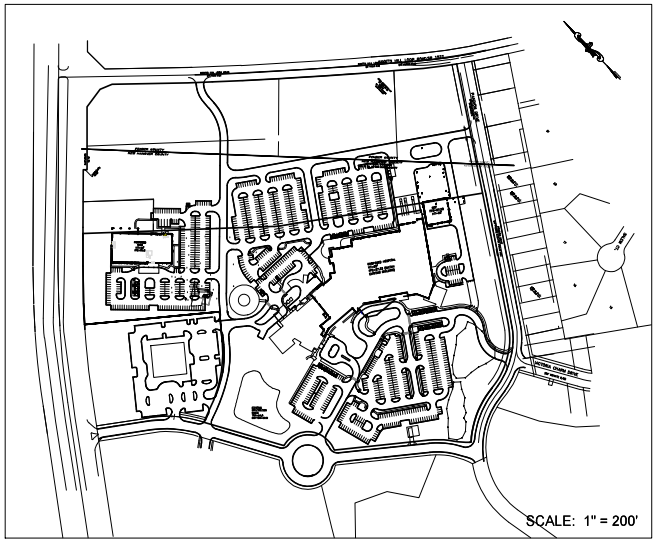
_____
Pender County Attorney

[REST OF PAGE INTENTIONALLY BLANK.
NEW HANOVER COUNTY DIGITAL SIGNATURE PAGE ATTACHED HERETO
AND INCORPORATED HEREIN BY REFERENCE.]



SCOTTS HILL MEDICAL CENTER

151 SCOTTS HILL MEDICAL PARK DR.
WILMINGTON, N. C.
CIVIL/SITE DESIGN NHC TRC DOCUMENTS
SEPTEMBER 15, 2022



INDEX OF SHEETS

C0:	COVER SHEET
I-1:	SITE INVENTORY PLAN
PRE1:	PRE-DEVELOPMENT DRAINAGE AREAS
S-1:	EXISTING SOILS INFORMATION
C1:	OVERALL PLAN
C1.1:	TREE REMOVAL PLAN
C2.0:	GRADING, DRAINAGE, AND EROSION CONTROL PLAN
C2.1:	GRADING, DRAINAGE, AND EROSION CONTROL PLAN
C2.2:	GRADING, DRAINAGE, AND EROSION CONTROL PLAN
C2.3:	GRADING, DRAINAGE, AND EROSION CONTROL PLAN
C2.4:	GRADING, DRAINAGE, AND EROSION CONTROL PLAN
C2.5:	GRADING, DRAINAGE, AND EROSION CONTROL PLAN
C3.0:	UTILITY PLAN
C3.1:	UTILITY PLAN
C3.2:	UTILITY PLAN
C3.3:	UTILITY PLAN
C3.4:	UTILITY PLAN
C3.5:	UTILITY PLAN
C4.0:	LAYOUT PLAN
C4.1:	LAYOUT PLAN
C4.2:	LAYOUT PLAN
C4.3:	LAYOUT PLAN
C4.4:	LAYOUT PLAN
C4.5:	LAYOUT PLAN
C5.0:	NOTES AND DETAILS
C5.1:	NOTES AND DETAILS
C5.2:	NOTES AND DETAILS
C5.3:	NOTES AND DETAILS

SURVEYOR:

MICHAEL UNDERWOOD PLS & ASSOC.
102 CINEMA DR SUITE C
WILMINGTON, NC 28403
(910) 815-0650

OWNER/DEVELOPER:

KENNETH R. WILLIAMSON, PROJECT MANAGER
BRIAN TURNER, DIRECTOR FACILITIES CONSTRUCTION SERVICES
NOVANT NEW HANOVER REGIONAL MEDICAL CENTER
P.O. BOX 9000
WILMINGTON, NC 28402
(910) 622-1080 (BRIAN)
(910) 622-3769 (KENNETH)
brian.turner@novanthealth.org
kenneth.williamson@novanthealth.org

ENGINEERS:

NORRIS & TUNSTALL
CONSULTING ENGINEERS P.C.

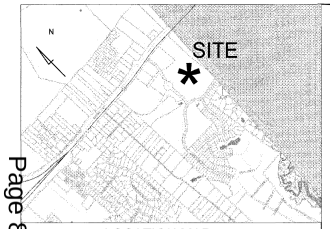
2602 IRON GATE DR., SUITE 102
WILMINGTON, NC 28412
PHONE (910) 343 9653

1429 ASH-LITTLE RIVER RD NW
ASH, NC 28420
PHONE (910) 287 5900

Licenses #C-3641

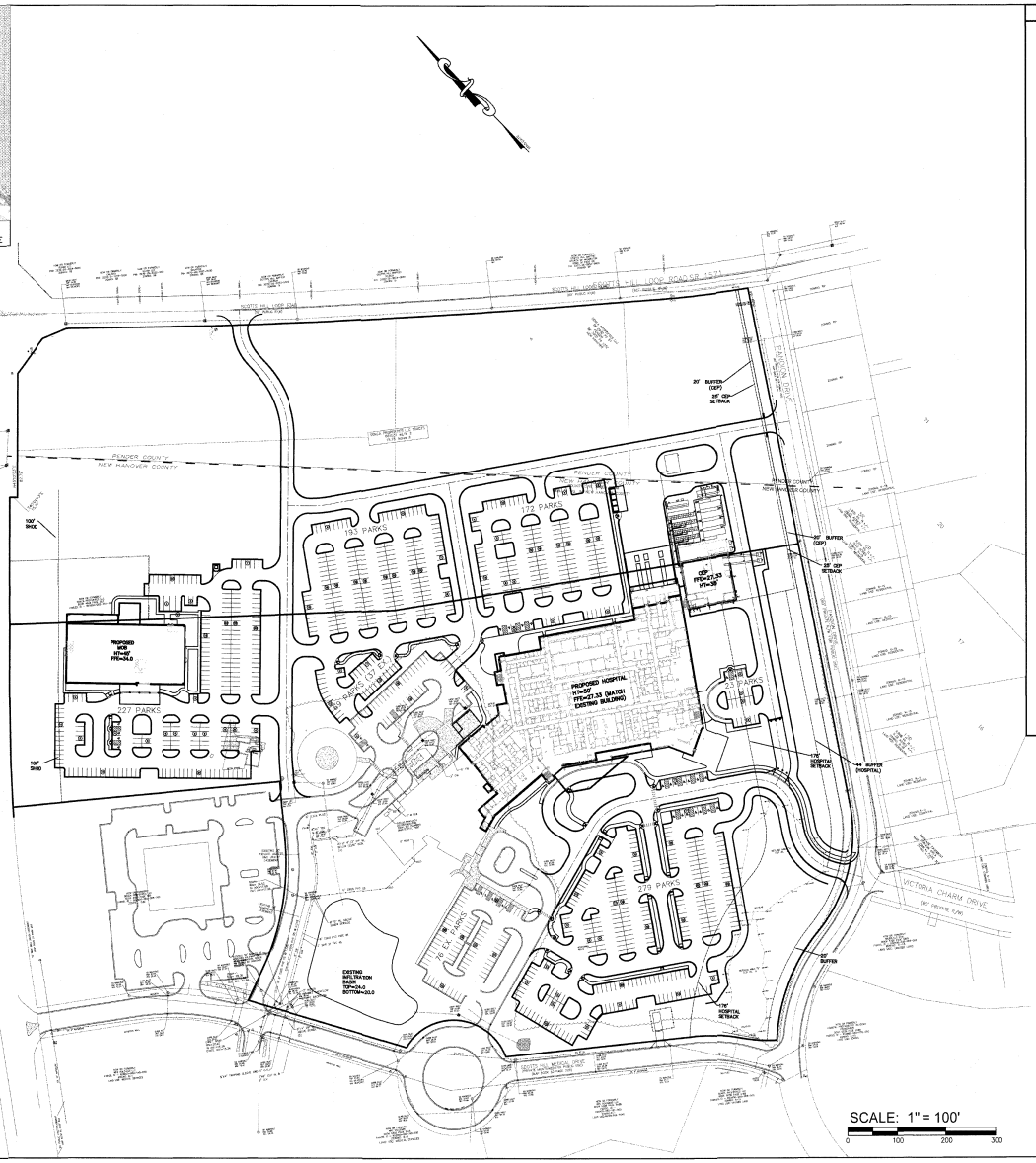
21192

C0



LOCATION MAP

NOT TO SCALE



SITE DATA TABLE

PARCEL ID#:	R02900-002-067-000 R02900-002-078-000
PARCEL PIN#:	327005.28.1187.000 327005.28.2729.000
SITE ADDRESS:	151 SCOTTS HILL MEDICAL PARK DR.
PARCEL OWNER:	NOVANT/NHRMC
PARCEL AREA: (24.94 AC.+ 19.78 AC.)=	44.76 AC
PROPOSED PARCEL USE:	HOSPITAL & MOB
CURRENT ZONING:	O&I
CAMA LAND CLASSIFICATION:	TRANSITION
FUTURE LAND USE:	COMMUNITY MIXED USE
SOIL TYPE:	Kr/Wo/Lc/Ke/Mu

BUILDING SETBACKS & HEIGHT O&I:

FRONT SETBACK:	25'
INTERIOR SIDE SETBACK:	25' ABUTTING RESIDENTIAL*
REAR SETBACKS:	30' ABUTTING RESIDENTIAL*
ALLOWABLE BUILDING HEIGHT (HOSPITAL)=	125'* *SEE UDO 3.1.3.C(2)

BUILDING SETBACKS PROPOSED:

HOSPITAL:	FRONT: 475'± SCOTTS HILL MEDICAL CENTER DR. SIDE: 250' EAST, 1035' WEST REAR: 360' FROM NHC LINE
MOB:	FRONT: 875'± SCOTTS HILL MEDICAL CENTER DR. SIDE: 1250' EAST, 115' WEST REAR: 320' FROM NHC LINE
CEP:	FRONT: 860± SCOTTS HILL MEDICAL CENTER DR. SIDE:145' EAST, 1,360' WEST REAR:140' FROM NHC LINE

BUILDING INFORMATION:

TOTAL # OF NEW BUILDINGS=	2
TOTAL SF OF BUILDINGS=	HOSPITAL=200,000 SF; MOB=60,000 SF CEP= 11,000 SF (ROOF AREA)
TOTAL # OF UNITS=	HOSPITAL=66 BEDS; MOB ALL EXAM ROOMS
BLDG HEIGHT=	HOSPITAL=50', MOB=45', CEP=35'

IMPERVIOUS AREAS

EXSTING IMPERVIOUS AREA:

BUILDINGS=	30,432 SF
ASPHALT, CONCRETE, CURB & GUTTER=	102,386 SF
SIDEWALK=	7,342 SF
TOTAL IMPERVIOUS=	140,160 SF

PROPOSED IMPERVIOUS AREA:

HOSPITAL=	142,400 SF (ROOF AREA)
MOB BUILDING=	35,100 SF (ROOF AREA)
CEP=	11,000 SF (ROOF AREA)
ASPHALT, CONCRETE, CURB & GUTTER=	507,620 SF
SIDEWALK=	36,540 SF
TOTAL IMPERVIOUS AREA=	732,570 SF
% IMPERVIOUS LOT COVERAGE=	37.6%

REQUIRED PARKING: HOSPITAL

HOSPITAL= 3.5 SPACES PER 1,000 SF	
MOB= 2.5 SPACES PER 1,000 SF	
HOSPITAL TOTAL PARKING REQUIRED:	700 SPACES
MOB TOTAL PARKING REQUIRED:	150 SPACES
EXSTING ED PARKING:	113 SPACES (9 HC)
TOTAL NEW PARKING PROVIDED:	926
NEW REGULAR SPACES:	901
NEW HC SPACES:	25
TOTAL SPACES:	1039

LANDSCAPING: REFERENCE LANDSCAPE PLANS

STREETYARD: FACTOR 25' (37.5' MAX – 12.5' MIN.)

PRIMARY: SCOTTS HILL MEDICAL PARK DR.	
1,075'X 25=26,875 SF REQUIRED	26,875 SF PROVIDED
PANDION DR:	
950' X 12.5=11,875 SF REQUIRED	11,875 SF PROVIDED

TRASH REMOVAL: DUMPSTER

WTER AND SEWER CAPACITY NEEDS:

HOSPITAL: 66 BEDS x 300 GPD/BED =	19,800 GPD
MOB: 41 DOCTORS x 250 GPD/DOCTOR =	10,250 GPD
TOTAL =	30,050 GPD

AREA OF DISTURBED LIMITS = 27.98 ACRES

LEGEND

	PROPERTY LINE
	DISTURBED AREA LIMITS
35	PROPOSED CONTOUR
	TEMPORARY SILT FENCE
	PROPOSED STORMDRAIN PIPE
SW	PROPOSED WATERLINE
SS	PROPOSED SANITARY SEWER
42.38	PROPOSED SPOT ELEVATION FLOW LINE
41.85	PROPOSED SPOT ELEVATION TOP OF CURB
41.85	PROPOSED SPOT ELEVATION FINISH GRADE
	FLARED END SECTION WITH RIP-RAP ENERGY DISSIPATOR
DI	DROP INLET WITH INLET PROTECTION (DI)
CI	CURB INLET WITH INLET PROTECTION (CI)
JB	JUNCTION BOX WITH INLET PROTECTION (JB)
	PROPOSED FIRE HYDRANT
42	EXISTING CONTOUR
13"PINE	EXISTING TREE TO BE SAVED
13"PINE	EXISTING TREE TO BE REMOVED
	TREE PROTECTION FENCING
	ASPHALT
	CONCRETE
	INTERIOR/FOUNDATION LANDSCAPING

OVERALL PLAN
SCOTTS HILL MEDICAL CENTER
151 SCOTTS HILL MEDICAL PARK DR.
WILLMINGTON, N. C.

OWNER/DEVELOPER
NOVANT HEALTH, INC. PROJECT MANAGER
BRIAN TURNER, DIRECTOR FACILITIES CONSTRUCTION SERVICES
NEW HANOVER REGIONAL MEDICAL CENTER
P.O. BOX 9000
WILMINGTON, NC 28402
(910) 622-1080 (BRIAN)
(910) 622-3789 (KENNETH)
brian.turner@novanthealth.org
kenneth.williamson@novanthealth.org

NORRIS & TUNSTALL
CONSULTING ENGINEERS P.C.
3202 HIGH GATE DR., SUITE 102
WILMINGTON, N.C. 28412
PHONE: (910) 343-9653
1429 ASH LITTLE RIVER RD. NW
SOUTHPORT, N.C. 28461
PHONE: (910) 287-5900
Licensee #C-3641

21192

DES.	JST
CKD.	JPN
DRWN.	RPH
DATE	9/15/22

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 19404 JAMES P. NORRIS, JR. KENNETH S. TUNSTALL

C1

SYMBOL	DATE	DESCRIPTION	BY
REVISIONS			

© 2020 NORRIS & TUNSTALL

Pender County
Request for Board Action

TO:	Board of County Commissioners
FROM:	Allen Vann
DATE:	December 5, 2022
SUBJECT:	Consideration of a Contract to Replace the Cooling Tower and Public Restroom HVAC unit at the Pender County Courthouse

SUMMARY:
Pender County received a State Construction and Infrastructure Fund (SCIF) Grant from the General Assembly in the amount of $250,000.00 for courthouse renovations and repairs. This was previously accepted, and the Budget Ordinance Amendment (BOA) approved by the BOCC to establish the project code for this work.

A major project that this funding is being utilized for is to replace the Cooling Tower and HVAC public restroom unit.

The first phase of this project included publishing a Request for Qualifications (RFQ) for engineering services. The firm selected was Cheatham & Associates. They created the technical specifications and plans to be utilized for the bidding process of soliciting contractors to complete the scope of work.

A formal Invitation to Bid (ITB) was issued/advertised, and bids were accepted on Tuesday, November 22, 2022. However, much to our surprise, we only received one bid. We had no reason to think this would be the case since we had a good attendance for the pre-bid meeting as well as extensive advertising efforts (normal protocol plus direct email invitations to 25 preferred contractors from our engineering firm.) Since we only received one bid, we were unable to open – as our procurement policy requires a minimum of two bids in the formal range. Therefore, we didn't have bids to attach to this agenda item for the Board's consideration.

As a result, we immediately re-advertised for bids to be accepted a second time for Monday, December 5, 2022, 11:00am.

Since this is a grant funded project in which the grant expires on June 30, 2023 and in considering supply chain issues, we feel that it is important to give the BOCC a chance

to review and accept the bids in the December 5 meeting. Our engineering firm has determined that there is a 6-month lead time for this equipment. If we wait until a January BOCC meeting for approval, the lead time for the equipment may extend beyond the June 30th grant funding deadline.

We believe there is a possibility of getting an extension for the grant in considering the supply chain challenges but are awaiting a determination from the state.

In considering this information, we respectfully ask the Board to allow the bids to be reviewed and awarded in the December 5 BOCC meeting. Once the bids are received at 11:00am on December 5, we will immediately email the Board with results for consideration.

However, we also respect and understand the Board's decision if we are asked to wait until a January BOCC meeting for approval.

ACTION REQUESTED:
Approval of lowest responsible bidder as the contractor to perform the scope of this work as well as the subsequent Purchase Order to project code 60-407400-6503.

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Pender County
Process for selection of Consultant to assist with Healthcare Provider Negotiations

TO:	Board of County Commissioners
FROM:	David Andrews
DATE:	December 5, 2022
SUBJECT:	Process for selection of Consultant to assist with Healthcare Provider Negotiations

SUMMARY:
Pender County issued a Request for Statements of Qualifications related to professional consulting services to assist with the evaluation of its options regarding healthcare providers and negotiations of any legal agreements. Four responses were received by the closing date of November 18, 2022.

The purpose of this agenda item is for the Board of County Commissioners to determine a structure for the evaluation of the four responses. The staff has identified the following options for Board consideration:

Option A: Staff committee evaluates the proposals and makes a recommendation to the Board

Option B: The Board of County Commissioners evaluates the proposals and selects the consultant(s)

Option C: A committee composed of a combination of staff and Commission Members evaluates the proposals and makes a recommendation to the Board

ACTION REQUESTED:
Approval of one of three options

Pender County
REZONE 2022-38: Zoning Map Amendment of one Tract in the Rocky Point Township from RA, Rural Agricultural, and GI, General Industrial, to GB, General Business, and GI, General Industrial.

TO:	Board of County Commissioners
FROM:	Justin Brantley
DATE:	December 5, 2022
SUBJECT:	REZONE 2022-38: Zoning Map Amendment of one Tract in the Rocky Point Township from RA, Rural Agricultural, and GI, General Industrial, to GB, General Business, and GI, General Industrial.

SUMMARY:
Ryan Krall, applicant on behalf of Rocky Point Interchange, LLC, owner, is requesting approval of a Zoning Map Amendment to rezone one tract totaling approximately 70.66 acres of land from RA, Rural Agricultural and GI, General Industrial zoning districts to the GI, General Industrial and GB, General Business zoning districts. More specifically, the applicant is requesting to rezone approximately 11 acres of from the RA, Rural Agricultural zoning district to the GB, General Business zoning district and requesting approximately 13 acres be rezoned from the RA, Rural Agricultural zoning district to the GI, General Industrial zoning district. Approximately 46 acres would remain in the GI, General Industrial zoning district. The subject property is located in the Rocky Point Township between US Highway 117 and Interstate 40, approximately 1000 feet south of NC Highway 210

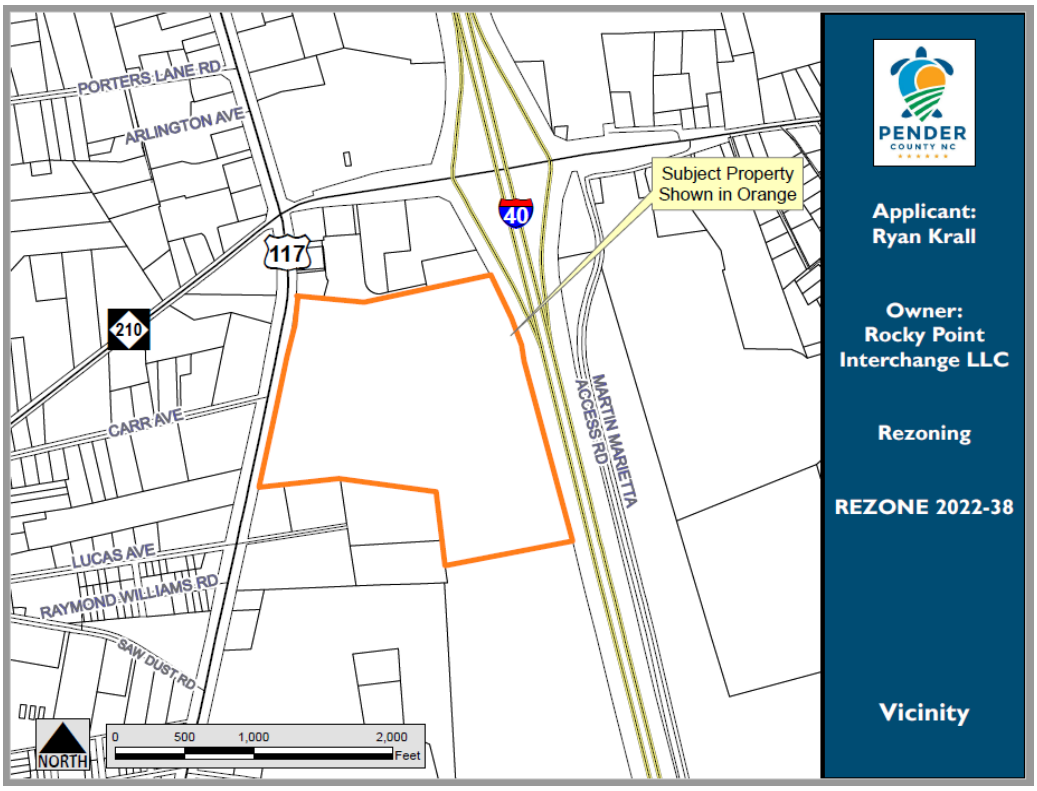
ACTION REQUESTED:
To hold a public hearing and consider the Zoning Map Amendment request.

ATTACHMENTS:
1. Staff Report
2. Application
3. Letter of Agency
4. Narrative
5. Site Map
6. UDO - Table of Permitted Uses
7. Board Action Form

STAFF REPORT FOR REZONE 2022-38
ZONING MAP AMENDMENT APPLICATION

APPLICATION SUMMARY	
Case Number	REZONE 2022-38
Hearing Dates	November 1, 2022, Planning Board December 5, 2022, Board of Commissioners
Applicant	Ryan Krall
Property Owner(s)	Rocky Point Interchange, LLC
Parcel Identification Number	3235-91-0904-0000
Acreage	70.66
Township	Rocky Point
Pender 2.0 Future Land Use Category	Regional Mixed Use

REZONING PROPOSAL
Ryan Krall, applicant on behalf of Rocky Point Interchange, LLC, owner, is requesting approval of a Zoning Map Amendment to rezone one tract totaling approximately 70.66 acres of land from RA, Rural Agricultural and GI, General Industrial zoning districts to the GI, General Industrial and GB, General Business zoning districts. More specifically, the applicant is requesting to rezone approximately 11 acres of from the RA, Rural Agricultural zoning district to the GB, General Business zoning district and requesting approximately 13 acres be rezoned from the RA, Rural Agricultural zoning district to the GI, General Industrial zoning district. Approximately 46 acres would remain in the GI, General Industrial zoning district.
LOCATION
The subject property is located in the Rocky Point Township between US Highway 117 and Interstate 40, approximately 1000 feet south of NC Highway 210.



REZONING PROPOSAL

The applicant is proposing to rezone one tract of land totaling approximately 70.66 acres from the RA, Rural Agricultural and GI, General Industrial zoning districts to the GB, General Business and GI, General Industrial zoning districts. "Exhibit B" within the staff report is a detailed description of the desired rezoning per the applicant. The intent of GB, General Business 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. 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.

Because this is a general use rezoning, a conceptual plan is not included within the application. If approved, the site could be developed based upon all uses that are permitted by right or by Special Use Permit in the GB, General Business and GI, General Industrial zoning districts. However, any future development of the site must comply with the standards of the GB, General Business and GI, General Industrial zoning districts and the Unified Development Ordinance, and is subject to review and approval by the Technical Review Committee (TRC) to ensure compliance with all other applicable local, State, and Federal regulations.

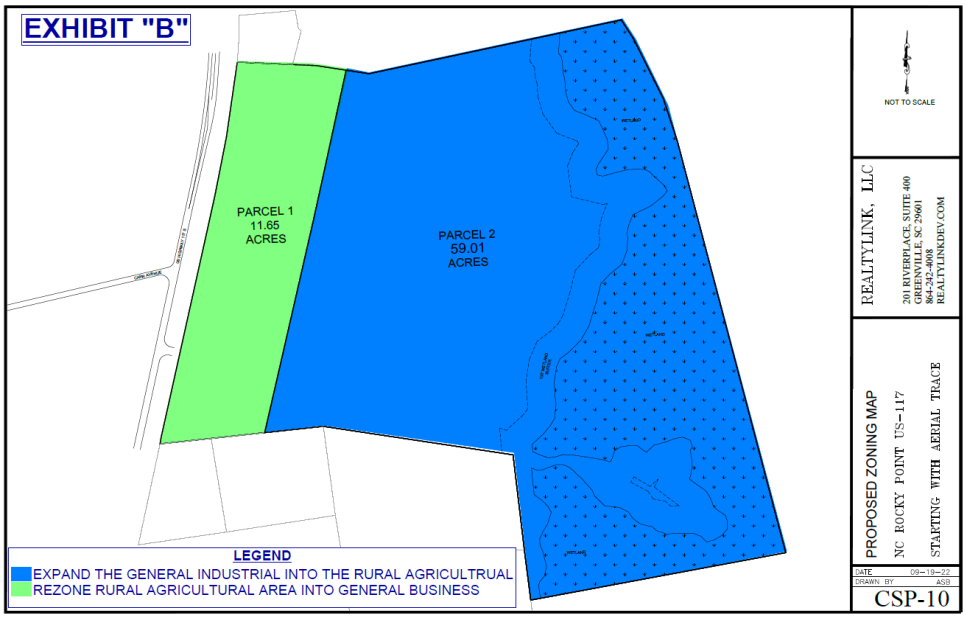
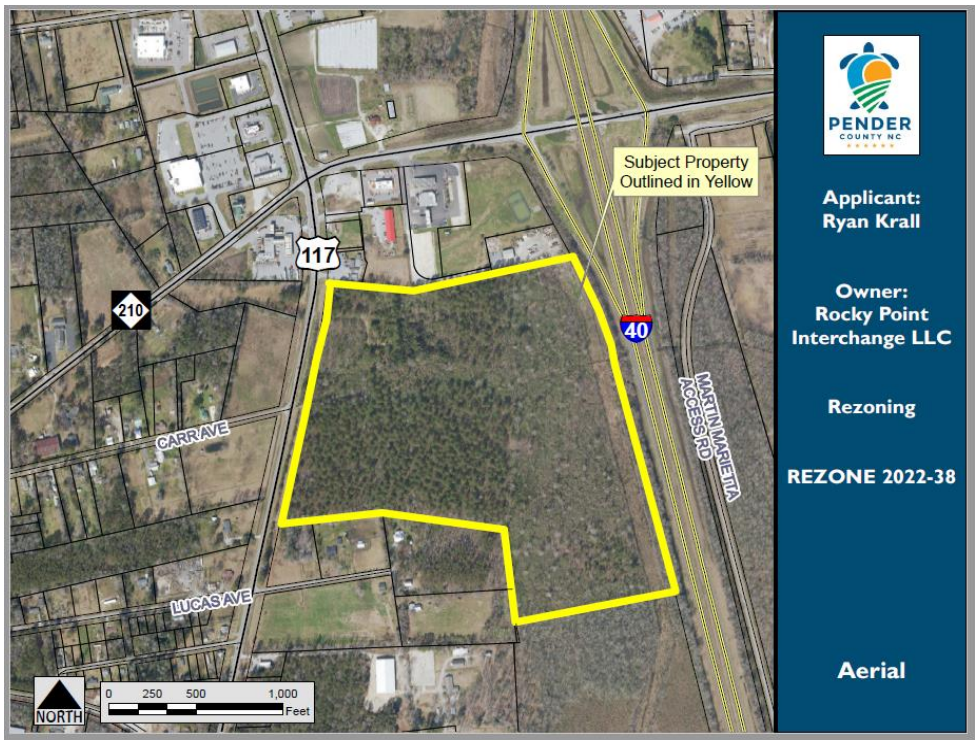


EXHIBIT "B"
PARCEL 1
11.65
ACRES
PARCEL 2
59.01
ACRES
LEGEND
EXPAND THE GENERAL INDUSTRIAL INTO THE RURAL AGRICULTRUAL
REZONE RURAL AGRICULTURAL AREA INTO GENERAL BUSINESS
NOT TO SCALE
REALTYLINK, LLC
201 RIVERPLACE, SUITE 400
GREENVILLE, SC 29601
864-242-8008
REALTYLINKDEV.COM
PROPOSED ZONING MAP
NC ROCKY POINT US-117
STARTING WITH AERIAL TRACE
DATE 09-19-22
DRAWN BY ASB
CSP-10


Subject Property
Outlined in Yellow
117
210
40
CARR AVE
LUCAS AVE
MARTIN MARIETTA
ACCESS RD
NORTH
0 250 500 1,000
Feet
PENDER
COUNTY NC
Applicant:
Ryan Krall
Owner:
Rocky Point
Interchange LLC
Rezoning
REZONE 2022-38
Aerial

Dimensional Requirements
As this is a general use rezoning, the standard setbacks in the GB, General Business and GI, General Industrial zoning district would apply and are outlined in the table below. The dimensional standards are proposed to apply uniformly to all buildings and uses on the subject properties.

Minimum Setback (General Business)	
Front	25'
Side	10'
Rear	10'
Corner	12'
Max. Height	40'
Structure Separation	20'

Minimum Setback (General Industrial)	
Front	50'
Side	25'
Rear	25'
Corner	25'
Max. Height	50'
Structure Separation	NC Building Code

The minimum lot size in the GB, General Business district is 15,000 square feet, and the minimum lot size for the GI, General Industrial district is one (1) acre. The subject property is compliant with both zoning district standards.

Allowable Uses
Because this is a general use rezoning, the site could be developed based upon all uses that are permitted by right or by Special Use Permit in the GB, General Business and GI, General Industrial zoning districts. The table below provides a general list of typical developments permitted in the GB, General Business and GI, General Industrial zoning district. A comprehensive list of all uses from Section 5.2.3 of the UDO is included in Attachment 1.

	GB, General Business
Residential Uses	≈ 1 uses by-right (Upper Story Residential, Agritourism) ≈ 1 use w/ SUP (Cottage Occupation)
Commercial Uses	≈ 83 uses by-right (Construction of buildings, Artisan Manufacturing, Motor Vehicle and Parts Dealers, Non Store Retailers, Real Estate and Rental and Leasing, ect.) ≈ 15 uses w/ SUP (Truss Manufacturing, RV Parks and Recreational Camps, Storage of Boats and Watercraft, ect)

	GI, General Industrial
Residential Uses	≈ 1 uses by-right (Accessory Dwelling Unit on Non-Residential Principal Uses, Agritourism)
Commercial Uses	≈ 87 uses by-right (Other Electric Power Generation, Specialty Trade Contractors, Food Manufacturing, Machinery Manufacturing, ect.) ≈ 19 uses w/ SUP (Nonmetallic Mineral Mining & Quarrying, Industrial Park, Telecommunication Facilities, ect.)

TRANSPORTATION INFRASTRUCTURE

Access

The subject property has direct access to US HWY 117 which is identified as a NCDOT maintained road and a Major Arterial Road based on the WMPO Functional Classification Map.

Traffic

Traffic Impact Analyses (TIA) are not required for general use rezoning since a site-specific development plan is not required to be included in the application package. The UDO requires a Traffic Impact Analysis (TIA) to be completed when a development generates 100 trips in the morning or evening peak hours or over 1,000 trips per day. If approved and developed in the future, estimated trip generation data will be required during the review of any site-specific development plan to determine if a TIA is required.

NCDOT Average Annual Daily Traffic (AADT)2020[1]

WMPO Roadway Capacities – 2020[2]

Road	Location	Volume	Capacity	V/C
US HWY 117	North of US 117 and Carr Ave Intersection[2]	7000	20943	.33

OTHER INFRASTRUCTURE

Utilities

Public water and sewer are available through Pender County Utilities (PCU). The method of water and sewer service will be determined when a site-specific development plan is submitted for review.

Schools

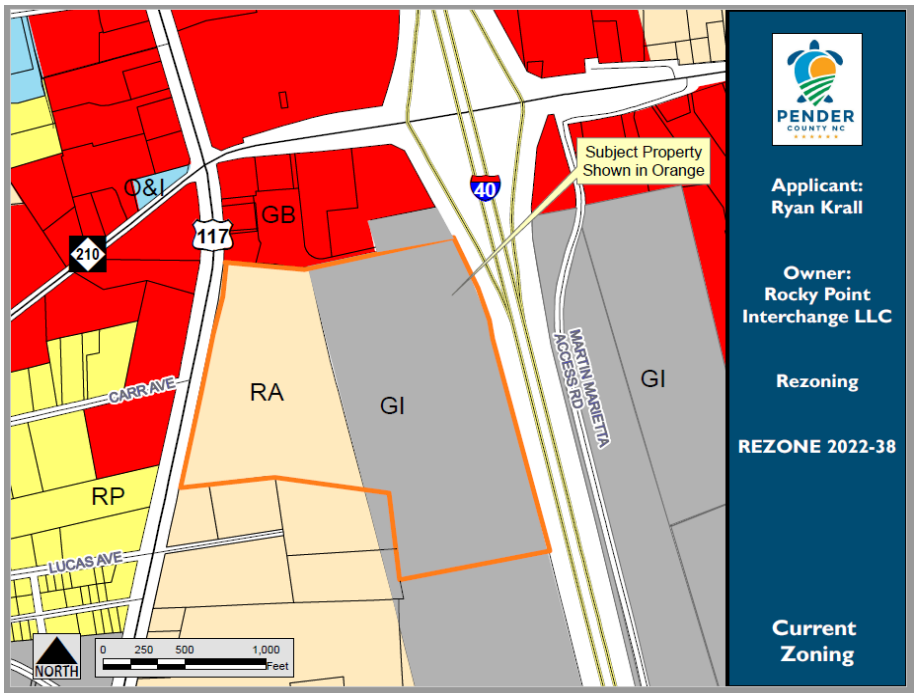
There is no development proposal associated with this general use rezoning, so no specific impacts to the school system are known at this time.

ENVIRONMENTAL CONCERNS	
Special Flood Hazard Areas	The subject property does not contain any Special Flood Hazard Areas[1].
Wetlands	Portions of the subject property may contain wetlands[2, 3]. The location of any wetlands will be verified when a site-specific development plan is submitted for review. Any disturbance within these wetlands are subject to review and approval by the U.S. Army Corps of Engineers.
Areas of Environmental Concern	The subject property does not contain any Areas of Environmental Concern (AEC)[4].

[1] According to the effective regulatory and preliminary Flood Insurance Rate Maps NC Flood Risk Information System (NC FRIS)
[2] According to the NC Division of Coastal Management (NC DCM)
[3] According to the National Wetlands Inventory (NWI)
[4] According to the North Carolina Department of Environmental Quality (NCDEQ)

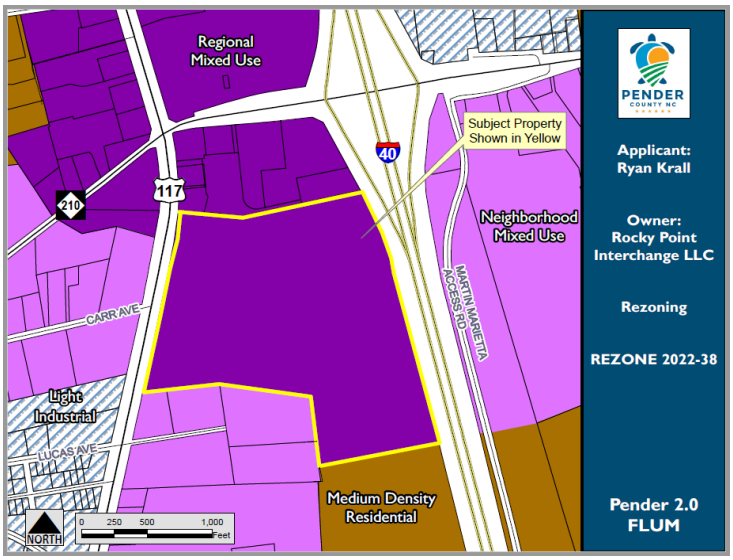
EVALUATION

Below: Zoning Map of the Area



CHARACTERISTICS OF THE SURROUNDING AREA		
	LAND USE	**ZONING**
North	Commercial	GB, General Business GI, General Industrial
East	Vacant	GI, General Industrial
South	Residential, Vacant	RA, Rural Agricultural GI, General Industrial
West	Residential, Vacant	GB, General Business RP, Residential Performance RA, Rural Agricultural

Surrounding Zoning
The subject property is currently within the RA, Rural Agricultural and GI, General Industrial zoning districts. Properties immediately adjacent to the subject properties are currently zoned RP, Residential Performance, RA, Rural Agricultural, GI, General Industrial, and GB, General Business as indicated by the table above.



Pender 2.0 Comprehensive Land Use Plan Compliance: The subject property is located within the Regional Mixed Use Future Land Use Classification within the Pender 2.0 Comprehensive Land Use Plan and as shown in the Future Land Use Map to the right. The Regional Mixed Use future land use category will allow for the strategic allocation of future development and population growth, while limiting land use conflicts within existing neighborhoods. Growth is focused in locations that are served by water/sewer infrastructure and are located along planned major collector roadways and existing primary roadway corridors in the southern portion of the County (I-40, US 17, US 117, US 421, and NC-210). This future land use category provides access to retail, office, and multi-family residential uses. These land uses are

primarily accessed by the automobile, but facilities should be included to increase the viability of access via walking or cycling. Within the Regional Mixed Use future land use category, the preferred land use mix is primarily commercial/retail and office with multi-family residential uses. Large employment centers and retail spaces are encouraged. The preferred land use mix is primarily commercial/retail and office with multi-family residential uses. Large employment centers and retail spaces are encouraged. More intense commercial and offices uses requiring larger lots sizes, parking area, and stormwater infrastructure are permitted in this land use category. Artisan manufacturing is encouraged in this category.

The proposed zoning districts, General Business and General Industrial, are consistent with the Regional Mixed Use future land use classification due to the General Business districts intention 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. Additionally, the General Industrial 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.

The expansion of the GI, General Industrial, zoning district associated with the request is partly a result of a significant portion of wetlands being located in the existing General Industrial area which has limited the utilization of this designation. However, the establishment of 11.65 acres of the GB, General Business, zoning district along US Hwy 117 will act as a buffer between the US Hwy 117 and the expanded GI, General Industrial zoning district in the rear of the property. This GB, General Business zoning district, buffer will allow the property to blend in with the surrounding commercial land uses along this section of US Hwy 117.

In addition to consistency with the Future Land Use Map, the proposal was found to be consistent with the following four policies within the Pender 2.0 Comprehensive Land Use Plan:

> **Policy 5.1.D: Focused Growth and Development:** The County supports a growth pattern that includes low density single-family residential communities, but also allows for the strategic placement of higher density residential, mixed uses, and commercial development to accommodate and support future population growth, where necessary infrastructure exists or is planned.
>
> **Policy 5.1.E: Compatible Development:** The County supports new commercial and multi-family developments that blend with surrounding neighborhoods and limit traffic, noise, and light impacts on existing residential uses.
>
> **Policy 5.1.K: Commercial Development:** The County supports a wide range of commercial development, particularly those businesses that provide needed services to residents and visitors, provided that the impacts on traffic are minimized.

Policy 5.1.N Industrial Uses and Business Development: The County supports the recruitment and siting of compatible industrial, heavy commercial, and large-scale employment establishments in areas that are consistent with County's future land use map. Compatible heavy commercial and employment center uses are also appropriate within the Regional Mixed Use future land use category.

Unified Development Ordinance Compliance: Section 3.3.5 of the Unified Development Ordinance provides for standards that shall be followed by the Planning Board and Board of County Commissioners before a favorable recommendation of approval for a rezoning can be made. These standards include evaluating proposals against 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. The standards have been outlined in this report for consideration by the Planning Board and Board of County Commissioners.

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.

RECOMMENDATION

Planning Staff is submitting the proposal for Board of County Commissioners consideration. The proposed Zoning Map Amendment is consistent with the Future Land Use Map and four policies within the Pender 2.0 Comprehensive Land Use Plan. Furthermore, the allowable uses within the requested zoning districts are compatible with existing zoning and existing land uses in the surrounding area. Therefore, Planning staff respectfully recommends approval of the Zoning Map Amendment as detailed in this report.

BOARD OF COMMISSIONERS ACTION NEEDED:

TO APPROVE: Motion to approve the Zoning Map Amendment and to make a finding that the approval is consistent with the following policies in the Pender 2.0 Comprehensive Land Use Plan:

- **5.1.D: Focused Growth and Development**
- **5.1.E: Compatible Development**
- **5.1.K: Commercial Development**
- **5.1.N Industrial Uses and Business Development**

The proposed rezoning is consistent with the Regional Mixed Use Future Land Use classification in the Pender 2.0 Comprehensive Land Use Plan.

TO DENY: Motion to deny the Zoning Map Amendment and to make a finding of denial because although the proposal is consistent with the Pender 2.0 Comprehensive Land Use Plan, said denial is reasonable and in the public interest and does not further the goals of the Pender 2.0 Comprehensive Land Use Plan because [INSERT REASONING]…

PLANNING BOARD ACTION FOR GENERAL USE REZONING

MOTION	SECONDED
Teachey	Mosca

APPROVED	DENIED	UNANIMOUS
Yes		Yes

Jordan	Buchanan	Beaudoin	Gruntfest	Mosca	Pitts	Teachey
Yes	Yes	Absent	Yes	Yes	Yes	Yes

APPLICATION FOR REZONING (Zoning Map Amendment)

THIS SECTION FOR OFFICE USE			
Application No.	**ZMA**	**Date**	
Application Fee	**$**	**Invoice**	
Pre-Application Conference		**Hearing Date**	

SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Ryan Krall	**Owner's Name:**	M. Shameer Lookman
Applicant's Address:	201 Riverplace, Suite 400	**Owner's Address:**	6806 Finian Drive
City, State, & Zip	Greenville, SC 29601	**City, State, & Zip**	Willmington, NC 28409
Phone Number:	864-603-1760	**Phone Number:**	
Email Address:	rkrall@realtylinkdev.com	**Email Address:**	shameerlook@gmail.com
Legal relationship of applicant to landowner:			

SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	3235-91-0904-0000	**Total property acreage:**	70.66 acres
Current Zoning District:	Rural Agricultural & General Industrial	**Proposed Zoning District:**	59.01 ACRES - GENERAL INDUSTRIAL 11.65 ACRES - GENERAL BUSINESS
Project Address:	East of intersection Carr Avenue and US Highway 117 - Rocky Point, NC		
Description of Project Location:	Undeveloped land between US Highway 117 and Interstate 40		

SECTION 3: SIGNATURES			
Applicant's Signature		**Date:**	10-24-2022
Applicant's Name Printed	RYAN J. KRALL	**Date:**	10-24-2022
Owner's Signature		**Date:**	10 14 22
Owner's Name Printed	M. S. LOOKMAN	**Date:**	10 14 22

NOTICE TO APPLICANT

1. Applicant must also submit the information described on the Rezoning Checklist.
2. Applicant or agent authorized in writing must attend the public hearing.
3. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Planning Board or other authorized person agrees to table or delay the hearing.
4. All fees are non-refundable
5. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda

LETTER OF AGENCY

RE: PIN: A portion of Parcel ID #3235-91-0904-0000

Property Address: A portion of real property consisting of 70.66 acres and having Parcel ID #3235-91-0904-0000, and being located on Highway 117 South in the City of Rocky Point, County of Pender, State of North Carolina (see EXHIBIT "A" attached hereto)

Property Owner: Rocky Point Interchange, LLC

In connection with the above referenced Property, I hereby give my permission for the business listed below to act as an agent for the purpose of submitting an application for the rezoning of a portion of the Property totaling approximately 41.44 acres (see EXHIBIT "B" attached hereto).

Authorized Agent: RealtyLink, LLC and/or NC Rocky Point US 117, LLC

Agent/Business Address: 201 Riverplace, Suite 400, Greenville, SC 29601

Agent/Business Contact Name: Ryan Krall

Agent/Business Telephone Number: 864-603-1760

Agent/Business Email: rkrall@realtylinkdev.com

Witness

PROPERTY OWNER:

Rocky Point Interchange, LLC

By:
Print Name: M. S. LOOKMAN
Title: OWNER

Date: 9-1- , 2022

Date: October 13, 2022

Pender County Planning Commission & City Council

805 South Walker Street

P.O. Box 1519

Burgaw, NC 28425

Re: Letter of Intent describing the proposed zoning change and development

Parcel PIN: 3235-91-0904-0000

Dear Sir or Madam:

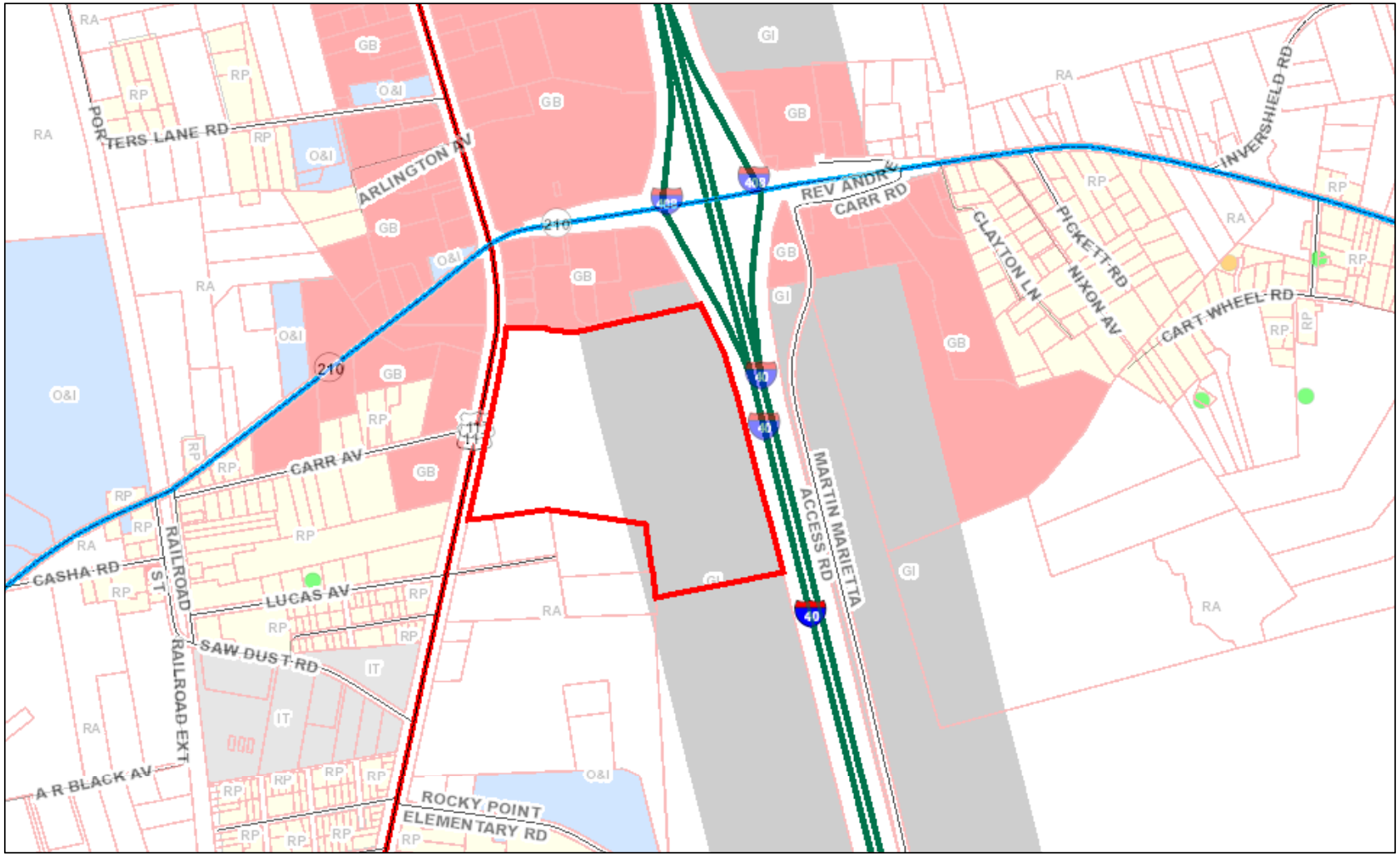
The proposed use of the above referenced property is commercial/retail development in the General Commercial development portion of the property fronting US HWY 117 and the rezoning is, also, intended to expand the GI district as a result of the wetland lands bordering the rear portion of the property as shown in the submitted site map.

Sincerely,

Name: Ryan Krall, P.E.

Title: Development Manager

201 Riverplace, Suite 400 | Greenville, SC 29601 | O: 864.242.4008 | F: 864.232.0160



PIN: 3235-91-0904-0000

Owner: ROCKY POINT INTERCHANGE LLC
6806 FINIAN DRIVE
WILMINGTON, NC 28409

Deed Ref: 2833/335

Property Address:

Description: E/S 117 & B/S I40 & 1630

Sale Price: $975,000
Sale Date: LAST_SALE_DATE
Plat: NOPLAT
Account No: 883261
Township: ROCKY POINT
Subdivision:
Tax Codes: G01 F24 R40 S64

Acres: 70.66
Land Value: $132,075
Building Value: $0
Total value: $132,075
Deferred Value: $0
Exempt Amount: 0
PCL Class: R
Heated Sq Feet:

EXHIBIT "A"

1:12,038

0 0.075 0.15 0.3 mi

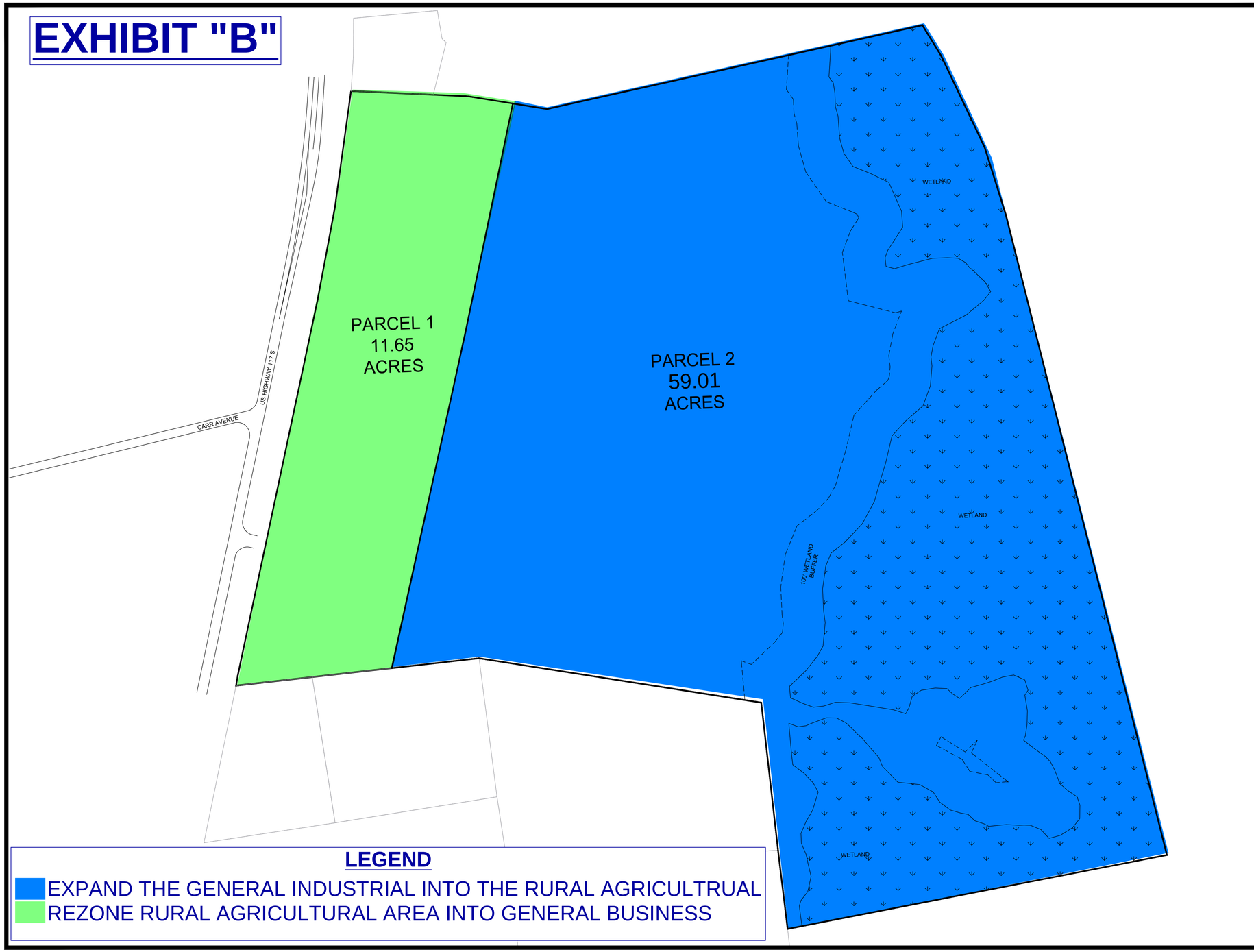
0 0.125 0.25 0.5 km

1 inch = 1,003 feet

12/2/2005

N W E S

EXHIBIT "B"



LEGEND

EXPAND THE GENERAL INDUSTRIAL INTO THE RURAL AGRICULTRUAL

REZONE RURAL AGRICULTURAL AREA INTO GENERAL BUSINESS

NOT TO SCALE

REALTYLINK, LLC

201 RIVERPLACE, SUITE 400
GREENVILLE, SC 29601
864-242-4008
REALTYLINKDEV.COM

PROPOSED ZONING MAP

NC ROCKY POINT US-117

STARTING WITH AERIAL TRACE

DATE	09-19-22
DRAWN BY	ASB

CSP-10

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			S			P	P	
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

REQUEST FOR BOARD ACTION

ITEM NO. REZONE 2022-38

DATE OF MEETING: December 5, 2022

REQUESTED BY: Justin Bratley, Interim Director – Land Use, Planning & Community Development

SHORT TITLE: Resolution Requesting Approval of a Zoning Map Amendment from the RA, Rural Agricultural and GI, General Industrial to the GB, General Business and GI, General Industrial zoning district.

BACKGROUND: Ryan Krall, applicant on behalf of Rocky Point Interchange, LLC, owner, is requesting approval of a Zoning Map Amendment to rezone one tract totaling approximately 70.66 acres of land from RA, Rural Agricultural and GI, General Industrial zoning districts to the GI, General Industrial and GB, General Business zoning districts. More specifically, the applicant is requesting to rezone approximately 11 acres of from the RA, Rural Agricultural zoning district to the GB, General Business zoning district and requesting approximately 13 acres be rezoned from the RA, Rural Agricultural zoning district to the GI, General Industrial zoning district. Approximately 46 acres would remain in the GI, General Industrial zoning district.

SPECIFIC ACTION REQUESTED: To hold a public hearing and consider the approval of a Zoning Map Amendment from the GB, General Business zoning district to the RP, Residential Performance zoning district.

RESOLUTION

NOW, THEREFORE BE IT RESOLVED by the Pender County Board of Commissioners that:

On December 5, 2022, the Pender County Board of Commissioners (approved, modified, denied) a Zoning Map Amendment, as described herein. The Chairman/County Manager is authorized to execute any/all documents necessary to implement this resolution.

AMENDMENTS:

MOVED_____ SECONDED_____

APPROVED_____ DENIED_____UNANIMOUS_____

YEA VOTES: Tate ___ McCoy ___ Groves ___ Newton ___ Fletcher-Hardee___

_____ _____
Fred McKoy, Chairman Date

_____ _____
ATTEST Date
Clerk to Board, Tera Cline

County Seal:

Pender County
REZONE 2022-37: Zoning Map Amendment of Two Tracts in the Long Creek Township from GB, General Business, to RP, Residential Performance.

TO:	Board of County Commissioners
FROM:	Justin Brantley
DATE:	December 5, 2022
SUBJECT:	REZONE 2022-37: Zoning Map Amendment of Two Tracts in the Long Creek Township from GB, General Business, to RP, Residential Performance.

SUMMARY:
Elloyd McIntire, applicant, on behalf of Grand Oaks Development, is requesting the approval of a Zoning Map Amendment to rezone two tracts totaling approximately .97 acres of land from GB, General Business zoning district to the RP, Residential Performance zoning district. The subject property is located south of NC Highway 210, approximately 60 feet southeast of the intersection of Pine Village Drive and NC Highway 210 in the Long Creek Township.

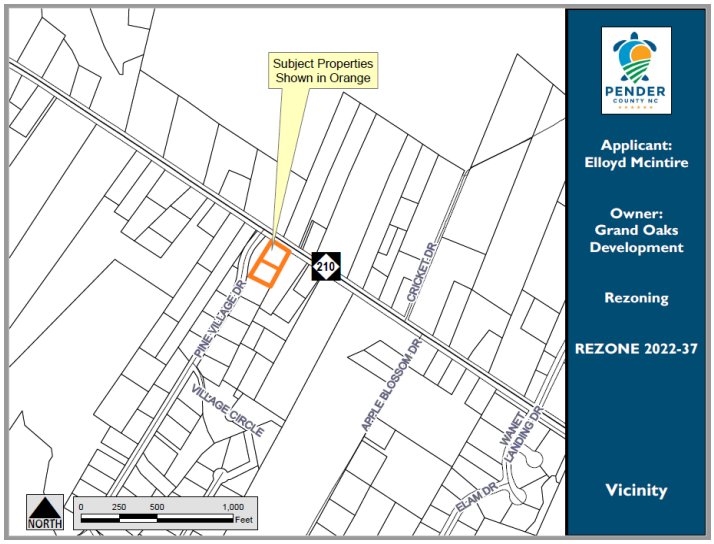
ACTION REQUESTED:
To hold a public hearing and consider the Zoning Map Amendment request

ATTACHMENTS:
1. Staff Report
2. Application
3. Narrative
4. Legal Description
5. Parcel Map
6. UDO - Table of Permitted Uses
7. Board Action Form

STAFF REPORT FOR REZONE 2022-37
ZONING MAP AMENDMENT APPLICATION

APPLICATION SUMMARY	
Case Number	REZONE 2022-37
Hearing Dates	November 1, 2022, Planning Board December 5, 2022, Board of Commissioners
Applicant	Elloyd McIntire
Property Owner(s)	Grand Oaks Development
Parcel Identification Numbers	3214-09-5485-0000 and 3214-09-5323-0000
Acreage	0.97
Township	Long Creek
Pender 2.0 Future Land Use Category	Low Density Residential

REZONING PROPOSAL
Elloyd McIntire, applicant, on behalf of Grand Oaks Development, is requesting the approval of a Zoning Map Amendment to rezone two tracts totaling approximately .97 acres of land from GB, General Business zoning district to the RP, Residential Performance zoning district.
LOCATION
The subject property is located south of NC Highway 210, approximately 60 feet southeast of the intersection of Pine Village Drive and NC Highway 210 in the Long Creek Township.



REZONING PROPOSAL

The applicant is proposing to rezone two lots that total approximately 0.97 acres from the GB, General Business zoning district to the RP, Residential Performance zoning district. The Residential Performance District allows for a variety of residential uses and densities with limited commercial activities as well as agritourism. Existing or new agricultural and farm uses shall be allowed on undeveloped land prior to development.

Because this is a general use rezoning, a conceptual plan is not included within the application. If approved, the site could be developed based upon all uses that are permitted by right or by Special Use Permit in the RP, Residential Performance zoning district. However, any future development of the site must comply with the standards of the RP, Residential Performance zoning district and is subject to review and approval by the Technical Review Committee (TRC) to ensure compliance with all applicable local, State, and Federal regulations.

Dimensional Requirements
As this is a general use rezoning, the standard setbacks in the RP, Residential Performance zoning district apply and are outlined in the table below. The dimensional standards are proposed to apply uniformly to all buildings and uses on the subject properties.

Minimum Setback (Residential Performance)	
Front	30'
Side	10'
Rear	25'
Corner	15'
Max. Height	35'
Structure Separation	30'

The minimum lot size in this district is 15,000 square feet, and the subject properties are compliant with this standard.

Allowable Uses
Because this is a general use rezoning, the site could be developed based upon all uses that are permitted by right or by Special Use Permit in the RP, Residential Performance zoning district. The table below provides a general list of typical developments permitted in the RP, Residential Performance zoning district. A comprehensive list of all uses from Section 5.2.3 of the UDO is included in Attachment 1.

	RA, Rural Agriculture
Residential Uses	≈ 7 uses by-right (Detached -Conventional, Attached: Duplex, Accessory Dwelling Unit, Manufactured home) ≈ 1 use w/ SUP (Cottage Occupation)
Commercial Uses	≈ 16 uses by-right (Solid Waste Collection Public, Public Administration, Bona fide Farm Purpose, Public Parks, etc.) ≈ 33 uses w/ SUP (Borrow Pit Sand Mining, Other electric Power Generation, Artisan Manufacturing, Food and Beverage Stores, Postal Service, Real Estate and Rental and Leasing, etc)

TRANSPORTATION INFRASTRUCTURE

Access

The subject properties have direct access to NC HWY 210 via a private right-of-way and access easement. NC HWY 210 is a NCDOT maintained Minor Arterial Road based on the WMPO Functional Classification Map.

Traffic
Traffic Impact Analyses (TIA) are not required for general use rezonings since a site-specific development plan is not required to be included as part of the application package. The UDO requires a Traffic Impact Analysis (TIA) to be completed when a development generates 100 trips in the morning or evening peak hours or over 1,000 trips per day. If approved and developed in the future, estimated trip generation data will be required during the review of any site-specific development plan to determine if a TIA is required.

NCDOT Average Annual Daily Traffic (AADT) – 2020[1]

WMPO Roadway Capacities - 2020[2]

Road	Location	Volume	Capacity	V/C
NC HWY 210	Between McIntyre Church Rd and Little Kelly Rd[2]	4600	20943	.22

OTHER INFRASTRUCTURE

Utilities
Public water is available through Pender County Utilities (PCU) on this section of NC HWY 210. The method of water and wastewater will be determined when a site-specific development plan is submitted for review.

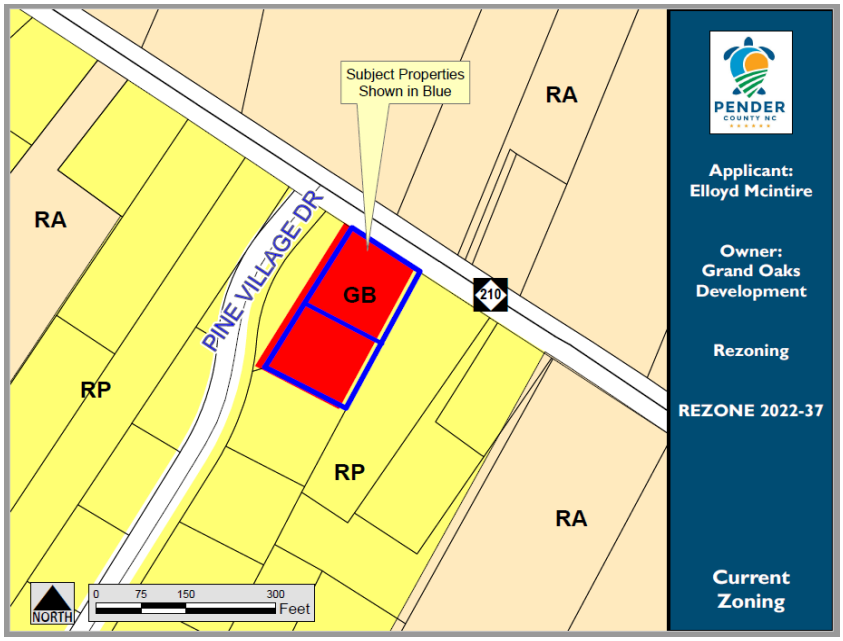
Schools
There is no development proposal associated with this general use rezoning, so no specific impacts to the school system are known at this time.

ENVIRONMENTAL CONCERNS	
Special Flood Hazard Areas	The subject property does not contain any Special Flood Hazard Areas[1].
Wetlands	The subject property does not contain any wetlands[2, 3].
Areas of Environmental Concern	The subject property does not contain any Areas of Environmental Concern (AEC)[4].

[1] According to the effective regulatory and preliminary Flood Insurance Rate Maps NC Flood Risk Information System (NC FRIS)
[2] According to the NC Division of Coastal Management (NC DCM)
[3] According to the National Wetlands Inventory (NWI)
[4] According to the North Carolina Department of Environmental Quality (NCDEQ)

EVALUATION

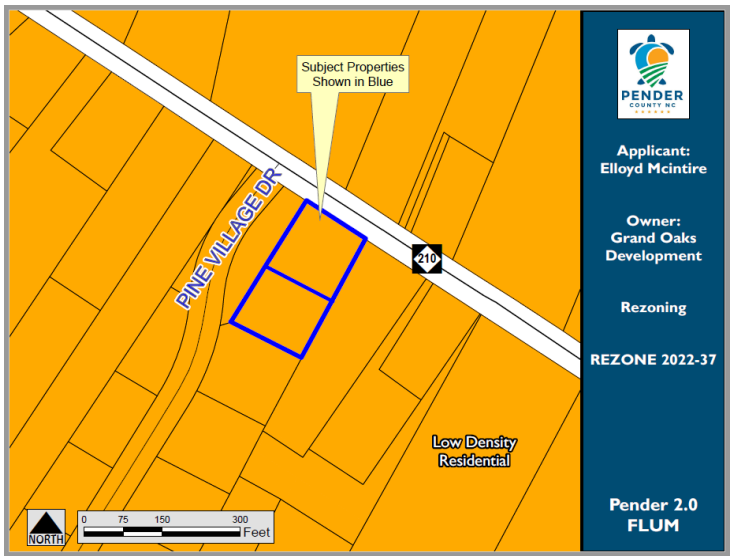
Below: Zoning Map of the Area



CHARACTERISTICS OF THE SURROUNDING AREA		
	LAND USE	**ZONING**
North	Residential, Agricultural	RA, Rural Agricultural
East	Vacant, Residential	RP, Residential Performance RA, Rural Agricultural
South	Residential	RP, Residential Performance
West	Residential	RP, Residential Performance RA, Rural Agricultural

Surrounding Zoning

The subject property is currently within the GB, General Business zoning district. Properties immediately adjacent to the subject properties are currently zoned RP, Residential Performance and RA, Rural Agricultural as indicated by the table above.



Pender 2.0 Comprehensive Land Use Plan Compliance: The subject property is located within the Low-Density Residential Future Land Use Classification within the Pender 2.0 Comprehensive Land Use Plan and as shown in the Future Land Use Map to the left. The Low-Density Residential future land use category is located on the fringe of medium density residential uses and within existing single-family neighborhoods. These areas are typically established single-family neighborhoods with a low-density residential development pattern. Within the Low-Density Residential future land use category, development density is two dwelling units an acre or less. Desired uses are detached single-family dwellings, duplexes and townhomes when included as part of a master planned community, as well as recreation, parks, and open space. Inappropriate uses include non-residential development, attached single-family dwellings, multi-family residential uses as well as commercial and industrial uses as are large institutions and other significant traffic generators.

The proposed zoning district, Residential Performance, is found to be consistent with the Low-Density Residential future land use classification which identifies a desired development density of two dwelling units an acre or less. The two lots associated with this request total approximately .97 acres and are located within the Oak Ridge subdivision. While the Residential Performance zoning district allows up to three dwelling units per acre, due to the size of the lots in question it is likely that they will only accommodate one home per lot if developed residentially. Staff further finds that this request is consistent with the surrounding zoning as well as the surrounding uses in the area.

In addition to consistency with the Future Land Use Map, the proposal was found to be consistent with the following policy within the Pender 2.0 Comprehensive Land Use Plan:

> **Policy 5.1.V: Residential Development:** The County supports a range of housing types and development at appropriate densities and locations that are compatible with their surroundings and are in accordance with the future land use map.

Unified Development Ordinance Compliance: Section 3.3.5 of the Unified Development Ordinance provides for standards that shall be followed by the Planning Board and Board of County Commissioners before a favorable recommendation of approval for a rezoning can be made. These standards include evaluating proposals against 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. The standards have been outlined in this report for consideration by the Planning Board and Board of County Commissioners.

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.

RECOMMENDATION

Planning Staff is submitting the proposal for Board of Commissioners consideration. The proposed Zoning Map Amendment is consistent with the Future Land Use Map and one policy within the Pender 2.0 Comprehensive Land Use Plan.

The proposed RP, Residential Performance zoning district rezoning request is consistent with the Pender 2.0 Comprehensive Land Use Plan, Future Land Use Map, and the allowable uses within the requested zoning district are compatible with the surrounding area. Therefore, Planning staff respectfully recommends approval of the Zoning Map Amendment as detailed in this report.

BOARD OF COMMISSIONERS ACTION NEEDED:

TO APPROVE: Motion to approve the Zoning Map Amendment and to make a finding that the approval is consistent with the following policy in the Pender 2.0 Comprehensive Land Use Plan:

- **5.1.V: Residential Development**

The proposed rezoning is consistent with the Low Density Residential Future Land Use classification in the Pender 2.0 Comprehensive Land Use Plan.

TO DENY: Motion to deny the Zoning Map Amendment and to make a finding of denial because although the proposal is consistent with the Pender 2.0 Comprehensive Land Use Plan, said denial is reasonable and in the public interest and does not further the goals of the Pender 2.0 Comprehensive Land Use Plan because [INSERT REASONING]…

PLANNING BOARD ACTION FOR GENERAL USE REZONING

MOTION	SECONDED
Buchanan	Pitts

APPROVED	DENIED	UNANIMOUS
Yes		Yes

Jordan	Buchanan	Beaudoin	Gruntfest	Mosca	Pitts	Teachey
Yes	Yes	Absent	Yes	Yes	Yes	Yes

Pender County
Planning and Community Development

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

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

Zoning Map Amendment Submission (Rezoning)

Applications will be considered for review by Staff only when deemed complete. The application will be regarded as incomplete until the following items are received by the Planning and Community Development Staff.

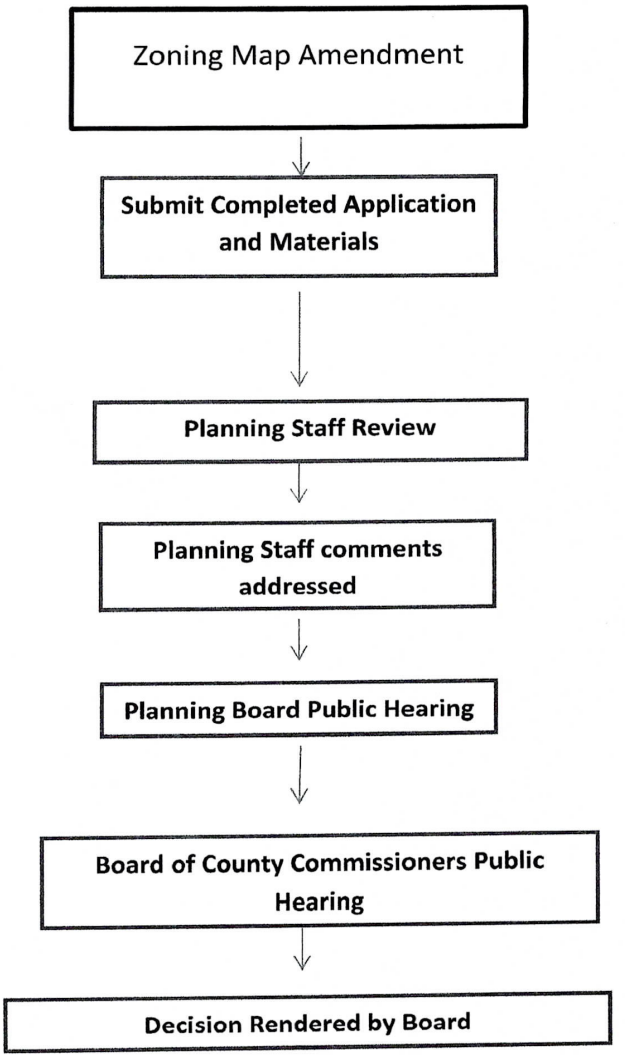
1. ✓ **Pre-submittal Meeting**
   Date of Meeting 8-17-2022
2. ✓ **Signed Application**
3. ✓ **Payment**
   $500 for the first 5 acres; $10/ acre thereafter up to 1,000 acres; $5 per acre thereafter
4. ✓ **Requested Revision Boundary Map**
   Rezoning must correspond with the boundary lines of existing 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.
4. ✓ **Narrative**
   A description and/or statement of the present and proposed land use classification and stating why the request is being made and any information that is pertinent to the case.
5. ✓ **Digital Submission**
   For all documents submitted in paper copy, bring a digital copy with paper submission.
6. ✓ **Adjacent Property List**
   A list of names and addresses, of the owners of all properties located within 500-feet of the perimeter of the project bounds as obtained from the county tax listings and tax abstract, of the property under consideration for project parcel.
7. ✓ **Adjacent Property Envelopes**
   The applicant shall provide a set of business envelopes addressed to each person of the owners of all the properties located within 500-feet of the perimeter of the project bounds, accompanied with the amount of postage required for first class postage.

I certify that all information presented in this application is accurate to the best of my knowledge.

Signature of Applicant Elloyd E. McIntire Date 8-31-2022

Printed Name ELLOYD E. MCINTIRE

Staff Initials: _____
Date: _____


Zoning Map Amendment
Submit Completed Application and Materials
Planning Staff Review
Planning Staff comments addressed
Planning Board Public Hearing
Board of County Commissioners Public Hearing
Decision Rendered by Board

Zoning Map Amendment Specific Requirements

1. **Application Submittal**
   - Application
   - 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.
   - All zoning requirements shall be 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.
   - Must show substantial compliance with the goals and policies of the Comprehensive Land Use Plan.
   - The rezoning application must contain a description and/or statement of the present and proposed zoning regulation or district boundary, and the name(s) and address(es) of the owner(s) of the property involved as required by General Statute.
   - The applicant shall provide an accurate 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.

2. **Planning Board and Board of Commissioners Review Criteria (per Section 3.3.8)**
   A. Whether the range of uses permitted by the proposed change would be appropriate to the area concerned (including not being detrimental to the natural environment, not adversely affecting the health or safety of residents or workers in the area, not being detrimental to the use or development of adjacent property, and not materially or adversely affecting the character of the general neighborhood);
   B. Whether adequate public facilities/services (i.e., water, wastewater, roads) exist, are planned, or can be reasonably provided to serve the needs of any permitted uses likely to be constructed as a result of such change;
   C. Whether the proposed change is consistent with the County's Comprehensive Land Use Plan and CAMA Land Use Plan or any other adopted land use document.
   D. Whether the proposed amendment is reasonable as it relates to the public interest.

Pender County
Planning and Community Development

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

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

GENERAL USE REZONING

GENERAL

1. An applicant shall be required to schedule a pre-submittal meeting with the Administrator at least thirty (30) days prior to submission of an application.

2. Amendments to the Zoning Map, also called a Rezoning, shall be made in accordance with the provisions of the Pender County UDO and shall follow the review process as shown in Figure 1 at the end of Section 3.4.

3. The County Commissioners shall approve or deny amendments to the Zoning Map of Pender County, as may be required from time to time.

4. 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 the UDO. An illustration containing a metes and bounds description is required.

5. All zoning requirements shall be 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.

6. Must show substantial compliance with the goals and policies of the Comprehensive Land Use Plan and other adopted plans.

APPROVAL STANDARDS

1. Whether the range of uses permitted by the proposed change would be appropriate to the area concerned (including not being detrimental to the natural environment, not adversely affecting the health or safety of residents or workers in the area, not being detrimental to the use or development of adjacent property, and not materially or adversely affecting the character of the general neighborhood).

2. Whether adequate public facilities/services (i.e., water, wastewater, roads) exist, are planned, or can be reasonably provided to serve the needs of any permitted uses likely to be constructed as a result of such change.

3. Whether the proposed change is consistent with the County's Comprehensive Land Use Plan and CAMA Land Use Plan or any other adopted land use document.

4. Whether the proposed amendment is reasonable as it relates to the public interest.

APPLICATION FOR REZONING (Zoning Map Amendment)

THIS SECTION FOR OFFICE USE			
Application No.	ZMA REZONE-2022-37	**Date**	9/2/2022
Application Fee	$ $500.00	**Invoice**	00028398
Pre-Application Conference	8-17-2022	**Hearing Date**	PB: 11/1/2022 BOCC: 12/5/2022

SECTION 1: APPLICANT INFORMATION

Applicant's Name:	ELLOYD E. MCINTIRE	**Owner's Name:**	SAME
Applicant's Address:	309 PINE VILLAGE DR.	**Owner's Address:**	
City, State, & Zip	ROCKY POINT NC	**City, State, & Zip**	
Phone Number:	910-675-9337 / 675-3383	**Phone Number:**	
Email Address:	emcintyre2@ec.rr.com	**Email Address:**	

Legal relationship of applicant to landowner: SAME

SECTION 2: PROJECT INFORMATION

Property Identification Number (PIN):	3219-09-5323-0000 3214-09-5485-0000	**Total property acreage:**	0.51 0.46 0.97 AC
Current Zoning District:	GB	**Proposed Zoning District:**	RP
Project Address:	124 PINE VILLAGE DR - ROCKY POINT NC 28457		
Description of Project Location:	LOTS 1 + 2 AT THE ENTRANCE OF PINE VILLAGE + HWY NC 210		

SECTION 3: SIGNATURES

Applicant's Signature	Elloyd E. McIntire	**Date:**	8-31-2022
Applicant's Name Printed	ELLOYD E. MCINTIRE	**Date:**	8-31-2022
Owner's Signature	SAME AS ABOVE	**Date:**	8-31-2022
Owner's Name Printed		**Date:**	

NOTICE TO APPLICANT

1. Applicant must also submit the information described on the Rezoning Checklist.
2. Applicant or agent authorized in writing must attend the public hearing.
3. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Planning Board or other authorized person agrees to table or delay the hearing.
4. All fees are non-refundable
5. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda

Rezoning/Zoning Map Amendment Checklist

☑	Signed application form
☑	Application fee
☑	A list of names and addresses, as obtained from the county tax listings and tax abstract, all adjacent property owners, including property owners directly across any road or road easement, and owners of the property under consideration for rezoning.
☑	Two (2) business size envelopes legibly addressed with **first class** postage for each of the adjacent and abutting property owners on the above list.
☑	Accurate legal description or a map drawn to scale showing the property boundaries to be rezoned, in sufficient detail to for the rezoning to be located on the Official Zoning Map.
☑	18 (11"x17") map copies to be distributed to the Planning Board
☑	20 (11"x17") map copies to be distributed to the Board of Commissioners
☑	Digital (.pdf) submission of all application materials
☑	A description and/or statement of the present and proposed zoning regulation or district boundary and stating why the request is being made and any information that is pertinent to the case. If the owner and applicant are different, the letter must be signed by both parties.

Office Use Only

☐	**ZMA Fees:** (*$500.00 for first 5 acres; $10/acre thereafter up to 1,000 acres; $5/acre thereafter*)	**Total Fee Calculation: $**

Attachments Included with Application: (Please include # of copies)

CD /other digital version	☐ Y ☐ N	Plan Sets	# of large	# of 11X17	Other documents/Reports	☐ Y ☐ N

Payment Method:	**Cash :** ☐ $_____	**Credit Card:** ☐ Master Card ☐ Visa	**Check:** ☐ Check # _____

Application received by:	CDH	**Date:**	9/1/2022
Application completeness approved by:	CDH	**Date:**	9/2/2022

Dates scheduled for public hearing:
☐ **Planning Board:**
☐ **Board of Commissioners:**

RETURN COMPLETED APPLICATION TO:
Pender County Planning & Community Development
805 South Walker Street
P.O. Box 1519
Burgaw, NC 28425

Pender County Zoning

Narrative

Date: 29 August 2022

To: Pender County Zoning & Commissioners

Mr. Chairman & Members of the Board

My name is Elloyd E. Mcintire, I Am the Developer of the Grand Oaks Development Sub-Divisions, I am here tonight for the purpose of requesting a zoning change of lots 1 & 2 at the entrance of Hwy NC 210 and Pine village Drive from GB to RP. In 2008 I had those lots approved for the Grand Oaks Development Co. Office Complex. Due to the Downturn in 2008, I was unable to build the new offices at that time because, I had Started Development of the Oak Ridge II Section of Grand Oaks, and I had to use the funds that I had for the offices to complete the Oak Ridge II Section. As A result of the time period from 2008 until the time that I was able to sell the lots in the Oak Ridge II Section, which was in 2020 and 2021. Too much time have passed between 2008 and now that I no

longer need those two lots for the office space because, I have my office at the Grand Oaks Golf Driving Range now. Those two lots were residual from 1981 until 1998 so, I am just requesting your permission to change the zoning back to residual, I have Combine the two lots into one to use as a family home building lot. I thank you in advance.

Elloyd E. McIntire

Elloyd E. McIntire

Grand Oaks Developer

Legal Description for Recombination of Lots 1 and 2, Pine Village of Grand Oaks
For Grand Oaks Development Company, LLC

Located in Long Creek Township, Pender County, North Carolina

Beginning at a point in the center line of NC Highway 210 (60 foot wide public right of way), said point located at the northwestern corner of Lot 1, Pine Village of Grand Oaks as recorded in Map Book 36 at Page 110, Pender County Registry. Said point also located South 51 degrees 33 minutes 30 seconds East – 77.27 feet from the center line intersection of Pine Village Drive (60 foot wide public right of way) and NC Highway 210. Running thence from said point of beginning, continuing with the center line of NC Highway 210, South 51 degrees 33 minutes 30 seconds East – 141.90 feet to a point; thence along the eastern line of Lot 1 and 2, Pine Village of Grand Oaks, South 32 degrees 00 minutes 00 seconds West – 300.00 feet (passing over iron rods at 30.19 feet and 172.20 feet) to an iron rod, the southeastern corner of Lot 2; thence, along the southern line of Lot 2, North 57 degrees 59 minutes 58 seconds West – 161.40 feet to an iron rod, the southwestern corner of Lot 2; thence, with the western line of Lots 1 and 2, North 35 minutes 41 seconds 35 minutes East – 316.58 feet (passing over iron rods at 128.07 feet and 286.55 feet) to the point of beginning, containing 42,358 square feet, more or less, after exclusion of the right of way of NC Highway 210, as claimed by NC Department of Transportation.

Together with a 30 foot wide access easement, as shown on Map Book 36 at Page 110, Pender County Registry – located along and west of the western line of Lots 1 and 2.

All bearings are in angular relation to Magnetic North (MB 36, Pg 110) and all distances are horizontal field measurements.

Elizabeth F Smith

NORTH CAROLINA PROFESSIONAL SEAL L-5195 LAND SURVEYOR ELIZABETH F. SMITH

8/30/22

STATE OF NORTH CAROLINA PENDER COUNTY

I, Amy Everett, REVIEW OFFICER of Pender County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Amy Everett 8/30/22
Review Officer Date

STATE OF NORTH CAROLINA PENDER COUNTY

Filed for registration on the:

Doc No: 20106950
Recorded: 08/30/2022 01:55:26 PM
Fee Amt: $21.00 Page 1 of 1

Pender County North Carolina
Sharon Lear Willoughby, Register of Deeds
BK 70 PG 114 - 114 (1)

Slide No._____.

By

SURVEY REFERENCE:

A PART OF DEED BOOK 2892 AT PAGE 255, LOTS 1 & 2, MAP BOOK 36 AT PAGE 110, PENDER COUNTY REGISTRY

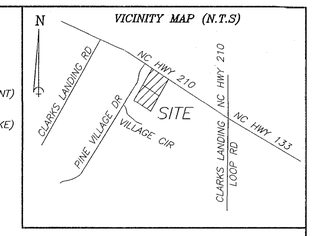
NOTES:

1. FEMA FLOOD MAP INFORMATION: PENDER COUNTY FLOOD INSURANCE RATE MAP: MAP No.: 3720321400J FLOOD ZONE: X MAP EFFECTIVE DATE: FEBRUARY 16, 2007.
2. CORNERS ARE MARKED AS NOTED ON MAP.
3. ALL BEARINGS ARE MAGNETIC (MB 36, PG 110).
4. ALL DISTANCES ARE HORIZONTAL FIELD MEASUREMENTS.
5. AREA COMPUTED BY THE COORDINATE METHOD.
6. MAP DRAWN FROM EXISTING MAPS AND DEEDS OF RECORD, PENDER COUNTY REGISTRY.

LEGEND:

- EIR (EXISTING/FOUND IRON ROD)
- EIP (EXISTING/FOUND IRON PIPE)
- IPS (IRON PIPE SET)
- EIS (EXISTING/FOUND IRON STAKE)
- IRS (IRON ROD SET)
- CMS (CONCRETE MONUMENT SET)
- ECM (EXISTING/FOUND CONC MONUMENT)
- NCGS GRID MONUMENT
- ERRS (EXISTING/FOUND RAILROAD SPIKE)
- RRSS (RAILROAD SPIKE SET)
- N&C (NAIL AND CAP FOUND)
- PK\MAG (PK OR MAG NAIL SET)
- EPK (EXISTING/FOUND PK NAIL)
- EOA (EXISTING/FOUND OLD AXLE)
- PROPERTY LINE
- NON-SURVEYED LINE
- EASEMENT LINE

VICINITY MAP (N.T.S)

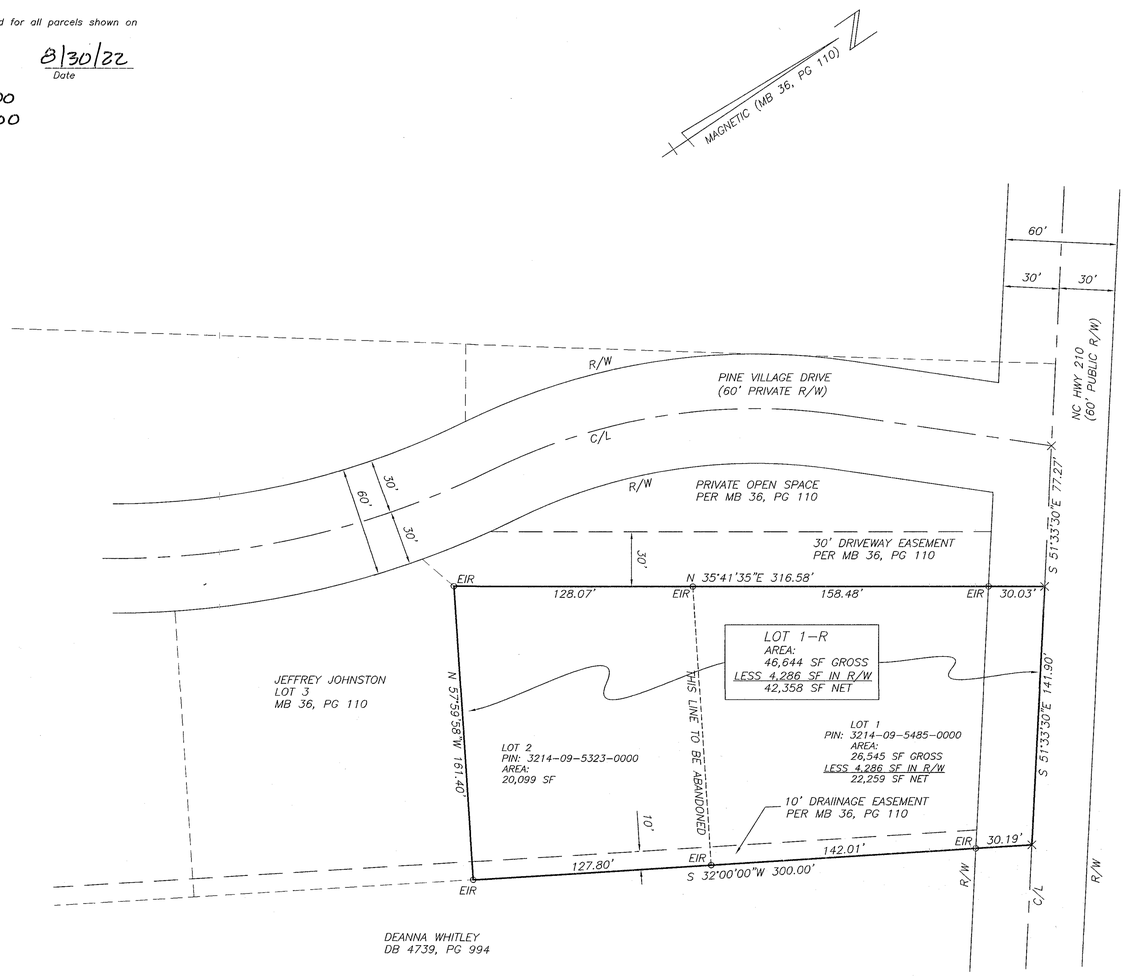


Parcel Identifier Certificate

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

Amy Everett 8/30/22
Tax Supervisor Date

3214-09-5323-0000
3214-09-5485-0000



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

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.

Exempt Subdivision
Pender County
D.S.
Office of Planning
Date 8/30/2022

OWNER:

GRAND OAKS DEVELOPMENT COMPANY, LLC
124 PINE VILLAGE DRIVE
ROCKY POINT NC 28457

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

The subdivision shown on this plat 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 30th day of August, AD, 2022.

Elizabeth F. Smith
Elizabeth F. Smith
Professional Land Surveyor
NC License No. L-5195

NORTH CAROLINA PROFESSIONAL SEAL L-5195 LAND SURVEYOR ELIZABETH F. SMITH

I, Elizabeth F. Smith, Professional Land Surveyor L-5195, state that 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.(RECOMBINATION OF EXISTING PARCELS)

Elizabeth F. Smith
Elizabeth F. Smith
Professional Land Surveyor
NC License No. L-5195

NORTH CAROLINA PROFESSIONAL SEAL L-5195 LAND SURVEYOR ELIZABETH F. SMITH 8/30/22

CERTIFICATE OF SURVEY AND ACCURACY (G.S. 47-30)

I, Elizabeth F. Smith, PLS, certify that this plat was drawn under my supervision from an actual survey made under my supervision from information found in Pender County Registry, as noted hereon, that the ratio of precision as calculated is 1:10,000+; that the boundaries not surveyed are shown as dashed lines as noted; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original Signature, License Number, and Seal, the 30th day of August, AD, 2022.

Elizabeth F. Smith
Elizabeth F. Smith
Professional Land Surveyor
NC License No. L-5195

NORTH CAROLINA PROFESSIONAL SEAL L-5195 LAND SURVEYOR ELIZABETH F. SMITH

ELIZABETH F. SMITH, PLS
ROBERT H. GOSLEE & ASSOCIATES, PA
LAND SURVEYORS - LAND PLANNERS
317 E. MURRAY ST. / P.O. BOX 133
WALLACE, NORTH CAROLINA 28466
NC CORPORATE LICENSE No. C-1167
910-285-4210
Email: davis@goslee surveying.com

MAP OF RECOMBINATION
FOR

GRAND OAKS DEVELOPMENT COMPANY, LLC

OF LOTS 1 & 2, PINE VILLAGE OF GRAND OAKS

LONG CREEK TOWNSHIP - PENDER COUNTY - NORTH CAROLINA
SCALE: 1" = 50' AUGUST 23, 2022

50 0 50 100 150
GRAPHIC SCALE - FEET

FILE No. PJ-13-07-RECOMB-LOTS 1-2

MB 70 PG 114

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			S			P	P	
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

REQUEST FOR BOARD ACTION

ITEM NO. REZONE 2022-37

DATE OF MEETING: December 5, 2022

REQUESTED BY: Justin Bratley, Interim Director – Land Use, Planning & Community Development

SHORT TITLE: Resolution Requesting Approval of a Zoning Map Amendment from the GB, General Business zoning district to the RP, Residential Performance zoning district.

BACKGROUND: Elloyd McIntire, applicant, on behalf of Grand Oaks Development, is requesting the approval of a Zoning Map Amendment to rezone two tracts totaling approximately .97 acres of land from GB, General Business zoning district to the RP, Residential Performance zoning district.

SPECIFIC ACTION REQUESTED: To hold a public hearing and consider the approval of a Zoning Map Amendment from the GB, General Business zoning district to the RP, Residential Performance zoning district.

RESOLUTION

NOW, THEREFORE BE IT RESOLVED by the Pender County Board of Commissioners that:

On December 5, 2022, the Pender County Board of Commissioners (approved, modified, denied) a Zoning Map Amendment, as described herein. The Chairman/County Manager is authorized to execute any/all documents necessary to implement this resolution.

AMENDMENTS:

MOVED_____ SECONDED_____

APPROVED_____ DENIED_____UNANIMOUS_____

YEA VOTES: Tate ___ McCoy ___ Groves ___ Newton ___ Fletcher-Hardee___

_____ _____
Fred McKoy, Chairman Date

_____ _____
ATTEST Date
Clerk to Board, Tera Cline

County Seal:

Pender County
ZTA 2022-17 - Zoning Text Amendment to amend Section 5.2.3, Table of Permitted Uses, to modify approval requirements for 'Other Electric Power Generation'.

TO:	Board of County Commissioners
FROM:	Justin Brantley
DATE:	December 5, 2022
SUBJECT:	ZTA 2022-17 - Zoning Text Amendment to amend Section 5.2.3, Table of Permitted Uses, to modify approval requirements for 'Other Electric Power Generation'.

SUMMARY:
Pender County Planning & Community Development, applicant, is requesting the approval of Zoning Text Amendment to the Pender County Unified Development Ordinance. Specifically, the request is to 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.

ACTION REQUESTED:
To hold a public hearing and consider the Zoning Text Amendment request.

ATTACHMENTS:
1. Staff Report
2. Application
3. Pender UDO Rezoning & Conditional Rezoning Excerpt.
4. Pender UDO Table of Permitted Uses
5. Neighboring County Solar Standards
6. Board Action Form

STAFF REPORT FOR ZTA 2022-17
ZONING TEXT AMENDMENT APPLICATION

APPLICATION SUMMARY	
Case Number	ZTA 2022-17
Hearing Dates	November 15, 2022 Planning Board December 5, 2022 Board of Commissioners
Applicant	Pender County Planning & Community Development

ZONING TEXT AMENDMENT PROPOSAL

Pender County Planning & Community Development, applicant, is requesting the approval of Zoning Text Amendment to the Pender County Unified Development Ordinance. Specifically, the request is to 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.

AMENDMENT DESCRIPTION

The proposed Zoning Text Amendment to the Pender County Unified Development Ordinance seeks to limit various utility scale projects in residential or mixed-use districts as well as to require stricter approval criteria in industrial zoning districts.

This proposal seeks to remove the use category of 'Other Electric Power Generation' in Section 5.3.2, Table of Permitted Uses, as a use allowed by Special Use Permit from the RA, Rural Agricultural, RP, Residential Performance, and the PD, Planned Development zoning districts as well as to modify this section to change the IT, Industrial Transitional, and GI, General Industrial, to change this use from a use permitted by right to a use requiring Special Use Permit approval. Therefore, the RA, RP, and PD zoning districts would require a Conditional Rezoning to allow this use category. The Conditional Rezoning process would allow for greater flexibility by the Planning Board and Board of County Commissioners to recommend and/or require specific standards as a condition of approval. See Attachment 1 for Rezoning and Conditional Rezoning requirements.

Furthermore, the proposed amendment would require this use category to abide by a stricter development approval standard in the IT and GI zoning districts by the Board of County Commissioners, through a Special Use Permit, to ensure that 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, and will not constitute a nuisance or a hazard or adversely affect the surrounding uses, etc.

The Pender County Unified Development Ordinance's Table of Permitted Uses utilizes the 2007 North American Industry Classification System (NAICS) in categorizing most established uses. The use category of 'Other Electric Power Generation' is found in the utilities category (Sector 22 Utilities) and is defined as follows:

2007 NAICS Code 221119 Other Electric Power Generation

This U.S. industry comprises establishments primarily engaged in operating electric power generation facilities (except hydroelectric, fossil fuel, nuclear). These facilities convert other forms of energy, such as solar, wind, or tidal power, into electrical energy. The electric energy produced in these establishments is provided to electric power transmission systems or to electric power distribution systems.

Specifically, this proposal seeks to amend Section 5.2.3, Table of Permitted Uses as seen below. See Attachment 2 for the complete Table of Permitted Uses.

Section 5.3.2, Table of Permitted Uses, Existing Text

		Zoning Districts									
Use Type	**Ref NAICS**	**RA**	**RP**	**RM**	**MH**	**PD**	**GB**	**OI**	**IT**	**GI**	**EC**
Sector 22: UTILITIES											
Other Electric Power Generation	221119	**S**	**S**			**S**			**P**	**P**	

Section 5.3.2, Table of Permitted Uses, Proposed Text

		Zoning Districts									
Use Type	**Ref NAICS**	**RA**	**RP**	**RM**	**MH**	**PD**	**GB**	**OI**	**IT**	**GI**	**EC**
Sector 22: UTILITIES											
Other Electric Power Generation	221119								**S**	**S**	

After a Staff review of the intent statements for the applicable Zoning Districts, it was determined that the proposed changes are consistent with the intent statements provided below. See italicized findings by Planning Staff.

<u>Pender County Unified Development Ordinance District Intent Statements</u>

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.

Planning Staff finds that the RA, Rural Agricultural, zoning district does not support 'Other Electric Power Generation' as the district is intended to allow limited commercial uses and that this use category is often a large-scale utility project that may impact the rural character of this district.

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.

Planning Staff finds that the RP, Residential Performance, zoning district does not support 'Other Electric Power Generation' as the district is intended to allow limited commercial uses and that this use category is often a large-scale utility project that may impact the residential character of this district.

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 Districts 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.

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.

Planning Staff finds that the PD, Planned Development, zoning district should be utilized for more mixed-use type developments that promote a mixture of uses that complement one another and that overall, the purposes of the district do not support 'Other Electric Power Generation' as this use may require large tracts of land that will not be regularly staffed. Staff further finds that this district is intended to be better utilized for businesses that generate jobs and residential opportunities for Pender County.

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 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. Such industrial transition areas shall be provided with safe and sufficient access.

Planning Staff finds that the IT, Industrial Transitional, zoning district does support 'Other Electric Power Generation' as the district is intended to allow larger scale commercial and/or utility uses. However, as discussed it is the recommendation of staff for this use to require Special Use Permit approval rather than being a use allowed by right.

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 of a more intense utility scale and are located on larger tracts.

Planning Staff finds that the GI, General Industrial, zoning district does support 'Other Electric Power Generation' as the district is intended to allow larger scale commercial, industrial, and/or utility scale uses. However, as discussed it is the recommendation of staff for this use to require Special Use Permit approval rather than being a use allowed by right.

Practices in Neighboring County Jurisdictions

In addition, solar farm practices in neighboring county jurisdictions were identified and are summarized in the table below. See Attachment 3 for the ordinance language for each respective county.

Summary Table of Neighboring County Jurisdictions		
County	**Use Approval**	**Special Standards**
Bladen	Approved via SUP in the RA, C and I districts	Yes, Full Screening & Decommissioning Plan Requirement
Brunswick	Approved via SUP in the RR, C-I, RU-I, and I-G districts	Yes, Maintenance and Security Plan & Decommissioning Plan Requirement
Columbus	Approved via SUP	Yes, Setback & Buffering and Maintenance Requirement
Duplin	Planning Board Approval Required	Yes, Screening, Setbacks & Buffering and strict violation penalties at $500 per day
New Hanover	Approved via SUP in the AC district. Permitted by right in the I-1 and I-2 districts	No
Onslow	Permitted in the RA, L-IN, H-IN districts	Yes, Notice to Airports & Military Installations, Setbacks and Decommissioning Plan Requirement.
Sampson	Approved via SUP in RA, I and L-I districts	Yes, Setbacks & Height restrictions (includes Wind Energy) and Decommissioning Plan with Bonding for Decommissioning

EVALUATION

As prescribed in Section 3.18.5 of the Pender County Unified Development Ordinance, in evaluating any proposed Ordinance text amendment, the Planning Board and the County Commissioners shall consider the following:

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

In deciding whether to adopt a proposed Zoning Text Amendments, the central issue before the Planning Board and 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 and the specific intent of this Ordinance.

PENDER 2.0 COMPREHENSIVE LAND USE PLAN COMPLIANCE

Rural Agriculture

The Rural Agricultural future land use category supports and protects Pender County's agricultural areas. These areas are an essential part of the County's economy and agricultural heritage. Within the Rural Agriculture future land use category, agriculture uses are highly encouraged. Preservation of prime farmland soils for continued prosperity of farming and forestry operations should be considered. Manufactured homes and very low density single-family detached dwellings are appropriate uses in this category. Commercial, civic, office, and institutional uses are permitted where compatible with existing neighborhoods and as a resource or employment opportunity for area residents. Development density within this category is one dwelling unit an acre or less. Expansion of centralized water and sewer systems within this future land use category are discouraged, unless necessary to protect public health when existing systems fail. Desired uses are detached single-family dwellings, manufactured homes, recreation, parks, and open space. Inappropriate uses are attached single-family dwellings, multi-family residential uses, most commercial, office, and institutional development, and industrial development.

Medium Density

Medium density residential uses are vital to supporting Pender County's growing population by strategically locating more dense residential development in areas that will not create conflicts with existing neighborhoods. These uses are located in close proximity to supporting services and a mixture of development types, and are generally found in the southern portion of the County. Appropriate uses include single-family residences, duplexes, townhomes, community

recreation and open space uses, and neighborhood-scale institutional uses such as religious and civic organizations. Townhomes may be suitable when proposed as part of a master planned community whereby the dimensional requirements and uses forming the outer boundary of the community are compatible with the adjacent properties or permissible uses. Clustering of new residential communities is encouraged.

Both the Rural Agricultural and Medium Density future land use categories are most commonly consistent with areas where you find the RA, Rural Agricultural, and RP, Residential Performance, zoning districts, and therefore would not be appropriate for the use of 'Other Electric Power Generation'.

Industrial

The Industrial future land use category is intended to increase employment in the County, industrial uses are highly encouraged in appropriate locations such as the Pender Commerce Park or US 117 in Rocky Point. Industrial land uses that are adjacent to residential land uses should be heavily buffered to reduce any adverse impacts between these two incompatible uses. The width of the buffer should be based on the type of industry and its potential to create noise, odors, heavy truck traffic, or other negative effects. Appropriate uses include manufacturing, warehousing and wholesaling, transportation and distribution centers, water and wastewater treatment facilities, landfills, bulk storage of hazardous materials, large equipment storage and operation, and other uses that may be unpopular neighbors. Residential development and general retail uses are not appropriate. These areas should be served by water and sewer infrastructure.

Light Industrial

The purpose of the Light Industrial future land use category is for the use of light industrial operations and heavy commercial uses such as building material suppliers, auto repair, auto sales, storage facilities, and other establishments with extensive outdoor storage or those that will have an impact on neighboring properties. Light industries typically require less space, raw power, and water consumption than those in the Industrial future land use category. These uses may entail the manufacturing of partially processed materials to produce items of relatively high value per unit weight. These areas should have excellent transportation access (or potential access) to primary roadways. These areas may be individual sites or integrated into the Pender Commerce Park. Light industrial uses create minimal emission of smoke, dust, fumes, glare, noise, and vibrations. These areas should be served by water and sewer infrastructure.

Both the Industrial and Light Industrial future land use categories are supportive of IT, Industrial Transitional, and GI, General Industrial, however, the proposed Special Use Permit requirement would better ensure that nuisances associated with 'Other Electric Power Generation' related to adjacent and surrounding properties are minimized.

Furthermore, the Proposed Amendment is supported by several policies in the Comprehensive Land Use Plan:

> **Policy 5.1.E: Compatible Development:** The County supports new commercial and multi-family developments that blend with surrounding neighborhoods and limit traffic, noise, and light impacts on existing residential uses.
>
> **Policy 5.1.F: Conditional Zoning:** The County shall continue to use conditional zoning process as a tool for encouraging desirable development outcomes.

Policy 5.1.N Industrial Uses and Business Development: The County supports the recruitment and siting of compatible industrial, heavy commercial, and large-scale employment establishments in areas that are consistent with County's future land use map. Compatible heavy commercial and employment center uses are also appropriate within the Regional Mixed Use future land use category

Policy 5.1.CC: Agricultural Business: The County support efforts to preserve existing farming operations and to expand agri-business opportunities.

Policy 5.1.EE: Rural Land Use Patterns: The County supports the rural residential and agricultural land use patterns as they currently exist throughout much of the County and as depicted on the future land use map.

Policy 5.1.FF: Rural Non-Residential Uses: The County shall continue to accommodate limited non-residential uses in rural areas.

There are no conflicting policies within the Pender 2.0 Comprehensive Land Use Plan or any adopted land use documents for the proposed Zoning Text Amendment. The proposed Zoning Text Amendment is consistent with the spirit, purpose, and intent of the Pender 2.0 Comprehensive Land Use Plan and with the Pender County Unified Development Ordinance.

The use category of 'Other Electric Power Generation (NAICS 221119)' is found to be inconsistent with the intent of the Rural Agricultural, Residential Performance and Planned Development Zoning districts as identified in the Pender County UDO.

While this use category is found to be appropriate within the Industrial Transitional and General Industrial zoning districts, Planning Staff respectfully recommends that this use category abides by a stricter development approval standard by the Board of County Commissioners, through a Special Use Permit, to ensure that 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, and will not constitute a nuisance or a hazard or adversely affect the surrounding uses. See Attached Section 3.12, Special Use Permit, of the Pender County UDO. In addition, the Special Use Permit approval process will allow adjacent property owners to provide input to the Board of County Commissioners within a scheduled public hearing.

RECOMMENDATION

The Administrator respectfully recommends approval of the Zoning Text Amendment to the Unified Development Ordinance as described in this report, as the amendments are consistent with the Pender County Unified Development Ordinance and with the Pender 2.0 Comprehensive Land Use Plan.

PLANNING BOARD CONSISTENCY STATEMENT:

TO APPROVE: Motion to approve the Zoning Text Amendment and to make a finding that the approval is consistent with the Pender 2.0 Comprehensive Land Use Plan.

The amendment of Section 3.2.1 increases the efficiency of the review and development processes and is supported by one policy within the Pender 2.0 Comprehensive Land Use Plan:

- **Policy 5.1.E**
- **Policy 5.1.F**
- **Policy 5.1.N**
- **Policy 5.1.CC**
- **Policy 5.1.EE**
- **Policy 5.1.FF**

There are no specific policies that conflict with the proposal. The proposed Zoning Text Amendment is consistent with the spirit, purpose, and intent of the Pender 2.0 Comprehensive Land Use Plan and with the Pender County Unified Development Ordinance.

TO DENY: Motion to deny the Zoning Text Amendment and to make a finding that proposal is not consistent with the Pender 2.0 Comprehensive Land Use Plan, said denial is reasonable and in the public interest and does not further the goals of the Pender 2.0 Comprehensive Land Use because [INSERT REASONING].

At the November 15th meeting of the Planning Board, the Board voted unanimously (4-0) to recommend approval of the Zoning Text Amendment, finding the proposal to be consistent with the Pender 2.0 Comprehensive Land Use Plan.

PLANNING BOARD ACTION FOR ZONING TEXT AMENDMENT November 15, 2022

MOTION	SECONDED
Buchanan	Mosca

APPROVED	DENIED	UNANIMOUS
Yes		Yes

Jordan	Buchanan	Beaudoin	Gruntfest	Pitts	Teachey	Mosca
Yes	Yes	Yes	Absent	Absent	Absent	Yes

Pender County
Planning and Community Development

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

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

Zoning Text Amendment Submission

Applications will be considered for review by Staff only when deemed complete. The application will be regarded as incomplete until the following items are received by the Planning and Community Development Staff.

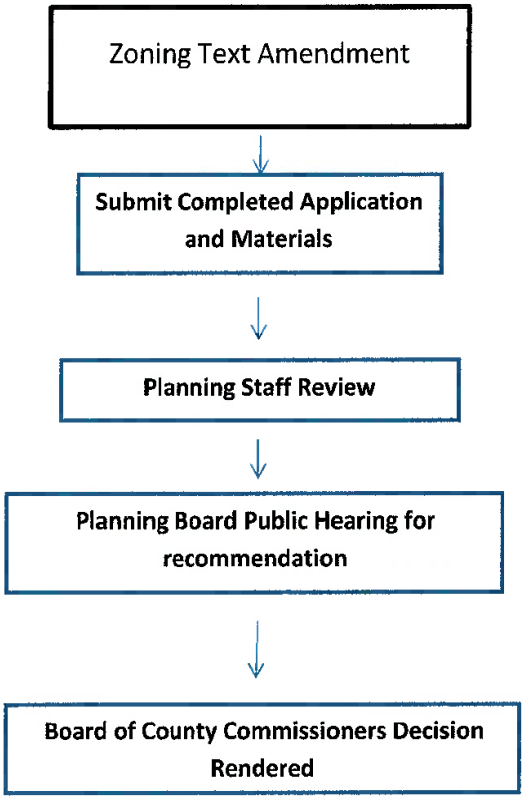
1. N/A **Pre-submittal Meeting**
   Date of Meeting N/A
2. ✓ **Signed Application**
3. N/A **Payment**
   $250
4. ✓ **Narrative** See Staff Report
   A letter describing, in detail the intent and purpose of the amendment presented, meeting the approval criteria set forth in Section 3.18.5 of the Pender County UDO.
5. N/A **Digital Submission**
   For all documents submitted in paper copy, please a digital copy with paper submission.

I certify that all information presented in this application is accurate to the best of my knowledge.

Signature of Applicant Justin Brantley Date 10/31/2022

Printed Name Justin Brantley

Staff Initials: JB
Date: 10/31/22


Zoning Text Amendment
Submit Completed Application and Materials
Planning Staff Review
Planning Board Public Hearing for recommendation
Board of County Commissioners Decision Rendered

Zoning Map Amendment Specific Requirements

1. **Application Submittal**
   - Application
   - Narrative: A letter describing, in detail the intent and purpose of the amendment presented, meeting the approval criteria set forth in Section 3.18.5 of the Pender County UDO.

2. **Planning Board and Board of Commissioners Review Criteria (per Section 3.18.5)**

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.

Pender County
Planning and Community Development

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

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

TEXT AMENDMENT

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.

Approval Criteria *(Section 3.18.5)*

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

a. The extent to which the proposed text amendment is consistent with the remainder of the Ordinance, including, specifically, any purpose and intent statements;
b. 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;
c. Whether or not the proposed text amendment corrects an error in the Ordinance; and
d. Whether or not the proposed text amendment revises the Ordinance to comply with state or federal statutes or case law.
e. 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.

Action by the Planning Board

1. 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.
2. The Planning Board shall make a recommendation based on the approval criteria.
3. The Planning Board shall make its recommendation following the initial public hearing.

Action by County Commissioners

1. 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.
2. The County Commissioners shall make a decision based on the approval criteria.
3. 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.

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.

APPLICATION FOR TEXT AMENDMENT

THIS SECTION FOR OFFICE USE			
Application No.	ZTA 2022-17	**Date**	10/31/2022
Application Fee	$ N/A	**Receipt No.**	N/A
Pre-Application Conference	N/A	**Hearing Date**	11/15 & 12/5, 2022

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

SECTION 2: UDO TEXT TO BE AMENDED

Current Text to be Amended (Please site accurate Article number referenced):

Amend section 5.2.3, Table of Permitted Uses to remove 'other Electric Power Generation' from the RA, RP, & PD zoning districts & require SUP approval in the IT & GI zoning districts.

Proposed Text to be added:

N/A See Staff Report

SECTION 3: SIGNATURE

Applicant's Signature	Justin Brantley	**Date:**	10/31/2022

NOTICE TO APPLICANT

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

TEXT AMENDMENT CHECKLIST

☐	Signed application form
☐	Application fee
☐	A letter describing, in detail the intent and purpose of the amendment presented, meeting the approval criteria set forth in Section 3.18.5 of the Pender County UDO (shown on page 1 of this application

Office Use Only

☐ **ZTA Fees:** $250		**Total Fee Calculation:**	
Payment Method:	**Cash :** ☐ $_____	**Credit Card:** ☐ Master Card ☐ Visa	**Check:** ☐ Check # _____
Application Received By:			Date:
Application completeness approved by:			Date:
Dates Scheduled for Public Hearings:	☐ Planning Board:	☐ BOC:	

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).

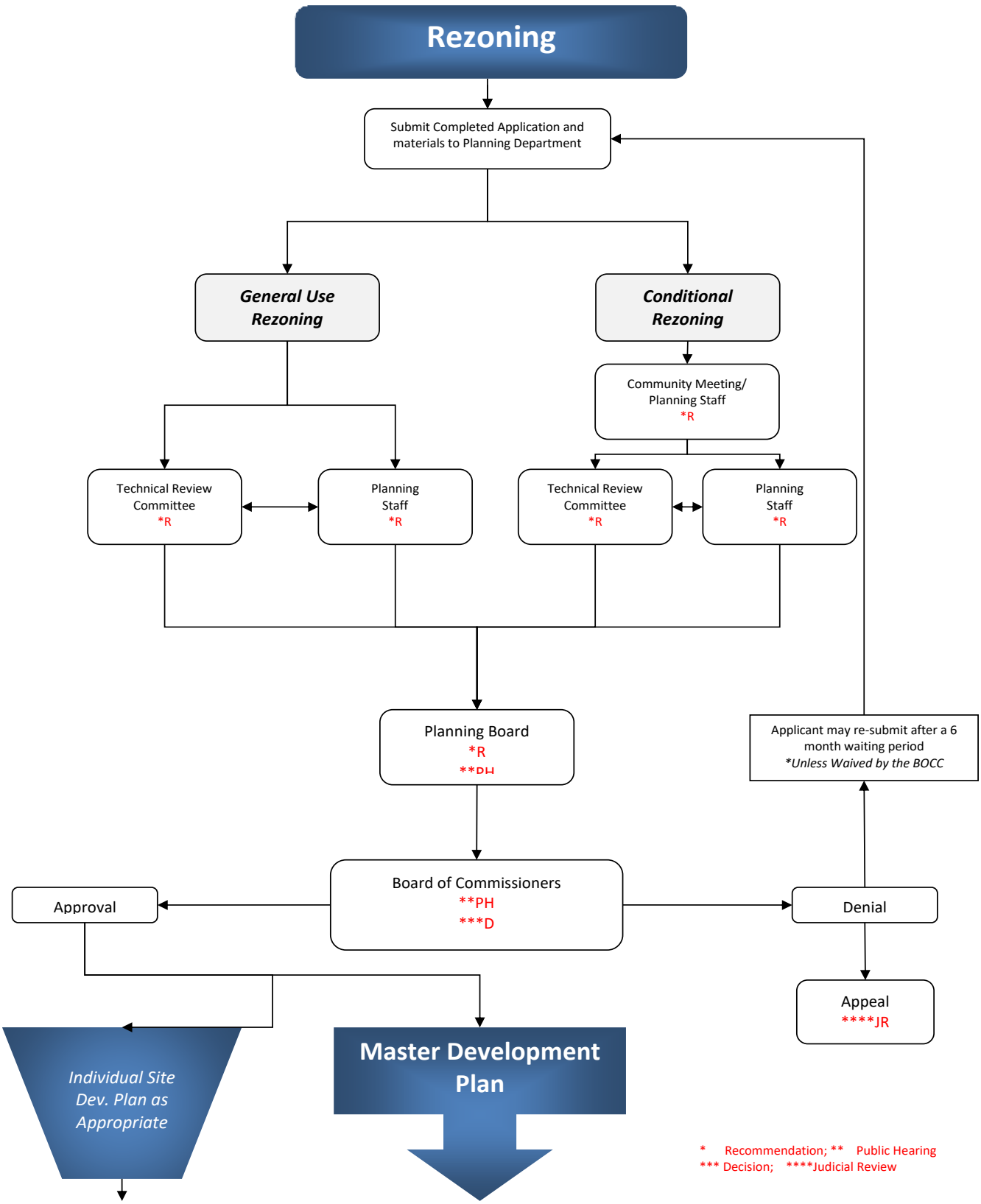

Rezoning
Submit Completed Application and materials to Planning Department
General Use Rezoning
Conditional Rezoning
Community Meeting/ Planning Staff *R
Technical Review Committee *R
Planning Staff *R
Technical Review Committee *R
Planning Staff *R
Planning Board *R **PH
Applicant may re-submit after 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

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		D	D	P		D					
Accessory Dwelling 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			S			P	P	
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	

ARTICLE 13 - SOLAR FARMS

13.1 - PURPOSE

The purpose of this section is to facilitate the construction, installation, and operation of Solar Farms (also known as Solar Energy Systems (SESs)) in Bladen County. The provisions of this section shall not be deemed to nullify any provisions of local, state or federal law.

13.2 - APPLICABILITY

This Article applies to the construction of any new SES within the jurisdiction of Bladen County.

13.3 - DEFINITION

A solar collection system that generates electricity from sunlight to a wholesale electricity market through a regional transmission organization and an inter-connection with the local utility power grid and/or for direct distribution to a number of properties and consumers. Solar shall consist of a minimum of three (3) individual photovoltaic modules (solar panels), which are an assembly of solar cells to generate electricity.

13.4 - DEVELOPMENT REQUIREMENTS FOR SOLAR FARMS AS A SPECIAL USE IN THE RA, C, AND I DISTRICTS

13.4.1. Solar farms and their appurtenant components shall conform to the principal building setbacks of the underlying zoning district which they are located.

13.4.2. Individual modules/panels shall be a maximum of 25 feet in height as measured from the grade at the base of the structure to the apex of the structure.

13.4.3. A site plan, drawn and stamped by a North Carolina licensed surveyor or engineer, shall be submitted showing the following:

(a) The location and dimensions of all proposed areas for the placement of solar panels, screening/fencing and related improvements;

(b) Any pre-existing structures on the same lot, and principal structures on other properties that would affect the placement of solar panels;

(c) Parking and access areas;

(d) Location of any proposed solar access easements;

(e) Any proposed new structures.

13.4.4. Solar farms shall be fully screened from adjoining properties and adjacent roads by an evergreen buffer capable of reaching a height of 10 feet within 3 years of planting.

13.4.5. Solar panels shall be mounted onto a pole, rack, or suitable foundation in accordance with manufacturer's specifications, in order to ensure the safe operation and stability of the system.

13.4.6. Multiple mounting structures shall be spaced apart at the distance recommended by the manufacturer to ensure safety and maximum efficiency.

13.4.7. It is the responsibility of the owner to remove all obsolete or unused systems within 12 months of cessation operation.

13.4.8. The farm and components shall meet all requirements of the North Carolina State Building Code.

13.4.9. The solar array shall be fenced in and access controlled. The site must be accessible 24/7 for emergency service.

13.5 - MODIFICATION TO EXISTING SOLAR FARMS

13.5.1. Modifications to an existing SES that increases the SES area by more than 5 percent of the original footprint or changes the solar panel type (e.g., photovoltaic to solar thermal) shall be subjected to this section.

13.6 - AVIATION NOTIFICATION

13.6.1. A map analysis showing a radius of five (5) nautical miles from the center of the SES with any airport operations within this area highlighted shall be submitted with permit application.

(a) For consideration of potential impacts to low altitude military flight paths, notification of intent to construct the SES shall be sent to the NC Commanders Council at least 45 days prior to permit application submission. Proof of delivery of notification and date of delivery shall be submitted with permit application. Mail to: Commanding General MCIEAST; Attn: Mr. Bill Meier (NC Commanders Council) or successor; Marine Corps Installations East G-7 (MCIEAST); PSC Box 20005; Camp Lejeune, NC 28542. Email: Subject: NC Commanders' Council Notification of Solar Development Project in "County or County Name" Address: Meier CIV William A [William.meier@mcw.usmc.mil], Ayers CIV Bryan C [bryan.ayers@usmc.mil]. Notification shall include:

(1) Location of SES (i.e., map, coordinates, address, or parcel ID).

(2) Solar technology (i.e., polycrystalline PV, monocrystalline PV, Cadmium Telluride PV, evacuated tube solar thermal, flat plate solar thermal, etc.).

(3) Approximate number of solar modules/panels.

(4) System mounting (i.e., fixed-tilt on flat roof, fixed-tilt ground-mount, 1-axis tracking ground-mount, etc.).

(5) The maximum height of the array from the ground or roof surface.

(6) The maximum height of any new utility poles.

(7) Power capacity of the system, in both DC and AC Watts where applicable.

(8) Acreage of array and acreage of total project.

(9) How will the project connect? (i.e., net meter, to existing distribution line, to new distribution line, to transmission line).

(10) Will a substation be constructed? If so, provide location and size.

(11) Is the site within five nautical miles of aviation operations? If so, provide the required SGHAT analysis results.

a. The latest version of the Solar Glare Hazard Analysis Tool (SGHAT) shall be used to evaluate the s hazard. The full report for each flight path and observation point, as well as the contact informat Administrator, shall be sent to the authority indicated below at least forty-five (45) days prior to p submission. Proof of delivery of notification and date of delivery shall be submitted with permit a

b. Airport operations at airports in the National Plan of Integrated Airport Systems (NPIAS)2 within 5 nautical miles of the center of SES: provide required information to the Federal Aviation Administration's (FAA) Airport District Office (ADO) with oversight of North Carolina.

c. Airport operations at airport not in the NPIAS, including military airports, within 5 nautical miles of the center of SES: provide required information to the NC Commanders Council for military airports and to the management of the airport for non-military airports. Send to: www.faa.gov/airports/planningcapacity/npias-reports/. (As of October 2016, this is the Memphis ADO, but this is subject to change)

d. Any applicable SES design changes (e.g. module tilt, module reflectivity, etc.) after initial submittal shall be rerun in the SGHAT tool and the new full report shall be sent without undue delay to the contacts specified in f(1) and (f)(2) for accurate records of the as-built system.

13.7 - DECOMMISSIONING

13.7.1. A Decommissioning Plan signed by the party responsible for decommissioning and the landowner (if different) addressing the following shall be submitted with permit application. The Decommissioning Plan shall follow the provision as outlined in North Carolina Session Law 2019-132.

Use Grouping	Use	RR	R-7500	R-6000	SBR-6000	MR-3200	C-LD	N-C	C-I	RU-I	I-G	CP	Standards
KEY: Blank Cell = Not Allowed; "P" = Permitted; "L" = Limited Use Standards (Section 5.3); "SUP" = Special Use Permit													
Public and Civic Uses													
Community Service (5.1.3)	All Community Service, except as listed below						P		P				
	Auditorium, Civic Centers, Exposition Centers	L					L					L	5.3.4.A
Day Care (5.1.3.B)	Day Care Facilities	L	SUP	SUP	SUP	SUP	L	L	L				5.3.4.C
	Day Care- In Home	L	L	L	L	L	L	L					5.3.4.D
Educational Facilities (5.1.3.C)	Educational Facilities	L	SUP	SUP	SUP		L	L	L		L		5.3.4.E
	University or College	L	L				P		L				
	Vocational and Business Schools	L					L		L	L	L		5.3.4.N
Social Service Facility and Emergency Shelter (5.1.3.I)	All Social Service Facilities and Emergency Shelters, except as listed below	SUP					SUP	SUP	SUP				5.3.4.F
	Temporary Emergency Shelter during state of emergency	P	P	P	P	P	P	P	P	P	P	P	
Government Facilities (5.1.3.D)	Correctional Facility										SUP		5.3.4.B
	Government and Community Buildings	L	L	L	L	L	L	L	L	L	L	L	5.3.4.G
Medical Facilities (1.1.1.A)	All Medical Facilities, except as listed below						P	P	P				
	Hospitals	SUP					L		L				5.3.4.H
Parks and Open Areas (5.1.3.F)	All parks and open areas, except as listed below	P	P	P	P	P	P	P	P	-	P	P	
	Amenity Center	L	L	L	L	L	L	L				L	4.4.4.A 4.5.3.B (for C-LD and NC) 4.7.C (for CP)
	Arboretum and Botanical Gardens	P					P	P	P		P	P	
	Cemeteries, mausoleums, columbaria	P	L	L	L	L	P	L				L	5.3.4.I
	Individual Burial Sites	L	L	L	L	L	L	L	L	L	L	L	5.3.4.J
	Memorial gardens	P					P					P	5.3.4.I
Passenger Terminal (5.1.3.G)	All passenger terminal, except as listed below	SUP				P			P		P		
	Airport								SUP		SUP		
Place of Worship (5.1.3.H)	All Places of Worship	P	P	P	P	P	P	P	P	P	SUP	L	5.3.4.K
Utilities (5.1.3.J)	Major Utilities, except as listed below	SUP				SUP	SUP	SUP	SUP	SUP	SUP		5.3.4.M
	Minor Utilities	L	L	L	L	L	L	L	L	L	L		5.3.4.M
	Solar Collector (Accessory)	L	L	L	L	L	L	L	L	L	L	L	5.4.11
	Solar Farm	SUP							SUP	SUP	SUP		5.3.4.Q

interference, then the County may take steps to contact the FCC to eliminate the interference.

(b) If there is a determination of RFI with the County's Public Safety and Emergency Services Communications Equipment, the party which caused the interference shall be responsible for reimbursing the County for all costs associated with ascertaining and resolving the interference, including, but not limited to, any engineering studies obtained by the County to determine the source of the interference.

P. Amateur Wireless Facility

Non-commercial, amateur, ham radio or citizen's band antenna supporting structures, antennas or antenna arrays with an overall height less than 90 feet in all zoning districts may be developed in accordance with standards for Accessory Structures and Uses in Section 5.4 and the following additional requirements. Said facility shall be accessory to a legal, principal use on a site (e.g. residence).

1. Structures, excluding towers, shall meet the setback requirements for accessory uses for the zoning district in which the proposed facility shall be located. Towers shall meet the setback requirements for accessory uses for the zoning district in which the proposed facility shall be located or 100% of the tower height, whichever is greater.
2. Applicant shall commit in writing that the facility will be erected in accordance with manufacturer's recommendations.

Non-commercial, amateur, ham radio or citizen's band antenna support structures, equal to or greater than 90 feet shall be regulated in accordance with the Standards for Wireless Telecommunication Facilities found in Section 5.3.4.L. of this ordinance.

Q. Solar Farm

A Solar Farm developed shall be permitted in accordance with Section 5.2., subject to the following:

1. Setbacks

Solar farms shall meet the minimum zoning setbacks for the zoning district in which located. Solar farm equipment/structures, not including perimeter fencing, shall meet the following minimum setbacks:

(a) Thoroughfare roads – 200 feet

(b) Residentaial district or residential uses – 100 feet

(c) Institutional uses – 100 feet

(d) Commercial districts or uses – 50 feet

(e) Industrial districts – 25 feet

(f) Minimum 500 feet for Scenic Byways

2. Height

20 feet maximum.

3. Screening & Buffering

(a) Solar farms shall require screening and buffering as follows:

(i) Street yard screening and buffer: Section 6.3.8. with Required Opacity 1.0 per Section 6.3.9.A.4.

(ii) All other yard screening and buffers: Section 6.3.9. with Required Opacity 0.6 per Section 6.3.9.A.4.

(iii) Where possible, existing vegetation should be utilized for screening and buffer.

(b) Native evergreen shrubs and trees, such as wax myrtles, magnolias, red cedar, and holly species, should be used to reduce weed growth around the tree base and to control weeds in the screening area.

(c) A buffer as wide as possible from areas managed for conservation purposes should be maintained to avoid conflict with controlled burning of such managed areas.

4. Installation and Design

(a) Approved Solar Components – Electric solar energy system components must have a UL listing and must be designed with anti-reflective coating(s).

(b) Compliance with Building and Electrical Code – All solar farms shall meet all requirements of the North Carolina Building Codes.

Commentary: *Compliance with* North Carolina Building Codes *includes meeting the wind load requirements for Brunswick County, which are 120 miles per hour on the western side of US 17 (Ocean Highway) and 130 miles per hour on the eastern side of US 17.*

(c) Grading and tree removal on the site should be minimized.

(d) Natural Heritage Natural Areas should be avoided.

(e) Minimum separation of 100 feet from named streams and rivers; and 50 feet from 404 wetlands is encouraged whenever possible.

(f) Use of native, low-growing grasses and flowers either before (optimal) or after panel installation are strongly recommended.

(g) Solar farms should be positioned such that they do not completely cut-off wildlife corridors.

Commentary: The N.C. Wildlife Resoures Commision provides free, non-regulatory technical guidance regarding several solar farm designs. Suggestions include how to best establish low-growing native plant ground cover, security wildlife fencing and other solar farm features. Natural Heritage Natural Areas is a map layer available on the Brunswick County GIS website.

5. Application Requirements

(a) A site plan denoting the dimensions of the parcel, proposed solar farm location (arrangement of panels), distance from the proposed area to all property lines and location of the driveway(s). No portion of the system area may encroach into the required setbacks and any buffer area(s).

(b) The site plan should also show any street buffer(s) and any project boundary buffer(s).

(c) Horizontal and vertical (elevation) to-scale drawings with dimensions. The drawings must show the location of the system on the property.

(d) State and Local Stormwater permits may be required based upon ground cover.

(e) If applicable, the applicant must apply and receive from the North Carolina Department of Transportation (NCDOT) a driveway permit, or submit documentation from NCDOT that the existing site access is acceptable for the required use prior to final project approval.

(f) **Maintenance and Security Plan**

An approved Maintenance and Security Plan is required for all Solar Farm facilities. The Plan shall, at a minimum, include the following:

(i) Environmentally-friendly vegetative management practices to be employed; use of herbicides should be avoided; provided however, spot herbicide treatment may occasionally be needed to deter growth of new trees on the site.

(ii) Incorporate the elements and principles from N.C. Wildlife Resources Commission publication 'Recommendatons for Establishing Native Pollinator Habitat on Solar Farms in North Carolina.'

(iii) Utilize security wildlife fencing as recommended by the N.C. Wildlife Commission; minimum seven feet in height with no barbed wire.

(iv) Landscape screening, fencing, gates, and warning signs shall be maintained in good condition until the facility is decommissioned.

(g) Decommissioning Plan

An approved Decommissioning Plan is required for all Solar Farm facilities. The Plan shall, at minimum, include the following:

(i) The decommissioning obligation shall be part of the lease between the property owner and developer. The obligation shall be reviewed by County staff for compliance with standards listed below prior to signatures by party responsible for decommissioning and the landowner (if different) and recordation in the County's Registry of Deeds. Decommissioning Obligation shall include:

(1) Removal of solar panels, building, cabling, electrical components, roads, and any other associated facilities down to 36 inches below grade.

(2) Disturbed earth shall be re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.

(3) Description of any agreement (e.g. lease) with landowner regarding decommissioning and acknowledgement by the land owner, that land owner shall be held ultimately responsible for decommissioning.

(4) List the type of panels, storage facilities and material specifications being utilized at the site.

(5) The identification of the party currently responsible for decommissioning.

(6) Estimated cost of removal prepared by a licensed engineer.

(7) Prior to issuance of the building permit, approved decommissioning obligation shall be recorded in the County Registry of Deeds and shall run with the land until decommissioning is completed.

(ii) Decommissioning Obligation shall be updated upon change of ownership and re- recorded in the Counthy's Registry of Deeds.

(iii) The County shall periodically require proof of the continuous operation of the solar farm from the applicant/owner.

(iv) The solar farm shall have 12 months to complete decommissioning of the solar facility if no electricity is generated for a continuous period of 12 months. For the purpose of this section, this 12-month period shall not include delay resulting from force majeure. Failure to timely decommission the site in accordance with the obligation shall result in all actions available at law or in equity, including, but not limited to; Breach of contract, specific performance, mandatory injunctions, fines, abatement, nuisance, liens, assessments and judicial sale of the property.

ARTICLE 9. SPECIAL DEVELOPMENT STANDARDS

The following Special Development Standards shall apply to the uses specified in addition to the general standards:

Standard A – Minimum Solar Farm Requirements	62
Standard B – Resort Vehicle Park/Campground Ordinance	63
Standard C – Manufactured/Mobile Home Park Ordinance	75

STANDARD A - MINIMUM SOLAR FARM REQUIREMENTS

1. All solar farms must be set back from an adjacent highway right-of-way at least 50 feet. Similarly, a side or rear set-back distance of 30 feet from any property line is required.

2. A vegetative buffer consisting of either one or two rows of staggered evergreen vegetation is required as per the vegetative buffer design specification sheet available from the Columbus County Planning Department. A vegetative buffer may be constructed using any of those evergreen varieties identified or an approved equivalent. A staggered two row buffer is to be located between any solar farm fencing and an adjacent highway. Similarly, a two-row vegetative buffer is required to screen the farm from the direct view of adjacent residential housing units. Where required, a single row vegetative buffer is required along perimeter fencing as noted in item three (3) below.

3. A vegetative buffer consisting of one row of evergreen vegetation is required along all perimeter areas not covered under item number 2 above (i.e. where two-row vegetative buffering is called for) but with the following exceptions:

    a. Where a natural vegetative buffer already exists on the property and which allows for said natural vegetative buffer to remain and be maintained in an undisturbed natural state which provides adequate screening to adjacent parcels on the side or sides, or along the back fence line of the solar farm.
    b. When a solar farm is located over 250 feet from an adjacent highway such that only minimal vegetative screening is needed to prevent the farm from becoming a distraction to drivers on the adjacent highway or to adjacent landowners.

4. Vegetative buffers may be located within the required setback areas.

5. The maximum height for a ground mounted solar system under these guidelines is 15 feet above ground level.

6. General Standards:

a. All Solar Farms shall comply with all Building and Electrical Codes.
b. Shall not create a visual safety hazard for any passing motorist or aircraft.
c. Shall be removed, at the property owner's expense, or at the solar farm owner's expense within one hundred and eighty (180) days of determination by the Planning Department that the facility is no longer being maintained in an operable state of good repair or is no longer supplying solar power.
d. All solar farms must be maintained in a reasonable fashion with regard to the facility grounds such that the facility does not become a public eyesore or contain undergrowth which may harbor vermin due to the excessive length of grass and other vegetation located inside or outside of the perimeter fencing.

STANDARD B - RESORT VEHICLE PARK/CAMPGROUND ORDINANCE

A. PURPOSE

The purpose of this Ordinance is to regulate and guide the establishment of campgrounds in order to promote the public health, safety and general welfare of the citizens of Columbus County, North Carolina. This Ordinance is designed to accomplish the following specific objectives: (a) to further the orderly layout of campgrounds; (b) to secure safety from fire, panic and other danger; (c) to provide adequate light and air; and (d) to ensure that facilities for transportation, parking, water, sewage and recreation are provided for campground visitors.

B. AREA GOVERNED

These regulations shall govern the establishment of each and every new campground and the alteration or expansion of existing campgrounds lying within the jurisdiction of Columbus County and which is not governed by a municipality within Columbus County.

C. AUTHORITY

Columbus County hereby exercises its authority to adopt and enforce a Campground Ordinance pursuant to the authority granted to Columbus County by Chapter 153A, Article Six of the General Statutes of North Carolina.

D. SHORT TITLE

This Ordinance shall be known as the CAMPGROUND ORDINANCE, COLUMBUS COUNTY, and may be cited as the Campground Ordinance.

E. DEFINITIONS

When used in this Ordinance, the following words and phrases shall have the meaning given in this section. Terms not herein defined shall have their customary definitions where not inconsistent with the context. The term shall is mandatory and words used in the singular include the plural and those in the present include the future tense.

regulated by the North Carolina Education Lottery Commission.

Electrical Generating Facility. An industrial facility also referred to as a power station, generating stations, power plants, power house or generating plant is an industrial facility for the generation of power.

Explosive Manufacturing. Explosive and emulsion manufacturing projects.

Firing Range. A specialized facility designed for firearms practice where ammunition is used. May be indoor or outdoor.

Fuel Oil Bulk Storage. Storage facilities where 30,000 gallons or greater of fuel is stored.

Industrial Uses. Any use or category of uses that meet the criteria set forth below for Heavy, Light, or Industrial Park uses:

1. Heavy Industrial -Intensive industrial processes that encompass more than one acre and generate EPA controlled discharges as part of their by product, and by their nature, create high decibel noise, smoke, or dust. May also include mining and related excavations and extractions of material for sale off site, asphalt plants, explosive manufacturing, chemical manufacturing, paper mills, and large scale wood processing operations.

2. Light Industrial -Industry that is less intensive and not otherwise covered by the definition of Heavy Industry. Examples may include, but not be limited to, small manufacturing, small spinning/sewing operations, solar farms, cement mixing facilities, warehousing, small scale craft and wood working facilities.

3. Industrial Park -Large tracts of land that are designated as an industrial park, typically operated by the County, that has water and sewer available to it.

Junk, Storage, Recycling, Reclamation, or Salvage Yards. 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.

Landfill (Demolition & Sanitary). A sanitary landfill is a site used for the disposal of solid wastes beneath layers of soil and other materials. A demolition landfill is a site that is used for the disposal of stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth and other solid wastes resulting from construction, demolition or land clearing.

purpose of an individual or corporation to sell various quantities for profit.

Race Tracks (Includes Go-Cart, Motocross, etc.). Any facility used for the purpose of racing vehicles such as cars, four-wheelers, dirt bikes, go-carts, etc.

Recreation Vehicle (RV) Campgrounds. Any site or tract of land upon which fifteen (15) or more recreational vehicle spaces are provided for temporary occupancy. A recreational vehicle park shall also be known as a campground or travel trailer park.

Site Plan. A specific and detailed plan of development meeting the requirements of this ordinance.

Solar Farm/Park. Any parcel of land one (1) acre or greater where solar panels are located for the purpose of selling power. (See Light Industrial)

Wireless Communication Facility. A Wireless Communication Facility is any unstaffed facility for the transmission and/or reception of wireless telecommunications services, usually consisting of an antenna array, connection cables, an equipment facility, and a support structure to achieve the necessary elevation.

Wireless Telecommunication Tower. Any tower or structure erected for the purpose of supporting, including, but not limited to, one or more antennas designed to transmit or receive television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic communication. Alternative structures, as defined by this Ordinance, are considered towers by this definition. The following shall not be included in this definition:

- Amateur radio facilities with antennas mounted on supporting structures less than 100 feet in height;
- Residential antennas for receiving television or AM/FM radio broadcasts;
- Residential satellite dishes; or,
- Commercial or industrial satellite dishes that are less than 20 feet in height."

Approved and Adopted by the Columbus County Board of Commissioners on the 21st day of February, 2022.

PART 3 – SUBDIVISION REGULATIONS ORDINANCE

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DUPLIN COUNTY
AN ORDINANCE REGULATING THE SITING, OPERATION AND MAINTENANCE OF SOLAR ENERGY GENERATING FACILITES

Purpose

The purpose of this ordinance is to facilitate the siting, construction, installation and operation of solar energy generations facilities in Duplin County in a manner that promotes economic development and ensures the protection of the health, safety and general welfare of the citizens while also avoiding adverse impacts to adjacent land uses and property owners.

Upon the recommendation of the Duplin County Planning Board, the Duplin County Board of Commissioners desires to enact this ordinance regulating the siting, operation and maintenance of solar energy generating facilities in the unincorporated areas of Duplin County,

SECTION I - TITLE

This ordinance may be known and may be cited as "Ordinance Regulating the Siting, Operation and Maintenance of Solar Energy Facilities in Duplin County".

SECTION II - DEFINITIONS

For the purpose of this ordinance, certain terms and words are hereby defined; words used in the present tense shall include the future; words used in the singular number shall include the plural number; and the plural the singular; and the word "shall" is mandatory and not discretionary.

Building: Any structure having a roof supported by columns or walls, and designated or intended for the shelter, support, enclosure or protection of persons, animals or chattels.

Fence/Barrier: A continuous barrier extending from the surface of the ground to a uniform height of not less than six (6) feet from the ground at any given point, constructed of soil, wood, stone, steel, or other metal, or any substance of a similar nature and strength.

Gate: A door or other device attached to a fence which, when opened, provides a means of ingress and egress of persons and things for which it was intended, and which, when closed, forms a continuous barrier as a part of the fence to which it is attached.

Improved Area: Area containing perimeter fencing, solar panels, electrical inverters, storage buildings and access roads.

Opaque Fence: A continuous opaque, unperforated barrier extending from the surface of the ground to a uniform height of not less than six (6) feet from the ground at any given point, constructed of soil, wood, stone, steel, or other metal, or any substance of a similar nature and strength which will conceal the solar energy facility from view.

Operator: The person(s), entity or company that engages in or runs a solar energy facility.

Owner: The person(s), entity or company having legal title to the subject property wherein the solar energy facility is located.

Public Road: Any road or highway which is now or hereafter maintained by the North Carolina Department of Transportation as part of the State Highway System. Setbacks for improved areas shall be measured from the road right of way.

Residence: A building used as a dwelling for one or more families or persons.

Residential Area: Any area within one tenth mile of a solar energy facility having twenty five or more dwellings.

Solar Energy Facility: An energy generating facility or area principally used to convert solar energy to electricity, which includes, but is not limited to, the use of one or more solar energy systems and related appurtenances. This definition shall only include those facilities whose primary purpose is to sell electricity to be used off site.

SECTION III - PROHIBITIONS

It shall be unlawful after the effective date of this Ordinance for any person, firm, or corporation, or other legal entity to construct, establish modify or expand a solar energy generating facility within the jurisdiction of Duplin County until a site plan for such has been approved by the Duplin County Planning Board.

SECTION IV - LOCATION

A. All solar energy facilities proposed to be located in areas covered by the 2009 Duplin County Airport Land Use and Height Restriction Ordinance adopted May 1, 2009, or subsequent amendments to said ordinance, must be permitted by the Duplin County Planning Department in accordance with Article VIII of said Ordinance.

B. All improved areas, including disposal areas, shall be at least 60 feet from a public road and 25 feet from a fence line. In the event that an opaque fence is installed the setback may be reduced to 20 feet.

C. Improved areas shall be at least 300 feet from any residence or church, measured from the principal building. In the event there is no residence or church within 300 feet from the improved areas, then the improved area shall be at least 50 feet from the property line.

D. All access roads and storage areas shall be established on a 30 feet minimum easement to a public right of way.

E. All solar energy facilities shall have a minimum landscape buffer of 25 feet along the perimeter of the improved area. The buffer shall contain evergreen trees or bushes planted no

more than 8 feet apart and at least 4' tall at time of planting. The buffer shall obtain a height of 7 feet within 3 growing seasons. The trees or bushes may be trimmed but no lower than a height of 7 feet. Facility operators shall utilize good husbandry techniques with respect to maintaining the landscape buffer, including but not limited to, proper pruning, proper fertilizer, and proper mulching, so that the vegetation will reach maturity as soon as practical and will have maximum density in foliage. Dead or diseased vegetation shall be removed and must be replanted at the next appropriate planting time. Plants or grasses not part of landscaping shall be maintained by the facility operator not to exceed twelve inches in height A buffer area will not be required between a solar energy facility and adjacent industrial, agriculture, timber or commercial land uses. A planted buffer will not be required if an opaque fence is installed.

F. All solar energy facilities shall have a fence or continuous barrier extending from the surface of the ground to a uniform height of not less than six (6) feet from the ground at any given point, constructed of soil, wood, stone, steel, or other metal, or any substance of a similar nature and strength.

SECTION V - SECURITY

Solar energy facilities shall be fenced completely as defined in Section Two above. The perimeter fence shall be designed to restrict unauthorized access.

SECTION VI - SUPPLEMENTAL REGULATIONS

A. The manufacturers or installer's identification and appropriate warning sign shall be posted on or near the panels in a clearly visible manner.

B. On site power lines between solar panels and inverters shall be placed underground.

C. The design of solar energy facilities buffers shall use materials, colors, textures, screening and landscaping, that will blend the facility into the natural setting and existing environment.

D. If the solar energy facility consists of batteries or storage of batteries, adequate design must be provided to ensure all local, state and federal requirements regulating outdoor battery storage have been met.

E. The applicant must obtain from NC Department of Transportation a driveway permit.

F. A copy of the Purchase Power Application with the utility company that will be purchasing electricity from the proposed site shall be provided to the County Planning Department prior to the Duplin County Building Inspections issuing a permit.

G. An affidavit or evidence of an agreement or property lease between the property owner and the facility's owner or operator confirming the owner or operator has permission of the

property owner to apply for the necessary permits for construction and operation of the solar energy facility.

H. Any other relevant studies, reports, certificates and approval as may be reasonably required by the county.

I. A description of the proposed technology to include type of solar panel and system, fixed mounted verses solar tracking, number of panels, and angles of orientation.

J. An information sign shall be posted and maintained at the entrance(s) which lists the name and phone number of the operator.

K. It is the responsibility of the parcel owner to remove all obsolete or unused systems within 12 months of cessation of operations. Reusable components are to be recycled whenever possible. Notification shall be sent to the County Planning Department prior to cessation of operations

SECTION VII - SITE PLAN / ELECTRICAL & STRUCTURAL DRAWINGS REQUIRED

A. Owners or operators of solar energy facilities established after the effective date of this Ordinance shall present three copies of a site plan which conform to the standards of this Ordinance to the Duplin County Planning Department. The site plan shall depict and include improved areas, setbacks, panel sizes, location of property lines, buildings and road right of ways etc... in sufficient detail to illustrate the design and situation of the improvements on the property.

B. The Planning Board shall review the site plan to insure conformity with the requirements of this Ordinance. No new solar energy facility shall be operated until the site plan has been approved by the Duplin County Planning Board; provided, however, that if the Planning Board has not taken action within ninety (90) days after the first Planning Board meeting after the submission of the site plan, said site plan will be deemed to be approved.

C. The Planning Board may grant a variance to these requirements based upon good cause shown. Applications for such variance shall be made to the Duplin County Planning Department.

D. Appeals of a Planning Board decision shall be to the Duplin County Board of Commissioners.

E. Upon approval from the Duplin County Planning Board, as well as any other Federal, or State Agency the person, firm, or corporation shall be required to submit two (2) copies of the approved site plans, two (2) copies of the engineered electrical and structural plans to the Duplin County Building Inspections Department. Application for Electrical and Building Permits in accordance with applicable provisions of the General Statutes shall be due at the time of plan submittal to the Duplin County Building Inspections Department. After approv

of the Electrical and Structural drawings a permit may be issued for work to begin. Inspections will be made accordingly to the advancement of construction to assure compliance in accordance with applicable provisions of the General Statutes. After all inspections are completed, a certificate of compliance will be issued for the site.

SECTION VIII - VIOLATIONS

Any act constituting a violation of the provisions of this Ordinance or a failure to comply with any of its requirements shall subject the offender to a civil penalty of $500.00. If the offender fails to remedy the violation and pay any civil penalty within ten (10) 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. Civil penalties begin to accrue from the date of the first notice of violation.

This Ordinance may also be enforced by any appropriate equitable action authorized by law, including injunctive relief, whether or not there is an adequate remedy at law.

(a) Each day that any violation continues, regardless of the date of notice, shall be considered a separate offense for purposes of the penalties and remedies specified in this section.

(b) In such an event, civil penalties begin to accrue from the date of the first notice of violation. For continuing violations, the initial citation and requirement that the civil penalty be paid within the time prescribed therein shall be the only notice required to be given; and shall be deemed to be an on-going citation and notice for continuing violations after the date of the citation.

(c) Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this Ordinance.

Violations of the provisions of this Ordinance or failure to comply with any of its requirements shall not constitute a misdemeanor as provided in N.C. Gen. Stat.§ 14-4, unless any specific penalty set forth elsewhere provides to the contrary.

Alternatives for Enforcement. In addition to the provisions of this section, any provision of this Ordinance or other ordinance of the County may be enforced by any one or more of the remedies authorized by N.C. Gen. Stat. §153A-123, excluding misdemeanor charges as provided in N.C. Gen. Stat. § 14-4, unless any specific penalty set forth elsewhere provides to the contrary.

SECTION IX - ENFORCEMENT

A. The enforcement officer shall be the Duplin County Planner or designee. The enforcement officer shall review site plans for compliance with this ordinance and may also visit the facilities occasionally to determine ongoing compliance with the ordinance. The

enforcement officer shall notify the Operator in writing of any deficiencies and the necessary steps that must be taken to bring the facility into compliance. If the Operator fails to bring the facility into compliance with this Ordinance, the enforcement officer, after consultation with the County Manager, shall institute the necessary steps to enforce this ordinance in accordance with the provisions of subsection B of this Section.

B. This Ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. It may be enforced by injunction and order of abatement. The County may apply for a mandatory or prohibitory injunction and order of abatement commanding the violator to correct any unlawful condition upon or cease the unlawful use of property. The County may request an order of abatement as part of a judgment in the cause any may request the court to close, demolish or remove buildings or other structures or take any other action that is necessary to bring the solar energy facility into compliance with this Ordinance.

This Ordinance may be enforced by any one or more of the remedies authorized herein.

SECTION X - **SEVERABILITY**

If any section or part of this Ordinance should be held invalid for any reason, such determination shall not affect the remaining sections or parts, and to that end the provisions of this Ordinance are severable.

SECTION XI - **EFFECTIVE DATE**

This Ordinance shall become effective upon adoption.

SECTION XII – **GRANDFATHER CLAUSE**

Any outstanding building permit for a solar farm in Duplin County valid at the time of adoption shall remain in force, and nothing in this Ordinance shall require a change of plans, construction, or designated use of any structure for which such permit has been issued.

Adopted this the 20th day of April, 2015

Duplin County Board of Commissioners

By: _____
Kennedy Thompson, Chairman

Attest:

_____
Mike Aldridge, Clerk to the Board

EASEMENT
A grant by the property owner for use, by the public, a corporation or person of a strip of land for specific purposes.

ELECTRIC SUBSTATION
A subsidiary station of an electricity generation, transmission, and distribution system where voltage is transformed from high to low or the reverse using transformers.

ELECTRIC VEHICLE CHARGING STATION
A vehicle parking space served by an electrical component assembly or cluster of component assemblies (battery charging station) designed and intended to transfer electric energy by conductive or inductive means from the electric grid or other off-board electrical source to a battery or other energy storage device within a vehicle that operates, partially or exclusively, on electric energy. *[11-16-2020]*

ELECTRICITY GENERATING FACILITIES
A standalone plant not ancillary to another land use which generates electricity to be distributed to customers, including but not limited to fossil fuel burning facilities and wind power farms. This definition shall not include electricity produced at or on an agricultural farm, residence, business, or other facility where use of the electricity so produced is limited primarily to on-site consumption. Solar energy collection facilities are a type of electricity generating facility; however, for the purposes of this ordinance, they are considered a separate use in the Table of Permitted Uses.

ELECTRONIC GAMING OPERATION
A business enterprise, whether principal or accessory, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of odds or chance, including sweepstakes, and where cash, merchandise, or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. Electronic Gaming Operations do not include any lottery approved by the State of North Carolina.

ELEMENTARY AND SECONDARY SCHOOLS
An educational institution that offers a program of high school, technical high school, middle school (or junior high school), and/or elementary school (including kindergarten, pre-k, pre-k-8, or nursery school) instruction meeting State requirements for a school. Such uses include classrooms, laboratories, auditoriums, libraries, cafeterias, after school care, athletic facilities, dormitories, and other facilities that further the educational mission of the institution. *[11-16-2020]*

ELIGIBLE FACILITIES REQUEST
A request for modification of an existing wireless tower or base station that involves collocation of new transmission equipment or replacement of transmission equipment but does not include a substantial modification. *[09-08-2020]*

EMERGENCY SERVICES FACILITY
An establishment for the provision of emergency services, such as fire, rescue and emergency medical service, and associated emergency preparedness, emergency management, or disaster management activities. *[11-16-2020]*

EQUESTRIAN FACILITY
A facility for keeping equines not associated with an agricultural or residential use and which includes the boarding, breeding, training, riding, or showing of the domestic animals.

SITE PLAN
A scaled drawing and supporting text that is submitted as part of a Major or Minor Site Plan application showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot, as well as details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review. For the purposes of this ordinance, this definition does not include subdivision construction plans or plats. For definitions related to subdivision plans or plats, see "Preliminary Plan", "Subdivision Construction Plans", and "Plat, Final". *[05-03-2021]*

SITE SPECIFIC DEVELOPMENT PLAN
A conceptual plan that describes with reasonable certainty the type and intensity of land use for a specific parcel or parcels that is submitted as part of a conditional zoning map amendment, special use permit, or master planned development. This definition shall include "conceptual development plan" as used in this ordinance and "site-specific vesting plan" as defined and used in N.C.G.S. 160D-108.1. *[05-03-2021]*

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. *[05-03-2021]*

SOLAR ENERGY COLLECTION FACILITY
A facility designed to meet energy demands for a large area and consisting of solar panels, modules, and related equipment (e.g., heat exchanger, pipes, inverter, wiring, storage) that collects solar radiation and transfers it as heat to a carrier fluid for use in hot water heating or space heating and cooling, and/or that collects energy and converts it into electricity.

SOLAR ENERGY COLLECTION FACILITY, ACCESSORY
A facility designed to meet energy demands for the principal use of the property on which the collection facility is located, and consisting of solar panels, modules, and related equipment (e.g., heat exchanger, pipes, inverter, wiring, storage) that collects solar radiation and transfers it as heat to a carrier fluid for use in hot water heating or space heating and cooling, and/or that collects energy and converts it into electricity. A solar energy collection facility intended to serve the energy needs of a use or uses beyond the property on which the collection facility is located shall constitute a "Solar Energy Collection Facility" principal use. *[11-16-2020]*

SPECIAL FUNDRAISING FOR NON-PROFIT ORGANIZATIONS
A temporary fundraising activity and/or sale conducted by a non-profit organization to support its defined mission.

SPECIAL HIGHWAY
Any highway, such as but not limited to interstate corridors, freeways, arterials, and collectors, designated by the County Commissioners for its scenic qualities and its ability to provide safe and efficient traffic flow.

SPECIAL PURPOSE SIGN
See "Sign, Special Purpose".

SPECIAL USE
A use that would not be appropriate generally as a right without restriction throughout a zoning district, but which, if controlled as to number, area, location, or relation to neighborhood, would promote the public health, safety, morals, or the general welfare.

Table 4.2.1: Principal Use Table

Key: P = Permitted by Right S = Special Use Permit Required * = Specific Use Standards Apply in District *blank cell* = not allowed

Use	Zoning District																							Use Standards
	RA	AR	R-20S	R-20	R-15	R-10	R-7	R-5	RMF-L	RMF-M	RMF-MH	RMF-H	PD	UMXZ	B-1	CB	B-2	O&I	SC	CS	AC	I-1	I-2	
Solar Energy Collection Facility																					S	P	P	
Utility Lines, Structures, and/or Facilities; General	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	4.3.3
Commercial Uses																								
Amusement & Entertainment Uses																								
Adult Entertainment Establishment																						S*		4.3.4
Bar/Nightclub													P		P		P		P	P	P			
Electronic Gaming Operation																P*	S*			P*		S*		4.3.4
Event Center *[11-16-2020]*													P	P	P*	P*	P			P				4.3.4
Indoor Recreation Establishment	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	P	P	P	P	P	S*	P	P	P	P	P	4.3.4
Outdoor Recreation Establishment	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	P	P	P	P	P	S*	P	P	S	P	P	4.3.4
Outdoor Shooting Range																					S*		S*	4.3.4
Animal Services																								
Animal Grooming Service *[11-16-2020]*													P	P	P*	P*	P	P*	P	P	P	P		4.3.4
Equestrian Facility *[11-16-2020]*	P	P*	P*	P*	P*								P				P					P	P	4.3.4
Kennel *[11-16-2020]*	S		S*	S*	S*								P	P	P	P	P	S		P	P	P	P	4.3.4
Veterinary Service *[11-16-2020]*													P	P	P	P	P	P	P	P	P	P		
Commercial Services																								
Bank and/or Financial Institution													P	P	P	P	P	P	P	P	P			
Business Service Center													P	P	P	P	P	P		P	P	P		
Commercial Parking Lot or Facility														P		P				P				

Table 5.1.2.A: Minimum Off-Street Parking *sf = square feet of gross floor area, except where otherwise specified; du = dwelling unit; / = per*	
Use	**Required Off-Street Parking**
Government Services	
Emergency Services Facility	2.5/1,000 sf
Government Offices and Buildings	2.5/1,000 sf
Post Office	2.5/1,000 sf, plus 1 for each post office vehicle stored on site
Health Care Facilities	
Hospice	1 per 4 beds
Hospital	3.5/1,000 sf
Medical and Dental Office and Clinic	3.5/1,000 sf
Nursing and Rehabilitation Center	1 per 4 beds
Urgent Care Facility	3.5/1,000 sf
Recreation, Parks, and Open Space	
Boating Facility, Community	1 per boat slip
Boating Facility, Private Residential	No minimum
Cemetery	No minimum
Community Garden	No minimum
Golf Course	2 spaces per hole
Park and Recreation Area	No minimum
Transportation	
Airport and Terminal	No minimum
Bus and Taxi Terminal	No minimum
Heliport	No minimum
Marina, Commercial	1 per boat slip and 1 per 4 dry storage facilities
Marina, Commercial with Floating Structures	1 per boat slip, 1 per 4 dry storage facilities, and 2 per floating structure
Railroad Freight Depot	2/1,000 sf office facilities
Railroad Passenger Terminal	2/1,000 sf
Water Transportation Facilities	Study required
Utilities	
Electric Substation	No minimum
Solar Energy Collection Facility	2/1,000 sf office facilities

that are depicted to show compliance with all legal required development regulations that are applicable to the project and the site plan review.

Site Specific Development Plan: A plan that has been submitted to the County by a landowner describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. The contents of a site-specific development plan that is submitted in the interest of obtaining a vested right must meet the requirements of this Ordinance.

Small Engine Repair: A building or establishment whose principal use is the storage, care, maintenance, replacement, and/or repair of small-displacement, low-powered internal combustion engines such as found in lawn mowers or generators.

Small Wind Energy Facility: See "Wind Energy Facility, Small."

Social, Fraternal, Philanthropic Clubs, & Non-Profit Uses: An organization with pre-established formal membership requirements and by-laws, and with the objective of promoting the interests of its members. Trade associations, professional organizations, unions, political, and religious organizations fall under this umbrella. These uses include office space and meeting areas; however, homeless shelters and museums would not be included in the definition.

Solar Electricity System, Ground-Mounted: A ground-mounted system having the components and subsystems required to convert solar energy into electricity to be consumed principally at a different location and including all the land inside the perimeter of the system, which extends to any fencing.

Solid Waste Transfer Station: A facility at which solid waste is collected for temporary storage before being transferred to a licensed landfill or recycling plant.

Special Events: Events sponsored by a commercial entity or private events, such as circuses, fairs, carnivals, concerts, festivals, or weddings, excluding events held or sponsored by a government entity or non-profit organization, and which are unlike the customary or usual activities generally associated with the property where the special event is to be located.

Special Use Permit: A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards, and any additional requirements imposed by the Board of Adjustment.

Stable: A facility intended to house, board, handle, train, or otherwise keep or care for horses belonging to the owner and not for hire. Commercial establishments are defined as Equestrian Uses.

Industrial, Transportation, Utility, & Warehousing Uses	CON	RA	R-20	R-15	R-10	R-8M	R-5	O-I	CB	HB	L-IN	H-IN	ARS
Data Centers								P		P	P	P	
Distribution Centers and Freight or Truck Terminals										P	P	P	
Electric Utility Substations	P	P	P	P	P	P	P	P	P	P	P	P	
Feed and Flour Mills		S								P	P	P	
Junkyards or Salvage Yards		S									S	S	9.13.D
Landfill (Construction and Demolition, Land Clearing and Inert)		P									P	P	9.13.E
Landfill (Sanitary)		S									S	S	
Manufacturing, Processing, and Assembly										S	P	P	
Meat, Poultry, and/or Seafood Packing and/or Processing Plants		S								S	P	P	
Mining and Quarrying Operations (Under 1 Acre)		P									P	P	9.13.F
Mining and Quarrying Operations (1 Acre or Greater)		S									S	S	9.13.F
Motor Vehicle and/or Boat Storage Yard		S							S	P	P	P	9.13.G
Motor Vehicle Parking Lot(s) or Garages (Principal Use)								P	S	P	P	P	9.13.H
Power Generation or Production Facilities (Excluding Wind and/or Solar)		S								S	S	P	
Rail Terminals or Yards		S									S	P	
Refineries											S	P	
Recycling Facility		S								P	P	P	9.13.I
Recycling Plant											P	P	
Sawmills		S									P	P	
Septic Tank Service and Repair		P								P	P	P	9.13.J
Sewage Treatments Plant(s)		P	P	P	P	P	P	P	P	P	P	P	
Solar Electricity System, Ground Mounted		P									P	P	9.13.K
Solid Waste Transfer Station		S									P	P	9.13.L
Taxicab Stands or Offices									P	P	P		
Telecommunication Lines & Related Appurtenances	P	P	P	P	P	P	P	P	P	P	P	P	
Transit Stations (Bus, Train, etc.)		P	P	P	P	P	P	P	P	P	P	P	
Warehousing, Self-Storage		S							S	P	P		9.13.M

e. See Section 9.15 (Temporary Additional Required Standards) for the temporary mining operation additional required standards related to the development of a subdivision.

G. MOTOR VEHICLE OR BOAT STORAGE YARD

1. In Rural Agriculture (RA) Zoning District, a minimum lot size of two (2) acres is required.
2. A Type C Buffer shall be required along adjacent residential property lines.
3. The storage of RVs is permitted; however, no RV may be connected to water and/or wastewater system.

H. MOTOR VEHICLE PARKING LOT(S) OR GARAGE(S) (PRINCIPAL USE)

1. A Type D Buffer shall be required along adjacent residential property lines.
2. A Type A Buffer shall be required along adjacent non-residential property lines.
3. All of the required parking standards outlined in Article 10 (Development Standards) apply.

I. RECYCLING FACILITY

1. The buffers meeting the specifications in Article 10 Section 8 (Buffering) shall be required.
2. Materials to be recycled or disposed of must be screened from public view as outlined in Section 302.9(C) of the Onslow County Solid Waste Management Ordinance. A modified chain link fence shall not be considered an opaque fence or wall for screening purposes.
3. No materials to be recycled or disposed of shall remain on the site for a period of more than forty-five (45) days.
4. In the Rural Agriculture and Highway Business Zoning Districts, the sorting/processing of construction and demolition waste shall occur only within a fully enclosed structure.
5. Dust control measures shall be implemented to prevent dust from moving off-site or causing visibility problems. These measures include wet suppression of both access areas and processing areas.
6. Concrete or asphalt paving shall be required on any portion of all internal access roads located within one hundred (100) feet of a public street.

J. SEPTIC TANK SERVICE AND REPAIR

1. A minimum lot size of two (2) acres in Rural Agriculture (RA) Zoning District.
2. A Type C Buffer shall be required along adjacent nonresidential zoning side and rear property lines.
3. A Type D Buffer shall be required along adjacent residential zoning side and rear property lines.
4. Any inoperable equipment shall remain out of public view. Materials remaining on the site for longer than thirty (30) days shall remain out of public view.

K. SOLAR ELECTRCITY SYSTEM, GROUND MOUNTED

1. Intent
   a. The intent of the Onslow County Planning and Development Department is that the site plans for Ground Mounted Solar Electricity Systems be thoroughly reviewed by all the applicable agencies during the review process.
2. Requirements

a. In the Rural Agriculture (RA) Zoning District, the Light Industrial (L-IN), and the Heavy Industrial (H-IN) Zoning Districts the following additional requirement standards shall apply.
   i. Proof of delivery of written notice stating the system's location, technology to be used, total land coverage, and copy of a glint/glare study to the following agencies, as applicable:
      A. The Director of the Albert J Ellis Airport;
      B. Any additional airports/airstrips within five (5) nautical miles of the site excluding Albert J. Ellis Airport;
      C. The Commanding Officer of the Marine Corps Base Camp Lejeune;
      D. The Commanding Officer of the Marine Air Station at New River, and
      E. Any other commander of a military installation located within five (5) miles of the site.
b. The proof must indicate the date of delivery and show that the notice was mailed at least thirty (30) days before the date of the technical review committee meeting held on the project.
c. A decommissioning plan, signed by the party responsible for decommissioning and the landowner (if different), addressing the following:
   i. Defined conditions upon which decommissioning will be initiated (e.g. end of land lease, no power production for twelve (12) months);
   ii. Removal of all non-utility owned equipment, conduit, structures, fencing, roads and foundations;
   iii. Restoration of the property, to the extent practical, to pre-development conditions;
   iv. The timeframe for completion of decommissioning activities which must not exceed eighteen (18) months;
   v. The estimated decommissioning and restoration costs in current dollars, and the method for ensuring that funds will be available to cover those costs;
   vi. Description of any agreement with the landowner (if different from the party responsible for decommissioning) regarding decommissioning;
   vii. The party responsible for decommissioning; and
   viii. Plans for updating the decommissioning plan.
d. Ground mounted equipment must be setback thirty (30) feet from all public and private streets rights-of-way, fifteen (15) feet from side lot lines and twenty-five (25) feet from rear property lines. Security fencing, poles, and wires necessary to connect to facilities of the electric utility are not subject to these setbacks.
e. Ground-mounted equipment must be set back one hundred (100) feet from any residential dwelling unit in existence at the time the application was submitted. Security fencing, poles and wires necessary to connect to facilities of the electric utility are not subject to this setback.
f. The height of the system as measured from the highest natural grade below each solar panel may not exceed twenty (20) feet. Any utility poles or antennas constructed for the project are excluded from this limitation.

g. Table 10-1 (Buffer Yard Requirements) is applicable except where the site abuts a residential use or residential zoning district, in those instances a Type C buffer is required.
h. Any lighting provided at the site must be shielded and downcast so that light does not spill over onto adjacent property or into the night sky. Motion sensor lighting control is the preferred over other methods.
i. The system will not reflect light of such intensity or directed in such manner as to impair pilot visibility or otherwise interfere with the safe operation of overhead aircraft.
j. A warning sign concerning voltage and including the name and telephone number of the system operator must be placed at the facility's main gate or entry point.
k. The solar farm shall be located on an internal access road that meets the standards for Fire Apparatus Access Roads, as specified in the most recent version of the NC Fire Code.
l. Evidence that the decommissioning plan was recorded with the Onslow County Register of Deeds office must be provided prior to the final electrical inspection for the facility.
m. Failure to completely decommission the system and restore the site pursuant to the decommissioning plan will constitute a violation of the Zoning Ordinance.

L. SOLID WASTE TRANSFER FACILITY

1. All facilities or operations shall submit all applicable approved State permits and maintain compliance.
2. A Type D Buffer shall be required along all property lines except for the permitted driveway access or access easements.
3. When an air curtain burner is to be utilized, the applicant shall submit their approved permit from the North Carolina Department of Environmental Quality.

M. WAREHOUSING, SELF-STORAGE

1. No outside storage of items other than operable motor vehicles and watercraft is permitted.
2. The storage of RVs is permitted; however, no RV may be connected to water and/or wastewater systems.

N. WIND ENERGY FACILITIES, LARGE AND UTILITY-SCALE

1. Purpose and Review Process
   a. Large and Utility-Scale Facilities are intended to provide for alternative energy sources in a manner that is environmentally sensitive and compatible with the Navigable Airspace of Marine Corps Base Camp Lejeune, Marine Corps Air Station New River and Albert J. Ellis Airport as well as surrounding land uses. To ensure that this purpose is met, these facilities shall be subject to approval by a Special Use Permit.
   b. Any application submitted shall be forwarded to the Commanding Officers at Marine Corps Air Station New River and Marine Corps Base Camp Lejeune and to the Onslow County Airport Director in order to provide for review and comment concerning potential impacts on the operations and mission of the installations/airport. No application submitted hereunder shall be deemed

Campgrounds, Solar Farms, and other similar types of land uses that the Zoning Officer deems necessary for a required buffer. Information shall be submitted to the Zoning Officer showing details of the proposed buffer as to the location and type of buffer.
If a buffer is existing on an adjacent property this buffer cannot be utilized as a buffer that is required for the new use. A buffer must be installed on the property of the use to be a sufficient buffer.

A buffer shall be required for the extent of the footprint of the use. Example, a parcel has a length of 400 feet. The use extends 200 feet onto the property. The buffer shall be 200 feet long beginning at the front property line and extending the entire footprint of the use.

B. GENERAL BUFFER SPECIFICATIONS

The buffer options listed below are the options that must be used, a satisfactory buffer shall be one of the following:

1. An opaque fence that is a minimum of six (6) feet but no higher than eight (8) feet installed at least 1' off of the property line.
2. A twenty (20) foot wide natural wooded barrier. This barrier must be in existence and cannot be manufactured. The Zoning Officer shall make a site visit prior to permit issuance to determine if the proposed barrier Is sufficient.
3. A eight (8) feet wide buffer containing two staggered rows of evergreen plantings to include 6 trees six (6) feet in height and twenty (20) shrubs every 100 feet. Must have a minimum of a 100-foot required buffer to utilize this option.

Opaque fences must eliminate visibility from one side of the fence to the other. It may be constructed with decorative masonry, wood plank, or other similar types of construction.

When evergreen trees and shrubs are used, they must be installed at a minimum of a 3 gallon size.

C. SOLAR FARM BUFFER REQUIREMENTS

The buffer options listed below must be met in order to establish a Solar Farm in Sampson County. The buffer shall be required around the entire perimeter of the footprint of the Solar Farm.

1. A ten (10) foot opaque fence with six (6) feet minimum height evergreen plantings every ten (10) feet. Plantings must be located within six (6) feet of the fence and located on the outer portion of the fence.
2. An existing 100' wide natural buffer that is capable of encompassing the entire footprint of the solar farm. The Zoning Officer shall make a site visit prior to permit issuance to determine if the proposed barrier Is sufficient.

Opaque fences must eliminate visibility from one side of the fence to the other. It may be constructed with decorative masonry, wood plank, or other similar types of construction.

When evergreen trees and shrubs are used, they must be installed at a minimum of a 3-gallon size.

- Operation activity must occur a minimum of 1,000 feet from residential structures

RADIO & TELEVISION STUDIOS

- See Sampson County Communication Tower Ordinance.

SOLAR ENERGY FACILITY, WIND ENERGY FACILITY

- Structures shall not exceed twenty-five (25) feet in height, as measured from grade at the base of the structure to its highest point.
- Structures shall not exceed two hundred (200) feet in height, as measured from grade at the base of the structure to its highest point. (WIND ENERGY FACILITY)
- A Solar Energy Facility of more than ½ acre in panel area, as measured around the perimeter of the panels, and which are located within 5 miles of a public use airport must provide notification to airport operations. Before issuance of any permits, the applicant shall submit a copy of the FAA airspace determination letter confirming the proposal does not pose a hazard to flight avigation.
- Before issuance of any permits, the applicant shall submit a copy of the FAA airspace determination letter confirming the proposal does not pose a hazard to flight avigation (WIND ENERGY FACILITY)
- A decommissioning plan shall be required as part of the Special Use Permit application. This plan shall be prepared by a third-party engineer and must be signed off by the party responsible for decommissioning and all landowners of property included in the project. The following items are required to be addressed or included in the decommissioning plan:
- A description of any agreement (e.g. lease) with all landowners regarding decommissioning;
- The identification of the party currently responsible for decommissioning;
- The type of panels/wind turbines and material specifications being utilized at the site;
- All costs for the removal of solar panels/wind turbines, buildings, cabling, electrical components, roads, fencing, and any other associated facilities down to 36 inches below grade;
- All costs associated with the grading and re-seeding of disturbed earth from the project.
- Prior to the issuance of the building permit, the decommissioning plan shall be recorded by the applicant with the Sampson County Registry of Deeds.
- The decommissioning plan and estimated cost of removal shall be updated every ten (10) years or upon change of ownership of either the property or the project's owner. Any changes or updates to the plan shall be recorded with the County's Register of Deeds.
- The owner of the solar farm/wind energy facility shall provide a bond, cash escrow, or irrevocable letter of credit in favor of the County and (if the owner of the solar farm/wind energy facility is not the landowner of the property on which the solar farm/wind energy facility is located) the landowner and the landowner's successors in interest in an amount equal to one and a quarter times the estimated decommissioning cost. Should the solar farm/wind energy facility owner elect to use a letter of credit, it shall be issued by a federally chartered bank with a branch office in North Carolina in favor of Sampson County. The institution issuing the guarantee shall provide to the county a notice no less than ninety (90) days in advance of any renewal, cancellation, termination, or expiration of the guarantee. The bond or letter of credit shall remain in full force and effect until any necessary site restoration is completed to restore the site to a condition comparable to that which existed prior to the issuance of the Special Use Permit.

RADIO & TELEVISION STUDIOS – an establishment primarily engaged in providing two-way radio/telephone communication services, telephone voice and data communications, telegraph services, radio and television broadcasting, or cable and other pay television services, but excluding those uses classified as utilities.

RECREATIONAL VEHICLE - a vehicular type accommodation, other than a manufactured home, designed as temporary accommodations for travel, vacation, or recreation purposes, which is propelled by its own motive power or is mounted on or drawn by another vehicle.

RECYCLING COLLECTION CENTER – a building, facility, or property excluding junkyards or any other property which is used to reprocess motor vehicles, motor vehicle parts, tires, batteries, petroleum products, or any other product deemed as a hazardous material. This building, facility, or property may be used to collect and/or bale recyclable products in preparation for shipment to others. These recyclable products may include, but are not limited to newspapers, magazines, books, or other paper products; plastics; glass; metal cans and other similar products.

REHABILITATION CENTER – a facility engaged in the treatment of substance abuse. Facilities that provide education and therapy to persons who have experienced substance abuse, also provides supervisory personnel that provide room and board, personal care, or habilitation services in a group environment This definition includes halfway homes, homeless shelters, and substance abuse programs which are developed to provide services which meet the specific needs of each group. This definition does not include individuals who are current users of illegal controlled substances, persons convicted for illegal manufacture or distribution of a controlled substance, sex offenders, and juvenile offenders, all of which are not considered disabled under the Fair Housing Act.

RENEWABLE ENERGY FACILITY - a facility, other than a hydroelectric power facility with a generation capacity of more than 10 megawatts, that either:

A. Generates electric power by the use of a renewable energy resource.
B. Generates useful, measurable combined heat and power derived from a renewable energy resource.
C. Is a solar thermal energy facility.

RENEWABLE ENERGY RESOURCE - a solar electric, solar thermal, wind, hydropower, geothermal, or ocean current or wave energy resource; a biomass resource, including agricultural waste, animal waste, wood waste, spent pulping liquors, combustible residues, combustible liquids, combustible gases, energy crops, or landfill methane; waste heat derived from a renewable energy resource and used to produce electricity or useful, measurable thermal energy at a retail electric customer's facility; or hydrogen derived from a renewable energy resource. 'Renewable energy resource' does not include peat, a fossil fuel, or nuclear energy resource.

RIGHT-OF-WAY - an area owned and maintained by a municipality, the State of North Carolina, a public utility, a railroad, or a private entity for the placement of such utilities and/or facilities for the passage of vehicles or pedestrians, including roads, pedestrian walkways, utilities, or railroads.

SANITARIUM & MENTAL INSTITUTION – a health station, retreat, or an institution for the recuperation and treatment of persons suffering from physical or mental disorders.

identification signs and commemorative plaques not more than two (2) square feet in area, memorial cornerstones or tablets providing information on building erection or commemorating a person or event, or unit identification signs.

SITE PLAN – a scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review. A site plan approval based solely upon application of objective standards is an administrative decision and a site plan approval based in whole or in part upon the application of standards involving judgment and discretion is a quasi-judicial decision. A site plan may also be approved as part of a conditional zoning decision.

SLAUGHTERHOUSE – a facility designed for the humane slaughter of livestock. Does not include the butchering or processing of meat.

SMALL ENGINE REPAIR – a business that repairs smaller sized engines than those that traditionally power automobiles. Small engine repair includes but is not limited to lawnmowers, go-carts, golf carts, weed eaters, hobbyist engines, etc.

SOCIAL ORGANIZATION/CIVIC CLUB – a structure or facility built and designed as a meeting place for certain social or civic clubs including but not limited to the Boy Scouts or Girl Scouts, Kiwanis Club, Lions Club, NAACP, Jaycees, Shriners, etc.

SOLAR FARM - a use where a series of solar collectors are placed in an area for the purpose of generating photovoltaic power for an area greater than the principal use on the site.

SPECIAL REQUIREMENT – a use that is basically intent with the spirit of the Ordinance and purpose of the zoning district, yet the use may have significant impacts on the district.

SPECIAL USE PERMIT – a permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards.

STABLES – public facility designed for the housing of horses for short or long term. Stables may provide food, shelter, and water. Stables do not include riding areas or arenas. Stables may have a pasture area for the horses. On a as needed basis a Veterinarian may make visits to a stable but only for emergency medical situations.

START OF CONSTRUCTION - includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, 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

TABLE OF USES

USE CATEGORY	SPECIFIC USE	RA	R	MRD	C	I	CON	L-I
RESIDENTIAL USES								
	Manufactured Home	P		P				
	Accessory Dwelling Units	SR	SR	SR				
	Single-Family Home	P	P	P	SR			
	Modular Home	P	P	P				
	Apartment	SR		SR	SR			
	Townhouse	SR		SR	SR			
	Manufactured Home Park	S		S	P			
GROUP LIVING		RA	R	MRD	C	I	CON	L-I
	Family Care Home	P	P	P	P			
	Childrens Home	SR	SR	SR	P			
	Nursing & Convalescent Home	SR			P			
PUBLIC & CIVIC USES		RA	R	MRD	C	I	CON	L-I
	Prison	S			S			
	Government Buildings	P	P	P	P	P		P
	Post Office	P			P			
	Sheriff Department w/jail	P			P			P
	Volunteer Fire Station	P	S	S	P	P		P
	College/University/Technical Institute	S			S	S		S
	Libraries	S			P			
	Schools (elementary, middle, high, private)	S			S			
	Ambulance/EMS	P	S	S	P	P		P
	Hospital				P			
	Rehabilitation Center	S						
	Public/Private Sewer System	SR	SR	SR	P			
	Public Utility Substations	SR	SR	SR	P			
	Mental Institution/Sanitarium				P			
	Child Care Center	S			P			
	Cemetery (private)	SR	SR	SR	SR			
	Cemetery (public)	S			S			
	Parks/Playgrounds	P	P	P	P		P	
	Airport	S			S			
	Renewable Energy Facility/Wind Energy Facility	S				S		S
	Solar Energy Facility	S				S		S
	Wireless Communication Tower	S			S	S	S	
	Auditorium (indoor) 300 persons or less occupancy				P			
	Auditorium (indoor) 300 persons or more occupancy				S			

REQUEST FOR BOARD ACTION

ITEM NO. ZTA 2022-17

DATE OF MEETING: December 5, 2022

REQUESTED BY: Justin Bratley, Interim Director – Land Use, Planning & Community Development

SHORT TITLE: Resolution Requesting Approval of a Zoning Text Amendment to amend Section 5.2.3, Table of Permitted Uses, to modify approval requirements for 'Other Electric Power Generation' in the Pender County Zoning Jurisdiction.

BACKGROUND: Pender County Planning & Community Development, applicant, is requesting the approval of Zoning Text Amendment to the Pender County Unified Development Ordinance. Specifically, the request is to amend Section 5.2.3, Table of Permitted Uses, to remove 'Other Electric Power Generation (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.

SPECIFIC ACTION REQUESTED: To hold a public hearing and consider the approval of Zoning Text Amendment Case ZTA 2022-17.

RESOLUTION

NOW, THEREFORE BE IT RESOLVED by the Pender County Board of Commissioners that:

On December 5, 2022, the Pender County Board of Commissioners (approved, modified, denied) a Zoning Text Amendment, as described herein. The Chairman/County Manager is authorized to execute any/all documents necessary to implement this resolution.

AMENDMENTS:

MOVED_____ SECONDED_____

APPROVED_____ DENIED_____UNANIMOUS_____

YEA VOTES: Tate ___ McCoy ___ Groves ___ Newton ___ Fletcher-Hardee___

_____ _____
Fred McKoy, Chairman Date

_____ _____
ATTEST Date
Clerk to Board, Tera Cline

County Seal: