

# PENDER COUNTY ZONING PERMIT GUIDE

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## STATE LAWS & REGULATIONS

The permitting process for new construction in North Carolina is regulated by numerous State Statutes and agency rules, as well as local ordinances. State Statute and State Agency rules place substantial restrictions on the issuance of local permits for new construction or development activities. Most local requirements for development activities are contained in the Pender County Zoning Ordinance, Pender County Flood Damage Prevention Ordinance, Pender County Subdivision Ordinance and Subdivision Checklist. Major State requirements for development permits are established in the following documents:

1. **NCGS 153A, Part 4, “Building Inspection”**-This NC General Statute establishes the requirement that all Counties must establish an Inspection Dept. and enforce the State Building Regulations. This statute prohibits the issuance of a building permit for development that requires a Sediment and Erosion Control Plan until the plan has been approved by the State Land Quality Section.
2. **NC State Building Code**-The code is adopted by the NC Building Code Council and contains the requirements for construction of all buildings in North Carolina.
3. **NCGS 130, Article II, “Wastewater Systems”**-This NC General Statute establishes the requirements for approval of all wastewater treatment or disposal systems for all residences, businesses and places of public assembly and requires local Health Depts. to approve wastewater systems in accord with rules adopted by the North Carolina Department of Environment and Natural Resources, Division of Environmental Health. This statute prohibits the issuance of all local permits for development until a “Construction Authorization for Wastewater System(CA)” has been issued by the Local Health Dept. The CA is required for all new principal structures on a property & an Existing Sewage Disposal System approval is required for structure additions, accessory structures & change of use.
4. **North Carolina Administrative Code, 15A, 18A, Section .1900, “Sewage Treatment and Disposal Systems”**-This section of the State Administrative Code establishes the procedures and requirements by which Local Health Depts. must approve Wastewater Treatment Systems.
5. **NCGS 113A, Article 7, “Coastal Area Management Act (CAMA)”**-This State Statute requires that CAMA permits be obtained for any development activities in a designated Area of Environmental Concern (AEC). AEC’S include generally, Barrier Islands, Coastal Waters & Streams, areas within 75’ of Coastal Waters & Streams and areas within 1000’ of waters or streams classified as Outstanding Resource Waters. Local permits can be issued only in accord with CAMA Rules and a Local Land Use Plan required to be approved by the North Carolina Coastal Resources Commission.
6. **NCGS 113A, Article 4, “Sediment and Pollution Control Act of 1973”**-This State Statute requires approval of a Sediment & Erosion Control Plan by the State Land Quality Division if the development activity involves disturbance (clearing or grading) of one acre or more. Local permits cannot be issued until the required plan is approved by the State.
7. **NCGS 143, Article 21 “Water & Air Resources”**-This State Statute requires that the NC Environmental Management Commission establish a permitting process to implement rules that control the quality of storm water discharge from development on any property that involves disturbance (clearing or grading) of one acre or more.
8. **NCGS 143, Part 6, “Floodway Regulation”**-This State Statute establishes the procedures by which Counties regulate development activities in Designated Flood Hazard Areas. It requires that local flood area regulations comply with Federal Emergency Management Agency requirements for the Federal Flood Insurance Program.

**See Zoning Permit Guide for the Basic Requirements of the Zoning & Flood Damage Prevention Ordinances. All Local Development Ordinances are available from the Pender County Planning Dept. 805 S. Walker St. Burgaw, NC, Phone 910 259 1202 and can be viewed at the Pender County Library, Burgaw & Hampstead.**

*The following page provides a step by step outline of the local permitting process.*

# LOCAL PERMITTING PROCESS

**Step I Zoning Determination (Septic Only Permit)** The Zoning Determination can be obtained at the following two locations:

Pender County Inspections Office	Permitting Office
Health Dept. Annex Building	Administration Building
248 Transfer Station Rd.	805 S. Walker St.
Hampstead, NC	Burgaw, NC
Ph: 910 270 2505	Ph: 910 259 1202

In order to obtain the Zoning Determination, the applicant must provide the materials specified in the Zoning Permit Application Guide. The use proposed for the site must be a permitted use in order for the Health Dept. to process the site for a determination of suitability for on site wastewater disposal (Improvement Permit) for the designated use.

**Step II Application For Improvement Permit For Wastewater Disposal System (Septic Tank)** This application may be submitted to the Environmental Health Section of the Pender County Health Dept., after obtaining the Zoning Determination. The Environmental Health Offices are located as follows:

Environmental Health	Environmental Health
Health Dept. Annex Building	Health Dept. Building
248 Transfer Station Rd.	803 S. Walker St.
Hampstead, NC	Burgaw NC
Ph: 910 270 5000	Ph: 910 259 1233

Instructions for submitting the application are contained in “Information Package And Instruction For Completing Application For Improvement Permit” available at the locations noted above. The application should be submitted with the Zoning Determination, Site Plan Described in the Zoning Permit Guide and the single page application contained in the Health Dept. Information Packet noted above.

**Step III Site Evaluation** The Environmental Health Section must perform an on site evaluation for the proposed waste water system. The site should be prepared for the evaluation as noted in the Zoning Permit Guide, “Requirements After the Permit” and Health Dept. “Information Packet”.

If the site is not approved a Site Improvement Permit may be issued by Environmental Health. Final Zoning and Building Permits cannot be issued based on this permit.

**Step IV Construction Authorization Permit-Wastewater (Septic) System** If the site proposed for the wastewater system is approved, the Environmental Health Section will issue a Construction Authorization Permit. Once the Construction Authorization Permit is issued other local permits can then be issued.

**Step V Final Zoning Permit** The final Zoning Permit can be issued after the Construction Authorization is approved and the application is checked for compliance with any conditions included in the Zoning Determination. A Zoning Permit is required prior to issuance of any Building or related permits.

**Step VI Building Permits** Once the Environmental Health Construction Authorization and Zoning Permits are approved the applicant can proceed to obtain building permits for General, Mechanical, Electrical and Plumbing related work. The Zoning Permit must be obtained before any Building Related Permit can be issued. Building Permits may be obtained at the following locations:

Pender County Inspections Dept.	Pender County Inspections Dept.
Administration Building	Health Dept. Annex Building
805 S. Walker St.	248 Transfer Station Rd.
Burgaw, NC	Hampstead, NC
Ph: 910 259 1201	Ph: 910 270 2505

**Step VII Wastewater System Operation Permit** Environmental Health must issue an operational permit for the Septic System, before the Building Inspections Dept. can issue a Certificate of Occupancy for the building.

**Step VIII Certificate of Occupancy** The Pender County Inspections Dept must issue a Certificate of Occupancy before an Electric Company can connect power to the permitted structure. In order for the Certificate of Occupancy to be issued the Operational Permit must be issued by Environmental Health and clearance received from the Planning Dept. that any conditions of the Zoning Permit have been completed.

# APPLICATION SUBMISSION REQUIREMENTS

## A. MATERIAL & INFORMATION TO BE SUBMITTED FOR THE PERMIT APPLICATION FOR ALL NEW STRUCTURES

1. **Scaled Site Plan**-A drawing prepared to scale, showing the following items must be submitted:
  - a) Property boundaries with dimensions;
  - b) Location and dimensions of all existing and proposed structures (Structures must meet the set back requirements from property lines and access easements on the property, See General Zoning Requirements, pg. 12 & 13);
  - c) Proposed Height of Building(s)
  - d) Location of any existing well, septic tank and septic tank drain field;
  - e) Existing or proposed access from a public road to the property (The property must have access to a public road over a recorded easement or road at least 30' wide);
  - f) Calculated area of the lot or parcel in square feet or acres;
  - g) The site plan must show the location and width of any access easements on the parcel or property;
  - h) If the parcel or the site that is being permitted is one acre or larger, the boundary of areas to be cleared and graded must be located on the plan and its area calculated;
  - i) The site plan must be signed by the person preparing it or other person responsible for the information contained on it;
  - j) Please note that ***Pender County Staff cannot prepare your site plan for you.*** The County Attorney has ruled that this creates liabilities for Pender County;
  - k) See "The Property Site Plan Attachment" for additional information and instructions
  
2. **Parcel Record/Boundary Information**-At least one of the following items must be submitted for a permit to be processed:
  - a) Recorded map of the parcel, or
  - b) Recorded map of the Subdivision of which the parcel is a part showing the parcel, or
  - c) Map of the parcel boundaries sealed by a Professional Land Surveyor, or
  - d) Recorded deed of the parcel with a legal description of the boundaries
  
3. **Applicant Certification Form** –The applicant must complete the one page "Applicant Certification Form" (page 6) and present it along with the two items listed above.

## B. ADDITIONAL SUBMISSION REQUIREMENTS FOR ANY PROPERTY IN A DESIGNATED FLOOD HAZARD AREA (SEE FLOOD AREA REQUIREMENTS ATTACHMENT FOR ADDITIONAL INFORMATION)

1. **Submission Requirements For Properties In A "Numbered Flood Zone A"**
  - a) Description of the work to be performed
  - b) Site plan must show an elevation in relation to mean sea level established on site and the structure's proposed first floor elevation tied to Mean Sea Level (MSL). The elevations must be established by a professional surveyor and sealed and that information submitted with the application. The structure first floor elevation must be above the established flood elevation for its location.
  - c) Please note that a final Elevation Certificate completed by a professional surveyor must be submitted within 21 days of completion of the first floor. If the Elevation Certificate is not submitted as required, a Stop Work Order will be placed on the work for non-compliance and the structure cannot receive power or be occupied until the Elevation Certificate is submitted.
  - d) Existing structures cannot undergo repairs exceeding 50% of their value without complying with all Flood Damage Prevention Requirements.

2. **Submission Requirements For Properties In A Designated Floodway.**

- a) A No Rise Certification must be submitted for most activities and all structures in a Designated Floodway (See Flood Requirements Attachment)

**C. ADDITIONAL SUBMISSION REQUIREMENTS FOR PROPOSED COMMERCIAL ACTIVITIES (ALL NON RESIDENTIAL PERMITS)**

**1. Parking Requirements (See Also Commercial Activities Requirements Attachment For Additional Information)**

- a) The site plan must show all parking spaces proposed or required for the specific use and the access to the spaces.
- b) The site plan must show the parking area's required set backs from property lines (min. of 10' & 20' in some cases), buffers and interior landscaping.
- c) Space and aisle dimensions must meet the aisle specifications contained in Section 13 of the Zoning Ordinance.
- d) The plant name and spacing must be shown for any required landscaping or buffers.
- e) Uses with structures containing 5000 or more square feet must provide at least one designated loading area (See Section 13 of the Zoning Ordinance).

**2. Property Boundary Buffer/Screening Requirements (See Also Commercial Activities Attachment for Additional Information).**

- a) Most all non residential uses require some planted buffers along the property lines
- b) The buffer requirements are specified in Section 14 of the Zoning Ordinance.
- c) For these plantings, the plant name and their spacing arrangement must be shown on the site plan if required.
- d) In some specific circumstances the buffer requirements can be waived if the commercial use is adjacent to a similar commercial use.
- e) Non residential use, must provide at least a "Type A" buffer along the road right of way
- f) Existing trees or vegetation can be used to meet the buffering or other landscape requirements. This can save considerable expense in meeting landscaping and buffer requirements. Applicants are therefore encouraged to consider this requirement prior to clearing adjacent to property boundaries and to plan and be selective in clearing other property areas.
- g) Tree/Landscape Preservation Plan must be submitted.

**D. REQUIREMENTS AFTER THE PERMIT IS ISSUED**

- 1. **Foundation Survey** – A Foundation Survey completed by a Professional Land Surveyor will be required after the footings or foundation has been installed (See Foundation Survey, Verification of Setbacks, pg. 10 & 11).
- 2. **Elevation Certificate** - An elevation certificate must be submitted for all structures in a Special Flood Hazard Area (See Flood Requirements Attachment). This submission must be made within 21 days after the structure's first floor has been established or a stop work order will be issued and a violation notice initiated.
- 3. **Project Completion** - The project must be completed as proposed and shown on the site plan and "Applicant Certification Form", including buffers, landscaping, parking, etc. prior to an occupancy of the structure being authorized.

## ZONING PERMIT APPLICANT CERTIFICATION FORM

- Applicant Name:\* \_\_\_\_\_ Property Owner Name: \_\_\_\_\_
- \* If applicant or occupant is not owner explain relationship on back. Owner may have to sign app. or give permission.
- Property 911 Address: \_\_\_\_\_
  
- Parcel Tax Record Or Tax Identification No.: \_\_\_\_\_
  
- Provide instructions on how to get to the site:  
\_\_\_\_\_  
\_\_\_\_\_
  
- Is the property and or structure located in a Coastal Area Management Act, Area of Environmental Concern?  
Property ? Yes No    Structure ? Yes No
  
- Is the property within 75' of a stream or other body of water? Yes No
  
- Is the property within 1000' of a water body or stream classified as Outstanding Resource Water? Yes No
  
- Proposed use of the property \_\_\_\_\_ The Structure \_\_\_\_\_
  
- Proposed Height of Building(s) \_\_\_\_\_
  
- **For Non-Residential Projects Only**-Describe the proposed use of the property and/or activities to occur on the property along with product type, capacities, no of members, etc. (Be thorough and use additional space if needed).  
\_\_\_\_\_  
\_\_\_\_\_
  
- Are there any platted restrictions on the site/lot? Yes No
  
- Are there any Mfg. Homes or other Structures on the property or adjacent properties under the same ownership?  
If so list and describe each one.  
\_\_\_\_\_  
\_\_\_\_\_
  
- Are there any protected wetlands located on the Property ? Yes No
  
- Are there any access easements on the property? Yes No --- Does the property abut a public road that is at least 30' wide? Yes No --- If the property does not abut a public road, does it have a recorded access easement at least 20' wide to a public road? Yes No (Recorded access must be 30' wide if lot created after 11-17-03).

**Note: If any information provided by the applicant is found to be incorrect the permit is subject to revocation. A vested right is established upon issuance of a final zoning permit. A vested right does not relieve the applicant or owner from compliance with all provisions of the current Pender County Ordinances. (3-31-04).**

The person signing below certifies that the information contained on the site plan, in the application and on this form is true and correct and that he has received a copy of the District Requirements.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## **PROPERTY SITE PLAN**

A site plan of your property is a record of structures and facilities on the property including those that are underground such as water, sewer, phone, electric lines, septic tank, etc. and those structures above ground such as your house, shed etc. The site plan should also show any recorded easements on the property for utilities or access. A sample site plan is attached. The site plan can serve numerous purposes, a few of which are as follows:

- Helps you plan for the efficient and effective use of your property.
- Helps insure that you comply with any protective covenants that may be recorded on the property.
- Will prevent you from digging into and damaging electric, telephone lines and other underground facilities and incurring the expense of repairs.
- Vehicular traffic or structures over your septic tank or drain field can damage your septic system. A record or map of their location will help prevent damage and expensive repairs.
- Helps insure proper set backs from the property boundaries and other structures on your property for safety. Proper set backs and structure separation will help prevent spread of flames in case of fire and insure compliance with local ordinance and state building code requirements.
- An accurate site plan can be a valuable tool in promoting the sale of your property.
- Will help you locate your property corners, so you will not locate shrubs, fences or structures on your neighbors property or in restricted easements and be faced with potential legal action and expensive relocation of your facilities.

## **OPTIONS FOR PREPARING YOUR SITE PLAN**

### **A. PREPARATION BY A PROFESSIONAL SURVEYOR**

A site plan or survey of your property prepared by a professional surveyor will usually include the property boundaries, recorded easements and above ground facilities on the property. If you are located in a designated flood area or near one you may also wish to have the surveyor establish an elevation point on the site so you will know the height of your facilities in relation to known flood levels in the area. You can request a "locate service" to mark your underground utility wires in advance, so the surveyor can locate those on the property or you can locate them on the site plan yourself after the surveyor has completed the map.

### **B. PREPARE YOUR OWN SITE PLAN**

This can be a complicated task and you will need some assistance in measuring facilities on the ground and the capability to draw a scaled replica of what you measure on the ground. You will also need to know the location of your property corners and mark the property boundaries. The following steps can be followed in preparation of the plan:

1) The first step in preparing your site plan is to obtain or prepare an accurate map of the boundaries of your property. Sources for existing maps of your property are unrecorded survey maps, recorded survey maps, recorded maps of your subdivision, tax maps and legal descriptions contained in your deed. One of these maps can be enlarged to a scale of between 1 inch to 20 feet and 1 inch to 60 feet. One inch on the site plan should not represent more than 60 feet on the ground (see instructions below). The maps can be enlarged by photocopy enlargement or by manually drawing them. Preparation of a map of the property from a deed

description can be exceedingly difficult and should be attempted only by someone with experience in plotting metes and bounds descriptions or with access to plotting software such as DeedPro.

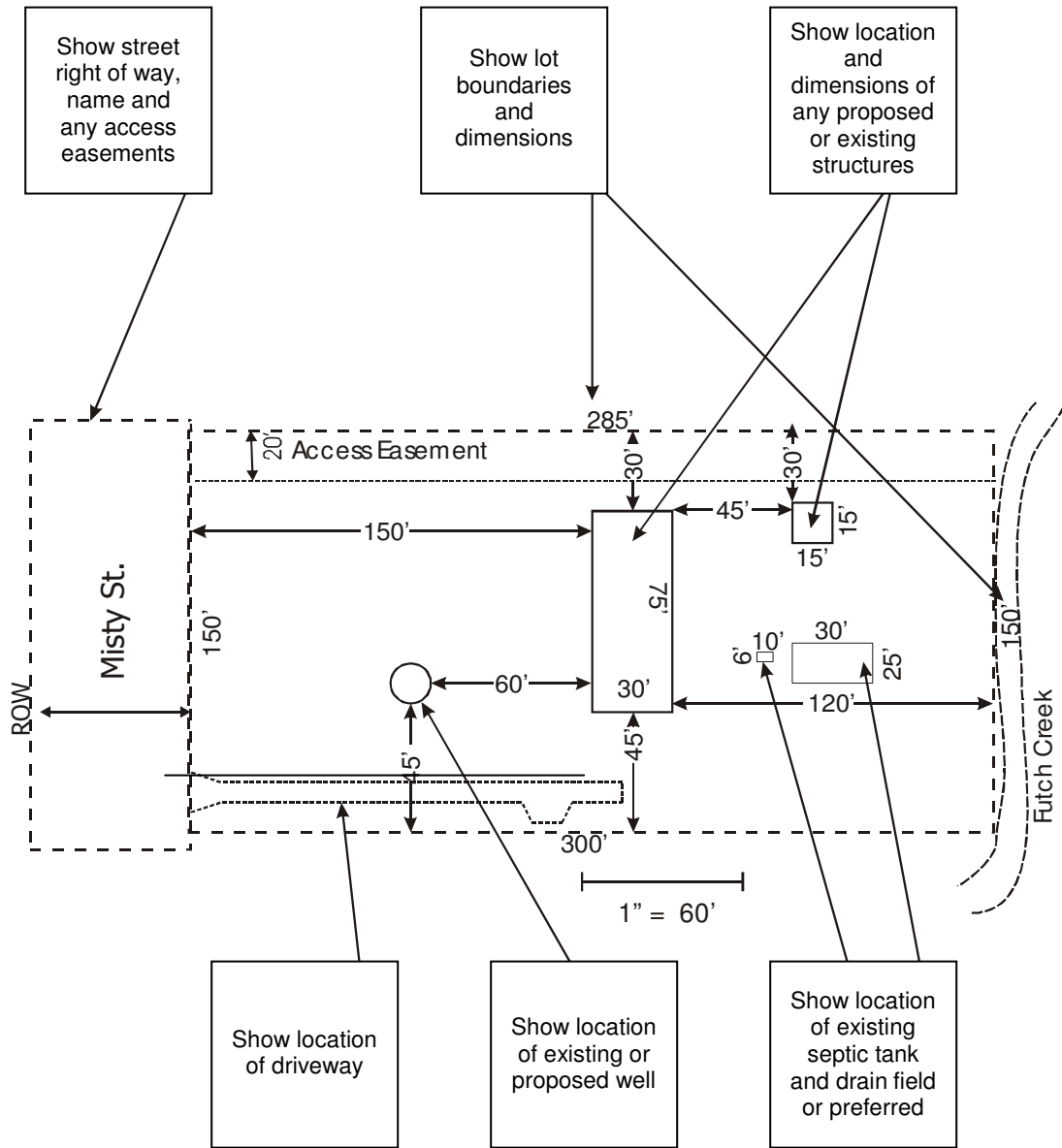
2) Once you have an accurate map of your property, you will need to locate the structures on the property on the map. In order to complete this task you will need a tape measure and another individual to help perform the measurements and record them. At your site, use your tape measure to measure the distance from your lot boundaries to all proposed and existing structures and the distance between the structures. Always try to take measurements that are perpendicular to (right angles to) the property line, if possible. Also measure the dimensions of all proposed and existing structures. Include your well, septic tank and septic drain field in these measurements. Make sure to write down all of your measurements. It is best to prepare a rough sketch of the structures on a copy of the property map and record the measurements on the sketch.

3) After the field measurements are recorded, you will need to transfer them to your scaled site plan. You will need a right triangle and scaled ruler with 1" to 60 divisions on it or a regular ruler and calculator. The process is made much easier if you have a scaled ruler with divisions corresponding to the scale of your drawing. The standard scale for drawing site plans is to draw 1 inch of line on the map for every 60 feet of actual length you measure with your tape on the ground (1" to 60'). Scale is how you represent large objects in the real world on a piece of paper that will allow the reader to understand how big the actual objects are in relation to each other. For example if your house is 200' from the street or front property line, you can locate the front of your house on the map by converting the 200' distance to a scale of 1" to 60'. The front of your house will be located 3 1/3 inches from the front property line on your map. We arrived at 3 1/3 or 3.33 inches by dividing the distance on the ground (200') by the scale of 60 ( $200 \div 60 = 3.33$  or  $3 \frac{1}{3}$ ). If your house is 60' long that will be represented on the map by a line 1" long ( $60' \div 60 = 1"$ ). The front of your house will then be a line that is 1" long, 3 1/3" from the front property line on your map. You can locate the end of the house by following the same procedure using the distance from the side property line and the length of the end of the house. The remainder of the house outline can be completed by converting the other house dimensions to 1" to 60' scale and plotting them at right angles to the first two lines. This process can be continued for other structures and facilities on the property. You can then use your measurements between structures to check the accuracy of your drawing. An enlarged aerial photograph of the site can also help in properly orienting existing structures on the map. When you are locating new structures on a site, it can help to stake the corner of the facility prior to taking field measurements.

4) **NOTES:** Aerial photographs and Tax Maps of your property can also be helpful in locating your property lines and corners and the existing structures on your property. These may be obtained from the Planning Dept., Tax Office or US Soil Conservation Service. Any maps that have been recorded of your property or the subdivision in which your property is located can be obtained from the Pender County Register of Deeds. These maps or your recorded deed may show or reference any restrictive easements or covenants that exist on the property. If you have an existing septic system on your property, the Pender County Health Dept., Environmental Health Division may have a sketch or map showing the location of the system. A scaled ruler with 10, 20, 30, 40, 50 and 60 divisions on it will make the site preparation plan process or any map reading effort much easier. When using the proper scale, each mark on the ruler equals one foot on the ground. These scales can be purchased at most office supply stores.

5) A sample site plan is attached that shows the minimum amount of information that the map should include. You may contact the Pender County Planning Dept. for help with instructions in preparing your site plan. The Department and its personnel cannot however prepare or direct the preparation of your site plan.

# SAMPLE SITE PLAN



Total Area of Lot: \_\_\_\_\_

Proposed Height of Building(s): \_\_\_\_\_

Drawing Prepared By: \_\_\_\_\_  
(Print Name)

Signature: \_\_\_\_\_

## FOUNDATION SURVEY AND VERIFICATION OF SETBACKS

1. A foundation survey is required for all new principal and accessory structures except farm related structures erected on bona fide farming operation, accessory structures less than 600 sq. ft and individual mobile homes located in a mobile home park
2. Responsibilities of Zoning Permit Clerk
  - a. Sign and approve site plan (*all site plans* must be signed by the person accepting them).
  - b. Enter *required* setbacks (not actual) in designated space on permit.
  - c. Enter *yes* in the space by "Foundation Survey Required" unless structure is exempt under item 1 above.
  - d. Inform applicant of the options available for satisfying Foundation Survey requirements (He must provide foundation survey, or request building inspector to provide verification of setbacks if the structure qualifies for (1) or (2) under item e. below). Make sure and give the Applicant a copy of this document and point out his obligations under item 4 below.
  - e. On the permit type one of the following under "Special Conditions:
    - (1) "*Building Inspector may verify these setbacks, they are double the minimum required*" (Z.O. section 3.3.d.3) or
    - (2) "*Building Inspector may verify these setbacks, the front setback is 10' above minimum required and the side and rear are 5' above minimum required*" (Z.O. section 3.3.d.4).
  - f. Upon receiving Foundation Survey or Verification of Setbacks by Inspector, update the permit by typing *date received*.
  - g. File building inspector signed copies or sealed foundation survey with permit.
3. Responsibilities of Inspector
  - a. The Building Inspectors have an obligation under Ordinance to verify setbacks under the following circumstances, when they can make a *reasonable determination that the minimum set backs have been met*. In all cases, when the Inspector verifies setbacks, he shall sign the site plan or permit as follows: *Setbacks verified by Inspector \_\_\_\_\_* and provide a copy to the owner or provide a copy to the Zoning Office.
  - b. The Building Inspector may verify setbacks that are double the minimum required if approved site plan and permit are provided by the owner at the site and the structure *clearly meets the minimum setbacks required* and has been located *generally* as shown on the site plan.
  - c. The Building Inspector may verify setbacks when they are shown on the permit to be front, 10' above min. required and side and rear are 5' above min. required and the following conditions are met:
    - (1) A copy of the approved site plan (also approved by Environ. Health) and the Zoning Permit are provided by owner at the site.
    - (2) Copy of survey or recorded map of the site or property, showing the property corners available at the site.
    - (3) Permanent property corners within 50' of the structure are clearly marked and flagged so as to be visible from the structure.
    - (4) Owner or representative is available at the site to make measurements, if necessary.
4. Responsibilities of Owner
  - a. Provide Foundation survey or verification of setbacks to Zoning Office within 14 days after footing inspection or structure has been placed in its permanent location on the site. Additional inspections or occupancy permits cannot be provided unless a foundation survey or setback verification is submitted to the Zoning Permit Office by the Owner or Inspector.
  - b. When Inspector is requested to verify setbacks, the owner must comply with the following:
    - (1) **SETBACKS ARE DOUBLE THE MIN. REQUIRED**, the owner must make available at the site a copy of the approved site plan and permit for the Inspector.
    - (2) **SETBACKS ARE FRONT, 10' ABOVE MIN. REQUIRED AND SIDE AND REAR ARE 5' ABOVE MIN. REQUIRED**, the owner must provide the following at the site:
      - (a) A copy of the approved site plan (also approved by Environ. Health) and the Zoning Permit.
      - (b) Copy of survey or recorded map of the site showing the property corners.
      - (c) Permanent property corners within 50' of the structure are clearly marked and flagged so as to be visible from the structure.
      - (d) Owner or representative is available at the site to make measurements, if necessary.

The owner or applicant is responsible to see that the foundation survey or document verifying the set backs are received at the Zoning Permit Office.

## SECTION 3.3 FOUNDATION SURVEYS

### A. Survey Requirements

Foundation surveys will be required to verify that a new structure meets the set back requirements of this ordinance prior to occupancy. When a foundation survey is required it shall be provided after the foundation is complete. Foundation surveys shall be required for all principal structures and accessory structures greater than 600 square feet with the exceptions noted below. The foundation survey submission shall consist of a map prepared by a Professional Land Surveyor showing the structure, lot boundaries and distance from the structure to the lot boundaries, and be signed and sealed by the surveyor. A signed and sealed letter from a Professional Land Surveyor, identifying the property and structure and certifying that the structure meets or exceeds the set backs for the zoning district in which it is located may be provided in lieu of a survey map.

### B. Survey Submission Schedule

The required foundation verification information shall be submitted within **14** calendar days after the footing inspection for the structure has occurred or as follows:

- Double Wide Mobile Home - ***14 calendar days after the home is set on the site in its permanent location.***
- Single Wide Mobile Home - ***14 calendar days after the home is set on the site in its permanent location.***

### C. Prohibition on Inspections

***No inspections shall be provided by the Pender County Inspection Department on a structure after the “foundation inspection” unless the Foundation Survey is complete. No inspection will be provided on a mobile home until the Foundation Survey is complete.*** The Inspections Department shall place a stop work order on any construction when the foundation verification is not submitted when required and shall not provide an occupancy permit or any authorization for power connection until the required foundation survey verification is submitted and approved by the Zoning Administrator or their designated representative.

### D. Exceptions to Survey Requirements

A foundation survey will not be required in the following circumstances:

1. For a structure erected on a bona fide farming operation.
2. For individual mobile homes located in a mobile home park.
3. For structures when the approved site plan shows the set backs to be double those required by this ordinance and a building inspector upon visit to the site can observe and confirm that the structure has been located as shown on the site plan. The inspector shall verify his observation by providing a signed copy of the site plan or a permit for the structure to the Zoning Administrator. Other form of certification satisfactory to the Building Inspections Director and Zoning Administrator may be provided.
4. For structures when the conditions noted below are met and a building inspector upon visit to the site can observe and confirm that the structure has been located as shown on the site plan. The inspector shall verify his observation by providing a signed copy of the site plan or a permit for the structure to the Zoning Administrator. Other form of certification satisfactory to the Building Inspections Director and Zoning Administrator may be provided. The following conditions must be met for this exception to apply:
  - a. Site plan approved by Zoning Administrator and Environmental Health shows front yard set

backs to be 10 feet above minimum required and side and rear yard set backs to be 5 feet above minimum required and is available at site.

- b. A survey map of the site showing the property corners is available at the site.
- c. The permanent property corners are clearly marked and flagged so as to be visible from the structure.
- d. The owner or his representative is available at the site to provide measurements if necessary to confirm structure location.

## **GENERAL ZONING REQUIREMENTS**

### SECTION 9.8 BUILDING SETBACK LINES ALONG MAJOR & MINOR THOROUGHFARES

Pursuant to G.S. 153A-326 and the Pender County Thoroughfare Plan (As adopted by Pender County and NCDOT February 1998), Pender County designates a principal structure setback from the right of way line for all lots created after November 16, 2003, along streets designated as a Major, Minor, Arterial or Collector and listed below. These setbacks shall apply in all zoning districts to principal buildings for all types of developments and uses located on lots created after November 16, 2003. Streets to which the requirement applies and the minimum setbacks are as follows:

<b>STREET/ROAD</b>	<b>SETBACK</b>	<b>STREET/ROAD</b>	<b>SETBACK</b>
<b>I-40</b>	<b>100'</b>	<b>US 17 Hwy</b>	<b>100'</b>
<b>US 421 Hwy</b>	<b>100'</b>	<b>NC 210 Hwy</b>	<b>100'</b>
<b>NC 53 Hwy</b>	<b>100'</b>	<b>US 117 Hwy</b>	<b>100'</b>
<b>NC 11 Hwy</b>	<b>100'</b>	<b>NC 50 Hwy</b>	<b>100'</b>
<b>NC 133 Hwy</b>	<b>100'</b>	<b>Island Creek Rd. (S.R. 1002)</b>	<b>50'</b>
<b>Horse Branch Rd.</b>	<b>50'</b>	<b>Penderlea Hwy (S.R. 1332)</b>	<b>50'</b>
<b>Malpass Corner Rd. (S.R. 1120)</b>	<b>50'</b>	<b>Willard Rd. (S.R. 1001)</b>	<b>50'</b>
<b>Sidbury Rd. (S.R. 1572)</b>	<b>50'</b>	<b>Shaw Hwy.</b>	<b>50'</b>
<b>Highsmith Rd.</b>	<b>50'</b>	<b>Watha Rd.</b>	<b>50'</b>
<b>Johnson Nursery Rd.</b>	<b>50'</b>	<b>Little Kelly Rd.</b>	<b>50'</b>
<b>Ashton Rd.</b>	<b>50'</b>	<b>New Rd.</b>	<b>50'</b>
<b>Old River Rd.</b>	<b>50'</b>	<b>Stag Park Rd.</b>	<b>50'</b>
<b>Piney Woods Rd. (West to US 421)</b>	<b>50'</b>	<b>Coras Grove Rd.</b>	<b>50'</b>
<b>Old Savannah Rd.</b>	<b>50'</b>		

This setback requirement applies to principal structures only and not accessory structures of any size.

SECTION 8.10 SCHEDULE OF DISTRICT REQUIREMENTS

	PD (1)	R-20C	R-20	R-15	R-10	RT	RA	FA	B-1	B-2	B-3	I-1	I-2	A	WS All
Lot Size (sq.ft. or noted) (11)	(2)	20,000	20,000	15,000	10,000	20,000	1 acre (16)	20,000	1 acre	½ acre	½ acre	1 acre	1 acre	1 ac.	2 acres
Usable Lot Area (18)	(17)	95%	95%	100%	100%	95%	55%	95%	95%	95%	95%	NA	NA	NA	50%
Lot Size (duplex) (11)		30,000	30,000	25,000	15,000	30,000	<del>30,000</del> 60,000	30,000							NA
Min. Area (rezoning)	5 acres	NA	10 acres	NA	NA	10 acre	NA	NA	1 acre	5 acres	3 acres	5 ac.	5 ac.	10 ac.	NA
Min. Lot Width-Ft	50	90	90	80	70	100	100	100	100	100	100	100	100	100	150
Min. Chord Length at ROW line for “cul de sac’s”	25	45	45	35	30	45	45	45							NA
Min. Front Yd.-Ft. (10)(14)(19)	25	30	30	25	25	40	40	40	100	100 (3)	100 (3)	100	100	25	100
Min. Side Yard-Ft (5) (10)(19)	10 (4)	20	20	15	10	20	20	20	25	25	25	25	25	20	30
Min. Rear Yard-Ft (10)(19)	15	25	25	20	20	30	30	30	25	25	25	25	25	30	40
Max. Height-Ft (6)	35	35	35	35	35	35	35	35	35	35	35	35	35	35	35
Min. Req. Structure Separation (19)	20	30	30	30	30	40	40	40	50	50	50	NA	NA	30	50
Buffer required (see Sec 14)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Min. Parking Spaces per unit	1.5	2	2	2	2	2 (7)	2 (7)	2 (7)	(7)	(7)	(7)	(7)	(7)	(7)	2
Density per acre	12 (8)														NA
Lot Coverage (13)															24%

(1) See Density Standards Established by Planning Board.

(2) To be determined by Planning Board at development stage.

(3) See Sections 12.2 and 8.6 E: Pre-Existing lots of record on July 5, 1988 in the B-2 district shall be permitted a minimum front yard set back or building line set back of sixty five feet (65'). Rev. (2-13-95)

(4) Side line for “zero lot line” projects shall be in accordance with subsection 10.5 of this ordinance. Side line for “zero lot line” projects in business districts shall be in accordance with subsection 10.5 of this ordinance.” Rev. (12-18-95)

- (5) Section 7.8 requires minimum side yards for corner lots and applies to all lots, even prerecorded lots of record (“grandfathered lots”): 7.8 Corner Lots: A principal structure located on a corner lot shall be required to have the minimum front yard setback from the front property line according to the district in which it is located and a minimum side yard setback from the right-of-way as follows: 1. Twenty (20) feet in R10, R15, R20, RA, and PD Districts. 2. Twenty-five (25) feet in B1, B2, I1, and I2 Districts. Corner lots on a street with setback requirements under Section “9.8 Building Setback Lines Along Major and Minor Thoroughfares” must meet the requirements of that Section. Section 9.8 does not apply to lots recorded prior to November 17, 2003.
- (6) Note: The Board of Adjustment may grant approval of construction where heights are greater than those listed in the District Requirements in any area. See also Section 10.3.
- (7) See Section 13, off street parking and loading.
- (8) Multifamily and Cluster Developments Maximum land coverage by buildings is 30% and minimum land area for common space is 50% including recreation excluding estuarine waters, wetlands and environmentally sensitive areas.
- (9) See Section 12.2 “Use of Nonconforming Lots” for set back and area requirements for lots of record.
- (10) See also set back requirements in Section 7.2B, 9.6, 9.7, 9.8, 10.2 & 14.3. Set backs must be calculated from the edge of any access easement.
- (11) See lot area calculations in Section 7.7, New Lots. Roads or access easements cannot be included in lot area.
- (12) Foundation Survey-A foundation survey by a professional surveyor may be required to confirm compliance with the requirements of this Section(8.10) (See Section 3.3 of the Zoning Ordinance).
- (13) See Definitions-Lot Coverage is defined as the area of a lot or parcel covered by impervious materials, including but not limited to, buildings, pavement, gravel areas, parking areas, roads, etc. This requirement applies to Watershed Districts Only.
- (14) See section 9.8 “Setbacks Along Major Thoroughfares” for front yard setback along major roads.
- (15) See ZI 36.
- (16) See Section 9.15 for additional **Open Space Requirements for Mobile Home Parks in the RA Zone.**
- (17) 95% of required lot area for single family and 95% of the total development other than reserved and restricted (by recorded plat) open space for non single family uses ( see definition of Usable Lot Area in Section 2) .
- (18) See Definition Section: Usable Lot Area is defined as the required portion of the minimum lot size that does not include hydric soils, regulated wetlands or floodway areas.
- (19) See Supplementary District Regulations Section: This Section provides for Accessory Buildings of less than 600 sq. ft. to be located in any required yard space as long as they are 10’ from any property line or any other building. The “Setbacks Along Major Thoroughfares” requirement in Section 9 does not apply to any accessory structure, regardless of size.