



Pender County

Agenda

Planning Board Meeting

Wednesday, July 6, 2022 @ 7:00 PM
Pender County Public Assembly Room

	Presenter	Page
1. CALL TO ORDER		
2. ROLL CALL		
3. INVOCATION		
4. PLEDGE OF ALLEGIANCE		
5. ADOPTION OF AGENDA		
6. ADOPTION OF MINUTES		
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7. PUBLIC COMMENT		
8. PUBLIC HEARINGS		
8.1. Zoning Text Amendment 2022-15 ZTA 2022-15 - Pdf		21 - 29
8.2. Zoning Text Amendment 2022-16 ZTA 2022-16 - Pdf		31 - 45
9. DISCUSSION		
10. NEXT MEETING DATE		
10.1. August 2, 2022 Pender County Public Assembly Room 805 S. Walker Street, Burgaw, NC		
11. ADJOURNMENT		



Pender County Request for Board Action

TO: Planning Board
FROM: Travis Henley
DATE: July 6, 2022
SUBJECT: June 7, 2022 Meeting Minutes

SUMMARY:

Review and approval of meeting minutes from June 7, 2022 meeting.

ACTION REQUESTED:

Review and approve meeting minutes.



MINUTES
Planning Board Meeting
Tuesday, June 7, 2022
15060 US Highway 17/Hampstead Annex
7:00 PM

MEMBERS PRESENT:

Delva Jordan
Damien Buchanan
Jeffrey Pitts
Margaret Mosca

MEMBERS ABSENT:

Jeff Beaudoin
John Gruntfest
Norman K. (Ken) Teachey

OTHERS PRESENT:

Travis Henley, Planning Director (virtually)
Greg Feldman, Current Planner
Daniel Adams, Floodplain Administrator
Donna Sayre, Administrative Specialist
Trey Thurman, County Attorney
Other Staff and Members of the Public.

1 CALL TO ORDER

Chairman Delva Jordan called the meeting to order at 7:02 pm.

2 ROLL CALL

3 INVOCATION

4 PLEDGE OF ALLEGIANCE

5 ADOPTION OF AGENDA

Motion to approve agenda as presented.

Moved by Margaret Mosca, seconded by Damien Buchanan

Motion to approve

	For	Against	Abstained	Absent
Delva Jordan	X			
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca	X			
John Gruntfest				X
Jeff Beaudoin				X
Norman K. (Ken) Teachey				X
	4	0	0	3

CARRIED.

6 ADOPTION OF MINUTES

Motion to approve Planning Board minutes for April 5, 2022, meeting.

Moved by Jeffrey Pitts, seconded by Damien Buchanan

Motion to approve

	For	Against	Abstained	Absent
Delva Jordan	X			
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca	X			
John Gruntfest				X
Jeff Beaudoin				X
Norman K. (Ken) Teachey				X
	4	0	0	3

CARRIED.

7 PUBLIC COMMENT

- a) Pender County resident, Ed Hirsch, spoke to the Board stating that any zoning requests that add more traffic, congestion, and other issues should be denied. Higher taxes are being created and the longtime residents will be gone due to the area being too expensive to live here. He feels newcomers to the area do not respect the area. This Board has the power to stop this trend.
- b) Jimmy Tate spoke to the Board and the members of the audience introducing himself as a newly elected Commissioner. He stated that he was proud of the fact that the public is engaging and working together. Mr. Tate stated that whether you voted for him or not, to give him the opportunity to work with the residents.

8 PUBLIC HEARINGS

- a) MDP-R 2022-38

Signature Top Sail NC, Ltd., applicant and owner, and on behalf of Trust Special, Ruth Kalmar estate, owner, is requesting a revision to the previously approved Master Development Plan for the mixed-use development known as Wyndwater. Specifically, the request is to modify the existing Plan to allow for townhomes in Phases 7 and 11, increase the commercial area within both phases, and remove Phase 10 from the Plan. The Master Development Plan is proposed to reduce in size to approximately 206 acres (from approximately 235 acres) with the total number of units remaining consistent with previous approvals. The property is located to the east of US HWY 17, north of Doral Drive (SR 1693), west of Sloop Point Loop Road (SR 1563), and south of Cardinal Acres Lane (private) in Topsail Township.

Travis Henley, Planning Director, reviewed the staff report with the board and members of the public interest. He stated that this was originally heard at the April 5, 2022, meeting but was tabled due to the request of the Board members. Mr. Henley stated that the Board requested at the April meeting that the applicant provide clarification and additional requested information. He stated that the proposal has not changed since the last meeting.

Applicant, Mike Pollak, spoke to the Board stated that concerning the buffer issue, the Ordinance requires an "A" type buffer and there is plenty of room to accommodate this type of buffer. He stated that he is fully aware of all the existing utilities on the property and the Engineer laid out the plan with the lines in mind.

Mr. Pollak reported that Phase 10 is no longer being pursued due to the property no longer being owned by them. Property was swapped out so that Phase 5 could be pursued instead.

Ms. Mosca stated her concern off run-off water. Garry Pape with GSP Consulting stated that he has walked the property and they will put drains where needed. The drains that they install will help existing drainage issues.

Mr. Pollak stated that Topsail Greens was developed when rules were different or even non-existent.

Ms. Mosca again stated that she is concerned with elevation issues and the developer's inability to control 100 percent of run-off.

Mr. Pollak stated they are not wanting to make the existing properties worse rather they would be improving some of the existing problems by cleaning or enlarging existing ditches and replace smaller broken pipes.

Ms. Mosca questioned where would the water go? The land is very flat, low density and already saturated. She expressed her concern that the stormwater plan will not be followed.

Damien Buchanan stated that shouldn't the stormwater information be included and where does this project fall into this process? Mr. Henley stated that normally the engineer will draw it on the plat.

Ms. Mosca stated that she does not feel that there is enough information and does not like the "we'll figure it out later" mindset. She stated that retention ponds only further retain water, and she is afraid that there is going to be stormwater issues.

Mr. Pollak stated that nothing gets permeated that does not meet criteria.

Ms. Mosca understands the concept due to being an Engineer herself but is still concerned about the impact this will have on surrounding areas due to not knowing where the extra water will flow to.

Mr. Pollak stated that they are doing maintenance that has not been done and should have been done for several years. He is 100% confident that they will meet all the stormwater criteria.

Mr. Buchanan stated that a major concern of his is that with this development butting up to existing septic systems will cause future problems that will not be able to be corrected.

Ms. Mosca requested that the GIS map be pulled up and Mr. Feldman located the map and projected it onto the screen. She stated with the flood zones and wetlands, the whole area is already waterlogged. By using a gravity sewer system, the developer will have to raise the area around this property and that will increase the runoff water for existing surrounding properties.

Mr. Buchanan asked what is the developer's runoff water solutions? Mr. Pape stated that the ditches tie into the pond area. Many of the pipes are in bad condition and will be replaced. They will also make the existing ditch wider and deeper.

Mr. Buchanan asked if the ditches would be inside the landscape buffer and Mr. Pape stated possibly.

Mr. Pollak stated that all the water will not run into the pond and Ms. Mosca asked where it will run?

Chairman Delva Jordan asked if the Board had any additional questions for the applicant and no further questions were asked. He then moved on to comments from the public.

County Attorney Trey Thurman explained the time frame each signed up person or representative of a group would receive. He also stated that a person could pass if they feel their question was already answered or their point was already made.

Al Burfield, 353 Topsail Plantation Drive, expressed his concerns of the all conceptual plans with nothing being firm, traffic issues that have not been addressed, and ownership of Topsail Plantation Drive not being addressed.

Lyndsay Oliver, 21 Spar Court, addressed the Board with her concerns runoff water. She stated that the retention ponds kept her home from flooding during Hurricane Florence. Ms. Oliver is also concerned with wildlife being disturbed when she feels there should be more green areas and trees and not less. She stated that she does not want to hear concepts from the developer.

Becky Maness, 914 Lighthouse Court, stated that she is the HOA Vice-President for Topsail Greens and Topsail Greens has never had septic

issues and the developer is not able to guarantee it will stay that way in the future. She feels the developer will not protect their septic and utility lines and is requesting that the Board not approve this request.

Joy Stees, 400 Ensign Court, expressed her concern that the townhouses will add tremendous traffic and no consideration has been given to the traffic issues. There is no definite completion date for the by-pass and adding additional traffic will only cause more harm. She stated that Pender County needs to care about the residents and their lives and not the money. Ms. Stees questioned if people were possibly getting paid under the table.

Amber Young of Ensign Court stated that the State of North Carolina has declared Topsail Greens a bird sanctuary and that there are state regulations that need to be followed pertaining to bird sanctuaries. She would like to have the land sold to the state of North Carolina and have it converted into a nature preserve. Her concerns relate to the wetlands, flood zone designation, and the bird sanctuary.

Karen Koon, 214 Spar Court, expressed that she has many concerns, but her main concern is flooding. During Hurricane Florence, water made it to her back porch and that was with drainage so what will happen if the drainage is blocked? She feels that the developer needs to state facts and have everything put in writing.

Andrew Adkinson, 108 Admiral Court, does not feel the trade that Mr. Pollak was speaking of was not a nice trade at all. The developers are trying to squeeze too much into a small area. He stated that the retention ponds already fill up after rain fall and this request is not in the best interest of Pender County. This needs to be stopped and the Planning Board can stop this now.

Michaele Blunt, 110 Admiral Court, has been a resident for twenty years and is concerned with flooding issues. There is a pond near her home that will be filled in and replaced with parking area. She stated that the golf course already stands in water during rain. Ms. Blunt feels that traffic will become even more unacceptable if this is improved. She expressed that if this is approved by the Board, that it will be an irresponsible decision.

Bob Aberman, 140 Champion Drive, moved into his home in Topsail Greens in 2012 and was told that open areas were going to be golf courses and that idea has seemed to change and disappear. He feels that the quiet and peaceful area that he currently lives in will no longer exist if this approved.

Harold Ballitch, 307 Ruddek Court, questioned the traffic count at Topsail Greens Drive and 17. Mr. Feldman stated that the study was submitted and completed on March 10, 2022. Mr. Ballitch also questioned the plan for the numerous turtles that live in the area and stated that Onslow County is a turtle community and is Pender County?

Karna Godridge, 623 Outrigger Court, questioned the Board as to how many fatalities Pender County is willing to take on because they happen now and will increase if this is approved. The Developer is always seeking more and this needs to come to an end. The Board needs to consider what is right because this development will change Topsail Greens forever.

Anthony Whitmore, 504 Fathom Court, expressed his concern of the natural border and questioned as to whether the wetlands were registered and has the applicant submitted a 100-year flood plan?

Mario Pinierio, 614 Galley Court, stated his concerns of the school overcrowding, can the fire department save people in a 3-story townhouse, some of the ponds are empty and where is the water going, and that there are big trucks driving by his house on a regular basis that are ruining the current drainage.

Steven Wedgeworth, 138 Pebble Beach Drive, stated that he understands the Board's responsibilities but is questioning what the Board's mission for Pender County is? He also feels the plans need to be more informative and has emailed the Planning Department and has received no response.

Arthur Mark, 109 Plank Court, stated that he was at the last meeting and that flooding is his biggest concern and not just during a hurricane.

Kimberly Zampitella, 115 Navy Court, stated that the loss of green space would be detrimental, and that the loss of the cart path would be very negative.

Paul Lee, 115 Navy Court, expressed to the Board his concerns pertaining to noise, sound, and traffic pollution. He is particularly concerned with the lighting that would need to be installed in the parking lots. He has no doubt it will bother the neighbors who live nearby.

Anne Bridges, 146 Champion Drive, expressed her concern with the history of the developer. Despite what the developer said earlier in the meeting, she has never met with him. Wyndwater is a big lie, and she stands with and for her community.

Mr. Buchanan read the mission statement of the Pender County Planning Department. Mr. Henley also stated that the Unified Development Ordinance that was adopted in 2018, is also part of the mission plan.

Mr. Henley stated that this proposal is a Master Plan Development under the zoning district and all PD's go through this same process. This property is already zoned PD, so this is an administrative process. He reviewed that the Planning Board has three options at this point: to approve, approval with modifications, or to deny. If denied, the case can be appealed to the Board of Adjustments by the applicant.

Chairman Jordan asked the applicant if he would like to address some of the questions and concerns of the audience. He agreed and came back up to the podium. Mr. Pollak stated that they are not filling in any wetlands. The pond that is being filled in is up front and not in the wetlands.

Mr. Buchanan asked the applicant what the height of the townhomes will be? Mr. Pollak stated that they will be 2 story units that cater to "empty nesters". This property has always been about future development and the townhomes were approved from the very beginning.

Chairman Jordan asked the Board members if they have any additional questions of the applicant or the Planning Department. All members responded that they had no additional questions.

Moved by Margaret Mosca based upon the applicant's failure to meet the requirements as detailed in the Pender County Unified Development Ordinance Section 7.9.D Design Standards, Subsection E, Plan Submittal Requirements, seconded by Damien Buchanan

Motion to deny

	For	Against	Abstained	Absent
Delva Jordan	X			
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca	X			
John Gruntfest				X
Jeff Beaudoin				X
Norman K. (Ken) Teachey				X
	4	0	0	3

CARRIED.

b) ZTA 2022-15

Trask Land Company Inc., applicant, is requesting approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance. Specifically, the request is to amend Section 3.2.1 'Zoning Approval' to allow for the issuance of clearing and grading permits prior to the issuance of final zoning approval.

Mr. Henley stated that Trask Land Company is the applicant but the language already exists. This request is to increase efficiency in the development process. He stated that this proposal is found to be consistent with Policy 5.1.G, Development Review.

Mr. Buchanan asked what the process is now and what will it be if this is approved. Mr. Henley informed the Board of the current process and how this proposal will change that. Mr. Henley stated that if this approved, a clearing and grading permit can be issued before the final zoning is approved.

Ms. Mosca asked what would happen if the grading and clearing was done and zoning was not approved? Mr. Henley stated that this could happen but is very rare. The applicant/owner would still be responsible for the tree mitigation that the Ordinance requires.

Attorney Trey Thurman stated that language that it runs with the property should be added.

Ms. Mosca stated that applicants should have to put up a bond for the tree mitigation.

Mr. Henley stated from the Planning Department's prospective that it would not hurt to add that language.

Ms. Mosca asked what section of the Ordinance includes enforcement and Mr. Feldman responded with Article 13.

Gardner Noble, applicant, spoke to the Board. He stated that he is wanting the development process in Pender County to come into line with other counties. It will make construction quicker and easier.

Chairman Jordan asked the Board members if they have any questions for the applicant and there was no response.

Andy Wood, PO Box 1008, stated that he is part of the Coastal Plains Conservation Group and stated that the amendment will diminish and not improve and that this will help the developers but not the residents. He requested that the Board deny the proposed amendment change.

Chairman Jordan asked the Board if they had any questions for the Planning Department staff and no questions were asked.

Ms. Mosca stated that this is a legal matter that needs to be discussed.

Mr. Thurman stated that there is a concern that the applicant would not continue with the zoning process after clearing and grading but he imagines that the applicant would have a major reason to do so.

Mr. Henley stated that this exact situation could happen under the current process.

Motion made by Damien Buchanan, seconded by Jeffrey Pitts

Motion made by Damien Buchanan and seconded by Jeffrey Pitts to table this matter until the next scheduled meeting July 6th, 2022.

	For	Against	Abstained	Absent
Delva Jordan	X			
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca	X			
John Gruntfest				X
Jeff Beaudoin				X
Norman K. (Ken) Teachey				X
	4	0	0	3

CARRIED.

c) REZONE 2022-31

Benjamin Burgess, applicant, on behalf of B Squared LLC, owner, is requesting approval of a Zoning Map Amendment to rezone one tract totaling approximately 303 acres of land from RP, Residential Performance zoning district to the RA, Rural Agricultural zoning district.

The subject project is located on Ashton Road, approximately one mile west of the intersection of Ashton Road and US HWY 117 in the Rocky Point Township and may be further identified by Pender County PIN 3236-02-4982-0000.

Greg Feldman expressed to the Board that most of the area surrounding this parcel is zoned residential. This parcel is a vacant cleared tract of farmland. He stated that there are 7 Residential Uses by-right, 22 Commercial Uses by-right, and 70 Commercial Uses with Special Use Permit.

Mr. Feldman told the Board that this request is consistent with the Unified Development Ordinance and the Pender County Planning Department recommends approval.

Mr. Buchanan stated that he feels Rural Agricultural is actually "better" due to having less density and houses.

Chairman Jordan questioned how long the property has been zoned Rural Agricultural? Mr. Feldman stated since at least 2016 and that the property is currently distinguished as a bonafide farm.

Mr. Henley stated that previously this property had been zoned R-20 until the Unified Development Ordinance zoned it Rural Performance.

Chairman Jordan asked the Board members if they had any questions for the Planning Board staff and no members responded.

The applicant, Benjamin Burgess spoke to the Board by stating he wants to keep the land agriculture. He feels Rural Agricultural is more consistent with his intent.

Chairman Jordan asked the Board members if they had any questions for the applicant and no members responded.

Wanda Wilson, Ashton Road, owns the land adjacent to this property questioned what the intentions are of the applicant.

Attorney Trey Thurman stated that the Board must address the what "could be's".

Mr. Buchanan explained the difference between the two zoning to Ms. Wilson.

Ms. Wilson stated that clearing has been done and she is concerned with the trees that are being eliminated.

Nearby resident, Maurice Morrow, questioned if the property is rezoned Rural Agricultural would hog, turkey or chicken houses be permitted? Mr. Thurman stated that due to this property being delegated as a bonafide farm that it is exempt from zoning. Mr. Morrow stated that there is no farming being done on the land and it is a tree farm. Mr. Thurman stated that tree farming is farming. Mr. Morrow stated that he does not want hog, turkey, or chicken farming to be allowed next door to his property.

Moved by Margaret Mosca, seconded by Jeffrey Pitt

Motion to approve

	For	Against	Abstained	Absent
Delva Jordan	X			
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca	X			
John Gruntfest				X
Jeff Beaudoin				X
Norman K. (Ken) Teachey				X
	4	0	0	3

CARRIED.

d) REZONE 2022-32

Michael Afify, applicant, on behalf of Share the Table, Inc., owner, is requesting approval of a Zoning Map Amendment to rezone one tract totaling approximately 0.6 acres of land from the RP, Residential Performance zoning district to the GB, General Business zoning district. The subject property is located along Perkins Drive, approximately 300 feet east of US HWY 17 in the Topsail Township and may be further identified by Pender County PIN 4226-74-5773-0000.

Planner, Daniel Adams stated that the surrounding properties are zoned GB, General Business, and RP, Rural Performance. To the west of this property, is vacant property zoned GB, to the north is a non-confirming

residential structure and to the east and south are residential structures. Mr. Adams reviewed the setback requirements and that there are 83 uses by-right and 18 uses with a Special Use Permit. A Traffic Impact Analysis is not required for a general use rezoning since a site-specific development plan is not required to be included in the application package.

Chairman Jordan asked if Perkins Drive was paved and Mr. Adams affirmed that it is a paved road.

Mr. Adams stated that this request is consistent with Policy 5.1.E., Compatible Development and 5.1.K., Commercial Development. Due to this request being consistent with two policies, the Planning Department is recommending that the Planning Board vote to approve.

Mr. Buchanan asked what the buffer requirement would be if the rezoning was approved. Mr. Adams stated that Buffer "C" would be required and Buffer "C" gives two different options.

Mr. Buchanan questioned what the height limitation is in both RP and GB? Mr. Daniels stated that in a GB zoning district, the height limit is 40 feet and in a RP zoning district, the limit would be 35 feet.

Chairman Jordan asked if any of the Board members had questions for the Planning Board staff, and no response was received.

Applicants, Dawn Ellis and Michelle Bennett, spoke to the Board and informed them that this property will be used for stormwater drainage.

Mr. Adams stated that the buffer requirement would be the same if it is used as stormwater drainage.

Kathleen Nixon, 681 Landing, stated she is not able to stay on her land and is not understanding why. She wants to be able to live on her property and is requesting help to do so.

Robert Kirkland, 100 Perkins Drive, stated that traffic is a major problem. Due to the new school being built, he can't get in and out of his driveway in the morning and afternoon. He is against any request that will bring more traffic to the area. Mr. Kirkland stated that the speed limit is still 45 in that area, which is entirely too fast.

Treana Kirkland, 100 Perkins Drive, stated that she is unclear as to

what is occurring so Mr. Adams explains re-zoning from residential to commercial use. Ms. Kirkland expressed her concern as to what will happen in the future.

Chairman Jordan asked the Board members if they had any additional questions for the Planning Department staff and no additional questions were asked.

Mr. Buchanan spoke of the uses, and he is comfortable with this request due to the uses already being allowed.

Moved by Jeffrey Pitt, seconded by Margaret Mosca

Motion to approve

	For	Against	Abstained	Absent
Delva Jordan	X			
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca	X			
John Gruntfest				X
Jeff Beaudoin				X
Norman K. (Ken) Teachey				X
	4	0	0	3

CARRIED.

e) REZONE 2022-33

Robert Batson, applicant and owner, is requesting approval of a Zoning Map Amendment to rezone one tract totaling approximately 41 acres of land from the GB, General Business zoning district to the IT, Industrial Transitional zoning district. The subject project is located along Sloop Point Loop Road, approximately one-half mile east of its intersection with US HWY 17 in Topsail Township and may be further identified by Pender County PIN 4204-92-0474-0000.

Planner Greg Feldman stated that the property is primarily vacant with only a few metal buildings located on the property. He advised of the setback requirements if the property is rezoned to IT and that there are 90 commercial uses permitted by-right and 8 Special Use Permit uses.

Mr. Feldman stated that a Traffic Impact Analysis is not required for a general use rezoning since a site-specific development plan is not required to be included in the application packet. 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.

Mr. Feldman stated that IT, Industrial Transitional is more intense and inconsistent with 2.0 Unified Developmental Ordinance. Due to this, the Planning Department is recommending that this request be denied.

The applicant, Robert Batson spoke to the Board. He expressed his desire to keep this land but that it was getting harder and harder to do so since there was no money in farming any longer. He inherited this land from his parents and wants to keep it in his name and not lose it. Mr. Batson stated that he is trying to put something there that will help pay the taxes.

Chairman Jordan asked the Board members if they have any questions of the applicant. No questions were presented.

Steven Wedgeworth, 138 Pebble Beach Drive, expressed to the Board that his property backs up to this parcel and is worried about the uses that the proposed zoning would allow. He requested that the Board deny the request.

Chairman Jordan asked the Board members if they have any questions for the Planning Department staff. No questions were presented.

Mr. Buchanan spoke to the other Board members of the uses in the proposed rezoning request and feels that this site is not the right location. He cannot say that he is in favor of the request to rezone as of today.

Ms. Mosca agreed with Mr. Buchanan in that the IT zoning is not proper for this area.

Chairman Jordan stated that he understands that this is family land and that the applicant wants to hang onto the land but this rezoning request is very broad. If the applicant had a specific use in mind, then the rezoning request may be possible.

Brad George, 102 Doral Drive, stated that the applicant is his wife's uncle. He stated that the applicant is interested in possibly putting an outdoor boat storage on the parcel and would that use require permission in a GB, General Business zone? Mr. Feldman stated the current zoning is GB and if it was rezoned to IT, then outdoor storage is permitted. Mr. George expressed his concern that he is not sure that the applicant is thinking this request all the way through properly. He is afraid if the whole track is rezoned and just not a portion, then the tax value would increase and the applicant would be in a worse financial position to pay the required taxes. Mr. George feels that possibly rezoning a portion of the parcel would be a better option for the applicant.

Mr. Buchanan asked Mr. Feldman if the Board denies this request today, would the applicant be penalized concerning changing his request and submitting a new application? Mr. Feldman stated there would be no waiting period nor would the applicant be penalized.

Moved by Margaret Mosca, seconded by Jeffrey Pitts

Motion to deny

	For	Against	Abstained	Absent
Delva Jordan	X			
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca	X			
John Gruntfest				X
Jeff Beaudoin				X
Norman K. (Ken) Teachey				X
	4	0	0	3

CARRIED.

9 DISCUSSION

There were no discussions.

10 NEXT MEETING DATE

July 6, 2022 (Wednesday) at 7:00 p.m.
Pender County Administration Building
805 S. Walker Street
Burgaw, NC 28425

11 ADJOURNMENT

Meeting adjourned at 9:55 p.m.



Pender County Request for Board Action

TO: Planning Board
FROM: Travis Henley
DATE: July 6, 2022
SUBJECT: Zoning Text Amendment 2022-15

SUMMARY:

Trask Land Company Inc., applicant, is requesting approval of a Zoning text Amendment to the Pender county Unified Development Ordinance. Specifically, the request is to amend Section 3.2.1 'Zoning Approval' to allow for the issuance of clearing and grading permits prior to the issuance of full zoning approval. A detailed description of the proposed changes can be found in the Planning & Community Development Offices.

ACTION REQUESTED:

To hold a public hearing and consider the zoning text amendment request.

ATTACHMENTS:

1. Staff Report
2. Proposed Language
3. Narrative
4. Application

STAFF REPORT FOR ZTA 2022-15 ZONING TEXT AMENDMENT APPLICATION

APPLICATION SUMMARY	
Case Number	ZTA 2022-15
Hearing Dates	June 7, 2022 Planning Board, Tabled July 6, 2022 Planning Board August 15, 2022 Board of Commissioners
Applicant	Trask Land Company Inc.

ZONING TEXT AMENDMENT PROPOSAL
Trask Land Company Inc., applicant, is requesting approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance. Specifically, the request is to amend Section 3.2.1 'Zoning Approval' to allow for the issuance of clearing and grading permits prior to the issuance of final zoning approval. A detailed description of the proposed changes can be found in the Planning & Community Development Offices.

AMENDMENT DESCRIPTION

The proposed Zoning Text Amendment to the Pender County Unified Development Ordinance seeks to increase efficiency in the application submittal and review processes while providing an opportunity to increase the speed of the development process if certain conditions are met.

The applicant has requested that language proposed within the pending Pender County Unified Development Ordinance Update be brought forward early to create a Zoning Approval process for clearing and grading work to be completed prior to the issuance of final zoning approval. This language shall require certification by Planning Staff that the proposed site plan meets all standards of the Unified Development Ordinance, a permit for erosion and sedimentation control has been issued by NCDEQ and provided to Planning Staff, and if applicable, a significant tree inventory and mitigation plan has been submitted and reviewed and approved by Planning Staff. The specific language proposed to be added to Section 3.2.1 'Zoning Approval' can be found as an attachment to this report.

The request seeks to build efficiency in the development process by allowing for clearing and grading of a site to begin prior to final zoning approval, which is contingent upon receipt of any and all applicable external permits. That requirement shall still apply, and no installation of any infrastructure (including but not limited to roads and utility lines) nor any building permits shall be issued until final zoning approval has been issued.

Furthermore, the proposed language ensures that if clearing and grading approval is issued and then the project does not move forward, the requirements of any significant tree mitigation plan shall be required to be executed by the property owner. Failure to do would result in a Notice of Violation being issued by Planning Staff and would subject the site to any and all enforcement proceedings under Article 13 'Enforcement and Penalties' of the Pender County Unified Development Ordinance.

Following the June 7, 2022 Planning Board meeting, at which the proposed zoning text amendment was tabled for further discussion, Staff and the applicant have worked together to clarify language stating that tree mitigation requirements run with the land and are required regardless of whether the corresponding development project moves forward or not. Additionally, the proposal also now includes an additional section in Section 8.1.3 of the Unified Development Ordinance, such that significant trees now include any tree planted under the requirements of an approved tree mitigation plan approved under the Unified Development Ordinance.

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

The proposed changes allow for increased efficiency in the development review process. These changes provide flexibility while maintaining consistency with the spirit and intent of the Unified Development Ordinance and Comprehensive Land Use Plan.

The Amendment is supported by one policy in the Comprehensive Land Use Plan:

Policy 5.I.G: Development Review: The County supports an efficient, transparent, and predictable development review and approval process. The intention of the Amendment is to increase the efficiency of the application submittal and review process.

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.

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.G: Development Review

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].

PLANNING BOARD ACTION FOR ZONING TEXT AMENDMENT July 7, 2022
--

MOTION	SECONDED

APPROVED	DENIED	UNANIMOUS

Jordan	Buchanan	Beaudoin	Gruntfest	Pitts	Teachey	Mosca

3.2.1 Zoning Approval

- A. Activities for which a Zoning Approval is required: A valid Zoning Approval shall be required for any application for a Building or Electrical Permit. No Building or Electrical Permit shall be issued for any activity in a zoned area until such Zoning Approval or a written determination by the Administrator that no approval is required, has been issued. Zoning approvals may be issued in the form of an individual permit or as a corresponding approval on a related form, such as a building permit. In all circumstances a Zoning Approval shall be required for the following activities:
- 1) To commence the excavation for or the construction of any building or other structures including accessory structures.
 - a) A Zoning Approval Permit may be issued by the County to allow for clearing and grading of the site prior to issuance of final zoning approval upon the following:
 - i) Certification that the proposed site plan or preliminary plat meets all standards of the Unified Development Ordinance;
 - ii) An Erosion and Sedimentation Control permit has been issued by NCDEQ; and
 - iii) A tree protection survey and mitigation plan has been submitted if applicable.
 - b) This permit shall not permit the installation of any infrastructure associated with the proposal.
 - ~~c) Should a project fail to move forward, the property owner shall be responsible for executing the mitigation requirements of any significant tree mitigation plan if applicable.~~
 - d) Tree mitigation requirements submitted for approval of a clearing and grading permit shall run with the land and shall be planted in all circumstances.
 - 2) To commence the moving, exterior alteration, expansion, or substantial repair (see definition of substantial repair) of any structure including accessory structures,
 - 3) To initiate a new use or change the use on any land, lot, parcel or property,
 - 4) To initiate a new use or change the use for any building including accessory structures.

8.1.3 Tree Survey Required

- A. Significant Tree Survey
- 1) A significant tree survey shall be required for any commercial or industrial zoned property and all mixed use districts. The significant tree survey shall show the general location, species and size of any significant tree. However, a significant tree survey shall not be required for land in designated Special Flood Hazard Areas (unless filled or developed in accordance with an approved permit), jurisdictional and coastal wetlands and wetland buffers, designated Areas of Environmental Concern, and stream buffers.
 - 2) For purposes of this Ordinance, a significant tree shall be defined as follows:
 - a) An American holly with a trunk caliper measurement of 6" or greater measured at 4.5 feet above ground;
 - b) A flowering dogwood with a trunk caliper measurement of 4" or greater measured at 4.5 feet above ground;
 - c) A water oak with a trunk caliper measurement of 8" or greater measured at 4.5 feet above ground;

- d) A live oak with a trunk caliper measurement of 8" or greater measured at 4.5 feet above ground; ~~and~~
 - e) Any tree species included in the planting table, except a "loblolly pine" (see Appendix C) with a trunk caliper measurement of 12" or greater measured at 4.5 feet above ground; ~~and~~
 - f) Any tree species planted under a previously approved significant tree mitigation plan under this ordinance regardless of size.
- 3) For development plans where specific building locations are not shown, a more generalized survey of vegetation may be provided in lieu of a significant tree survey. This survey shall describe existing forest stands, indicating the average species and size of trees on the tract.
 - 4) Where any significant tree shown on the significant tree survey is proposed to be removed such removal shall be mitigated by the planting on site of two (2) trees of the same species with a minimum caliper of 2" or greater.



Trask Land Company, Inc.
1022 Ashes Dr., Suite 201
Wilmington, NC 28405

March 4, 2022

Travis Henley
Pender County Planning Director
805 S. Walker St.
Burgaw, NC 28425

Subject: Text amendment application narrative

Dear Mr. Henley:

Currently Staff is not able to sign the plan until all external permits are received (Stormwater, Erosion & Sedimentation Control, State Water and Sewer Approval, etc.). These permits are currently required prior to the issuance of zoning approval for this project.

We are looking at 7-8 months before we can obtain stormwater review(s) and approval as there are approximately 30+ projects in the queue. Therefore, we would respectfully ask the county to please consider a text amendment that would allow for us to be able to pull an erosion control, clearing, and grading permit once we have site plan approval & NCDENR Erosion Control approval. We understand that the Pender County Building Permit would be held up until we receive all necessary approvals from Pluris for the sewer and NCDENR stormwater.

Thank you in advance for your consideration.

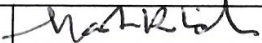
Sincerely,

A handwritten signature in black ink, appearing to read 'Madison Robideau', is written over a horizontal line.

Madison Robideau
Development & Operations Manager
Trask Land Company, Inc.

Confidentiality Statement: This letter contains information from Trask Land Company, Inc., which is privileged and confidential. It is intended only for the use of the addressee(s) shown above. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of such information is strictly prohibited. If you have received this letter in error, please immediately notify us. Thank you.

APPLICATION FOR TEXT AMENDMENT

THIS SECTION FOR OFFICE USE			
Application No.	ZTA	Date	
Application Fee	\$	Receipt No.	
Pre-Application Conference		Hearing Date	
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Trask Land Company Inc.		
Applicant's Address:	1022 Ashes Dr. Suite 201		
City, State, & Zip	Wilmington, NC 28405		
Phone Number:	910-799-8755		
Email Address:	madison@trasklandco.com		
SECTION 2: UDO TEXT TO BE AMENDED			
Current Text to be Amended (Please site accurate Article number referenced):			
Article 3 - Grading Permit per Draft UDO			
Proposed Text to be added:			
SECTION 3: SIGNATURE			
Applicant's Signature			Date: 3/4/22
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: _____	



Pender County Request for Board Action

TO: Planning Board
FROM: Josh Norwood
DATE: July 6, 2022
SUBJECT: Zoning Text Amendment 2022-16

SUMMARY:

Pender County GIS and Addressing Services is requesting approval of a Zoning Text Amendment to modify Article 11, 'Road Naming and Addressing,' of the Pender County Unified Development Ordinance. The proposed amendment is to add clarity for the addressing of structures and the establishing of new road names. A detailed description of the proposed changes is available in the Pender County Planning and Community Development Offices.

ACTION REQUESTED:

To hold a public hearing and consider the zoning text amendment request.

ATTACHMENTS:

1. Staff Report
2. Proposed Language
3. Application

STAFF REPORT FOR ZTA 2022-16 ZONING TEXT AMENDMENT APPLICATION

APPLICATION SUMMARY	
Case Number	ZTA 2022-16
Hearing Dates	July 6, 2022 Planning Board August 15, 2022 Board of County Commissioners
Applicant	Pender County

ZONING TEXT AMENDMENT PROPOSAL	
Pender County, applicant, is requesting the approval of Zoning Text Amendments to the Pender County Unified Development Ordinance. Specifically, the request is to amend Section 11.1 “Authority;” Section 11.3.1 “New Road Names;” Section 11.4.1.B “Petition for Road Names;” Section 11.4.3.A “Prohibited Road Names;” Section 11.6.1.D, L, and Q “Numerical Addressing Requirements;” Section 11.10.2 “Identification;” and Section 11.11.1 “Installation;” Section 11.11.2 “Maintenance.” These amendments are requested to increase the health and safety of the citizens through 911 addressing requirements, clear up ambiguous language, to grant more property rights to the owners of unnamed access easements, to align the code with current workflows and designated departments, to delineate exceptions for addressing requirements, and to encode the necessity of street signs for private roads. A detailed description of the proposed changes is available in the Pender County Information Technology Services Department.	

AMENDMENT DESCRIPTION

Pender County, applicant, has requested these text amendments to the Unified Development Ordinance to improve many portions of Article 11 “Road Naming and Addressing.”

In Article 11.1.C, the current text says a road may not be named if the name is “deceptively” like any other nearby roads. Article 11.2.1.B.3) calls for the elimination of “duplicate or phonetically similar” road names. Also, Article 11.4.3.A, 4), 6), and 8) pair the words “duplicate” and “phonetic.” Therefore, the applicant argues that changing “deceptively” to “phonetically” aligns the Article 11.1.C with existing language.

In the paragraph following 11.1.C, the applicant suggests omitting some words for the purpose of preventing unnecessary public hearings. Public hearings are required for the naming of private roads and for the renaming of roads. However, most roads are now created within subdivision housing developments. In these instances, the roads are named before the existence of multiple landowners which would require the need for petitioning and public hearings. The roads are named after a vetting process in which developers submit road names for approval. This process is described in Article 11.5.1 New Road Proposals. The applicant argues that removing “name or” and “or assign” in the first sentence, and removing “naming or” and “, or assigning” from the third sentence should prevent the possibility of dozens of yearly public hearings.

Two additional lines are being proposed for Article 11.3.I New Road Names. Under the direction of Commissioner David Piepmeyer, there is proposed language which would allow for easements greater than two hundred (200) feet to be named by petition of the landowner. Another line states that if a single property owner owns the entirety of an unnamed easement, they alone shall be responsible for the naming of the road in conjunction with the Addressing Coordinator, even if other landowners are affected. The addition of a sentence to Article 11.4.I.B. Petition for Road Names would further reinforce this proposal. Article 11.6.F. requires that when structures are more than two hundred (200) feet from the road, it changes how a structure is to be addressed. While this section does not directly impact the proposed addition to the text, it was used as a guide for determining the length of road which may be named. Furthermore, there are many unnamed logging roads in the county which do not have the required number of structures in order to trigger a required name. This language can permit their naming and assist emergency personnel in the event of a backwoods emergency.

Under 11.4.3.A. 8) Prohibited Road Names, there is a proposal to clear up some language. The applicant claims that “cardinal direction designations” is a more thorough term than “directionals” when describing duplicate and non-contiguous road names.

Because of the permitting workflow created many years ago, Article 11.6.I.D Numerical Addressing Requirements has become obsolete. Addresses are no longer assigned during the “footing inspection” as is codified in the UDO, but rather during the building permit approval phase of development. The applicant also wishes to add exceptions to this. These exceptions include preliminary addresses in an approved subdivision, bona fide farm determinations, and unforeseen exceptions which the addressing coordinator finds appropriate. Another exception was made necessary in the aftermath of Hurricane Florence. Small Business Administration (SBA) loans were used by many displaced persons after the storm. The SBA requires an address to process the loan well before Pender County usually assigns one. North Carolina General Statute Chapter 160D covers the requirements for bona fide farms.

Text regarding garage apartments exists in Article 11.6.I.L. The applicant wishes to expand this line to include anything that may be considered an accessory residence (e.g. A guest house) or a an accessory business (e.g. a business run out of an unattached garage or a workshop).

Coming from situations which have happened to addressing coordinators in the past, the applicant wishes to add a line “Q” to Article 11.6.I. This language would permit giving temporary addresses to fireworks stands, FEMA trailers, and construction trailers. These situations occur, and the need for addresses is obvious because of potential emergency situations.

In Article 11.10.2 Identification gives the requirements for road signs. However, this text only requires signs for public roads. The addition of a sentence fixes this safety issue to include privately-owned named roads.

In Articles 11.1.1 Installation and 11.1.2 Maintenance require the Public Works Department to install, repair, and replace road signs. However, the Facilities and Fleet Services Department has been doing these tasks for many years. The proposed edits will correspond with the actual situation.

Proposed language from Article 11 “Road Naming and Addressing” within which all proposed amendments are located, is provided as Attachment I.

EVALUATION

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

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

In deciding whether to adopt a proposed Ordinance text amendment, the central issue before the Planning Board and County Commissioners is whether the proposed amendment advances the public health, safety, or welfare of its citizens.

RECOMMENDATION

The Administrator respectfully recommends approval of the Zoning Text Amendment to the Unified Development Ordinance as described in this report, as the amendment is consistent with the Pender County Unified Development Ordinance. The text amendments are proposed to increase the health and safety of the citizens through 911 addressing requirements, clear up ambiguous language, to grant more property rights to the owners of unnamed access easements, to align the code with current workflows and designated departments, to delineate exceptions for addressing requirements, and to encode the necessity of street signs for private roads. Overall, the proposed Zoning Text Amendment seeks to provide clarity to much of the language within Article 11. Each proposed amendment is concerned with safety, clarity, or property rights.

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 County Unified Development Ordinance.

There are no specific goals, objectives, or policies that conflict with the proposal. The proposed Zoning Text Amendment is consistent with the spirit, purpose, and intent of the Pender County Unified Development Ordinance.

TO DENY: Motion to deny the Zoning Text Amendment and to make a finding that although the proposal is consistent with the Pender County Unified Development Ordinance, said denial is reasonable and in the public interest and does not further the goals of the Article 11 "Road Naming and Addressing" because [INSERT REASONING].

PLANNING BOARD ACTION FOR ZONING TEXT AMENDMENT
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MOTION	SECONDED

APPROVED	DENIED	UNANIMOUS

Jordan	Buchanan	Beaudoin	Gruntfest	Pitts	Teachey	Mosca

ARTICLE 11 ROAD NAMING AND ADDRESSING

11.1 AUTHORITY

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

- A. Change the name, if any, given to the road by the Board of Transportation unless the Board of Transportation agrees;
- B. Change the number assigned to the road by the Board of Transportation, but may give the road a name in addition to its number; or
- C. Give the road a name that is phonetically ~~deceptively~~ similar to the name of any other public road in the vicinity.

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

11.3 ROAD NAMING

11.3.1 New Road Names

A. The Pender County Addressing Coordinator or their designated agent is authorized to determine the need for new road names or road name changes within jurisdiction of Pender County for both private and public roads outside the corporate limits of any municipality within the county.

B. When a public or private road provides access to more than three (3) addressable structures or combinations thereof, regardless of the length of such road, a road name shall be assigned.

1) If a private access easement is greater than two hundred (200) feet in length, the affected property owner(s) may petition the addressing coordinator to name the road.

C. The property owners along such road shall provide a petition with the proposed road name to the Pender County Addressing Coordinator within thirty (30) days of written notice.

1) If a single property owner is the sole owner of a private road access or easement which meets the requirements for road naming, they alone shall petition the addressing coordinator for a new road name, whether neighboring properties are allowed to access the road or not.

D. The proposed road name will be subject to review pursuant to the criteria set forth in this article.

E. If there is a unanimous decision among the property owners as to the name of the road and the submitted name satisfies the criteria established by this article, the Addressing Coordinator or their designated agent shall review the petition and approve the submitted name.

F. If a consensus among the property owners cannot be met, the Addressing Coordinator or their designated agent shall submit the name recommended by the majority of the property owners to the Pender County Board of Commissioners.

11.4 ROAD NAME CHANGES

11.4.1 Petition for Road Names

A. Any road officially named by the Pender County Board of Commissioners shall not be petitioned for a road name change unless:

- 1) Evidence shows a mistake was made in the naming of the road in the form of deeds, plats, or maps.
- 2) The road has been physically altered.
- 3) By special direction from the Addressing Coordinator for a unique circumstance.

B. If a petition is made for a road name change, the petition must be signed by a majority of the property owners along the road in question with each such person's mailing address and telephone number listed. The petition shall identify one of the signatories as spokesman for the applicants. **If a road is solely owned by one entity, no others shall have input with the petition.** Because of the cost involved and the confusion generated during this process, the county will follow a basic policy of discouraging petitioned road name changes. Pender County UDO 11-3 Article 11 – Road Naming and Addressing.

C. The following criteria shall be used to formulate recommendations for road names or changes:

- 1) When appropriate and feasible, commonly known informal road names shall be retained.
- 2) The Addressing Coordinator or their designated agent should consider geographical, physical and historically significant factors regarding the road.
- 3) U.S. and N.C. highways shall retain their numbers as their road names throughout the county.
- 4) Offensive or distasteful road names shall not be used.
- 5) Family names for road identification shall be permitted when there is a well-established non-conflicting history as to the particular family being the majority of the residents of the road.
- 6) Roads with continuous alignments should have only one name.
- 7) New road segments that are an extension or a continuous alignment of an existing road shall maintain the existing road name.
- 8) Road names and/or numbers should only change when there is a substantial intersection, or at municipal boundaries.

11.4.2 Renaming

A. When renaming a road the following should be considered;

- 1) The road with a name of historical significance should have its name retained.
- 2) The road with the most properties on it should retain its name.
- 3) The road that has been named for the longest period of time shall retain its name.

B. A directional must be placed ahead of the road name and cannot be used as a suffix. If a "North" directional is used there must be a "South" directional. If an "East" directional is used there must be a "West" directional. The prefix "N" shall be used for North, the prefix "S" shall be used for South, the prefix "E" shall be used for East and the prefix "W" shall be used for West.

C. In the case of a double ended road, two different road names may be assigned or a directional prefix may be utilized indicating which direction that portion extends from the road of origin. A cardinal direction is recommended in the naming of a T intersection.

11.4.3 Prohibited Road Names

A. The Pender County Addressing Coordinator shall not recommend newly proposed road names which fall under the following categories:

- 1) Numbers used as part of the name, unless the name is well known and there is a general acceptance.
- 2) Names which are difficult to pronounce.
- 3) Names which are less than 3 characters in total length or over 20 characters in total length, including spaces, but not including street type.
- 4) Names which are duplicated in neighboring counties if the roads are in the same postal district, fire department/rescue district, or telephone exchange.
- 5) Names which are similar to the name of an existing subdivision or landmark unless the road lies within that same subdivision. Pender County UDO 11-4 Article 11 – Road Naming and Addressing
- 6) Duplicate, near duplicate (Ex. Apple Road and Apple Hill Road) or phonetically similar road names.
- 7) Streets having the same name but different street types are considered duplicate names.
- 8) Streets having the same name but different **cardinal direction designations** ~~directionals~~ are considered duplicate names unless they are in continuous alignment and are intersected by another road.
- 9) Names that contain a street type or directional within the road name field.
- 10) "EXT" is not to be used as a suffix when a road is extended. Instead, the name shall remain the same and the address range extended to accommodate the new section.

11.4.4 Street Suffixes

Alley = Aly	Lane = Ln
Avenue = Av	Loop = Loop
Bay = Bay	Parkway = Pkwy
Bend = Bend	Path = Path
Boulevard = Blvd	Place = Pl
Branch = Br	Point = Pt
Cay = Cay	Ridge = Rdg
Center = Ctr	Road = Rd
Circle = Cir	Run = Run
Court = Ct	Spur = Spur
Cove = Cove	Station = Sta
Crest = Crst	Street = St
Crossing = Crsg	Terrace = Ter
Drive = Dr	Trace = Trc
Highway = Hwy	Trail = Tr
Hollow = Holw	Walk = Wk
Landing = Ldg	Way = Way

11.6 NUMERICAL ADDRESSING SYSTEM

11.6.1 Numerical Addressing Requirements

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

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

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

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

1) Exceptions to this policy are permissible in the following situations:

- a) When the structure is located in an approved subdivision where preliminary addresses have been assigned.**
- b) Small Business Administration (SBA) loans for housing following a catastrophe.**
- c) An address will be given to a bona fide farm upon completion of the Bona Fide Farm Determination and submission of a site plan or property sketch to the Pender County Addressing Coordinator.**
- d) Any other address assignment that is deemed appropriate by the Addressing Coordinator given that it does not violate any other rule set forth within Article XI of this code.**

E. Subdivisions and/or individual lots with up to 100 feet of road frontage may be assigned preliminary addresses following final map recordation. Final addresses will not be assigned until compliance with Section 11.6.1.D has been demonstrated.

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

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

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

I. In the event a portion of a roadway that has been addressed using the 5.28 numbering scheme is spot annexed into a municipality, the current numbering scheme shall be maintained.

J. Corner lots will be assigned an address from the road on which the structure faces. An address can be assigned from the side road location in situations where the front of the building is obscured or difficult to distinguish.

K. Addresses should not be assigned to structures that are simply accessory to the principal building.
Pender County UDO 11-6 Article 11 – Road Naming and Addressing

~~L. Garage apartments shall be given a new address. If there are no addresses available then a unit letter may be assigned (ex. 503A) as a last resort.~~ **An accessory residence, such as a garage apartment, or an accessory business, such as a commercial workshop on the same lot as a residence, shall be given a new address. If there are no more contiguous numerical addresses available, then a unit letter may be assigned (ex. 503A) as a last resort.**

M. Duplexes and apartments will be assigned structure numbers as well as unit numbers for secondary locators. For multi-story development the number will reflect the floor number and unit number.

N. Townhouses/Condominiums shall be assigned individual addresses for each unit.

O. Commercial development will be assigned one address per building as well as suite numbers for secondary location indicators. Each individual building shall have a separate address. For multi-story development the number will reflect the floor number and suite number.

P. Each mobile home within a mobile home park shall be assigned a primary 911 address. A mobile home park owner may assign lot numbers but the lot numbers shall not be used as the physical address.

Q. A temporary address may be assigned to a temporary structure such as a fireworks stand, a FEMA trailer, or a construction trailer. Other temporary structures approved for addressing by the Addressing Coordinator may also be assigned temporary addresses.

11.10 OFFICIAL LIST, OFFICIAL MAP, AND IDENTIFICATION

11.10.1 Road Name List and Map

The Pender County Planning and Community Development Department shall maintain a listing of all official road names in Pender County as well as maintain an official street centerline database exhibiting the approved names and location of all roads in Pender County. Pender County UDO 11-8 Article 11 – Road Naming and Addressing

11.10.2 Identification

A sign showing the official name and state road number shall identify all public roads in the unincorporated areas of Pender County. **Private named roads shall have a sign showing the official name of the road.** These road signs shall be placed at all intersections.

A. Every road sign shall comply with the following criteria:

- 1) The sign blade shall be constructed of aluminum with green sheeting, 6 inches in width, and extruded edges.
- 2) The lettering shall be upper case, 4 inches in height, at least ½ inch in stroke, and shall be made of white reflective material.
- 3) The street type and state road lettering shall be upper case, 2 inches in height, at least ¼ inch in stroke, and shall be made of white reflective material.
- 4) The post shall be constructed of U-shaped galvanized steel measuring 12 feet in height.
- 5) The post shall be firmly anchored with the sign blade approximately 8 feet above ground.

B. Developers of subdivisions shall be responsible for the initial street signs. The sign blade must meet the criteria as set forth in this article.

C. Developers of subdivisions may utilize decorative posts and brackets only if the road will not be petitioned for addition to the state highway system. In the event the sign is stolen or damaged, the developer or Homeowners Association shall be responsible for replacing the posts and brackets.

D. Sign installers shall work with the North Carolina Department of Transportation and the various utility companies as to the particular location of the sign. If the road is private in nature, the sign must be

installed within the right-of-way or easement of said road and be clearly visible. 11.11 INSTALLATION AND MAINTENANCE

11.11.1 Installation

The Pender County ~~Public Works~~ **Facilities and Fleet Services** Department shall be responsible for the provisions of installation of road signs, except in the case of subdivisions with proposed new roads wherein the developer in that case shall be responsible for the installation of said signs.

11.11.2 Maintenance

The Pender County ~~Public Works~~ **Facilities and Fleet Services** Department shall be responsible for repair and replacement of road signs.

11.12 VIOLATIONS, PENALTIES & ENFORCEMENT

11.12.1 Violations

A. It shall be unlawful for any person(s) to:

- 1) Erect any road sign with an unofficial name or a name that is substantially similar to any public road or private road in the unincorporated areas in Pender County.
- 2) Remove, deface, damage, or obscure a road sign in the jurisdiction of this article.
- 3) Erect any road sign that does not meet the Pender County sign specifications. Pender County UDO 11-9 Article 11 – Road Naming and Addressing
- 4) Number or assign a number to any structure without the written approval of Pender County.
- 5) Fail to post the official assigned number in accordance with this article.

11.12.2 Penalties

A. Any person who does not comply with this article will be notified, by certified mail, to meet the requirements within 30 days from the date of notification.

B. Any person violating provisions in this article shall be guilty of a misdemeanor and shall be subject to a fine of not more than fifty dollars (\$50) dollars or imprisonment of not more than thirty (30) days as provided by North Carolina General Statute 14-4. Each day shall constitute a separate violation and shall be punishable as a separate offense.

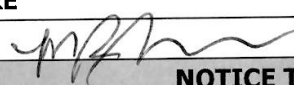
C. Any person who does not comply with this article will be notified, by certified mail, and required to come into compliance within 30 days from the date of notification.

D. Any violation of this article may be subject to civil remedies as set forth in North Carolina General Statute 153A-123C. 11.12.3 Enforcement This article shall be enforceable by citation, injunction and restraining order. Any person violating the provisions of this article shall be subject to a civil penalty for each violation in the amount of fifty dollars (\$50). Each day of violation shall constitute a separate and distinct offense.

11.12.3 Enforcement

This article shall be enforceable by citation, injunction and restraining order. Any person violating the provisions of this article shall be subject to a civil penalty for each violation in the amount of fifty dollars (\$50). Each day of violation shall constitute a separate and distinct offense.

APPLICATION FOR TEXT AMENDMENT

THIS SECTION FOR OFFICE USE			
Application No.	ZTA 2022-16	Date	6/24/2022
Application Fee	\$	Receipt No.	
Pre-Application Conference		Hearing Date	PB 7/6 BCC 8/15
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Pender County		
Applicant's Address:	805 S Walker St.		
City, State, & Zip	Burgaw, NC 28425		
Phone Number:	910-259-1442		
Email Address:	mike.mcdickson@pendercountync.gov		
SECTION 2: UDO TEXT TO BE AMENDED			
Current Text to be Amended (Please site accurate Article number referenced): 11.1, 11.3.1, 11.4.1, 11.4.3, 11.6.1, 11.10.2, 11.11.1, 11.11.2			
Proposed Text to be added: See "Proposed Language" document			
SECTION 3: SIGNATURE			
Applicant's Signature			Date: 6/24/2022
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: