



Pender County

Agenda

Planning Board Meeting

Tuesday, April 13, 2021 @ 7:00 PM
Hampstead Annex

	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		
REZONE 2021-21		11 - 50
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ZTA 2021-13		51 - 75
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9. DISCUSSION		
10. NEXT MEETING DATE		
May 4th, 2021		
805 S. Walker St		
Burgaw, NC 28425		
BOCC Chambers		
11. ADJOURNMENT		



**Pender County
Planning Board Minutes for March 2,
2021**

TO: Planning Board
FROM: Travis Henley
DATE: April 13, 2021
SUBJECT: Planning Board Minutes for March 2, 2021

SUMMARY:

Planning Board Minutes for March 2, 2021

ACTION REQUESTED:

To adopt Planning Board Minutes for March 2, 2021



MINUTES
Planning Board Meeting
Tuesday, March 2, 2021
Pender County Public Assembly Room
7:00 PM

MEMBERS PRESENT: Theatrice McClammy
 Delva Jordan
 Jeff Beaudoin
 Damien Buchanan
 John Gruntfest
 Jeffrey Pitts
 Norman K. (Ken) Teachey

MEMBERS ABSENT:

OTHERS PRESENT: Travis Henley, Planning Director
 Tera Cline, Administrative Assistant
 Other Staff and Members of the Public.

1 CALL TO ORDER

a) Chairman Theo McClammy called the meeting to order at 7:11 PM

2 ROLL CALL

3 INVOCATION

4 PLEDGE OF ALLEGIANCE

5 ADOPTION OF AGENDA

a) Motion to adopt the agenda

Moved by Jeff Beaudoin, seconded by Jeffrey Pitts

Motion approved

	For	Against	Abstained	Absent
Theatrice McClammy	x			
Delva Jordan	x			

Jeff Beaudoin	x			
Damien Buchanan	x			
John Gruntfest	x			
Jeffrey Pitts	x			
Norman K. (Ken) Teachey	x			
	7	0	0	0

CARRIED.

6 ADOPTION OF MINUTES

- a) Planning Board Minutes for February 02, 2021 Meeting

Moved by John Gruntfest, seconded by Jeffrey Pitts

Upon discussion after motion made Board member Damien Buchanan requested an amendment to the February 02, 2021 minutes to state under MDP-R 2020-26 agenda item 8.1 that the word use be added to the following statement. "The board requested a continuance on this matter, so that staff and the applicant could discuss the townhomes parcel density and storm water runoff system". Motion to adopt the Planning Board minutes from February 02, 2021 meeting approved with technical correction stated above.

	For	Against	Abstained	Absent
Theatrice McClammy	x			
Delva Jordan	x			
Jeff Beaudoin	x			
Damien Buchanan	x			
John Gruntfest	x			
Jeffrey Pitts	x			
Norman K. (Ken) Teachey	x			
	7	0	0	0

CARRIED.

7 PRESENTATIONS

8 PUBLIC COMMENT

9 PUBLIC HEARINGS

Board member Jeff Beaudoin announced that he would be recusing himself for public hearing MDP-R 2021-28 agenda item 9.2.

a) MDP-R 2020-26

A continuation of discussion from February 02, 2021 Planning board meeting. Signature Top Sail NC, Ltd., applicant and owner, and also on behalf of Capstone Ventures LLC. and Ruth C. Kalmar, owners, is requesting a revision to the previously approved Master Development Plan for the mixed-use development known as Wyndwater. Specifically, this request is to modify the existing residential and non-residential acreages within the development, provide certainty as to allowable uses in Phase 5, and establish Phase 11 as seventy-six (76) townhome units. The subject properties are approximately ±234.28 acres. 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 the Cardinal Acres Lane (private) in the Topsail Township. The properties may be further identified by Pender County PIN(s): 4204-84-9111-0000; 4214-50-8387-0000; 4213-59-0181-0000; 4214-31-5745-0000; 4204-75-9493-0000; and 4204-85-1358-0000.

Travis Henley, Director, discussed points of clarification from the February 02, 2021 meeting. These were outlined in the staff report addendum as well. Mr. Henley stated the current and proposed unit split between single family detached both conventional and zero lot line they effectively look the same but they are classified as two different uses in the Pender County Unified Development Ordinance. The currently approved split is 472 single family detached units and 57 townhomes. The proposed Master Development Plan revision would revise these numbers to 453 single family detached units and 76 townhomes. He further clarified that all 76 townhomes proposed would be allocated to Phase number 11 and any further development of townhomes within the Wyndwater Master Plan would require an additional Master Plan revision to be reviewed and approved by the Pender County Planning Board. In regards to storm water, Mr. Henley stated that at the time of the writing of the staff report addendum last week, the applicant is proposing a storm water retention standard that meets all the requirements of the Unified Development Ordinance. He stated the applicant tends to provide a presentation regarding their analysis of storm water control mechanisms in regards to directions received from the Pender County Planning Board at the February 02, 2021 meeting. Mr. Henley reminded the board that there are two new conditions that the applicant and staff have mutually agreed upon and

there are no proposed changes to those conditions.

Mike Pollock, Signature Topsail, stated that after storm water concerns were brought up at the last meeting that the engineer, and the HOA of Topsail Greens and himself met to talk and walk the property to take a closer look. He went on to state they want to help Topsail Greens with current drainage issues. Mr. Pollock shared a letter from the Topsail Greens HOA board.

The board asked staff what the exceptions are in regards to consistency with the future land use map. Travis Henley responded stating that it was not necessarily an exception but when reviewing a proposal for its consistency with the future land use map what we are attempting to do is to try and capture the desired future land use for the community as a whole. In this particular instance for Wyndwater there are different portions of the subject property that are within the low density residential future land use classification as well as the coastal residential future land use classification. He clarified, that those two classifications have different desired usage depending on which one you're in. Low density residential supports duplexes and townhomes at a density of no more than 2 units per acre. However he continued stating that in the coastal residential it really only supports single family detached but has a density of 3 units per acre. Mr. Henley shows the board the future land use map and goes over the different parcels and which category they fall under. The board and Mr. Henley further discussed the future and current density of all surrounding parcels as well and the different uses. They also discussed connector roads. The board also discussed with Mr. Henley the possibility of superior design, to include trees and sidewalks and open space. Mr. Henley gave a definition of what a "significant tree" is according to the Pender County UDO. The board asked Travis how many significant trees were on the parcel and he stated that he was unsure at the time but before any construction approvals would be approved it would be documented. Mr. Henley reviewed the two additional conditions added after February 02, 2021 meeting. The board discussed the fee simple aspect of the project and DOT specifications and the pros and cons. Mr. Henley deferred to the applicant on the fee simple direction. The applicant stated that they have not made a decision either way. Gary Pate, clarified the road width and easements.

Moved by Jeff Beaudoin, seconded by John Gruntfest

Motion Approved with all conditions agreed upon.

	For	Against	Abstained	Absent
Jeff Beaudoin	x			

Theatrice McClammy	x			
Delva Jordan	x			
Damien Buchanan		x		
John Gruntfest				
Jeffrey Pitts	x			
Norman K. (Ken) Teachey	x			
	5	1	0	0

CARRIED.

b) MDP-R 2021-28

Planning board member Jeff Beaudoin recused himself from the board for this proposal.

Jeff Beaudoin, applicant and owner, is requesting approval of a Master Development Plan Revision for a mixed-use development known as Community Aquatic Lifestyle Center. Specifically, this request is to modify the master development plan to clarify allowable commercial uses and allow a total of ten (10) zero lot line detached and/or duplex attached single family dwelling units on approximately ± 7.12 acres. The properties are located west of Country Club Dr. (SR 1565), ± 0.15 miles south of Transfer Station Rd (SR 1695) in the Topsail Township. The properties may be further identified by Pender County PIN(s): 4203-35-3583-0000 and 4203-35-3108-0000.

Travis Henley, Director, gave a brief overview of the project plan and staff recommendation and history of the project. Mr. Henley touched on the connector roads on this parcel and surrounding parcels. Mr. Henley stated that if approval was given that the applicant would be capped at no more than 10 units regardless of type of units. He referred the board to listed uses and collector roads in the packet. Mr. Henley reviewed all aspects of the staff report and attachments.

Moved by Damien Buchanan, seconded by Norman K. (Ken) Teachey

Motion Approved

	For	Against	Abstained	Absent
Theatrice McClammy	x			
Delva Jordan	x			
Jeff Beaudoin			x	

Damien Buchanan	x			
John Gruntfest	x			
Jeffrey Pitts	x			
Norman K. (Ken) Teachey	x			
	6	0	1	0

CARRIED.

c) ZTA 2021-12

Pender County, applicant, is requesting the approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance. Specifically, the request is to amend Section 5.3.12.F “Industrial Parks” to revise standards related to off-street loading and unloading facilities within approved industrial parks. A detailed description of the proposed changes is available in the Pender County Planning and Community Development Department Offices.

Travis Henley, Director, gave a brief overview of the request by staff. He gave a background on the request and an overview of Pender Commerce Park. Mr. Henley gave examples to further demonstrate and define the request. Discussed with the board what a cross dock is and how it applies to this request. The board asked if the request was strictly for aesthetic reasons or is safety a point included as well. Mr. Henley stated that safety would be included in any proposal.

Trey Thurman, County Attorney, reinforced research done by himself that he believed this amendment is based on aesthetics of the building and the industry future.

10 DISCUSSION

Travis Henley, clarified the next meeting date to be April 07, 2021. He gave a brief update on GIS problems at the Hampstead Annex. Also touched base on the collector street plans committee. Introduced Carlene Shaw as a new planner I and announced Sam Shore is leaving.

11 NEXT MEETING DATE

April 07, 2021 at 7:00 PM
805 South Walker Street
Burgaw, NC 28425

12 ADJOURNMENT



Pender County REZONE 2021-21

TO: Planning Board
FROM: Travis Henley
DATE: April 13, 2021
SUBJECT: REZONE 2021-21

SUMMARY:

Tribute Investment and Development, Inc, applicant on behalf of Wilbur R. Corbett Trust, owner is requesting the approval of a Conditional Zoning Map Amendment for 14 single-family homes, 148 multiplex units, 8 upper-story residential units over 6,240 sq. ft. of commercial space and a 3,600 sq. ft. commercial building intended for a restaurant or a healthcare facility. The subject property is approximately ±20.38 acres in size. The proposed development is located on the east side of US Hwy 17 directly across from Christian Chapel Rd (SR 1587) in the Topsail Township. The subject property is currently zoned PD, Planned Development zoning district and may be further identified by Pender County PIN 3281-29-4277-0000.

ACTION REQUESTED:

To hold a Public Hearing and consider the Conditional Zoning Map Amendment.

ATTACHMENTS:

REZONE 2021-21 Staff Report
REZONE 2021-21 Application
REZONE 2021-21 Narrative
REZONE 2021-21 Site Plan
REZONE 2021-21 Attachment 1
REZONE 2021-21 Attachment 2
REZONE 2021-21 Attachment 3

**PLANNING STAFF REPORT
CONDITIONAL ZONING MAP AMENDMENT
HAMPSTEAD SOUTH MIXED USE**

SUMMARY

Hearing Date: April 13, 2021 Planning Board
May 17, 2021 Board of Commissioners
Applicant: Tribute Investment and Development, Inc.
Property Owners: Wilbur R. Corbett Trust
Case Number: REZONE 2021-21

Rezoning and Development Proposal: Tribute Investment and Development, Inc, applicant on behalf of Wilbur R. Corbett Trust, owner is requesting the approval of a Conditional Zoning Map Amendment for 14 single-family homes, 148 multiplex units, 8 upper-story residential units over 6,240 sq. ft. of commercial space and a 3,600 sq. ft. commercial building intended for a restaurant or a healthcare facility.

Property Record Number, Acreage, and Location: The subject property is approximately ±20.38 acres in size. The proposed development is located on the east side of US Hwy 17 directly across from Christian Chapel Rd (SR 1587) in the Topsail Township. The subject property is currently zoned PD, Planned Development zoning district and may be further identified by Pender County PIN 3281-29-4277-0000.

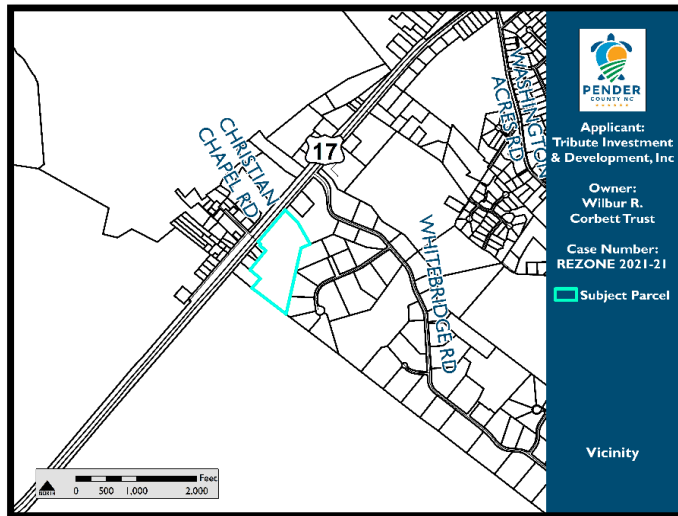
Recommendation: Planning Staff is submitting the proposal for Planning Board disposition. The request for Conditional Zoning Map Amendment is compliant with the Pender County Unified Development Ordinance. The request is consistent with the Future Land Use Map, as well as three (3) goals, two (2) objectives, and four (4) policies within the Pender 2.0 Comprehensive Land Use Plan, while conflicting with one (1) objective and two (2) policies within the Plan.

While the request on balance is consistent with the Pender 2.0 Comprehensive Land Use Plan, its inconsistencies lie in the infrastructure needed to support such a proposal. Based upon the initial review of the proposal by various entities through the Technical Review Committee, Pender County Schools communicated to Planning Staff that the school system does not currently have the capacity to serve the proposed development, nor are there any plans currently adopted to increase capacity in the system at this time.

While the Pender 2.0 Comprehensive Land Use Plan supports the development types proposed in this request in this location, much of that support is qualified by ensuring that appropriate infrastructure is available or planned to be available to support that development. Therefore, Planning Staff respectfully recommend denial of the request based on the conditions outlined in this report. Staff have also provided draft conditions for a motion to recommend approval.

PROPOSAL OVERVIEW

This project was submitted under the name "Hampstead Mixed-Use". However, the Pender County Addressing Coordinator provided notification that the requested name is too similar to existing names. The applicant will be required to provide a name deemed suitable by the Addressing Coordinator prior to Preliminary Plat approval.

**Proposed Uses**

		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-Attached: Multiplex				P		P					
Upper Story Residential						P	P	P			
Sectors 44-45 RETAIL TRADE											
Electronics and Appliance Stores	443	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		
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		
Sectors 48-49: TRANSPORTATION AND WAREHOUSING											
Postal Services	491110	S	S			P	P	P			
Sector 51: INFORMATION											
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	

Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
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	
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											
Hospitals	622	S				P	P	P			
Sector 71: ARTS, ENTERTAINMENT, AND RECREATION											
Performing Arts Companies	7111	S				P	P				
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			
Fitness & Recreational Sports Centers	713940	S				P	P	P	P		
Sector 72: ACCOMMODATIONS AND FOOD SERVICES											
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											
Personal and Household Goods Repair and Maintenance	8114	S				P	P	P	P	P	
Personal Care Services	8121	P	S			P	P	P	P		
Coin Operated Laundries and Drycleaners	812310	P				P	P				
Dry-cleaning and Laundry Services	812320	S				P	P		P	P	

Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Other Personal Services	8129	S				P	P	P	P		
Business, Professional, Labor, Political and Similar Organizations	8139					P	P	P	P		
Sector 92: PUBLIC ADMINISTRATION											
Public Administration	92	P	P	P	P	P	P	P	P	P	

The applicant is proposing three residential use types consisting of 14 single-family lots, 148 multiplex units arranged into groups of four, and eight upper-story residences over a total of 6,240 sq. ft. of commercial space, the tenant(s) for which have not been established. Any commercial use would be required to fall into one of the requested uses listed above. The applicant is also proposing an additional 3,600 sq. ft. commercial building intended for a restaurant or healthcare facility.

A pump station would also be constructed on the parcel in order to provide utility service to the proposed development.

The applicant would be required to provide all necessary permits – and adhere to all relevant review procedures and standards within the Pender County Unified Development Ordinance – to receive staff approval. All other uses or expansions will be prohibited unless an alteration is made to the approval. Any changes to the requested petition shall be processed in accordance with amendments to the zoning map and in accordance with the Pender County Unified Development Ordinance.

Density

The proposed net density of the project is shown in Table 1 below and calculated in accordance with Section 4.6.7.A.1 of the UDO, totaling approximately 9.13 units per acre. The proposed density conforms with the Future Land Use Map in the Pender 2.0 Comprehensive Land Use Plan as it is slightly less than the maximum density recommended for the Neighborhood Mixed use Future Land Use Classification, which envisions development at a density of up to ten dwelling units an acre.

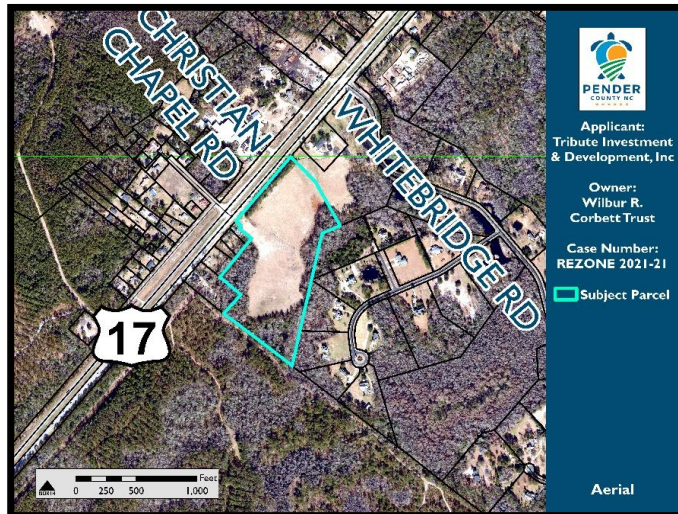


Table 1: Density

Total Acreage	20.38
Potential Wetland Acreage	3.50
Total Units	170
Net Density	9.13

The submitted site plan states that the density is 10.07 units per acre. This is due to the applicant removing the entirety of the wetland acreage from the density calculation, whereas the Unified Development Ordinance provides half-credit for wetlands.

Dimensional Requirements

Per Section 4.13, Conditional Zoning Districts, standards of a Conditional Zoning (CZ) district are specific to the conditions of the site and are set by a conditional rezoning application. The applicant has proposed the following dimensional requirements:

Table 2: Requested Dimensional Standards

Proposed Dimensional Standards for CZ-3 Zoning District	All Uses
Minimum Front Yard	10'
Minimum Side Yard	5'
Minimum Rear Yard	15'
Maximum Building Height	30'
Structure Separation	10'

The applicant has not proposed a minimum lot size or minimum lot width. The single-family lots would instead be based on the general location illustrated on the sketch plan, capped by the number of units proposed in the application – 14.

Phasing

The applicant is proposing to construct the project in one phase.

ENVIRONMENT, LANDSCAPING AND RECREATION

Environmental Conditions

Flood Zones

The property has no Special Flood Hazard Areas on the effective regulatory or preliminary Flood Insurance Rate Maps.

Wetlands

Both the National Wetlands Inventory and North Carolina Division of Coastal Management illustrate the potential of wetlands on the property, as does the submitted sketch plan. No Jurisdictional Determination from the U.S. Army Corps of Engineers has been submitted by the applicant, which will be required prior to any administrative development approvals. Any disturbance within these wetlands is subject to review and approval by the U.S. Army Corps of Engineers.

Areas of Environmental Concern

The North Carolina Department of Environmental Quality (DEQ) has not identified any Areas of Environmental Concern (AECs) on the site.

Biodiversity and Wildlife

The North Carolina Wildlife Resources Commission (WRC) publishes the Biodiversity and Wildlife Habitat Assessment as part of their Conservation Planning Tool. Land that has been inventoried through this Assessment is ranked on scale ranging from 1 to 10, with higher numbers signifying a more prevalent presence of “more rare, abundant, and diverse species and habitats” in those areas. Nearly the entire property is unranked, as much of the interior is already cleared. Small portions around the wetlands shown on the site plan are ranked as a 7 or 8, denoting significant preservation priority.

Landscaping and Buffers

The applicant has proposed a type A buffer along US Hwy 17, a C buffer adjacent to the existing residential parcels along US Hwy 17 and within the Whitebridge neighborhood, as well as a type B buffer along all remaining property boundaries. These proposed buffers conform to the vegetative buffering requirements for Planned Developments found in Article 8 of the Pender County Unified Development Ordinance.

Significant Trees

A significant tree survey conforming with section 8.1.3 of the Pender County Unified Development Ordinance will be required prior to administrative approval of any subsequent Preliminary Plat or Site Development Plan within this project. Any significant tree proposed for removal shall be mitigated by the on-site planting of two (2) trees of the same species with a minimum caliper of 2” or greater.

Open Space

Per Section 7.6.1.C of the Pender County Unified Development Ordinance, all new residential subdivisions shall provide open space in the amount of 0.03 acres per dwelling unit within the subdivision. No more than 50% of the required open space shall be designated as passive open space. 50% or more of the required open space shall be designated as active open space. A minimum of 5.1 acres of open space would be required for this development, with a minimum of 2.55 acres of active open space.

Table 4: Required Open Space

Open Space Type	Open Space Required (acres)
Passive	2.55
Active	2.55
Total	5.1

The applicant has illustrated an amenity area, active transportation infrastructure, and there are several potential common areas including wetlands. Should the Conditional Rezoning be approved, conformance with open space requirements will be confirmed prior to administrative approval of project phases.

Recreational Units

Per Section 7.6.2 of the Pender County Unified Development Ordinance, developments are required to provide recreational units equivalent to financial credits based on the total proposed dwelling units as established in Table 5 below. The applicant has proposed 170 residential units and is therefore required to provide two (2) recreation units totaling a minimum of \$20,000. The applicant has illustrated an unspecified amenity area on the submitted plan.

Table 5: Required Recreation Units

Dwelling Units	Recreational Unit(s)	Financial Unit
34-99	1.0	\$10,000
100-150	1.5	\$15,000
151-200	2.0	\$20,000

Should the Conditional Rezoning be approved, conformance with ordinance requirements will be confirmed prior to administrative approval of project phases.

TRANSPORTATION INFRASTRUCTURE

Roadways

The applicant is proposing to construct two public roadways illustrated in the Pender County Collector Street Plan. A Major Collector Street would run generally parallel to US Hwy 17 throughout the development. A Minor Collector Street would connect this new collector to US Hwy 17 and serve as the entrance to the project. No decision regarding the ownership of the internal roadway network has been provided at this time.

The proposal conforms with the Pender County Collector Street Plan and the Pender County Unified Development Ordinance. Staff will ensure all submittals meet state and local requirements prior to administrative approval.

Street Connectivity and Access

The applicant has proposed three total connections to the proposed development: One to existing roadways, and two stubs to be continued in the case of adjoining development. The development would connect to existing roadways via an entrance on US Hwy 17 via a Minor Collector Street. The Major Collector Street stubs to both sides of the property and would ultimately connect to future development.

In accordance with the Pender County Collector Street Plan and Unified Development Ordinance, individual driveway access will not be permitted on the collector streets.

Traffic

A Traffic Impact Analysis (TIA) has been scoped for the proposed development. A Traffic Impact Analysis is required when the development generates 100 trips in the morning or evening peak hours or 1,000 trips per day. The proposed development is projected to result in 1,927 daily trips, 153 adjusted AM peak hour trips, and 126 adjusted PM peak hour trips at buildout. Any traffic management requirements will be required by the NCDOT and will be required to be compliant with the NCDOT's Driveway Manual.

The Traffic Impact Analysis will be required to be complete prior to administrative approval of the project.

All roadway improvements will be tracked through the driveway permit process and coordinated with the NCDOT and Staff.

Pedestrian Access

The applicant has agreed to proposed conditions of approval to provide multi-use paths along each side of the collector street running parallel to US Hwy 17. Specifically, a multi-use path along one side of the collector street connecting to US Hwy 17, and sidewalks or other equivalent pedestrian infrastructure along one side of every right-of-way or drive aisle throughout the development.

OTHER INFRASTRUCTURE

Utilities

The applicant intends to utilize Pender County Utilities (PCU) for water and Pluris for wastewater disposal. Relevant documentation from state, local, or private entities involved in the construction and operation of these utilities will be required prior to administrative approval to construct the development.

Stormwater

Section 7.9 of the Pender County Unified Development Ordinance requires that stormwater infrastructure be built such that the post development runoff from the project be no more than ten (10) percent more than the pre- development runoff. Low-density projects are required to meet this standard for the 1 year 24-hour event, while high-density projects are required to meet this standard for a twenty-five year storm and be analyzed for a fifty-year storm. The applicant has proposed exceeding these standards by constructing a stormwater system which would accommodate a fifty-year storm and be analyzed for a hundred-year storm. Certification from a licensed engineer that the project meets these requirements shall be required at administrative approval of the development, and all necessary state permits will be required prior to administrative approval for land disturbing activities.

Signage

All subdivision signage shall be reviewed and approved per Section 9 of the Pender County Unified Development Ordinance.

PUBLIC INPUT MEETING

The public meeting was held on March 8, 2021 from 6:00 PM-7:00 PM in the auditorium at the Hampstead Annex. Notices of the meeting being held were mailed to all residents within 500 feet of the subject property at least 10 days prior to the meeting. The applicant provided an open house style and took questions from the attendees. Community concerns included housing type, stormwater runoff, and traffic. The applicant did not propose any changes to the proposal based on community feedback at the meeting. The applicant provided a report from the public input meeting that is included as Attachment 1.

TECHNICAL REVIEW COMMITTEE (TRC) RESPONSES

Pender County's Technical Review Committee meeting was held on Thursday, March 4, 2021 at 9:00 AM in the Board of County Commissioners meeting room, to review the proposal. The comments can be found in Attachment 2.

EVALUATION**A. Public Notifications:**

Advertisements for the proposal have been placed in the Pender-Topsail Post & Voice. Adjacent property owners within five hundred feet (500') of the subject parcel were notified by first class mail; and a sign advertising the public hearing was placed on the subject property.

B. Existing Zoning in Area:

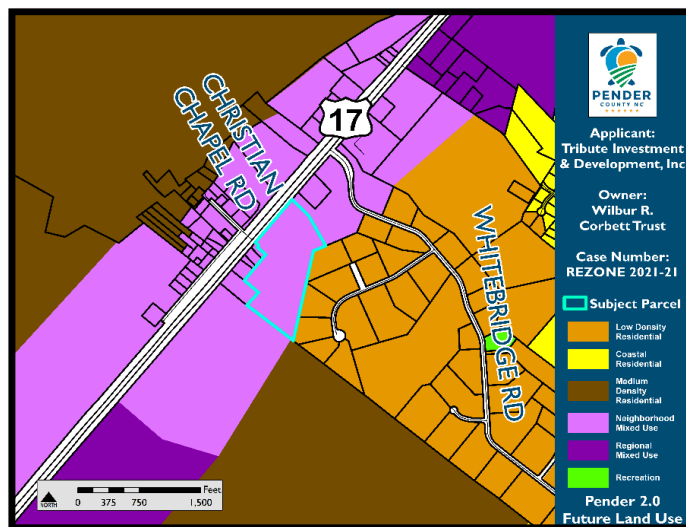
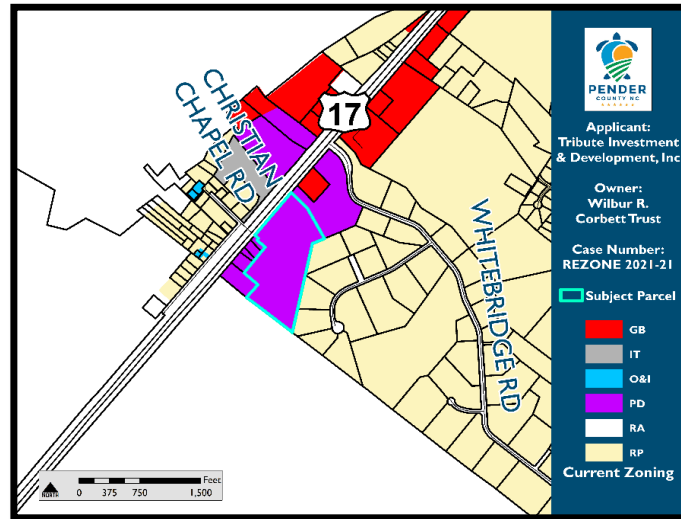
The subject property is currently zoned PD, Planned Development. The subject property is bordered by additional PD zoning to the north, RP, Residential Performance zoning district to the east, RA, Rural Agricultural zoning district to the south, and RP, RA, and IT Industrial Transitional zoning districts to the west.

C. Existing Land Use in Area:

The subject parcel is currently vacant. The Whitebridge single-family detached residential subdivision is to the east, Topsail Montessori School is to the north, small scale residential development and Awe Outdoors shed company to the west, and vacant land to the south.

D. Pender 2.0 Comprehensive Land Use Plan Compliance:

The Pender 2.0 Comprehensive Land Use Plan designates the subject property as Neighborhood Mixed Use. Neighborhood mixed use allows for a transition between more intense commercial, office, and residential development to lower density residential neighborhoods. The neighborhood mixed use category is primarily dedicated to non-residential uses that provide services, entertainment, and amenities to residents within a three mile radius. Land use and development within this category is closely coordinated with existing and planned roadway transportation networks, while encouraging bicycle and pedestrian access. This future land use category should be composed of a mixture of integrated commercial, office,



institutional, and single-family residential uses. This future land use classification is not intended to be solely reserved for mixed use developments. Single use developments that contribute toward an integrated land use pattern of appropriate commercial, office, civic, and medium density residential uses are encouraged.

Desired uses include single-family dwellings – detached, duplex, and townhouse (up to ten units in a single structure) in addition to commercial/retail and office uses that serve existing communities. Examples include restaurants, cafes, drug stores, healthcare facilities, professional offices, and retail-oriented uses.

Inappropriate uses include Establishments requiring large surface parking in excess of 20,000 square feet, low density residential uses, industrial uses, and storage facilities.

The project conforms with the Neighborhood Mixed Use Future Land Use classification, providing for a level of residential density called for in this area in combination with a mixture of neighborhood scale commercial services.

In addition to conforming with the Future Land Use Map, the Conditional Zoning Map Amendment request is supported by three (3) goals, two (2) objectives, and four (4) policies within the Pender 2.0 Comprehensive Land Use Plan:

Goal 4.2: Manage the timing, location and intensity of growth by coordinating transportation improvements in accordance with development and ensuring safe and efficient modes of transportation are available to all residents and visitors.

Policy 4.2.F: Collector Street Plan: The County shall continue to support and implement the Pender County Collector Street Plan when reviewing and approving new development proposals within the WMPO Boundary area of the County.

Goal 4.3: Provide safe opportunities for walking and cycling, while supporting the need for paratransit service and other alternatives to provide transportation choices for residents and visitors.

Objective 4.3: Encourage alternative means of transportation to reduce traffic, enhance economic development, offer services to those without use of a vehicle, and provide recreational opportunities for residents and visitors.

Goal 5.1: Land Use and Growth Management: Manage the physical growth and development of Pender County by encouraging more intensive land uses in key locations identified for such growth while preserving and protecting the unique physical character and social assets of the rural heritage and coastal habitat that makes the County a unique place to live.

Objective 5.1: Land Use and Growth Management: Ensure that development and use of resources balances protection of natural resources and agricultural lands with economic development, avoids risks to public health and welfare, and is consistent with the capability of the land.

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.H: Mixed Use Development: The County supports a wide range of commercial and residential development at varying intensities, when appropriately located, and provided that impacts to adjacent property owners and traffic congestion is mitigated.

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.

The project fulfills several desired policy outcomes for development as described in the Pender 2.0 Comprehensive Land Use Plan. The proposal provides enhanced transportation infrastructure, constructing multiple collector streets as well as bicycle and pedestrian connectivity throughout the development in addition to providing residential density and commercial uses in a key location to support the projected population growth of Pender County.

The Conditional Zoning Map Amendment was found to conflict with one (1) objective and two (2) policies in the Pender 2.0 Comprehensive Land Use Plan.

Objective 4.6: Ensure adequate student space in Pender County Public Schools and encourage co-location of community facilities.

Policy 5.1.C: Coordination with Infrastructure/Services: The County shall encourage development in areas where the necessary infrastructure – roads, water, sewer, broadband, and schools – is available, planned or can be most cost effectively provided and extended to serve existing and future development. Natural resource conservation should be considered.

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.

Pender County Schools has indicated that insufficient capacity is available to serve the proposed development at this time, and the Pender 2.0 Comprehensive Land Use Plan only supports otherwise-consistent development applications when appropriate infrastructure is available to serve them.

E. 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. 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.

Utilities

Public water services are available for the subject properties through Pender County Utilities and the applicant has proposed receiving sewer service from Pluris, a private wastewater provider. Any final zoning approvals are contingent upon review and approval by appropriate local and state agencies.

Traffic & Roadways

The subject property has direct frontage on US Hwy 17. Average Annual Daily Trips (AADT) and capacity of US Hwy 17 in this area are 38,500/75,800 (V/C), which represents a V/C ratio of 0.51:1, suggesting that traffic volumes are approximately 51% of the full capacity of the roadway.

A Traffic Impact Analysis (TIA) has been scoped for the proposed development. A Traffic Impact Analysis is required when the development generates 100 trips in the morning or peak hours or 1,000 trips per day. The proposed development is projected to result in 1,927 daily trips, 153 adjusted AM peak hour trips, and 126 adjusted PM peak hour trips at buildout. Any traffic management requirements will be required by the NCDOT and will be required to be compliant with the NCDOT's Driveway Manual.

Schools

170 residential units are proposed in this application. Therefore, an impact to the school system should be anticipated. Pender County Schools attended the TRC meeting on March 4, 2021 and indicated that insufficient school capacity was available to support the proposed residential construction.

At the Public Input Meeting, community concerns included housing type, stormwater runoff, and traffic.

3.3.9.B.3) Review Approval Criteria for Conditional Rezoning

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.
- 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.

CONDITIONS FOR APPROVAL OF PETITION

Per Section 3.3.9.B.4) of the Pender County Unified Development Ordinance, the Pender County Planning Board and the Board of County Commissioners can add reasonable and appropriate conditions based on mutually established goals with the Applicant and adjacent property owners. Conditions may address 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 open space, and other matters that the participants in the public input meeting, staff, Planning Board and County Commission find appropriate or the petitioner may propose.

The applicant has agreed to the following conditions of approval for the project:

Potential Conditions for Conditional Zoning Map Amendment Approval

1. A multi-use path shall be constructed along both sides of the collector street running parallel to US Hwy 17 and one side of the collector street connecting to US Hwy 17. *(Note – the parallel collector is a Group 4, which should have facilities along both sides per the Collector Street Plan)*
2. Sidewalks or other equivalent pedestrian infrastructure shall be constructed along at least one side of every right-of-way or drive aisle.
3. The project shall be designed so that the post development runoff from the project be no more than ten (10) percent more than the pre- development runoff for the 10-, 25-, and 50-year return period events and be analyzed for the 100-year event.
4. Informational signs to be installed at 500 ft intervals along all delineated wetland boundaries within platted open space, and to be maintained by the HOA and replaced as necessary. The applicant shall include this provision in the recorded covenants and restrictions for the development in perpetuity.

RECOMMENDATION

Planning Staff is submitting the proposal for Planning Board disposition. The request for Conditional Zoning Map Amendment is compliant with the Pender County Unified Development Ordinance. The request is consistent with the Future Land Use Map, as well as three (3) goals, two (2) objectives, and four (4) policies in the Pender 2.0 Comprehensive Land Use Plan while conflicting with one (1) objective and two (2) policies within the Plan.

While the request on balance is consistent with the Pender 2.0 Comprehensive Land Use Plan, its inconsistencies lie in the infrastructure needed to support such a proposal. Based upon the initial review of the proposal by various entities through the Technical Review Committee, Pender County Schools communicated to Planning Staff that the school system does not currently have the capacity to serve the proposed development, nor are there any plans currently adopted to increase capacity in the system at this time.

While the Pender 2.0 Comprehensive Land Use Plan supports the development types proposed in this request in this location, much of that support is qualified by ensuring that appropriate infrastructure is available or planned to be available to support that development. Therefore, Planning Staff respectfully recommend denial of the request based on the conditions outlined in this report. Staff have also provided draft conditions for a motion to recommend approval.

PLANNING BOARD ACTION NEEDED:

TO APPROVE:

Motion to recommend conditional approval of the Conditional Zoning Map Amendment and to make a finding that the approval is consistent with the following goals, objectives, and policies in the Pender 2.0 Comprehensive Land Use Plan:

- **Goal 4.2**
- **Policy 4.2.F**
- **Goal 4.3**
- **Objective 4.3**
- **Goal 5.1**
- **Objective 5.1**
- **Policy 5.1.K**
- **Policy 5.1.H**
- **Policy 5.1.V**

The proposed rezoning is consistent with the Neighborhood Mixed Use Future Land Use classification in the Pender 2.0 Comprehensive Land Use Plan because the proposed development is of an appropriate density for the area, enhances local transportation infrastructure, and utilizes design techniques to minimize stormwater runoff while maximizing preservation of open space.

TO DENY:

Motion to recommend denial of the Conditional Zoning Map Amendment and to make a finding that the proposal is inconsistent with the following objective, and policies in the Pender 2.0 Comprehensive Land Use Plan:

- **Objective 4.6**
- **Policy 5.1.C**
- **Policy 5.1.D**

While the proposed rezoning is consistent with the Neighborhood Mixed Use Future Land Use classification in the Pender 2.0 Comprehensive Land Use Plan, the lack of available infrastructure – specifically schools – to support the proposed development renders the proposal inconsistent with the Pender 2.0 Comprehensive Land Use Plan.

BOARD ACTION FOR CONDITIONAL ZONING MAP AMENDMENT REQUEST

Motion: _____ **Seconded:** _____

Approved: _____ **Denied:** _____ **Unanimous:** _____

McClammy: ____ Jordan: ____ Beaudoin: ____ Buchanan: ____ Pitts: ____ Gruntfest: ____ Teachey: ____

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

Conditional Zoning Map Amendment Submission (Conditional 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 12/03/2020
2. ☒ **Signed Application**
3. ☒ **Payment**
\$500 for the first 5 acres; \$10/ acre thereafter up to 1,000 acres; \$5 per acre thereafter
4. ☒ **Generalized Site Development Plan**
All applications which specify an intended use must include a generalized site development plan drawn to a suitable scale, supporting information and text which specifies the use or uses intended for the property and any development standards to be approved concurrently with the rezoning application.
5. ☒ **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.
6. ☐ **Public Input Meeting Report**
A meeting summary shall be submitted in accordance with the Unified Development Ordinance. This item is not required at the time of application submittal but must be received by the Administrator prior to any public hearings are noticed.
7. ☒ **Digital Submission**
For all documents submitted in paper copy, a digital copy shall be sent via email or digital drive.
8. ☒ **Adjacent Property List**
A list of names and addresses, as obtained from the county tax listings and tax abstract, to the owners of all properties located within 500-feet of the perimeter of the project bounds.
9. ☒ **Adjacent Property Envelopes**
The applicant shall provide two sets of business envelopes addressed to each of the owners of all properties located within 500-feet of the perimeter of the project bounds and accompanied with the amount of postage required for first class postage. No return address shall be placed on the envelopes at the time of submission.

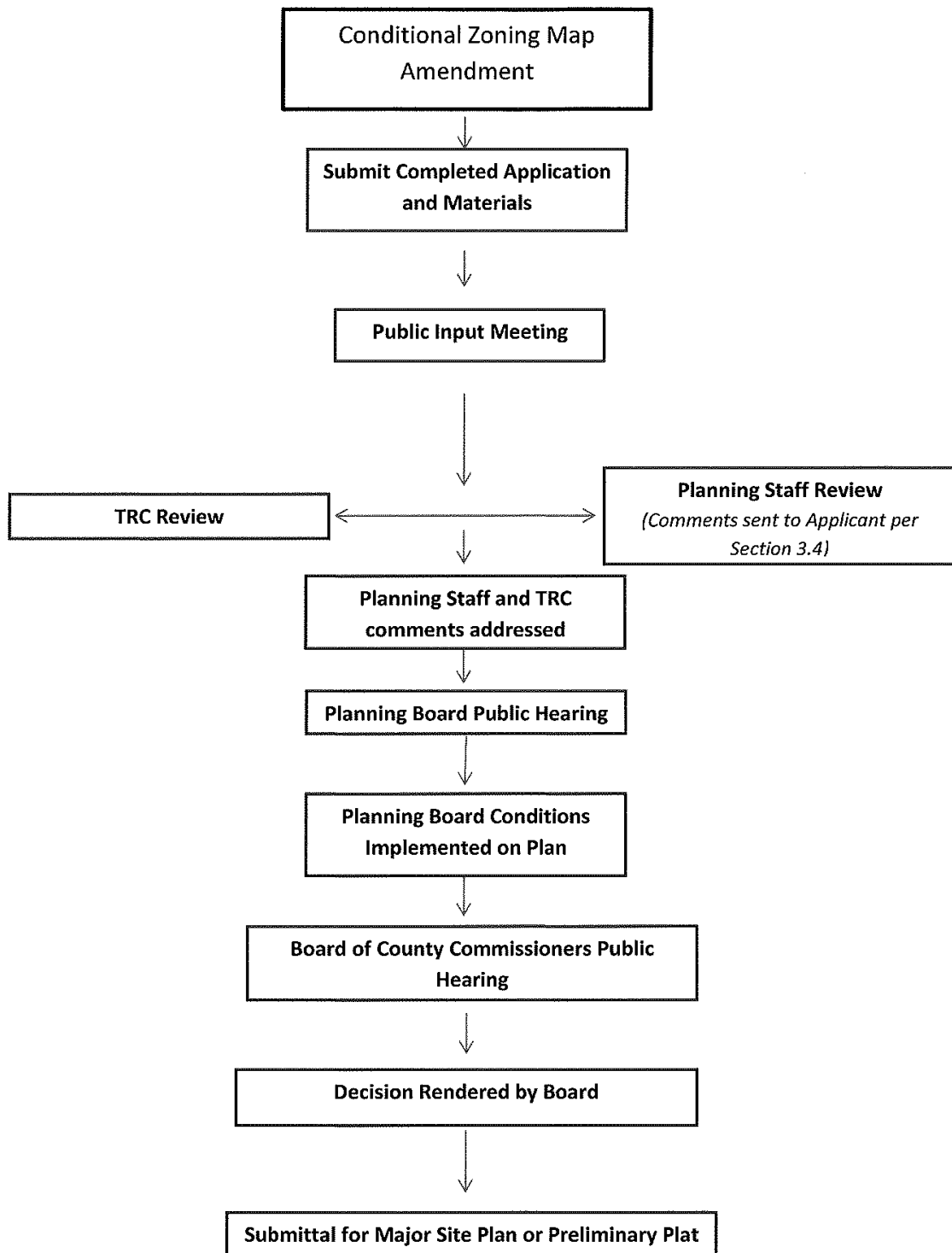
I certify that all information presented in this application is accurate to the best of my knowledge.

Signature of Applicant [Signature]

Date 2/2/2021

Printed Name ALL LAYTON JR

Staff Initials:	_____
Date:	_____



	Complete Application Due Date	TRC Meeting Date	Applicant Final Submission for PB	Planning Board Meeting	Board of Commissioners Meeting
TRC, Planning Board and Board of Commissioners	12.13.19	1.8.20	1.17.20	2.4.20	3.16.20
	1.17.20	2.5.20	2.14.20	3.3.20	4.20.20
	2.14.20	3.4.20	3.13.20	4.7.20	5.18.20
	3.13.20	4.1.20	4.17.20	5.5.20	6.15.20
	4.17.20	5.6.20	5.15.20	6.2.20 (H)	7.6.20
	5.15.20	6.3.20	6.12.20	7.7.20	8.17.20
	6.12.20	7.1.20	7.17.20	8.4.20	9.21.20
	7.17.20	8.5.20	8.14.20	9.1.20	10.19.20
	8.14.20	9.2.20	9.11.20	10.6.20 (H)	11.16.20
	9.18.20	10.7.20	10.16.20	11.3.20	12.7.20
	10.16.20	11.4.20	11.13.20	12.1.20	January 2021
	11.13.20	12.2.20	12.17.20	1.5.21 (H)	February 2021

Complete Application Date: All documents must be received by 12PM on the deadline date to be considered a complete application.

Final Applicant Submission for Planning Board: All final documents must be submitted by 10AM or the item will be removed from the Planning Board's Agenda.

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Planning Division

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CONDITIONAL REZONING

Intent

- A. Conditional zoning districts hereby included are to allow for the consideration of certain uses that are permitted uses in the underlying zoning district but due to their nature may not be appropriate for a particular location.
- B. A conditional zoning district is intended for a development that has a high level of certainty of being constructed and the most commonly expected application will contain a specified use or uses on small and large scale projects.
- C. Although, it is not intended to be used for speculative purposes, a conditional zoning district applicant may include as part of the application, a list of uses which will not be developed on the property.
- D. All uses listed as part of any application must be in the same format and description as listed in the Table of Permitted Uses.
- E. The following zoning district categories are approved to be assigned conditional zoning districts: PD, RP, RM, GB, OI, IT, IG (Reference Article 4 for Zoning District Descriptions).

Application

Except as provided herein, all applications to establish a conditional zoning district must follow the regulations prescribed in this section in addition to the standard rezoning process as described in Section 3.3, Rezoning of this Ordinance.

Public Input Meeting

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

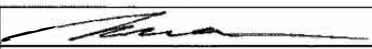
- 1. The report for the public hearing will include a summary of the public input meeting.
- 2. The applicant shall mail a notice for the public input meeting to adjoining property owners not less than ten (10) days prior to the scheduled meeting.
- 3. The notice shall include the time, date and location of the meeting as well as a description of the proposal.
- 4. The applicant's report of the meeting shall include:
 - a. A copy of the letter announcing the meeting.
 - b. A list of adjoining property owners contacted.
 - c. An attendance roster.
 - d. A summary of the issues discussed.
 - e. The results of the meeting including changes to the project's proposal, if any.

Review

When evaluating an application for the creation of a conditional zoning district, the Planning Board and Board of Commissioners shall consider the following:

- 1. The application's consistency to the general policies and objectives of the adopted Land Use Plan.
- 2. The potential impacts and/or benefits on the surrounding area, adjoining properties.
- 3. The report of results from the public input meeting.

APPLICATION FOR CONDITIONAL REZONING

THIS SECTION FOR OFFICE USE			
Application No.	ZMA-CD	Date	
Application Fee	\$	Invoice Number:	
Pre-Application Conference		Hearing Date	
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Tribute Investment and Development, Inc.	Owner's Name:	Wilbur R. Corbett Trust
Applicant's Address:	10 S. Cardinal Drive	Owner's Address:	928 Cove Point Lane
City, State, & Zip	Wilmington, NC 28403	City, State, & Zip	Tega Cay, SC 29708
Phone Number:	910-251-5030	Phone Number:	
Email Address:	InfoCompanies@tributeproperties.com	Email Address:	rebmcgowan@comporium.net
Legal relationship of applicant to landowner: Agent for owner			
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	3281-29-4277-0000	Total property acreage:	20.38 acres
Current Zoning District:	PD	Proposed Zoning District:	CZ
Project Address or Location:	Highway 17, Hampstead, NC 28443		
Proposed Uses to be Considered (Include NAICS Code):			
Proposed Uses to be Eliminated from Consideration (Include NAICS Code):			
SECTION 3: SIGNATURES			
Applicant's Signature		Date:	2/2/21
Applicant's Name Printed	MARK L. HAYWARD JR.	Date:	2/2/21
Owner's Signature		Date:	
Owner's Name Printed		Date:	
<u>NOTICE TO APPLICANT</u>			
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.			

APPLICATION FOR CONDITIONAL REZONING

THIS SECTION FOR OFFICE USE

Application No.	ZMA-CD	Date	
Application Fee	\$	Invoice Number:	
Pre-Application Conference		Hearing Date	

SECTION 1: APPLICANT INFORMATION

Applicant's Name:	Tribute Investment and Development, Inc.	Owner's Name:	Wilbur R. Corbett Trust
Applicant's Address:	10 S. Cardinal Drive	Owner's Address:	928 Cove Point Lane
City, State, & Zip	Wilmington, NC 28403	City, State, & Zip	Tega Cay, SC 29708
Phone Number:	910-251-5030	Phone Number:	
Email Address:	InfoCompanies@tributeproperties.com	Email Address:	rebmcgowan@comporium.net

Legal relationship of applicant to landowner: Agent for owner

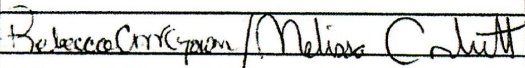
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Project Address or Location:	Highway 17, Hampstead, NC 28443		

Proposed Uses to be Considered (Include NAICS Code):

Proposed Uses to be Eliminated from Consideration (Include NAICS Code):

SECTION 3: SIGNATURES

Applicant's Signature		Date:	2/8/21
Applicant's Name Printed	Mark Maynard, Jr.	Date:	2/8/21
Owner's Signature		Date:	2-8-21
Owner's Name Printed	Rebecca C. McGowan / Melissa Corbett	Date:	2-8-21

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

Conditional (Zoning Map) Amendment Checklist

☐	Signed application form
☐	Application fee
☐	A list of names and addresses, as obtained from the county tax listings & tax abstract, all adjacent property owners, including property owners directly across any road or road easement, & 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 that are to be rezoned, in sufficient detail to for the rezoning to be located on the Official Zoning Map.
☐	12 (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
☐	Public Input Meeting Report (Section 3.4.3 or see Public Input Meeting on the first page of this application)
☐	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.
☐	All applications which specify an intended use must include a generalized site development plan drawn to a suitable scale, supporting information and text which specifies the use or uses intended for the property and any development standards to be approved concurrently with the rezoning application
☐	A generalized site development plan shall include the following items: ☐ A vicinity map drawn to a suitable scale which illustrates adjacent or nearby roadways, railroads, waterways & public facilities. ☐ A (metes and bounds) boundary of the parcel or portion of the parcel to be rezoned and developed. ☐ All existing easements, reservations and rights of way. ☐ Delineation of all Areas of Environmental Concern including but not limited to federal jurisdictional wetlands. ☐ For residential uses, the number of units, heights and a generalized location. For non-residential uses, the height, approximate footprint and location of all structures. ☐ If a known use is proposed: Traffic impact report, parking and circulation plans illustrating dimensions, intersections and typical cross sections. ☐ All proposed setbacks, buffers, screening and landscaping. ☐ Phasing. ☐ Signage. ☐ Outdoor lighting. ☐ Current zoning district designation and current land use status. ☐ 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.

Office Use Only

ZMA-CD 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: _____					Date: _____	
Application completeness approved by: _____					Date: _____	
Dates scheduled for public hearing: _____			☐ Planning Board: _____		☐ Board of Commissioners: _____	

Conditional Rezoning Standards Checklist

When submitting a conditional rezoning application, the site plan and supporting materials must provide proposed standards for a variety of standards which are guided by the zoning district. This may be by requesting custom standards or by requesting the existing standards of an existing general use zoning district. Please provide proposed standards for:

☐	Maximum density
☐	Setbacks (Front, side, rear, corner)
☐	Minimum lot width/Minimum chord length at the right-of-way for cul de sacs
☐	Structure separation
☐	Minimum lot size
☐	Maximum building height
☐	Permitted uses (Including NAICS code)
☐	Buffer standards (Depth, number and type of vegetation per 100 linear feet)
☐	Sign standards to the extent that the UDO's requirements are zoning district-specific

Where desired, the applicant must explicitly request varying standards for different uses within the conditional zoning district.

Conditional rezoning applications may not be used to vary from the general standards of the ordinance, including but not limited to:

- Traffic Impact Analysis thresholds
- Stormwater regulations
- Open space/recreational unit requirements
- Street design standards
- Off-street parking standards
- HOA requirements
- Water and wastewater requirements

The Pender County Planning Board and Board of County Commissioners may approve or deny the request entirely, or approve with modifications. Additionally, In approving a petition for the reclassification of property to a conditional zoning district, the Planning Board may recommend, and the Board of Commissioners request that the applicant add reasonable and appropriate conditions to the approval of the petition.

Scotts Hill - Conditional Rezoning Narrative

Description

Conditional rezoning of approximately ± 20.38 acres to allow for 14 single family homes, 148 townhomes, a 3500 sq ft commercial building intended for a restaurant or a healthcare facility, and 8 live/work units totaling 6240 sq ft of commercial space. The proposed development is located along US Highway 17 in the Topsail Township. The subject property is zoned PD, Planned Development zoning district and may be further identified by Pender County PIN 3281-29-4277-0000.

Existing Uses

The subject property is ± 20.38 acres (see "Exhibit A – Map of Property"). The property is along the southern corridor of US Hwy 17 with over 650 feet of frontage along Hwy 17. The property is to the south of Whitebridge Road with the southeastern section of the property bordering homes in the Whitebridge subdivision. The property is currently vacant and is very open land. Many of the trees on the property were cleared many years ago for agricultural purposes, but the land has not been farmed for the last few years.

Proposed Uses

According to population projections provided by the NCOSBM & Cape Fear Council of Governments, Pender County is anticipated to experience a population growth rate of nearly 62% or an increase of more than 35,000 residents from 2015 to 2045.

Table 2.4: 2045 Population Projections

Source: NCOSBM & Cape Fear Council of Governments

2045 Population Projections				
Population Estimates	Pender County	Brunswick County	New Hanover County	Duplin County
2045 Projection	93,846	216,691	318,058	59,867
2040 Projection	87,941	201,058	300,947	59,867
2035 Projection	82,566	186,128	278,612	59,866
2030 Projection	76,410	170,230	264,016	59,866
2025 Projection	70,254	154,332	249,424	59,866
2020 Projection	64,102	138,430	234,826	59,866
2015 Population	57,941	115,926	213,091	59,453
2010 Population	52,205	107,431	202,667	58,505
2000 Population	41,079	73,143	160,307	49,063
Population Growth/Projections				
Growth 2015-2045 (%)	61.97%	86.92%	49.26%	0.70%
Growth 2015-2020 (%)	10.63%	19.41%	10.20%	0.69%

*2045 Unincorporated County Population Projection: 83,578.

This proposed development is consistent with the goals and policies outlined in the Pender County 2.0 Comprehensive Land Use Plan adopted to facilitate orderly growth and development. The plan is to be used as a guide in developing and approving land development proposals.

Under the Pender County 2.0 Comprehensive Land Use Plan, the subject property is designated for neighborhood mixed use (see "Exhibit B, Map 5.14: Topsail Planning Area Future Land Use Map"). According to the Land Use Plan, neighborhood mixed use is to provide a transition between more intense commercial, office, and residential development to lower density residential neighborhoods. The future land use for neighborhood mixed use should be a mixture of integrated commercial and office uses, and single-family residential uses. There are two types of desired uses for neighborhood mixed use. The first is "commercial/retail and office uses that serve existing communities" and examples include restaurants, cafes, drug stores, healthcare facilities, professional offices, and retail-oriented uses. The second is "single-family dwellings" which are "detached, duplex, and townhouse (up to ten units in a single structure)." (See pages 5-17 and 5-18 of Pender 2.0: Comprehensive Land Use Plan.)

The building footprints are to be generally limited to 15,000 square feet in size or smaller. The areas should be served by water and sewer infrastructure. Development density allows for up to 10 units per acre for residential development.

Appropriate uses include "neighborhood-scale restaurant and office establishments" and "higher density single-family residences – attached and detached." Inappropriate uses for neighborhood mixed use are establishments requiring large surface parking in excess of 20,000 square feet, low density residential uses, industrial uses and storage facilities.

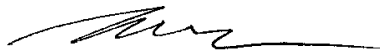
The proposed development is a mixture of integrated commercial and office use and single-family dwellings. The proposed commercial uses are a 3500 square foot building intended for a restaurant or a healthcare facility and two live/ work buildings (8 units) totaling 6,240 square feet of commercial area intended for professional offices and retail-oriented uses such as hair stylist, interior designer, accountant, consultant, wealth manager, attorney, or chiropractor. These properties will provide services, entertainment, and amenities to area residents. The proposed residential uses are 14 single family detached homes, 148 townhomes that are four units per building, and 8 units on the second floors of the two live/work buildings, which is consistent with the Future Land Use Plan to provide "high-density single-family residences – attached and detached" and less than the ten units per structure permitted. The proposed residential density is 170 units for 20.38 acres, which is less than the 10 units per acre density permitted. The proposed building footprints are all under 15,200 square feet; the largest proposed building is the 3500 square foot commercial building.

The proposed development includes concepts consistent with the Pender County 2.0 Comprehensive Land Use Plan with regards to preservation of environmentally sensitive areas, including wetlands.

Access to the property will be from US Hwy 17. We have begun determining the scope of the Traffic Impact Analysis that will be produced. The proposed development includes a collector street that is consistent with the Pender County Collector Street Plan.

SIGNATURES ON FOLLOWING PAGE

APPLICANT: TRIBUTE INVESTMENT AND DEVELOPMENT, INC.



MARK L. MAYNARD, JR.

OWNER: WILBUR R. CORBETT TRUST

MELISSA CORBETT

REBECCA MCGOWAN

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REBECCA MCGOWAN

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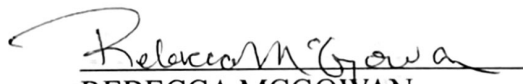

REBECCA MCGOWAN

Exhibit A – Map of Property

[illegible]

Map 5.14: Topsail Planning Area Future Land Use Map

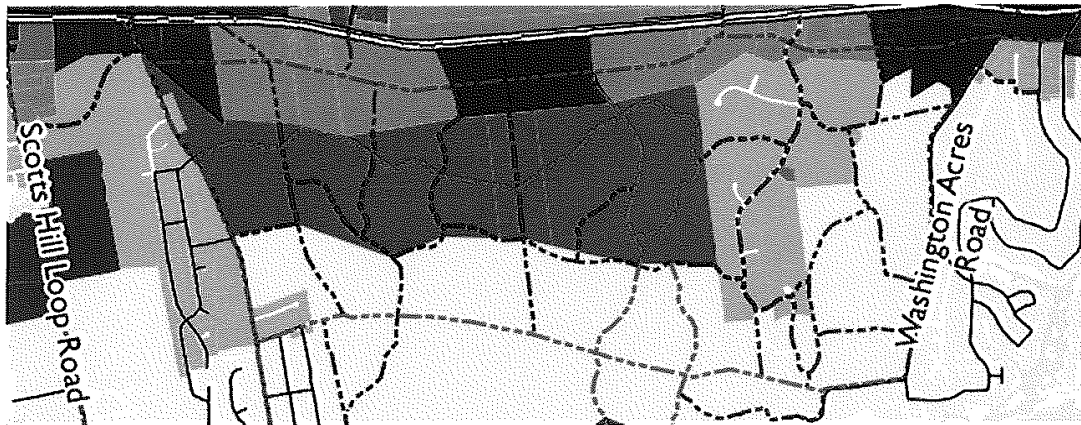
This map illustrates the future land use designations for the Topsail Planning Area, which includes portions of Pender County, North Carolina. The map shows various land use zones, including residential, commercial, industrial, and agricultural areas. Key features include the Topsail Beach area, Surf City, and the surrounding water bodies. The map is color-coded to represent different land use types, and a legend is provided to explain the symbols and colors used.

Legend:

- Future Land Use:**
 - Residential
 - Commercial
 - Industrial
 - Agricultural
 - Open Space
 - Water
 - Wetlands
 - Forest
 - Barren
- Future Land Use:**
 - Residential
 - Commercial
 - Industrial
 - Agricultural
 - Open Space
 - Water
 - Wetlands
 - Forest
 - Barren
- Future Land Use:**
 - Residential
 - Commercial
 - Industrial
 - Agricultural
 - Open Space
 - Water
 - Wetlands
 - Forest
 - Barren

Map Labels:

- Pender County
- Topsail Beach
- Surf City
- Map 5.14



Adjacent property owners for Hwy 17, Scotts Hill, Pender County, PIN 3281-29-4277-0000

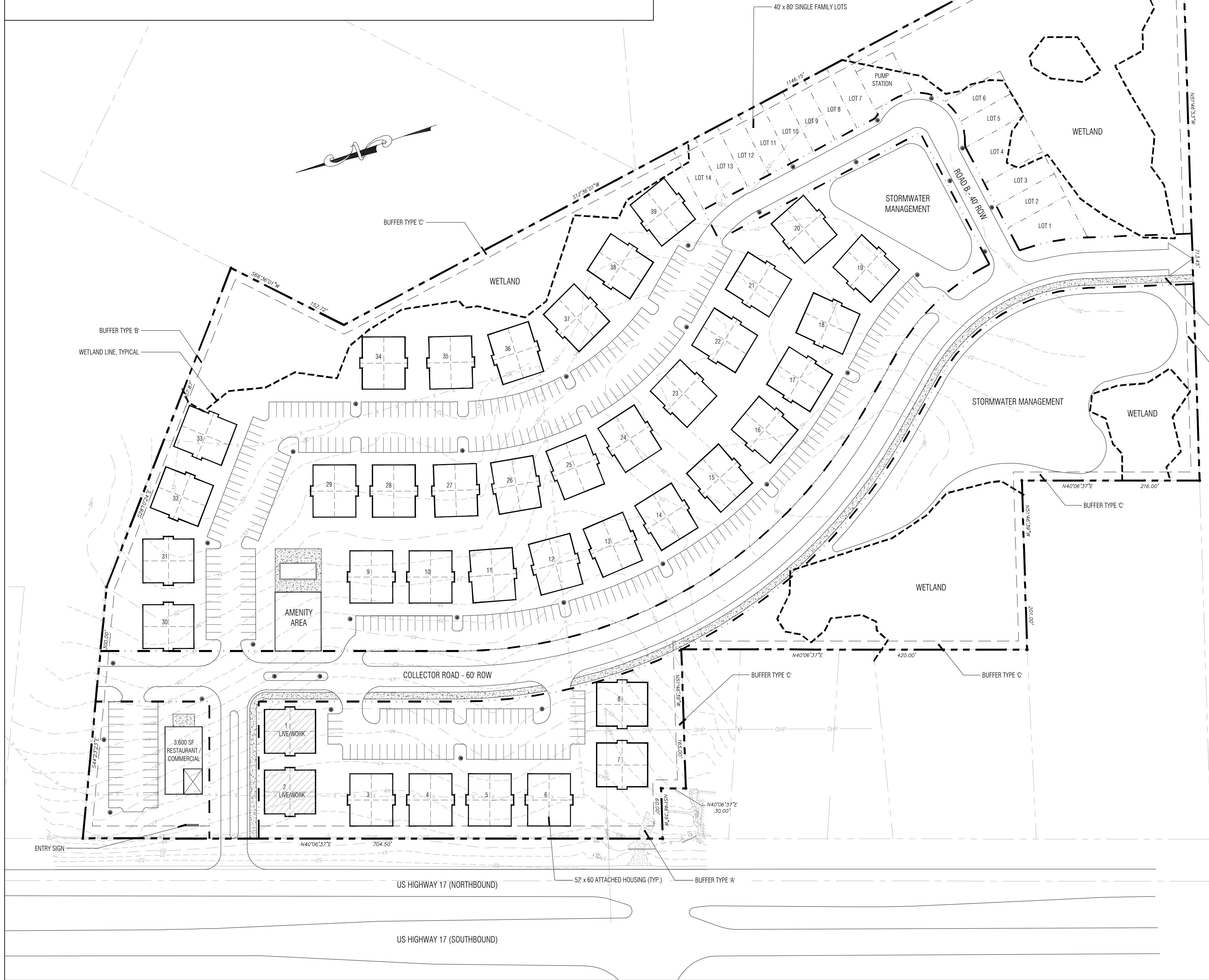
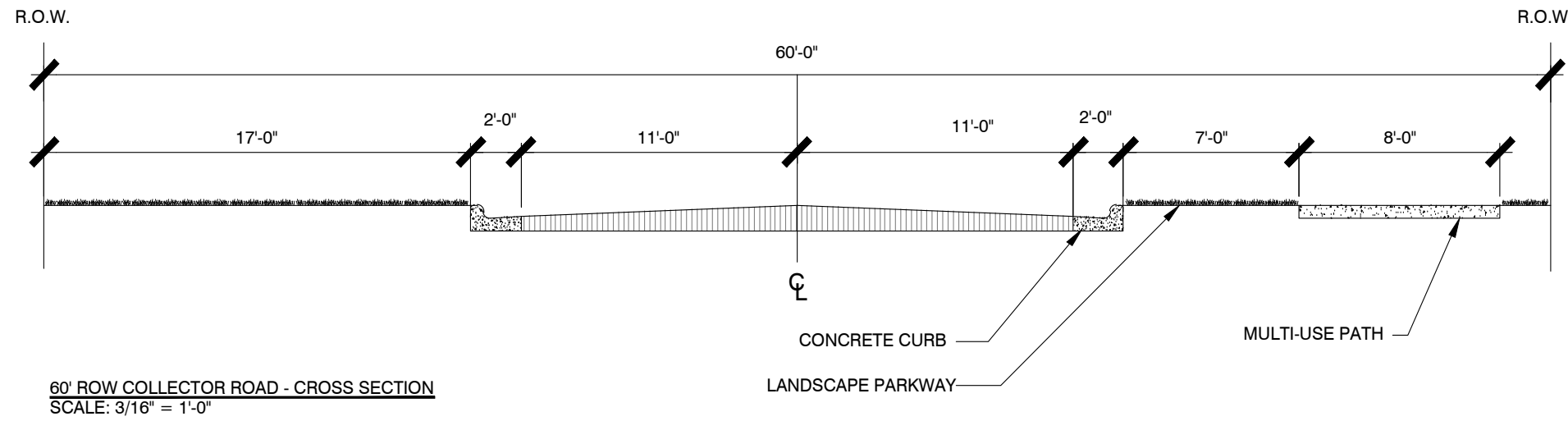
Property Owner	Property Address	Contact Address	PIN
SHINGLETON, RALPH N	12606 US HWY 17	PO BOX 4483, WILMINGTON, NC 28406	3281-18-8879-0000
JONES, BELINDA	12640 US HWY 17	12640 US HWY 17, WILMINGTON, NC 28405	3281-19-8097-0000
BROWN, ELLEN	13111 US HWY 17	13111 US HWY 17, HAMPSTEAD, NC 28443	3281-19-9270-0000
DIXON, ERNESTINE	12706 US HWY 17	12706 US HWY 17, HAMPSTEAD, NC 28443	3281-29-0236-0000
WHITEBRIDGE DEVELOPMENT LLC	301 WHITEBRIDGE RD	2001 BALMORAL PLACE, WILMINGTON, NC 28405	3281-29-0393-0000
GUZMAN, MYRA	309 WHITEBRIDGE RD	309 WHITEBRIDGE RD, HAMPSTEAD, NC 28443	3281-39-0902-0000
JOHNSON, MELVIN JR	233 MARE POND PL	233 MARE POND PL, HAMPSTEAD, NC 28443	3282-20-7160-0000
DORAZIO, JOAN P	LOT 10 WHITE BRIDGE SUBDIV	P O BOX 2711, SURF CITY, NC 28445	3281-39-5694-0000
VOGEL, BRADLEY LEE	239 MARE POND PL	PO BOX 55, HAMPSTEAD, NC 28443	3281-39-3461-0000
MARSHALL, ROY LEONARD	249 MARE POND PLACE	249 MARE POND PLACE, HAMPSTEAD, NC 28443	3281-29-9256-0000
ROBERTS, TONY P	259 MARE POND PL	259 MARE POND PL, HAMPSTEAD, NC 28443	3281-38-0964-0000
THORNTON, JAMIE O	250 MARE POND PLACE	250 MARE POND PLACE, HAMPSTEAD, NC 28443	3281-28-8634-0000
CORBETT, WILBUR R		C/O REBECCA CORBETT MCGOWAN, TEGA CAY, SC 29708	3281-28-7365-0000
ST JOHNS CHURCH OF CHRIST DIS	106 BROWN TOWN RD	P O BOX 251, HAMPSTEAD, NC 28443	3281-28-8182-0000
BROWN, CLAUDIUS JR	44 BROWN TOWN RD	44 BROWN TOWN RD, HAMPSTEAD, NC 28443	3281-15-7192-0000
NIXON, MCKINLEY MARY		C/O SYLVIA HYMAN, WILMINGTON, NC 28404	3281-19-4202-0000
BRINSON, PRIMMIE L/E	26 BROWN TOWN RD	26 BROWN TOWN RD, HAMPSTEAD, NC 28443	3281-19-5352-0000
MCLAURIN, DOROTHY BROWN	10 BROWN TOWN RD	10 BROWN TOWN RD, HAMPSTEAD, NC 28443	3281-19-7513-0000
BRADLEY, EMILY B LIFE ESTATE	CHRISTIAN CHAPEL RD	140 CHRISTIAN CHAPEL RD, HAMPSTEAD, NC 28443	3282-00-9177-0000
DIXON, ROLAND JR	12825 US HWY 17	54 CHASE LANE, ROCKY POINT, 28457	3281-19-8786-0000
SHINGLETON, T FARNELL	12915 US HWY 17	12919 US HWY 17 NORTH, HAMPSTEAD, NC 28443	3281-19-9924-0000
MOORE, CARLOS BERNELL ET AL	CHRISTIAN CHAPEL RD		3282-10-8342-0000
HOTTON, KEVIN J	230 MARE POND PL	C/O TONYA MOORE, CHESAPEAKE, VA 23320	3282-20-2545-0000
HOLMY, JOHN C CO TRUS	240 MARE POND PL	230 MARE POND PL, HAMPSTEAD, NC 28443	3281-19-7859-0000
		240 MARE POND PL, HAMPSTEAD, NC 28443	3281-38-2487-0000
			3281-37-1934-0000

Note that in the course of evaluated the proposal, Pender County Planning Staff, Planning Board or Board of Pender County Commissioners may request additional information from the applicant. The additional information may include the following:

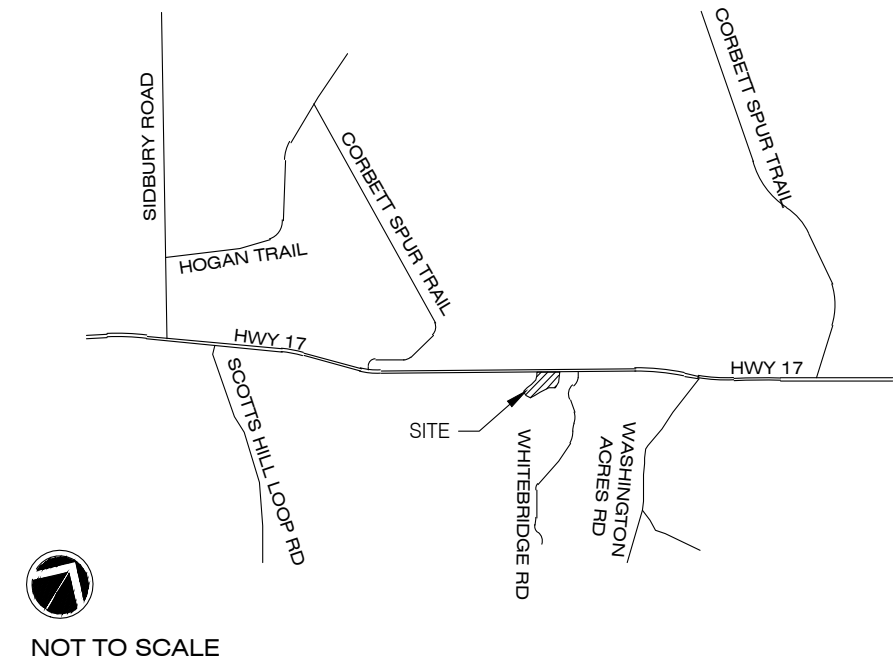
- Proposed screening, buffers, and landscaping;
- Existing and general topography;
- Building elevations and exterior features of proposed development; and
- Any other information needed to demonstrate compliance with the Comprehensive Land Use Plan

OWNER'S SIGNATURE: *In filing this application for a conditional rezoning, I/we as the property owner(s), hereby certify that all of the information presented in this application is accurate to the best of my knowledge, information and belief. I hereby designate Tribute Investment & Development, Inc / Mark Maynard, Jr., to act on my behalf regarding this application, to receive and respond to administrative comments, to resubmit plans on my behalf and to speak for me in any public meeting regarding this application.*

Signature / Date: Rebecca McGowan Co-Trustee 2/2/2021
Trustee for Wilbur R. Corbett Trust



VICINITY MAP



SITE DATA

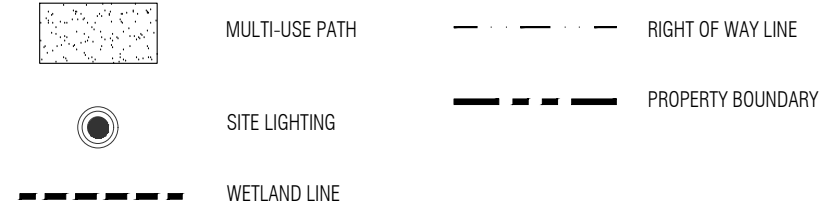
PARCEL PIN:	3281-29-4277-0000
TOTAL PROJECT AREA:	887,753 SF (20.38 AC.)
FUTURE LAND CLASS CLASSIFICATION:	NEIGHBORHOOD MIXED USE
EXISTING ZONING:	PD - Planned Development
PROPOSED ZONING:	CONDITIONAL REZONING
TOTAL PROPOSED RESTAURANT / COMMERCIAL:	3,600 SF (1 BUILDING @ 30' HEIGHT)
SINGLE FAMILY LOTS:	14 LOTS
LIVE WORK HOUSING:	8 UNITS (6,200 SF TOTAL)
ATTACHED HOUSING:	148 UNITS (37 BUILDINGS @ 30' HEIGHT)
TOTAL UNITS:	170 UNITS

DENSITY CALCULATIONS

TOTAL SITE AREA:	887,753 SF (20.38 AC.)
WETLAND AREA:	3.50 ACRES
NET AREA:	16.88 ACRES
NET DENSITY:	10.07 UNITS / ACRE
RECOMMENDED DENSITY:	10 UNITS / ACRE
(FUTURE LAND USE PLAN)	

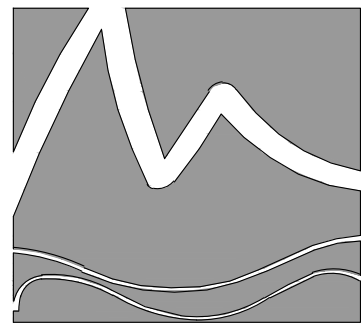
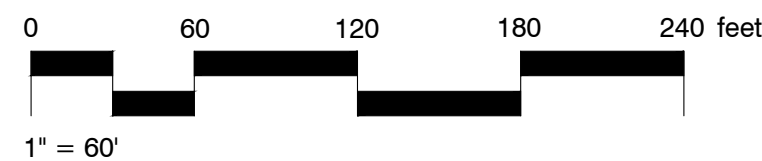
- NOTES:
- PLAN BASED ON SURVEY TITLED "WILCOX DIVISION" PROVIDED BY MICHAEL UNDERWOOD AND ASSOCIATES, P.A. ON JANUARY, 2021.
 - WETLAND LINE BASED ON PLAN TITLED "WETLAND DELINEATION SKETCH" PREPARED BY LAND MANAGEMENT GROUP ON JANUARY 2021.
 - PROJECT WILL BE DEVELOPED AS ONE (1) PHASE.

LEGEND



NAICS CODE USE

443	ELECTRONIC & APPLIANCE STORES
445	FOOD & BEVERAGE STORES
448	HEALTH & PERSONAL CARE STORES
449	CLOTHING & CLOTHING ACCESSORIES STORES
451	SPORTING GOODS, HOBBI, BOOK AND MUSIC STORES
453	MISCELLANEOUS STORE RETAILERS
454	WORK STORE RETAILERS
481110	POSTAL SERVICES
53	FINANCE & INSURANCE
53	REAL ESTATE & RENTAL & LEASING
54	PROFESSIONAL, SCIENTIFIC & TECHNICAL SERVICES
55	MANAGEMENT OF COMPANIES & ENTERPRISES
561	ADMINISTRATIVE & SUPPORT SERVICES
611	EDUCATIONAL SERVICES
6114	BUSINESS SCHOOLS, COMMUNITY AND MANAGEMENT TRAINING
6115	TECHNICAL & TRADE SCHOOLS
6116	OTHER SCHOOL & INSTRUCTION
620	HOSPITALS
7111	PERFORMING ARTS COMPANIES
7114	AGENTS & MANAGERS FOR ARTISTS, ATHLETES, ENTERTAINERS & OTHER PUBLIC FIGURES
712	MUSEUM, HISTORICAL SITES & SIMILAR INSTITUTIONS
713940	FITNESS & RECREATIONAL SPORTS CENTERS
7221	FULL SERVICE RESTAURANTS
7222	UNITED SERVICE EATING PLACES
7223	SPECIAL FOOD SERVICES
7224	DRINKING PLACES
8114	PERSONAL & HOUSEHOLD GOODS, REPAIR & MAINTENANCE
8121	PERSONAL CARE SERVICES
812210	COIN OPERATED LAUNDRIES & DRY CLEANERS
812320	DRY CLEANING & LAUNDRY SERVICES
8129	OTHER PERSONAL SERVICES
8131	RELIGIOUS ORGANIZATIONS
8139	BUSINESS PROFESSIONAL, LABOR, POLITICAL, & SIMILAR ORGANIZATIONS
92	PUBLIC ADMINISTRATION



MIHALY
LAND DESIGN
PLANNING + LANDSCAPE ARCHITECTURE
330 MILITARY CUTOFF RD., Suite A3
Wilmington, NC 28405 910.392.4355

Revisions

PROJECT
SCOTTS HILL MIXED-USE
HIGHWAY 17
HAMPSTEAD, NC 28443

REZONING
SUBMITTAL

Date: 2021-02-02
Phase:
Job Number: 830-19
Designed by: MLD
Drawn by: MAS
Checked by: JWM

Sheet Title:
CONDITIONAL
REZONING
SITE PLAN

Sheet Number:

L0.0
of 1 sheets

**Community Meeting Summary
for Conditional Rezoning Request by Tribute Investment and Development, Inc.**

Meeting Date & Time: Monday, March 8, 2021, 6:00 PM -7:00 PM

Meeting Location: Hampstead Annex

Paramounte Engineering, Inc. (PEI) and Tribute Investment and Development, Inc. (Tribute) along with DAVENPORT Engineering and Mihaly Land Design (collectively, Development Team) hosted a meeting to introduce the proposed development for the Tribute project at Scott's Hill Mixed-Use to the adjacent neighbors attending the meeting. Property owners within 500 ft. of the proposed development (as required by Pender County) were notified of the community meeting by mail on February 25, 2021.

The open-house style meeting allowed people to view a context aerial for general site location purposes, a concept of the overall proposed conditional rezoning as well as examples of other Tribute projects. The community asked the Development Team questions about the plans, and many of the same questions were discussed repeatedly during the meeting. The following is a synopsis of the comments heard at the meeting.

- Attendees were most concerned about the multifamily portion of the project. Neighbors express worry about what could be built there and the type of people the development would attract and if the project was for rent or for ownership.
- Attendees asked if the project would have an onsite management team and Tribute explained that it would have on site management.
- Portions of the adjacent neighborhoods flood, according to the surrounding community participants. Water ponds on the roadways and heads toward the waterway from Highway 17. It was explained that the state stormwater regulations require the project to treat all water on site and not contribute to flooding in the area, but the developer would not be addressing flooding off-site.
- Misconceptions regarding the amount of traffic generated by the site in peak hours then we explained process and shared study numbers to address concerns.
- Attendees concerned about project impacts, we shared information regarding impacts, most of which are related to background growth and not project impacts. At this point, the required improvements by the development are a right turn lane entering the site.
- Asked about a signal at Whitebridge – no signal is proposed as part of this project.
- Concerned about traffic on Whitebridge, site does not increase traffic on Whitebridge.
- Community members asked about long term implications for US 17. Response was that the bypass will provide relief for US 17 long term, but that NCDOT currently also has a Feasibility study underway on US 17 from Hampstead to Marsh Oaks/Mendenhall. That study will look at all the intersections and provide appropriate recommendations to address issues.
- The public asked about direct left turns into the site, they were shown that the site proposes right in and right-out traffic only.

Pender County Agencies

County Manager's Office

No reply

Pender County Utilities

Currently, sufficient capacity exists for the proposed development.

Pender County Environmental Health

Plan review required prior to any construction for a restaurant.

Pender County Emergency Management / Pender County Fire Marshal

Fire apparatus access roads, dead ends, address numbers, and structures must meet Fire Code requirements.

Pender County Parks and Recreation

No reply

Pender County Schools

It is our understanding that you specifically need capacity information focusing on Topsail High School, Topsail Elementary School, Topsail Middle School, and South Topsail Elementary School attendance zones. I can state that the PCS Staff and BOE have limited transfers to Topsail High School and Topsail Elementary due to over capacity issues. It is clear that these two schools can not acquire additional populations at this time. During recent meetings there was unanimous agreement from the Pender Planning Department and the PCS Staff, after discussing the current permits on record & active building projects, that South Topsail Elementary has a very high likelihood of being over capacity in the near future.

Pender County Sheriff's Department

No reply

Pender County Addressing Coordinator

Request must be made to reserve the road names for "ROAD B" and the "Collector Road" per Pender County's Unified Development Ordinance (Art. 11.5.1.C). The request should include a list of requested names and alternates for review. Furthermore, as the Collector Road has its origin at Road B, it must be assigned cardinal direction prefixes for each segment coming from Road B (Art.11.4.2.C). I suggest "N" and "S" be the prefixes to the road name.

Similar rules are required for subdivision names (Art.11.5.1.B). There are already subdivisions named "Hampstead ..." A new name and alternates must be submitted for approval.

Pender County Soil & Water Conservation

No comment

Pender County Permitting Division

No comment

Pender County Flood Plain Manager

No comment

Pender County Code Enforcement

No reply

Pender County Building Inspections

No reply

Transportation

NCDOT - District Engineer Office

Driveway permit required

NCDOT - Division Engineer Office

No reply

NCDOT – Transportation Planning Branch

No reply

Wilmington Metropolitan Planning Organization (WMPO)

No reply – TIA process underway

Cape Fear Rural Planning Organization (RPO)

No reply

Statewide Organizations

Division of Energy, Mineral and Land Resources (Stormwater Management)

No reply

Division of Coastal Management

No reply

Division of Energy, Mineral and Land Resources (Erosion Control)

No reply

Division of Water Resources

Fill elevations and slopes for building pads should be evaluated and buffers implemented, if necessary, to ensure inadvertent impacts to wetlands do not occur.

US Army Corps of Engineers

No reply

NC Wildlife

No reply

State Archeology

No reply

Division of Underground Storage Tanks

No reply

Utilities

Duke Energy

No reply

Four County Electric

No reply

Pluris Holdings LLC

No reply

Piedmont Natural Gas

No reply

AT&T

No reply



305 Chestnut Street
PO Box 1810
Wilmington, NC 28402
Ph: (910) 341-3258
Fax: (910) 341-7801
www.wmpo.org

February 17, 2021

Mr. Don Bennett, PE

DAVENPORT

5917 Oleander Drive, Suite 206

Wilmington, NC 28403

RE: Scope approval for the Traffic Impact Analysis (TIA) associated with the proposed
Scotts Hill Mixed Use Development
Pender County, NC

Dear Mr. Bennett,

Based on the information provided, and conversations held to date, it is our understanding that the proposed development will consist of:

- LUC 210 – 14 Single Family Detached Homes
- LUC 220 – 148 Multi-Family Housing (Low Rise)
- LUC 826 – 6,200 SF Specialty Retail Center
- LUC 932 – 3,600 SF High Turnover (Sit-Down) Restaurant

Below please find the scope to be used for the Traffic Impact Analysis:

1. **Data Collection - Analysis Parameters:**

a) Study Intersections

- i. For existing intersections, provide turning movement counts for weekday AM (7:00am-9:00am) and PM (4:00pm-6:00pm) peak periods, signal timing (if applicable), and lane geometry:
 - US 17 at SR 1587 (Christian Chapel Road)
 - US 17 at Whitebridge Road
 - US 17 at Site Access 1

b) Site Trip Generation, Site Trip Distribution and Background Traffic Assumptions

- i. Site Trip Generation Estimate
 - See attached trip generation
- ii. Site Trip Distribution
 - To be submitted and approved prior to use in TIA
- iii. Adjacent Development (approved but not yet built):
 - Blake Farm Development
 - Hampstead Retail and Apartments
- iv. Planned Roadway Improvements
 - N/A

Wilmington Urban Area Metropolitan Planning Organization

City of Wilmington • Town of Carolina Beach • Town of Kure Beach • Town of Wrightsville Beach
County of New Hanover • Town of Belville • Town of Leland • Town of Navassa • County of Brunswick
County of Currituck • Pamlico County • Dare County • Wayne County • North Carolina Department of Transportation

v. Background Traffic Assumptions

- Full Build - 2023
- Growth rate – 1% per year

2. **Capacity Analysis: Week day AM & PM Peak Hour**

- a) Technical Analysis
 - i. 2021 Existing
 - ii. 2023 Future No-Build
[Existing + 1% background growth + approved development trips]
 - iii. 2023 Full Build Conditions
[Existing + 1% background growth + approved development trips + site trips]
 - iv. 2023 Full Build Conditions + improvements
[Existing + 1% background growth + site trips]

3. **Final Report Submittal:**

- a) Completed TIA Application
- b) Signed and sealed by a Professional Engineer
- c) Three bound copies
- d) Electronic copies to include PDF of TIA and Synchro output files and Synchro analysis files in digital format

4. **Notes:**

- a) This scope shall remain valid for three months from the date of this letter.
- b) Please note that if any changes occur (including but not limited to; land use, intensity, phasing, and/or site access) additional analysis may be required.

Please contact me at 910-772-4170 with any questions regarding this scope.

Sincerely,

Kayla Grubb, EI
Project Engineer
Wilmington Urban Area MPO

Attachments: Traffic Impact Analysis Supplemental Guidelines
Trip Generation Summary (provided by Davenport)
Site Map (provided by Davenport)

cc: Dan Cumbo, PE, District Engineer, NCDOT
Doug Racine, Assistant District Engineer, NCDOT
Brad Haste, Assistant District Engineer, NCDOT
Jessi Leonard, PE, Division Traffic Engineer, NCDOT
Eva Covarrubias, Transportation Engineering Associate, NCDOT
Mike Kozlosky, Executive Director, WMPO
Scott James, PE, Transportation Planning Engineer, WMPO
Travis Henley, MPA, Planning Director, Pender County
Sam Shore, MPA, Long Range Planner, Pender County



Pender County

TO: Planning Board
FROM: Travis Henley
DATE: April 13, 2021
SUBJECT: ZTA 2021-13

SUMMARY:

Pender County, applicant, is requesting the approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance. Specifically, the request is to amend sections throughout the ordinance to conform to updated North Carolina General Statutes associated with the adoption of Chapter 160D. A detailed description of the proposed changes is available in the Pender County Planning and Community Development Department Offices.

ACTION REQUESTED:

To hold a Public Hearing and consider the Zoning Text Amendment.

ATTACHMENTS:

ZTA 2021-13 Staff Report PB
ZTA 2021-13 Proposed Ordinance Language
ZTA 2021-13 Application

**PLANNING STAFF REPORT
ZONING TEXT AMENDMENT**

SUMMARY:

Hearing Date: April 13, 2021 Planning Board
May 17, 2021 Board of Commissioners
Applicant: Pender County
Case Number: ZTA 2021-13

Text Amendment Proposal: Pender County, applicant, is requesting the approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance. Specifically, the request is to amend sections throughout the ordinance to conform to updated North Carolina General Statutes associated with the adoption of Chapter 160D. A detailed description of the proposed changes is available in the Pender County Planning and Community Development Department Offices.

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 and with the Pender 2.0 Comprehensive Land Use Plan. The text amendment is consistent with one (1) policy in the Pender 2.0 Comprehensive Land Use Plan.

AMENDMENT DESCRIPTION

Pender County, applicant, has requested this text amendment to the Unified Development Ordinance to conform to changes in North Carolina General Statute associated with the adoption of G.S. Chapter 160D. Signed into law in July of 2019, local governments have until July 1, 2021 to update development regulations to comply with the legislation. The modifications to statute generally fall into three categories: 1) Unification of the development regulation authority for counties and incorporated municipalities, 2) Consensus amendments to statute that clarify authority and conform to legal precedent, and 3) Incorporate other recent statutory amendments generally relating to definitions, vested rights, and permit choice.

One element of the state legislative update requires local development regulations' definitions of building, dwelling, dwelling unit, bedroom, and sleeping unit to not conflict with the definitions for those terms in North Carolina Building Code. The proposed Zoning Text Amendment includes or updates the definitions of these terms such that they conform to North Carolina Building Code, in addition to ensuring that the meaning of these terms throughout the ordinance remains consistent with intent.

The proposed update to the Unified Development Ordinance conforms to new legislative requirements relating to vested rights. These include identification of specific development applications that constitute a site-specific vesting plan and recognition of multi-phased developments with a longer vesting period. In order to more clearly define when vesting has occurred, the draft language includes sections that would clarify the process by which development applications are processed and when a pending application would expire.

Throughout the Unified Development Ordinance, references to statute have been updated as needed, and the requirement of a defects guarantee for new subdivisions has been removed as state statute now prohibits the requirement of such a guarantee. Additionally, reference has been added for the new statutory authority to enter into a multijurisdictional agreement when a development proposal crosses local government planning boundaries.

A separate update to the Pender County Personnel Policy is forthcoming to address enhancements to conflict of interest standards for elected and appointed boards in addition to staff.

The proposed amendment language is provided as Attachment 1.

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 and is consistent with any adopted County Land Use Plan documents and the specific intent of this Ordinance.

Pender County Unified Development Ordinance Compliance

The proposed Zoning Text Amendment has been prepared in response to changes to North Carolina General Statute, ensuring compliance with state and case law.

Pender 2.0 Comprehensive Land Use Plan Compliance

The Zoning Text Amendment described in this report is consistent with the following policy in the Pender 2.0 Comprehensive Land Use Plan:

Policy 5.1.G: Development Review: The County supports an efficient, transparent, and predictable development review and approval procedure.

Ensuring County development regulation complies with state and case law provides a predictable development review and approval procedure by bringing the Unified Development Ordinance in line with similar documents across North Carolina and minimizing the potential for litigation.

The proposal was not found to conflict with any goals, objectives, or policies within the Pender 2.0 Comprehensive Land Use Plan.

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 and with the Pender 2.0 Comprehensive Land Use Plan. The text amendment is consistent with one (1) policy in 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. Generally, the Pender 2.0 Comprehensive Land Use Plan supports efforts to increase industrial uses, and provide flexibility for those uses, in specific areas within the County where consistent with the Plan. The proposed amendment is consistent with the policy in the Pender 2.0 Comprehensive Land Use Plan:

- **Policy 5.1.G**

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 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 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].

BOARD ACTION FOR ZONING TEXT AMENDMENT

Motion: _____ **Seconded:** _____

Approved: _____ **Denied:** _____ **Unanimous:** _____

McClammy: ___ Jordan: ___ Beaudoin: ___ Buchanan: ___ Gruntfest: ___ Pitts: ___ Teachey: ___

1.2 AUTHORITY

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

2.3.1 Establishment, Membership and Procedure

The Planning Board is charged with carrying out the land use planning activities and setting zoning policy and regulation in Pender County. The Planning Board is established by § 2-66, Code of Ordinances, Pender County, N.C. As stated in that Article and hereby reaffirmed, the Planning Board is that planning agency designated by N.C.G.S. ~~153A-321 160D-301~~ and ~~153A-344 160D-604~~. In addition to the duties and responsibilities assigned by § 2-66, Code of Ordinances, Pender County, N.C. and by N.C.G.S. ~~153A-322 160D-102; 103; 106; and 502~~, the Planning Board shall have the specific powers and duties provided within this Ordinance.

2.4.1 Establishment, Membership, and Rules of Procedure

C.6) As required by N.C.G.S. ~~153A-345(e) 160D-406(i)~~, no final action shall be taken on a variance without the concurring vote of four-fifths (4/5's) of the members of the Board. All other quasi-judicial matters require a simple majority vote by members of the Board.

C. 8) All decisions of the Board of Adjustment run with the land, never the person or corporation. ~~Special Exceptions may have time limits imposed on their validity.~~

C.11) The Board of Adjustment shall have the authority through the chair, or in the chair's absence anyone acting as the chair to subpoena witnesses and compel the production of evidence as specified in N.C.G.S. ~~153A-345(g) 160D-406(g)~~.

~~3.1.2.C.1) Applications deemed to be sufficient for processing shall be scheduled for review in accordance with the provisions of this Ordinance. If, in the opinion of the Administrator, a submittal at any stage of review is incomplete, the application shall be removed from the agenda of the appropriate board/commission and not further processed until deemed complete and sufficient for processing. At any stage of review, the Administrator or any board or commission, may require the submission of any plan, study or other information, in addition to that specified in the submittal requirements, in order to determine the development as proposed will comply with all of the requirements of this Ordinance.~~

~~3.1.2.C.2) If at any time, staff or board comments are not addressed by the applicant within eight (8) calendar weeks, the application shall be considered withdrawn. Time spent completing or waiting for approval of a Jurisdictional Determination, Traffic Impact Analysis, state stormwater permit, or similar item shall not count toward the time limit.~~

1. 3.3.4 Plan Consistency Statements

Per G.S. ~~153A-341 160D-604(d) and 160D-605(a)~~ (but not fully reproduced herein),

A. Rezoning 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.
- ~~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.
 - ~~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.~~~~

3.3.9 Types of Rezonings

A.2)b)v) Per G.S. ~~153A-341~~ 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.

~~3.5.6~~ Changes to Approved Plans

- A. ~~Changes to an approved MDP shall occur only after approval by the Planning Board, or Administrator as required in accordance with Section 3.5.2, using the procedures required for the approval of a new plan.~~
- B. ~~The Administrator may approve minor changes without following the full procedures, if such approval does not violate the intent of this chapter and section. Such minor changes shall not include:~~
- ~~1) Increases in the density or intensity of development~~
 - ~~2) Changes to entrance or street layout~~
 - ~~3) Changes to stormwater layout or other major design changes~~
 - ~~4) Reduction in buffer widths or standards~~
 - ~~5) Transfer of permitted uses contained in the plan~~
 - ~~6) Changes to the overall concept of the plan~~
- C. ~~Modifications to approved Planned Developments shall be submitted to the Administrator and shall proceed in the same manner as the original PD Approval Process.~~

3.8.1 Applicability

E. Subdivision classified as exempt under this Article - The following subdivisions of land, as defined in ~~NC §153A-335~~ 160D-802(a) are considered to be exempt from the subdivision regulations of this Ordinance:

3.13 ~~DETERMINATION OF ESTABLISHMENT OF VESTED RIGHT~~

~~5.13.1~~ Establishment

- A. ~~With Site Specific Development Plan~~
- ~~1) In order for a zoning vested right to be established upon approval of a development plan, the applicant must indicate at the time of application, on a form to be provided by the County, that a zoning vested right is being sought. Site specific development plan means a plan which 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. Such plan may be in the form of, but not be limited to, any of the following plans or approvals: A planned development plan, a subdivision plat, a Master Development Plan or minor site plan, a conditional or special use permit, or any other land use approval designation as may be utilized by a county. The plan shall include the approximate boundaries of the site; significant topographical and other natural features effecting development of the site; the~~

~~approximate location on the site of the proposed buildings, structures, and other improvements; the approximate dimensions, including height, of the proposed buildings and other structures; and the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways. A variance shall not constitute a site specific development plan, and approval of a site specific development plan with the condition that a variance be obtained shall not confer a vested right unless and until the necessary variance is obtained.~~

- ~~2) Each map, plat, site plan or other document evidencing a site specific development plan shall contain the following notation: "Approval of this plan established a zoning vested right under N.C.G.S. Section 153A-344.1. Unless terminated at an earlier date, the zoning vested right shall be valid until (date)."~~

~~5.13.2 Application Requirements~~

~~A. Applications shall include, at a minimum, the following information in addition to the standard information required:~~

- ~~1) Information on the proposed uses of the property that the applicant wishes to vest;~~
- ~~2) The length of time for which vesting is requested;~~
- ~~3) A listing of those provisions of this Ordinance from which vesting is requested;~~
- ~~4) Identification of the portions of the development plan for which vesting is requested;~~
- ~~5) Indication of the impact on the ability of the project to proceed as originally approved if vesting is not granted; and,~~
- ~~6) The proposed timetable for the construction of the phases of the project for which vesting is requested.~~
- ~~7) If the owner considers prior expenditures and economic impact to be relevant to the governing body's determination, then any economic information regarding expenditures shall be accompanied by information regarding benefits or profits realized resulting from phases of the development previously built.~~
- ~~8) Landowners seeking zoning vested rights on plats or other plans that would not normally receive plan approval may apply for vested rights protection through submittal of an application which contains the identical information, fee, and plans required for a complete site plan application and an additional fee for a vested rights public hearing.~~

~~5.13.3 Action by the Administrator~~

~~The Administrator shall review each proposed vested rights certificate in light of the applicable approval criteria and shall distribute the application to the Technical Review Committee. Based on the results of those reviews, the Administrator shall provide a report to the Board of Adjustment for consideration during a regular meeting of the Board. This report shall include a discussion of all plans and policies that have been adopted by the County and are relevant to the application as well as the Technical Review Committee's recommendation. Once the application has been determined complete, the Administrator shall forward a copy of the application with all related materials to the Board of Adjustment for their decision.~~

~~5.13.4 Duration~~

- ~~A. A right which has been vested as provided for in this Section shall remain vested for a period of three years. Modifications or amendments to an approved plan do not extend the period of vesting unless specifically so provided by the Board of Adjustment upon approval of the modification and or amendment.~~
- ~~B. The Board of Adjustment may approve an extension of a zoning vested right for a period of two years resulting in a total vesting period of five years.~~

~~5.13.5 Effect of Zoning Vested Rights~~

- ~~A. Following approval or approval of a development plan, nothing in this Section shall exempt such a plan from subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with the original approval.~~
- ~~B. Nothing in this Section shall prohibit the revocation of the original approval or other remedies for failure to comply with applicable terms and conditions of the approval or with this Ordinance.~~
- ~~C. The establishment of a zoning vested right shall not preclude the application of new laws or regulations as is allowed under NCGS §153A-385.1. In addition, it shall not preclude overlay zoning that imposes additional requirements, but does not affect the allowable type or intensity of use, or Ordinances or regulations that are general in nature and are applicable to all property subject to land use regulation. Otherwise applicable new or amended regulations shall become effective with respect to property that is subject to a site specific development plan upon the expiration or termination of the vested right in accordance with this Section.~~
- ~~D. A vested right obtained under this Section is not a personal right, but shall attach to and run with the subject property. After approval of a site specific development plan, all successors to the original landowner shall be entitled to exercise such right while applicable.~~

~~5.13.6 Termination~~

~~A vested right as provided in this Section shall terminate when any one of the following circumstances applies:~~

- ~~A. At the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed;~~
- ~~B. With the written consent of the affected landowner;~~
- ~~C. Upon findings by the Board of Adjustment by Ordinance and after public hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the site specific development plan;~~
- ~~D. Upon payment of compensation to the affected owner for all costs, expenses, and other losses incurred by the landowner together with interest;~~
- ~~E. Upon findings by the Board of Adjustment by Ordinance and after public hearing, that the landowner or the landowner's representative intentionally supplied inaccurate information or~~

- ~~made material misrepresentations which made a difference in the approval by the Board of Adjustment of the site specific development plan; or~~
- ~~F. Upon the enactment of a State or Federal law or regulation or local Ordinances enacted in compliance with such laws or regulations that preclude development as contemplated in the site specific development plan.~~
- ~~9) If the owner considers prior expenditures and economic impact to be relevant to the governing body's determination, then any economic information regarding expenditures shall be accompanied by information regarding benefits or profits realized resulting from phases of the development previously built.~~
- ~~10) Landowners seeking zoning vested rights on plats or other plans that would not normally receive plan approval may apply for vested rights protection through submittal of an application which contains the identical information, fee, and plans required for a complete site plan application and an additional fee for a vested rights public hearing.~~

3.13.1. Site-Specific Vesting Plans

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

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

- 1) Conditional Rezoning Sketch Plan
- 2) Master Development Plan
- 3) Major Site Development Plan
- 4) Major Subdivision Preliminary Plat
- 5) Special Use Permit

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

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

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

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

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

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

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

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

3.13.3 Limits of site-specific vesting plans

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

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

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

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

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

3.15 ADMINISTRATIVE ADJUSTMENT

3.15.1 Site Design Modification

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

A. General Limitations. The minor modification:

- 1) Does not involve a change in uses permitted or the density of overall development permitted;

2) Does not increase the impacts generated by the development on traffic, stormwater runoff, or similar impacts beyond what was projected for the original development approval; and

3) Meets all other ordinance requirements.

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

1) Comply with underlying zoning standards and other applicable conditions of the approval;

2) Be limited to a minor change such as, without limitation, an adjustment to internal roadway circulation, an adjustment to building location within approved setbacks, or adjustment to utility alignment;

3) In the case of a stormwater pond, not decrease the distance from an exterior project boundary by more than 10% or encroach further into required buffering ;

4) In the case of external connectivity, not alter the location of an entrance by more than 25 linear ft along a property boundary; nor create an additional vehicular entrance except when connecting to an adjacent development which has received approval to stub to the project boundary;

5) In the case of bicycle and pedestrian infrastructure, be shown to not to degrade the bicycle and pedestrian friendliness of the community.

6) In the case of open space, increase open space. Any overall decrease in open space or diminishment of open space unity cannot be permitted by administrative adjustment;

7) In the case of project phasing, provide for ensuring each phase meets minimum requirements.

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

In addition to the general limitations for minor modifications, dimensional standard minor modifications are limited to:

1) A downward adjustment to parking requirements up to the greater of 5 spaces or 25 percent.

2) An adjustment to landscape standards which still adheres to the same buffer class (i.e. Buffer A, B, C, or D) as illustrated on the site plan.

3) Appeals and Variances. A decision on minor modification may be appealed to the Board of Adjustment as an administrative determination. An application for a minor modification does not preclude an applicant from seeking a variance from the Board of Adjustment.

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

3.15.2 Dimensional Standard Modification

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

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

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

~~3.15.1 Applicability~~

~~The Administrator shall be authorized to approve minor specified deviations as specified in paragraph a. below where, owing to special conditions, strict enforcement of the provisions of this Ordinance would be physically impractical.~~

~~3.15.2 Action by Administrator~~

~~The Administrator shall have the authority to authorize the following administrative adjustments:~~

- ~~A. A reduction of up to twenty percent of the required front, side or rear yard setback for any encroachments into required setback as of July 1, 2010;~~
- ~~B. Any request for deviation from the provisions of this Ordinance not listed above shall be reviewed by the Board of Adjustment as provided in the Section on Variances.~~

~~3.15.3 Administrative Adjustment Criteria~~

~~To approve an administrative adjustment, the Administrator shall make an affirmative finding that all of the following criteria are met:~~

- ~~A. That granting the administrative adjustment will not have an adverse impact on land use compatibility;~~
- ~~B. That the circumstances creating the need for the administrative adjustment are not the result of the property owner's own actions;~~
- ~~C. That granting the administrative adjustment will not materially and adversely affect adjoining land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate buffering, screening, setbacks and other land use considerations;~~

- D. ~~That granting the administrative adjustment shall be consistent with the purposes and intent of this Ordinance; and~~
- E. ~~That the strict enforcement of this Ordinance would deprive the owner or applicant of reasonable use of the property that is substantially consistent with the intent of this Ordinance.~~

3.15.4 Appeal

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

3.16.1 Applicability

As specified in N.C.G.S. ~~153A-345(b)~~ 160D-405, an appeal by any person aggrieved by a final order, interpretation or decision of the Administrator or other administrator in regard to the provisions of this Ordinance may be taken to the Board of Adjustment.

3.16.3 Deadline for Submission of Application

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

3.18.3 Action by the Planning Board

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

3.18.4 Action by County Commissioners

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

4.6.2 Building Structure Width

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

4.6.3 Standard Minimum Separation between Buildings Structures

- A. The minimum required separation between ~~buildings structures~~ shall be in accordance with Section 4.14, Zoning District Dimensional Requirements.
 - B. Attached ~~buildings-structures~~ shall comply with all requirements for such structures including, but not limited, to, the provision of full firewalls between each independent structure.
 - C. Any structures separated by less than 5 feet are considered attached.
 - D. Measurement shall be taken from the building line.
- A. Residential Performance District (RP) shall meet the following general standards:

- 1) **Buildings Structures** on the periphery of a Residential Performance Development shall be setback no less than twenty (20') feet from the adjoining property line. Additional buffers may be required based on the adjacent land use. See buffer chart in Section 8.2.6.

4.6.7 Density

A. Number of Allowable Dwelling Units (Density)

- 3) 3) The minimum allowable dwelling units for any legal, conforming parcel of land is 1 single family dwelling **unit**, if permitted by the zoning district.

4.15.1 Single Family Dwelling **Unit** – Detached Conventional

4.15.2 Single Family Dwelling **Unit** – Attached Duplex

4.15.3 Single Family Dwelling **Unit** – Detached Zero Lot Line

4.15.4 Single Family Dwelling **Unit** - Attached Townhouse

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

4.15.5 Single Family Dwelling Unit – Multiple

4.15.6 Upper Story Residential Attached

- A.3)a) If developed as a single **dwelling parcel**, open space shall not be required.

4.15.7 Multifamily Apartments/Condos

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

5.2.3 Table of Permitted Uses

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	

5.3.2 Residential Uses

- C. Manufactured Home
- 2) Manufactured homes, at the time of construction, must have been built to the standards of the National Manufactured Housing Construction and Safety Standards Act of 1974 (effective 1976) to ~~constructed prior to July 1, 1976 may not~~ be brought into or relocated in the County. ~~Mobile or manufactured homes which, at the time of construction, were not built to the standards of the National Manufactured Housing Construction and Safety Standards Act of 1974 (effective 1976) are prohibited within the county.~~ However, existing manufactured homes ~~constructed prior to July 1, 1976~~ which do not meet the standards of the National Manufactured Housing Construction and Safety Standards Act of 1974 shall remain permitted as a nonconforming structure.
- E. Accessory Dwelling Unit, Detached - A dwelling unit may be an accessory use in the residential districts in the following circumstances:
- 1) Detached accessory dwelling units shall be clearly subordinate to the principal structure
 - 2) Shall not exceed 33% of the heated floor area of the principal dwelling unit
 - 3) No more than one accessory unit shall be located on the lot.

- 4) Must be located in the rear or side yard and meet rear and side yard setback requirements of a principal structure per applicable zoning district requirements
- F. Emergency/disaster relief housing - In case of fire, flood, hurricane, tornado and the like, and/or where the Chairman of the County Commissioners has declared an emergency or disaster.
- 9) Temporary Housing Units shall also be allowed in the event repair or replacement is being made pursuant to a governmental grant or program. However, any temporary structure shall be removed within thirty (30) days after the issuance of an occupancy permit for the dwelling unit or the installation of the manufactured home.

5.3.3 Accessory Uses and Structures

- D. Agritourism Activities on Active Farms
 - 1) All uses shall be in accordance with N.C.G.S. ~~153A-340(b)~~ 160D-903.
- E. Accessory ~~Building Structure~~ Setbacks and Separation Requirements
 - 1) Accessory ~~Buildings Structures~~ 50-599 Square Feet In Area:
 - a) Setback of ten (10) feet from all property lines, access easements, and any other structures located on the property.
 - 2) Accessory ~~Buildings Structures~~ 600-1,199 Square Feet In Area:
 - a) Setbacks shall adhere to zoning district requirements and separation must be ten (10) feet from any other structure and access easements located on the property.
 - 3) Accessory ~~Buildings Structures~~ 1,200 Square Feet in Area or Greater:
 - a) Same setback and separation requirements as principal buildings per zoning district regulations

5.3.12 Miscellaneous Uses

- B. Bona fide Farm Purposes
 - 1) Bona fide farm purposes must comply with § ~~153A-340(b)(2)~~ 160D-903 of the North Carolina General Statutes.

6.5 FINAL PLAT CONTENTS

- C. ~~4) If and when all required improvements are complete the Defect Guarantee utilizing the form from Appendix D must be provided for all improvements~~

6.6.4 EXPEDITED SUBDIVISION

~~Limitations~~—In accordance with G.S. 160D-802, the County may require only a plat for recordation for the division of a tract or parcel of land in single ownership if all of the following criteria are met: The tract or parcel to be divided is not exempted as a ten (10) acre exemption defined in Section 3.8.1.E. No part of the tract or parcel to be divided has been divided under this subsection in the ten (10) years prior to division.

The entire area of the tract or parcel to be divided is greater than five (5) acres.

~~After division, no more than three lots result from the division.~~

After division, all resultant lots comply with all of the following:

Any lot dimension size requirements of the applicable land-use regulations, if any.
The use of the lots is in conformity with the applicable zoning requirements of this ordinance, and
A permanent means of ingress and egress is recorded for each lot.

7.9 STORMWATER MANAGEMENT

C. Administration

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

8.2.4 Prohibited Use of Buffer Area

A buffer area shall not be used for any building, structure, or use, accessory building or use, parking or loading area, storage area, or other principal or accessory uses except as specifically permitted in this Ordinance.

10.5.5 Damage or Destruction

A. 4) The reconstructed building structure may not be more nonconforming with respect to dimensional restrictions such as yard requirements, height limitations or density requirements, and such dimensional nonconformities must be eliminated if that can reasonably be accomplished without unduly burdening the reconstruction process or limiting the right to continue the nonconforming use of such building structure.

13.2 APPLICABILITY

This Ordinance shall be enforceable in accordance with the provisions of G.S.153A-113 and 160D-404. The Administrator may revoke any permit or other authorization granted under this Ordinance for failure to comply with the provisions of this Ordinance or the terms and conditions of the permit or authorization, or for false statements or misrepresentations made in securing the permit or authorization, or if the permit or authorization was mistakenly granted in violation of applicable State or local law. If the Administrator determines an imminent hazard exists, he may summarily revoke this permit.

13.4.10 Remedies and Penalties

A. Permit Revocation

- 1) In accordance with the provisions of Section 12.2 of this Ordinance and the provisions of N.C.G.S. ~~153A-362~~ 160D-403(f) and 160D-1115, the Administrator or Building Inspector may revoke any permit or other authorization granted under this Ordinance for failure to comply with the provisions of this Ordinance or the terms and conditions of a permit or authorization granted under this Ordinance.

Appendix A – Definitions

Words and terms set forth below shall have the meanings ascribed to them. Any word, term(s) or phrase used in this Unified Development Ordinance not defined below shall have the meaning ascribed to such word, term or phrase in the most recent editions of Merriam-Webster's Dictionary, Black's Law

Dictionary or American Planning Association Planner's Advisory Service, Dictionary of Terms unless, in the opinion of the Administrator, established customs or practices in Pender County justify a different or additional meaning. Furthermore, for the purpose of this Unified Development Ordinance, certain words, terms and phrases are herein defined as follows:

- A. Words used in the present tense shall include the future tense.
- B. Words used in the singular number shall include the plural number and the plural singular.
- C. The word "shall" and "will" are mandatory and not discretionary.
- D. The word "may" is permissive.
- E. The word "lot" shall include the words "parcel", "plot" and "tract".
- ~~F. The word "building" and "structures" are synonymous.~~

BASEMENT: Any area of the ~~building structure~~ having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALL: A wall that is not part of the structural support of the ~~building structure~~ and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the ~~building structure~~ or the supporting foundation system.

~~**BEDROOM:** A fully enclosed interior room as shown on the building plan for the structure having, as a minimum, a doorway, window and closet.~~

~~**BUILDING:** Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any persons, animals, processes, equipment, goods or materials of any kind. Any structure used or intended for supporting or sheltering any use or occupancy.~~

~~**DWELLING:** A residential structure or portion thereof which is used exclusively for human habitation. A building that contains one or two dwelling units used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.~~

- ~~1. **DWELLING, MULTIFAMILY:** A single structure arranged or designed to be occupied by two or more households, when the fee simple ownership of the underlying land is owned and maintained by an organization other than the occupants. This definition includes but is not limited to condominiums, apartments and single story structures.~~
- ~~2. **DWELLING, SINGLE FAMILY:** A structure, not including manufactured homes, arranged or designed to be occupied by one household.~~
- ~~3. **DWELLING, DETACHED:** A dwelling that is not attached to any other dwelling by any means.~~
- ~~4. **DWELLING, SEMI-DETACHED:** A dwelling attached to one or more dwellings by a common vertical wall, with each dwelling located on a separate lot.~~
- ~~5. **DWELLING, ATTACHED:** A dwelling with two or more single family dwelling units which are generally joined together by an above-grade common party wall extending from the lowest floor to the roof or by a common floor-ceiling. A common floor-ceiling shall be the floor of one unit that is shared with the ceiling of another unit in vertically stacked dwelling units. Townhouse units may be attached by a garage or a connecting permanent architecturally unified structure such as a breezeway, carport, or wall, where structures continue the design, pattern and/or materials of the facade from one dwelling unit to another.~~

~~**DWELLING UNIT:** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.~~

1. **DWELLING UNIT, MULTIFAMILY:** A dwelling unit that is part of a single structure arranged or designed to be occupied by two or more households, when the fee simple ownership of the underlying land is owned and maintained by an organization other than the occupants. This definition includes but is not limited to condominiums, apartments and single story structures.
2. **DWELLING UNIT, SINGLE-FAMILY:** A structure, not including manufactured homes, arranged or designed to be occupied by one household.
3. **DWELLING UNIT, DETACHED:** A dwelling unit that is not attached to any other dwelling by any means.
4. **DWELLING UNIT, SEMI-DETACHED:** A dwelling unit attached to one or more dwelling units by a common vertical wall, with each dwelling unit located on a separate lot.
5. **DWELLING UNIT, ATTACHED:** ~~A dwelling with~~ two or more single-family dwelling units which are generally joined together by an above-grade common party wall extending from the lowest floor to the roof or by a common floor-ceiling. A common floor-ceiling shall be the floor of one unit that is shared with the ceiling of another unit in vertically stacked dwelling units. Townhouse units may be attached by a garage or a connecting permanent architecturally unified structure such as a breezeway, carport, or wall, where structures continue the design, pattern and/or materials of the facade from one dwelling unit to another.

ELEVATED BUILDING STRUCTURE: A non-basement building structure built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).

GROSS DENSITY: The total number of dwelling units divided by the total gross area within the perimeter boundaries of a development. The "gross density" within a section of a development shall be the number of dwelling units in the section divided by the total area of residential lots, common yard areas, common open space required in the section and right-of-way areas of roads and easements that are interior to the section.

LOWEST ADJACENT GRADE (LAG): The elevation of the ground, sidewalk or patio slab immediately next to the building structure, or deck support, after completion of the building structure.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's structure's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44 CFR 60.3.

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.

START OF CONSTRUCTION: substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of

streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory ~~buildings structures~~, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the ~~building structure~~.

APPENDIX D- TYPICAL FORMS AND SURVEYOR NOTES

DEVELOPMENT AGREEMENTS

As authorized by this Ordinance, Development Agreements must comply with all state regulations in NCGS §~~153A-349.1~~ 160D-1001 et. seq.

MULTIJURISDICTIONAL DEVELOPMENT

A parcel in multiple jurisdictions may allow the development regulations from one jurisdiction to apply upon agreement between the owner and jurisdictions, pursuant to G.S. 160D-203 and G.S. 160A Article 20.

APPENDIX D TYPICAL FORMS AND SURVEYOR NOTES

A. ~~4) A Defects Guarantee for the required improvements has been submitted and approved in accordance with this Ordinance.~~

Certificate of Condition Acceptance

Applications approved by the Planning Board or Board of County Commissioners with conditions must amend their site plans to include this certificate in order for the approval to take effect. Applications

The following are Conditions of Approval for this [development application type] and are hereby accepted. I/we acknowledge that the approval is dependent on these conditions, and failure to honor the conditions shall constitute a violation of this ordinance as well as grounds for permit revocation.

Condition 1:

Condition 2:

Applicant Signature: _____ Date: _____

Applicant Printed Name: _____

Owner Signature: _____ Date: _____

Owner Printed Name: _____

which lack final administrative approval within six (6) months of final board approval are considered withdrawn. Upon written request received prior to this deadline, the Administrator may grant a three (3) month extension when external permitting agencies have resulted in delays.

Release of Guarantee Requirements

A. The Administrator shall release the Performance Guarantee when all requirements of this Ordinance have been met, ~~and~~ construction and installation of all required and proposed improvements have been completed and certified ~~and a Defects Guarantee has been submitted and approved~~. Certification must include the following:

~~DEFECTS GUARANTEE FOR THE BENEFIT OF PENDER COUNTY~~

~~{Example Form}~~

~~**THIS DEFECTS GUARANTEE**, made and granted this _____ day of _____, 20____, by _____, hereinafter referred to as "Subdivider"; and, hereafter referred to as "Guarantor," to PENDER COUNTY, a political subdivision of the State of North Carolina, hereinafter referred to as the "County" (The designation Guarantor and County, as used herein shall include said parties, their heirs, successors and assigns and shall include singular, plural, masculine, feminine or neuter as required by context);~~

WITNESSETH:

~~**WHEREAS**, the Subdivider has applied to Pender County for approval of a development known as _____; and~~

~~**WHEREAS**, the Subdivider has submitted a final plat for approval for said development and all improvements required by the Pender County Unified Development Ordinance are complete; and~~

~~**WHEREAS**, the County, has determined that pursuant to the Pender County Unified Development Ordinance a Defects Guarantee is required as a condition of approval of the development and such Guarantee would benefit the public welfare;~~

~~**THEREFORE THE SUBDIVIDER AND GUARANTOR**, as a condition of final plat approval, makes the following warranty:~~

~~1. **Purpose of Agreement**~~

~~The purpose of this agreement is to provide a guarantee on all improvements required by the Pender County Unified Development Ordinance for _____.~~

~~2. **Guaranty**~~

~~a. Subdivider hereby warrants that all utility taps, ramps, streets, pavement, sidewalks, drainage facilities, water and sewer lines, and/or other improvements, as required by the Pender County Unified Development Ordinance and proposed for the said development as presented and approved with the Preliminary Plat approved on the _____ day of _____, 20____ will be free of defects in design and construction for one (1) year from the date of issue of a signed acceptance of construction by the Pender County Planning Director.~~

- b. ~~In the event the County notifies the Subdivider of a defect within one year from the date of acceptance of construction of all improvements, it is hereby understood and agreed that Subdivider will correct such defect(s) within 30 days of receipt of a written " Notice to Correct Defect" received from the County.~~
- c. ~~The County Shall inspect any attempted repairs as soon as possible upon notification from the Subdivider that repairs have been completed, and shall not unreasonably delay or withhold approval of repairs.~~

2. Remedies

~~It is understood and agreed that in the event the Subdivider fails to correct such defect within 30 days of receipt of written notice by the Subdivider as set forth herein, a violation of the Pender County Unified Development Ordinance will exist on the property and the Subdivider will be subject to Penalties for Violations as prescribed in the Legal Provisions of said Ordinance. In addition, it is understood and agreed that upon the 60th day after the " Notice to Correct Defect" is received by the Subdivider that approval of the development's final plat will terminate and such termination of approval will prohibit any additional sale of lots in the development. The Subdivider further agrees that any sale of a lot after the termination of approval of the plat for the Development will constitute a separate offence under the provisions of said Unified Development Ordinance and that upon any successful verdict from a Court of Competent Jurisdiction, the Subdivider must pay the cost, including reasonable attorney fees, incurred by Pender County in obtaining such verdict. The remedies noted herein shall be in addition to any other remedy the County may have at law, including injunctive relief.~~

~~**IN WITNESS WHEREOF**, the parties have hereunto set their hands and seals, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers by authority of its Board of Directors, the day and year first above written.~~

~~FOR: SUBDIVIDER and/or PERSONAL GUARANTOR **~~

 Print Name _____ Title _____

 Signature _____ Date _____

~~STATE OF NORTH CAROLINA, COUNTY OF PENDER~~

~~I, _____, a Notary Public, certify that _____, personally came before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal, this the _____ day of __, 20 _____.~~

 _____ My Commission Expires: _____

~~Notary Public~~

~~(And For a Corporation)~~

 Company Name _____

Print Name of Signer _____ Title _____

Signature of Signer _____ Date _____

ATTEST:

Secretary

STATE OF NORTH CAROLINA, COUNTY OF PENDER

I, _____, a Notary Public, certify that _____
personally came before me this day and acknowledged that he is Secretary of _____
a corporation of the State of North Carolina and that by authority duly given and as the act of the
corporation, the foregoing instrument was signed in its name by its President, sealed with the corporate
seal, and attested by himself as its Secretary. Witness my hand and official seal, this the _____ day of
_____, 20____.

My Commission Expires: _____
Notary Public

**** If Subdivider is a corporation, a personal guarantee must also be provided by owner, developer, or
other individual.**

**PRIVATE STREET STANDARDS, PENDER COUNTY—"Private Streets shall meet all construction and design
standards as required for Secondary Roads for acceptance by NCDOT."**

As Adopted By The Pender County Board Of Commissioners 3-15-04.

APPLICATION FOR TEXT AMENDMENT

THIS SECTION FOR OFFICE USE			
Application No.	ZTA 2021-13	Date	4/1/2021
Application Fee	\$ N/A	Receipt No.	N/A
Pre-Application Conference	N/A	Hearing Date	PB: 4/13/21 BOC: 5/17/21
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Pender County		
Applicant's Address:	805 S Walker St		
City, State, & Zip	Burgaw, NC 28425		
Phone Number:	910-259-1202		
Email Address:	thenley@pendercounty.nc.gov		
SECTION 2: UDO TEXT TO BE AMENDED			
Current Text to be Amended (Please site accurate Article number referenced):			
Throughout → See Attachment			
Proposed Text to be added: Refinements related to changes in North Carolina General Statute			
SECTION 3: SIGNATURE			
Applicant's Signature			Date: 4/1/21
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: N/A	
Payment Method:	Cash : ☐ \$ _____	Credit Card: ☐ Master Card ☐ Visa	Check: ☐ Check # _____
Application Received By:			Date: 4/1/21
Application completeness approved by:			Date: 4/1/21
Dates Scheduled for Public Hearings:	☒ Planning Board: 4/13/21	☒ BOC: 5/17/21	