

# Pender County Planning and Community Development

## Planning Division

805 S. Walker Street  
PO Box 1519  
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## Long Boat Estates HOA, Inc. Boat Ramp Special Use Permit

**Case Number:** SUP 2024-45

**Application Type:** Special Use Permit

**Applicant:** Long Point Estates HOA, Inc.

**Owners:** Long Point Estates HOA, Inc.

**Location:** The subject properties are located along the Intracoastal Waterway on Hughes Road approximately 500 feet northeast of the intersection of Hughes Road and Washington Acres Road in the Topsail Township.

**Property ID #(s):** 3291-07-5002-0000, 3291-07-4166-0000

**Description:** Long Point Estates HOA, Inc., applicant & owner, is requesting the approval of a revision to a previously issued Special Use Permit (Case SUP 2023-44). The previous Special Use Permit allowed the expansion of a community boating facility, which included the addition of new dock with five boat slips bringing the total number of boat slips on site to ten. The revision seeks to allow a limited number of Hammock Watch and Greystone residents to utilize the Long Point Estates community boat ramp. The use is proposed on approximately 1.97 acres within the RP, Residential Performance zoning district.

**Current Zoning:** RP, Residential Performance

### Technical Review Committee Meeting

N/A

### Board of County Commissioners Meeting

7/15/2024

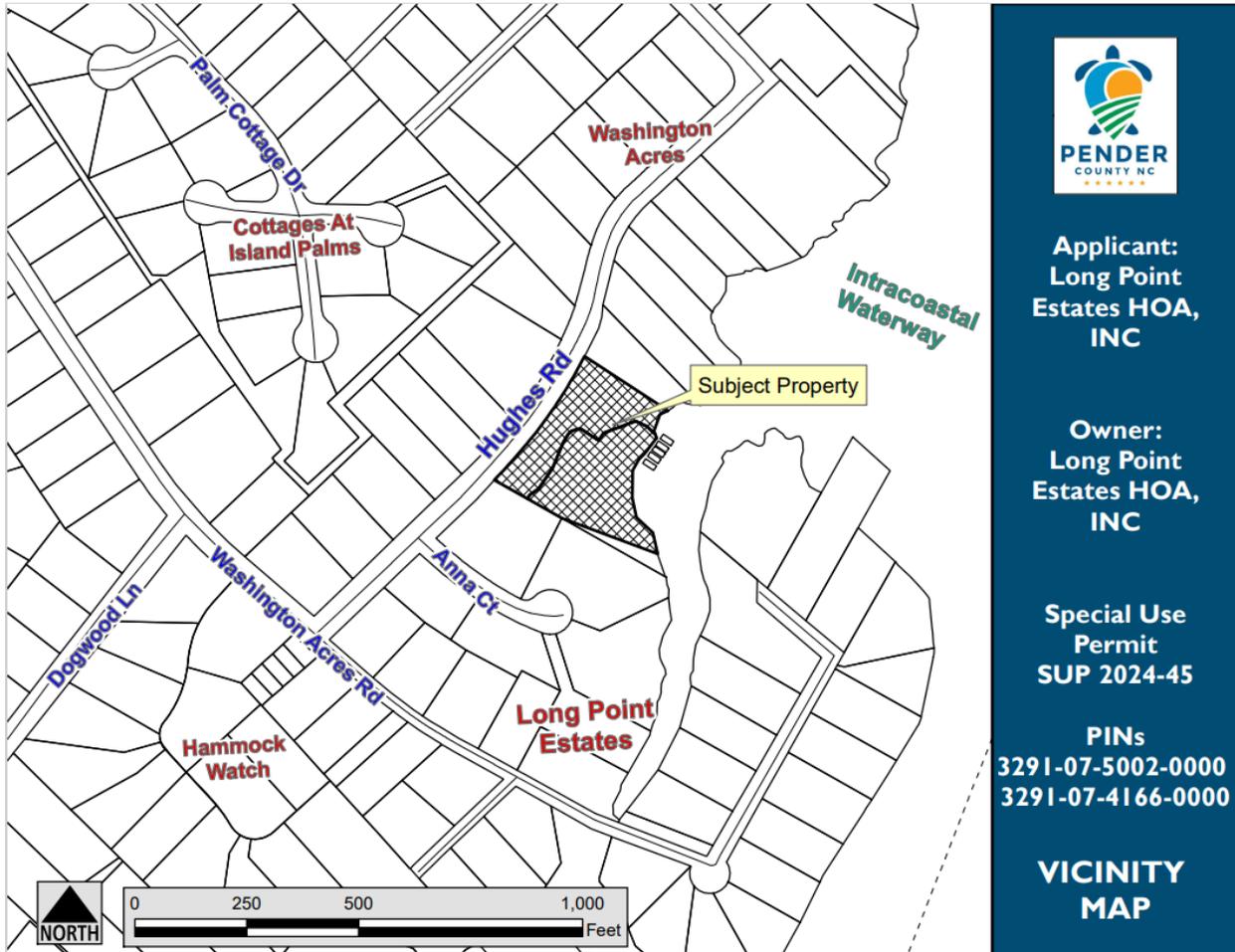
**Included:** Application Materials, Application Package, Narrative, Site Plan

# STAFF REPORT FOR SUP 2024-45 SPECIAL USE PERMIT REVISION APPLICATION

APPLICATION SUMMARY	
Case Number	SUP 2024-45 (Revision to SUP 2023-44)
Hearing Date	July 15 <sup>th</sup> , 2024 Board of County Commissioners
Applicant	Long Point Estates HOA, Inc.
Property Owners	Long Point Estates HOA, Inc.
Parcel Identification Numbers	3291-07-5002-0000 3291-07-4166-0000
Acreage	1.97
Township	Topsail
Zoning District	RP, Residential Performance
Pender 2.0 Future Land Use Category	Coastal Residential

SPECIAL USE PERMIT PROPOSAL
<p>Long Point Estates HOA, Inc., applicant &amp; owner, is requesting the approval of a revision to a previously issued Special Use Permit (Case SUP 2023-44). The previous Special Use Permit allowed the expansion of a community boating facility, which included the addition of new dock with five boat slips bringing the total number of boat slips on site to ten. The revision seeks to allow a limited number of Hammock Watch and Greystone residents to utilize the Long Point Estates community boat ramp. The use is proposed on approximately 1.97 acres within the RP, Residential Performance zoning district.</p>
LOCATION
<p>The subject properties are located along the Intracoastal Waterway on Hughes Road approximately 500 feet northeast of the intersection of Hughes Road and Washington Acres Road in the Topsail Township and may be further identified by Pender County PINs 3291-07-5002-0000 and 3291-07-4166-0000.</p>

Below: Vicinity Map



Applicant:  
Long Point  
Estates HOA,  
INC

Owner:  
Long Point  
Estates HOA,  
INC

Special Use  
Permit  
SUP 2024-45

PINs  
3291-07-5002-0000  
3291-07-4166-0000

VICINITY  
MAP

## SPECIAL USE PERMIT PROPOSAL AND BACKGROUND

The applicant is seeking to revise a previously issued Special Use Permit (Case SUP 2023-44) to allow residents of the Hammock Watch and Greystone communities to utilize an existing community boating facility, specifically the boat ramp, in the Long Point Estates Community. Special Use Permit Case SUP-2023-44 was approved on December 4<sup>th</sup>, 2023 and allowed the addition of a new pier and dock that consisted of five boat slips. This brought the total number of boat slips on-site to ten. According to the applicant, this was to accommodate the five remaining homeowners within the Long Point Estates Community without access to the waterway.

Currently ten boat slips are in place as well as a boat ramp. Currently the applicant is seeking to allow limited residents of the nearby Hammock Watch and Greystone communities to utilize the boat ramp on the property. See attached **Application, Project Narrative, site plan, and illustrations of the communities in question** in the Board's Packet. Also, see the Board Order from the previous Special Use Permit Approval as **Attachment 1**.

The initial five boat slips were established in 2009 prior to the adoption of the current Pender County Unified Development Ordinance (UDO). Under the current UDO, the additional 5 slips were approved. Under the previous Pender County Zoning Ordinance, a private pier consisting of 5 or fewer boat slips was allowed by right without special approval. Under today's ordinance Community Boating Facilities are defined as follows:

**COMMUNITY BOATING FACILITY:** A private, nonprofit boating facility with navigable water frontage which includes a dock, pier, and/or launching ramp which is intended to serve five (5) or more residential units. Must be owned/controlled by a Homeowners Association (HOA) or any type of development association or collective owners group where more than one family has privileges to use facility. Commercial activities of any kind, including commercial letting of slips to parties that are not residents of the association or development, shall be prohibited.

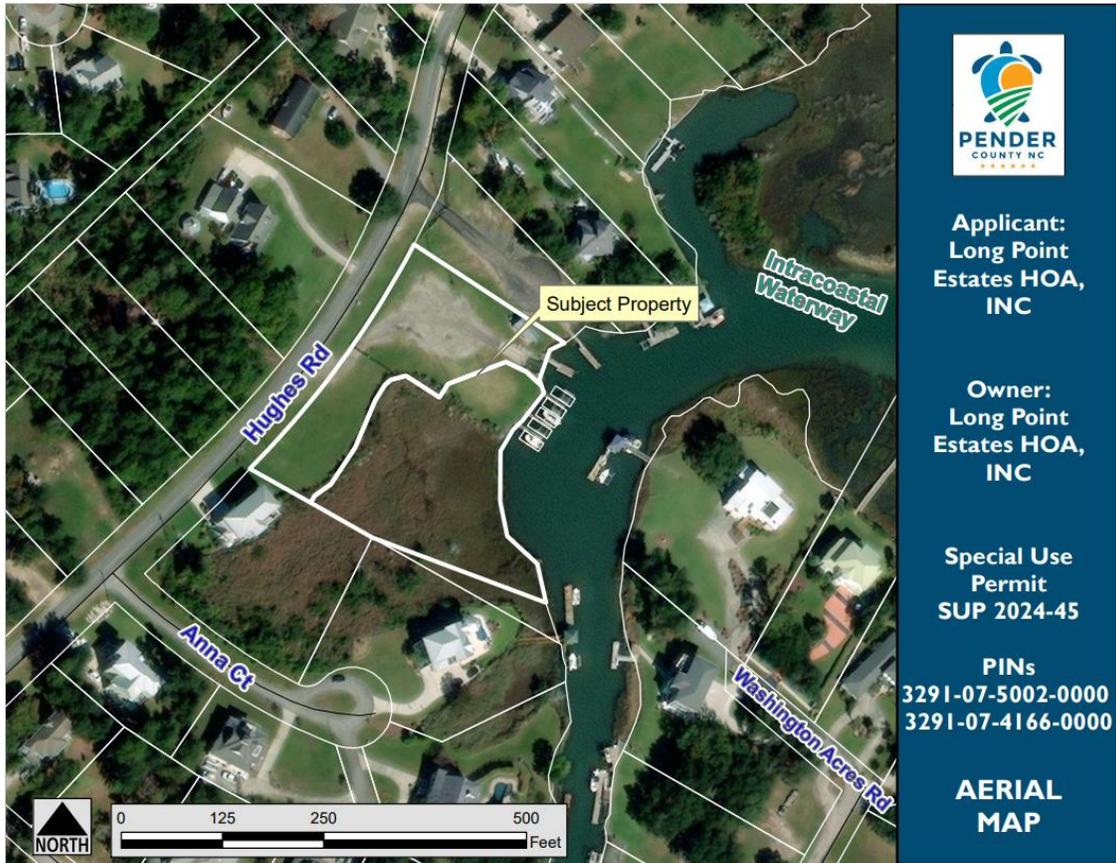
In addition, Section 5.3.12, Miscellaneous Uses, of the UDO provides additional limitations for the proposed uses in Part C as follows:

#### C. Community Boating Facility

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

Under the current UDO, Community Boating Facilities are required to be included as part of an approved Master Development Plan or are obtained through the Special Use Permit process where allowed. The UDO provides that any type of development association or collective owners group can qualify to use a Community Boating Facility. A Memorandum of Understanding between Long Point Estates, Hammock Watch, and Greystone is provided as **Attachment 2**. Also, see **Attachment 3** for rules of the usage of the boat ramp and proposed permit for users.

Below: Aerial Map



*Below: Applicant's Site Plan*



Figure 1: Previously Proposed Dock and Approved Piers now constructed.

### Hours of Operation

No specific hours of operation are proposed.

### Access

The site is accessed using Hughes Road. As an addition to an already established private pier and boat ramp, there should be no need for additional access points. However, emergency vehicle access will be assessed to ensure adequate ingress/egress is available.

### Traffic

A Traffic Impact Analysis (TIA) is not anticipated as the proposed use is estimated to generate less than 100 trips in the morning and evening peak hours and less than 1,000 trips per day. Any required road improvements would be constructed to NCDOT standards. Based on the trip generation of the 11th Edition ITE Trip Generation Manual, a TIA review is not required.

No traffic counts are available in the vicinity of the subject properties. The boat slips will be limited to the use of residents within Long Point Estates with the boat ramp to be utilized by limited residents of the Hammock Watch and Greystone communities, therefore there will likely be no substantial increase in traffic. However, it is important to note that this facility is within walking or biking distances of nearby residences that utilize said facilities.

#### *Estimated Vehicular Trip Counts*

Land Use (ITE Code)	Intensity	Unit	24 Hour Volumes	Saturday Peak Hour Trips	Sunday Peak Hour Trips
<b>Existing:</b> ITE 420 Marina	5	Berths	12	1	2
<b>Proposed:</b> ITE 420 Marina	10	Berths	24	2	3
<b>Total</b>			+12	+1	+1

### Signage

Signage is not being proposed currently. Any proposed signage shall be required to be in conformance with the standards outlined in Article 9 of the Unified Development Ordinance.

### Utilities

According to the applicant, the property is located on an improved public road with sufficient access to the site. There is also sufficient infrastructure currently in place to accommodate the proposed low intensity use of the existing residential boating facility.

### Landscaping and Buffers

No new facilities are proposed. Furthermore, additional vegetative screening would obscure water views of nearby residences.

ENVIRONMENTAL CONCERNS	
Special Flood Hazard Areas	The subject property does contain Special Flood Hazard Areas <sup>1</sup> .
Wetlands	Portions of the subject property may contain wetlands <sup>2,3</sup> . No Jurisdictional Determination for the U.S. Army Corps of Engineers has been submitted by the applicant, which will be required prior to any administrative 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 subject property does contain Areas of Environmental Concern along the waterway (AEC) <sup>4</sup> .

<sup>1</sup> According to the effective regulatory and preliminary Flood Insurance Rate Maps NC Flood Risk Information System (NC FRIS)

<sup>2</sup> According to the NC Division of Coastal Management (NC DCM)

<sup>3</sup> According to the National Wetlands Inventory (NWI)

<sup>4</sup> According to the North Carolina Department of Environmental Quality (NCDEQ)

## EVALUATION

### Basis for Granting SUP

Approval and revocation procedures for Special Use Permits are in Sections 3.12.3 and 3.12.4 of the Pender County Unified Development Ordinance. **See Attachment 4.**

### Zoning and Existing Land Use in Area

There is currently one picnic shelter/pavilion on site as well as a boat ramp and an existing dock with five boat slips. Much of the immediately surrounding area consists of single-family residential uses, as well as a boat ramp serving another community directly to the north.

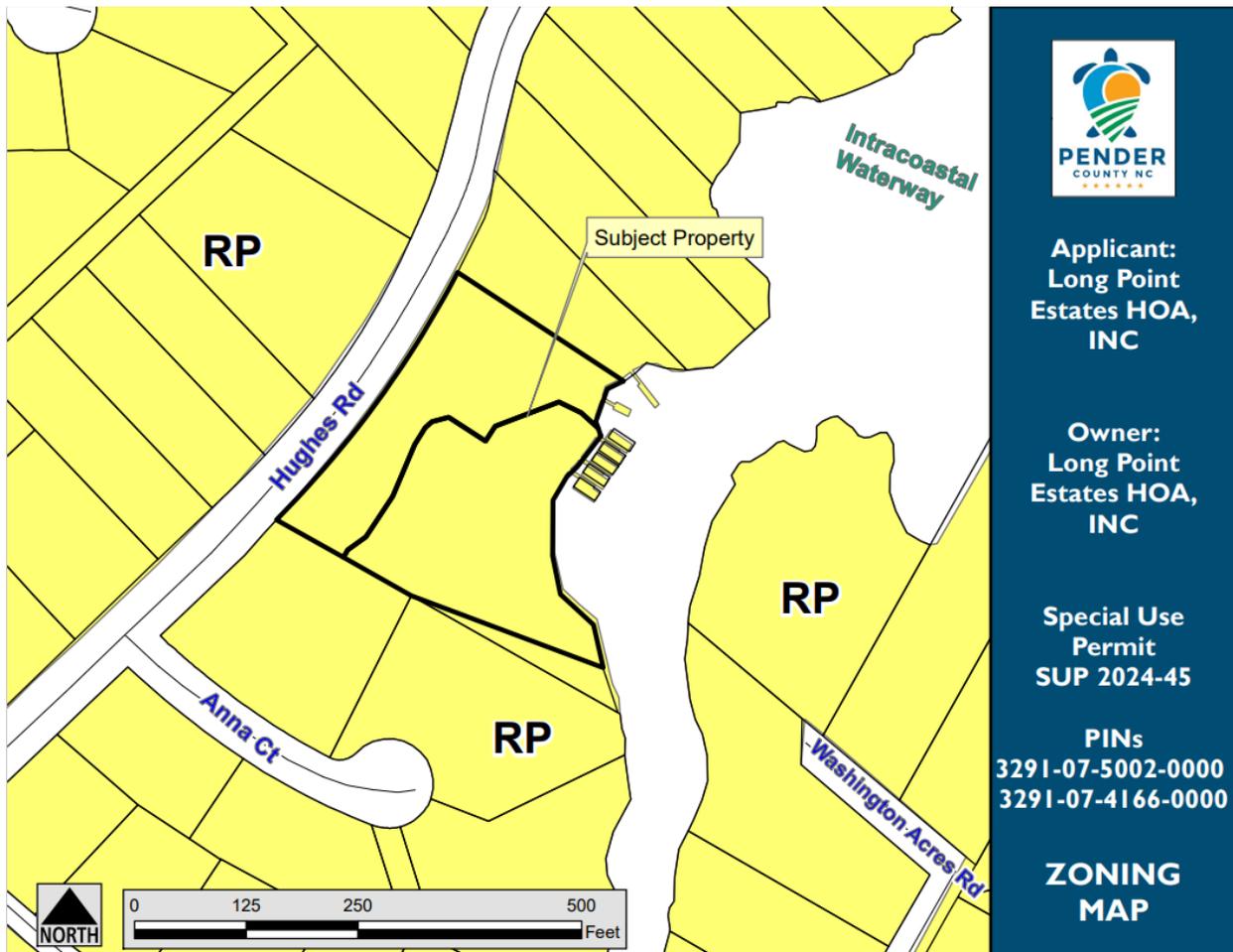
CHARACTERISTICS OF THE SURROUNDING AREA		
	LAND USE	ZONING
North	Residential, Boat Ramp	RP, Residential Performance
East	Residential, Waterway	RP, Residential Performance
South	Residential	RP, Residential Performance
West	Residential, Vacant	RP, Residential Performance

**Unified Development Ordinance Compliance**

The subject property is zoned RP, Residential Performance zoning district and according to Section 5.2.3, Table of Permitted Uses, of the UDO, a Community Boating Facility is permitted in this zoning district via Special Use Permit.

Use Type	Ref NAICS	Zoning Districts									
		RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Community Boating Facility		SD	SD	SD	SD	SD					

*Below: Zoning Map of the Area*



  
**PENDER COUNTY NC**

**Applicant:**  
 Long Point Estates HOA, INC

**Owner:**  
 Long Point Estates HOA, INC

**Special Use Permit**  
 SUP 2024-45

**PINs**  
 3291-07-5002-0000  
 3291-07-4166-0000

ZONING MAP

## **Pender 2.0 Comprehensive Land Use Plan Compliance**

The Pender 2.0 Comprehensive Land Use Plan designates the subject property as Coastal Residential. Supporting the County's coastal character and natural habitat is a top priority for Pender County residents. To more appropriately preserve the County's coastal character, the Coastal Residential future land use category is established. Coastal residential land uses are located east of the US 17 corridor and generally within a half-mile of estuarine waters such as coastal creeks and the Intracoastal Waterway. Appropriate uses include single-family residences, community recreation and open space uses, and water-based recreation uses (public and private). Unencumbered access to public trust coastal waters and maximum development setback from the shoreline is highly encouraged. Clustering of new communities is encouraged. To support adjacent coastal surface water quality, low impact development (LID) is encouraged. In general, lots should maximize pervious surfaces. Tree preservation and mitigation is required for stormwater purposes and as a means of preserving the coastal habitat. Development density within this category is three dwelling units an acre or less. Water and sewer service are typically available in these areas.

### **Desired Uses:**

- Single-family dwellings – detached
- Recreation, parks, and open space

### **Inappropriate Uses:**

- Single-family dwellings – attached
- Multi-family residential uses
- Commercial, office, and institutional development
- Industrial development

### **Transportation Infrastructure:**

- Automobile: Collector (local, minor) and local roads
- Pedestrian: 5 foot sidewalks
- Cyclist: bicycle lanes and multi-use paths

Planning staff finds the proposed request to be **consistent** with the Future Land Use Map (FLUM) classification for the property as it is designated Coastal Residential. The proposed revision to the previously issued Special Use Permit falls under the desired use of recreation, parks, and open space.

Below: Future Land Use Map of the Area



The request was found to be consistent with the following policies which support the request as the proposed use is considered an expanded amenity to an existing residential community.

**Policy 5.1.X: Coastal Residential Development:** The County supports the protection of existing coastal single-family residential neighborhoods and property values by encouraging low-impact development principles, impervious coverage thresholds, public trust access, and preservation of tree canopy.

**Policy 5.1.HH: Recreational Development:** The County encourages and supports expansion and preservation of public and private recreational lands.

The proposed recreational use is consistent with the above policies and future land use designation as it is intended to increase water access for residents of the Long Point Estates, Hammock Watch and Greystone communities.

## PROPOSED CONDITIONS

### **Conditions to Consider in Issuing a Special Use Permit for this Project.**

1. The project shall comply with all requirements of the Pender County Unified Developed Ordinance.
2. The obligations imposed by this permit will be the responsibility of the property owner and shall continue in effect for the duration of this permit.
3. The applicant shall meet all other local, state, and federal regulations.
4. Any violations of the conditions of this permit, confirmed by the Zoning Administrator shall result in the pursuit of revocation actions pursuant to N.C.G.S. 160D-403(f), if not corrected within 30 days of receipt of the notice of violation.
5. Unless a request for additional time is granted or approved otherwise as a condition of the permit, a Special Use Permit shall expire and become void if final Zoning Approval has not been issued for the project within 24 months after the Notice of Approval of the Special Use Permit has been served on the applicant.

# **APPLICATION PACKAGE**

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## Special Use Permit Submission

Applications will be considered for the Board of County Commissioners hearing and reviewed 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 \_\_\_\_\_ 5/29/24
2. \_\_\_\_\_ **Signed Application**
3. \_\_\_\_\_ **Payment**  
\$300 for the first 5 acres; \$10 per acre over 5 acres of the project area
4. \_\_\_\_\_ **Site Plan**  
All Site Plans submitted must be in accordance with Section 3.12.2 of the Unified Development Ordinance.
5. \_\_\_\_\_ **Digital Submission**  
For all documents submitted in paper copy, bring a digital copy with paper submission.
6. \_\_\_\_\_ **Adjacent Property List**  
The applicant shall provide to the Administrator a list of names and addresses of the owners of all properties located within 500-feet of the perimeter of the project bounds along of the property under consideration.
7. \_\_\_\_\_ **Adjacent Property Envelopes**  
The applicant shall provide one (1) set of #10 envelopes with typed addresses to each person on the owners of all properties located within 500-feet of the perimeter of the project bounds and accompanied with the required amount for first class postage.
8. \_\_\_\_\_ **Project Narrative**  
A description of the proposed Special Use Permit including response to the standards set forth in Section 3.12.3.G of the Unified Development Ordinance.

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

Signature of Applicant Terry Williams

Date 06/07/24

Printed Name Terry Williams, Secretary for LPE, HOA, Inc Staff Initials:

Date:	<u>JB</u> <u>6/24/24</u>
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## **SPECIAL USE PERMIT APPLICATION**

### **GENERAL**

1. An applicant shall be required to schedule a pre-submittal meeting with the Administrator at least thirty (30) days prior to submission of an application.
2. Any information the applicant wishes to submit to assist in making the above findings may be included as part of the Project Narrative or as a supplement labeled "Support Information-Required Findings" (max. 1 page).
3. Where construction, location or relocation is proposed to be done upon a residence, place of business or place of public assembly, no permit required for electrical, plumbing, heating, air conditioning or other construction, location or relocation activity under any provision of general or special law shall be issued until an authorization for wastewater system construction has been issued under G.S. 130A-336 or authorization has been obtained under G.S. 130A-337(c).

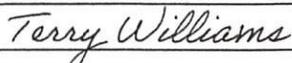
### **APPROVAL STANDARDS**

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

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

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

## APPLICATION FOR SPECIAL USE PERMIT

THIS SECTION FOR OFFICE USE			
Application No.	SUP 2024-45	Date	06/10/2024
Application Fee	\$ 300.00	Invoice Number	00041043
Pre-Application Conference	05/24/2024	Hearing Date	7/15/2024
<b>SECTION 1: APPLICANT INFORMATION</b>			
Applicant's Name:	Long Point Estates HOA, Inc.	Owner's Name:	Long Point Estates HOA, Inc.
Applicant's Address:	PO Box 12051	Owner's Address:	PO Box 12051
City, State, & Zip	Wilmington, NC 28405	City, State, & Zip	Wilmington, NC 28405
Phone Number:	910-508-7476 (c/o Applicant/Owner's Attorney Matt Nichols)	Phone Number:	910-508-7476 (c/o Applicant/Owner's Attorney Matt Nichols)
Email Address:	matt@mattnicholslaw.com	Email Address:	matt@mattnicholslaw.com
Legal relationship of applicant to landowner:	Same		
<b>SECTION 2: PROJECT INFORMATION</b>			
Property Identification Number (PIN):	3291-07-5002-0000 3291-07-4166-0000	Total property acreage:	Approx. 1.97 acres
Zoning Classification:	RP	Acreage to be disturbed:	N/A, use existing boat ramp and parking facilities
Water Provider:	NA	Wastewater Provider:	NA
Project Address:	719 Hughes Road.	NAICS Code:	713990
Description of Project Location:	Off Hughes Road in Hampstead, Pender County, North Carolina on Mill Creek		
Describe activities to be undertaken on project site:	Proposal to allow owners of lots in Hammock Watch and Graystone subdivisions to use Long Point Estates HOA's existing boat ramp and parking facility pursuant to a Community Boating Facility Special Use Permit.		
<b>SECTION 3: SIGNATURES</b>			
Applicant's Signature		Date:	06/07/24
Applicant's Printed Name:	Terry Williams, Secretary for Long Point Estates HOA, Inc.	Date:	06/07/24
Owner's Signature		Date:	06/07/24
Owner's Printed Name:	Terry Williams, Secretary for Long Point Estates HOA, Inc.	Date:	06/07/24
<b><u>NOTICE TO APPLICANT</u></b>			
<ol style="list-style-type: none"> <li>1. Applicant must also submit the information described on the Special Use Checklist.</li> <li>2. Applicant or agent authorized in writing must attend the public hearing.</li> <li>3. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Board of Commissioners or other authorized person agrees to table or delay the hearing.</li> <li>4. Applicant may wish to review the required findings for approval of a Special Use Permit found on page 1 of this application</li> <li>5. <b>Permit will become void after 12 months if a final zoning permit is not obtained, unless specifically requested at the time of public hearing.</b></li> </ol>			

# **SUP 2024-45**

## Narrative

### **Project Narrative:**

The Applicant/Property Owner, Long Point Estates HOA, Inc., is requesting a Special Use Permit in order to allow its existing community boat ramp and parking facility to be shared with two neighboring/nearby HOAs, Hammock Watch HOA and Graystone HOA.

On December 4, 2023, the Pender County Board of Commissioners approved Long Point Estates HOA's Special Use Permit request for a community boating facility to add five additional boat slips to Long Point Estates HOA's community dock. (Pender County SUP 2023-44). With this recent SUP approval in December 2023, all lots in the Long Point Estates HOA now have or will have a boat slip upon completion of the community dock expansion. Because all Long Point Estates HOA member now have either their own private docks or a boat slip at the Long Point Estates HOA community boating facility, Long Point Estates HOA existing community boat ramp—which is one of the few boat ramps (public or private) in this part of the County—is underutilized. Many residents in the area surrounding Long Point Estates have boats but do not have direct access to the water. Water/boating access for many residents in this area is achieved by towing a boat to a public boat ramp, either north or south along Highway 17.

The proposal to allow a limited number of Hammock Watch HOA and Greystone HOA residents to share in the use of the Long Point Estates HOA, Inc.'s community boat ramp presents an excellent opportunity to better utilize the existing boat ramp facility for the benefit of other area residents, reduce the number of boat-trailer trips along Highway 17, and reduce the demand on public boat ramps in the area.

The proposed use is consistent with the surrounding coastal area. The property adjacent to the north contains another community boat ramp and parking area (Washington Acres). The proposed SUP would not change or add any structures or change any use of the existing community boating facility. Long Point Estates HOA proposes to limit the number of additional users within the Hammock Watch HOA and Graystone HOA to a total of 40.

This site has direct access off of Hughes Road, which is an improved public secondary road. The Applicant Long Point Estates HOA's property consists of two adjacent parcels totaling approximately 1.97 acres with approximately 370 feet of combined shoreline along Mill Creek. As the proposed special use only pertains to the existing boating facility, it will not require additional water or sewer facilities.

### **Special Use Permit Criteria:**

**1) The use requested is listed among the special uses in the district for which application is made, or is similar in character to those listed in that district;**

The existing facility is a Community Boating Facility as defined in the Pender County UDO. Community Boating Facility is a use permitted by Special Use Permit in the RP district as illustrated in UDO Sec. 5.2.3 *Table of Permitted Uses*. The Applicant HOA already has an approved SUP for the existing facility and the current use.

**2) The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor adversely affect the safety, health, morals, or welfare of the community or of the immediate neighbors of the property;**

The proposed special use is entirely consistent with what currently exists in this location. Both adjacent properties have water and boat access structures. The property to the north has a boat ramp and parking for a different HOA (Washington Acres) and the property to the south contains the pier/dock structure belonging to Long Point Estates HOA. The subject property has a long shoreline with ample room to accommodate the existing and proposed uses. The proposed use will not interfere with any other properties. The proposed use will benefit the Hammock Watch HOA and Graystone HOA communities by allowing a direct water/boating access opportunity in close proximity to their homes.

**3) The proposed use shall not constitute a nuisance or hazard;**

The use of the proposed facility will be a continuation of its current customary and historic use. Subject to the Board of Commissioners' approval and conditions, the proposed SUP would accommodate up to 40 additional users from the Graystone and Hammock Watch HOAs. The proposed use will not create a nuisance or a hazard. The proposed use will reduce the number of boat-trailing trips on Highway 17 by allowing the Hammock Watch HOA and Graystone HOA communities a direct water/boating access opportunity in close proximity to their homes.

**4) The requested use will be in conformity with the Pender County Land Use Plan and other official plans, or policies adopted by the Board of County Commissioners;**

The subject property is classified Coastal Residential on the Future Land Use map. The Pender County 2.0 Comprehensive Land Use Plan ("Comprehensive Plan") states that in Coastal Residential areas "[a]ppropriate uses include single-family residences, community recreation and open space uses, and water-based recreation uses (public and private)." (Comprehensive Plan pg. 5-23). It further lists among the desired uses for this designation "[r]ecreation, parks, and open space". The proposal is consistent with this designation because it allows residents in Graystone and Hammock Watch to have better access to water-based recreation opportunities.

**5) Adequate utilities, access roads, drainage, sanitation or other necessary facilities have been or are being provided;**

The property is located on an improved public road with sufficient access to the site. Sufficient infrastructure is currently in place to accommodate the low-intensity use.

**6) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize the traffic congestion in the public roads;**

As the proposed use is limited to residents within the Long Point Estates, Hammock Watch and Graystone HOAs, no significant traffic impacts are anticipated. The proposed use will reduce the number of boat-trailer trips on Highway 17 for residents that would otherwise be seeking water/boat access via the public boat ramps in the area. The existing access off Hughes Road is sufficient for the proposed low-intensity use and expansion of the existing residential boat docking facility.

**7) That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located; and**

The special use will conform with all applicable regulations of the RP District. Additionally, the proposed use will meet the supplemental requirements listed in UDO Sec. 5.3.12.D specific to Community Boating Facilities as follows:

*C. Community Boating Facility*

*1) Must serve five (5) or more residential units and may include a dock, pier, ramp, or launching pad.*

The proposed use serves and would serve more than five residential units.

*2) No commercial activities of any kind shall be allowed within the confines of the facility.*

There are no proposed commercial activities proposed. The use of the boating ramp would be restricted to Long Point Estates residents and up to 40 residents of the Hammock Watch and Graystone neighborhoods under a shared use agreement.

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

**8) The proposed use shall not adversely affect surrounding uses and shall be placed on a lot of sufficient size to satisfy the space requirements of said use.**

The proposed use will have no adverse impact on surrounding uses. To the contrary, the proposed use will complement surrounding uses and will enhance the community by

offering residents of Graystone and Hammock Watch additional opportunities for water-based recreation consistent with the general area. The proposed use is consistent with the surrounding coastal area and properties and promotes recreational opportunities for single-family residential communities consistent with the Comprehensive Plan. The property to the north consists of a boating ramp and parking facility for Washington Acres HOA. The parcel to the south of the boat ramp/parking parcel is owned by the Applicant HOA and contains the Long Point Estates HOA's community pier and dock. The Subject Property has a long shoreline with ample room to accommodate the special use.

# **SUP 2024-45**

## Site Plan

2370.dwg

**CERTIFICATE OF ACCURACY & MAPPING**

I, Paul D. Talbot, do hereby certify that the plat was drawn under my supervision from previously recorded information. (Lead descriptions as noted and referenced) that the boundaries are not surveyed; that this plat was prepared in accordance with G.S. 47-30 as amended, without my original signature, license number and seal, on the 2nd day of August, A.D., 2010.

This survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exception to the definition of a subdivision.

**Preliminary**  
For Review Purposes Only  
Not for recordation,  
conveyances, or sales  
Paul D. Talbot P.L.S. L-4028



**NOTES**

- 1.) Boundary information taken from Map Book 38 Page 47, Map Book 48 Page 123, Map Book 52 Page 28, Map Book 54 Page 123.
- 2.) This map is drawn to show the proposed boat slips for Long Point Estates HOA, Inc and is for illustrative purposes only.

**PARCEL IDENTIFIER CERTIFICATE**

Parcel boundaries have been checked for all parcels shown on this plat.

Tax Supervisor \_\_\_\_\_

Date \_\_\_\_\_

Parcel Id: 3291-07-6003-0000

**REVIEW OFFICER CERTIFICATE**

I, \_\_\_\_\_, Review Officer of Pender County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

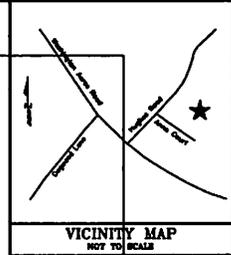
Review Officer \_\_\_\_\_

Date \_\_\_\_\_

**CERTIFICATE OF REGISTRATION BY THE REGISTER OF DEEDS**

STATE OF NORTH CAROLINA  
PENDER COUNTY  
Filed for registration on the \_\_\_\_\_ day of \_\_\_\_\_, 2022 at \_\_\_\_\_ o'clock \_\_\_\_\_ a.m.  
and duly recorded in Map Book \_\_\_\_\_ of Page \_\_\_\_\_  
\_\_\_\_\_  
Register of Deeds

BY: \_\_\_\_\_  
Deputy / Assistant



**VICINITY MAP**  
NOT TO SCALE



**Preliminary**  
For Review Purposes Only  
Not for recordation,  
conveyances, or sales

Owner:  
Long Point Estates HOA, Inc  
P.O. Box 18201  
Wilmington, NC 28405

**EXHIBIT**  
MAP OF  
**Long Point Estates HOA, Inc.**

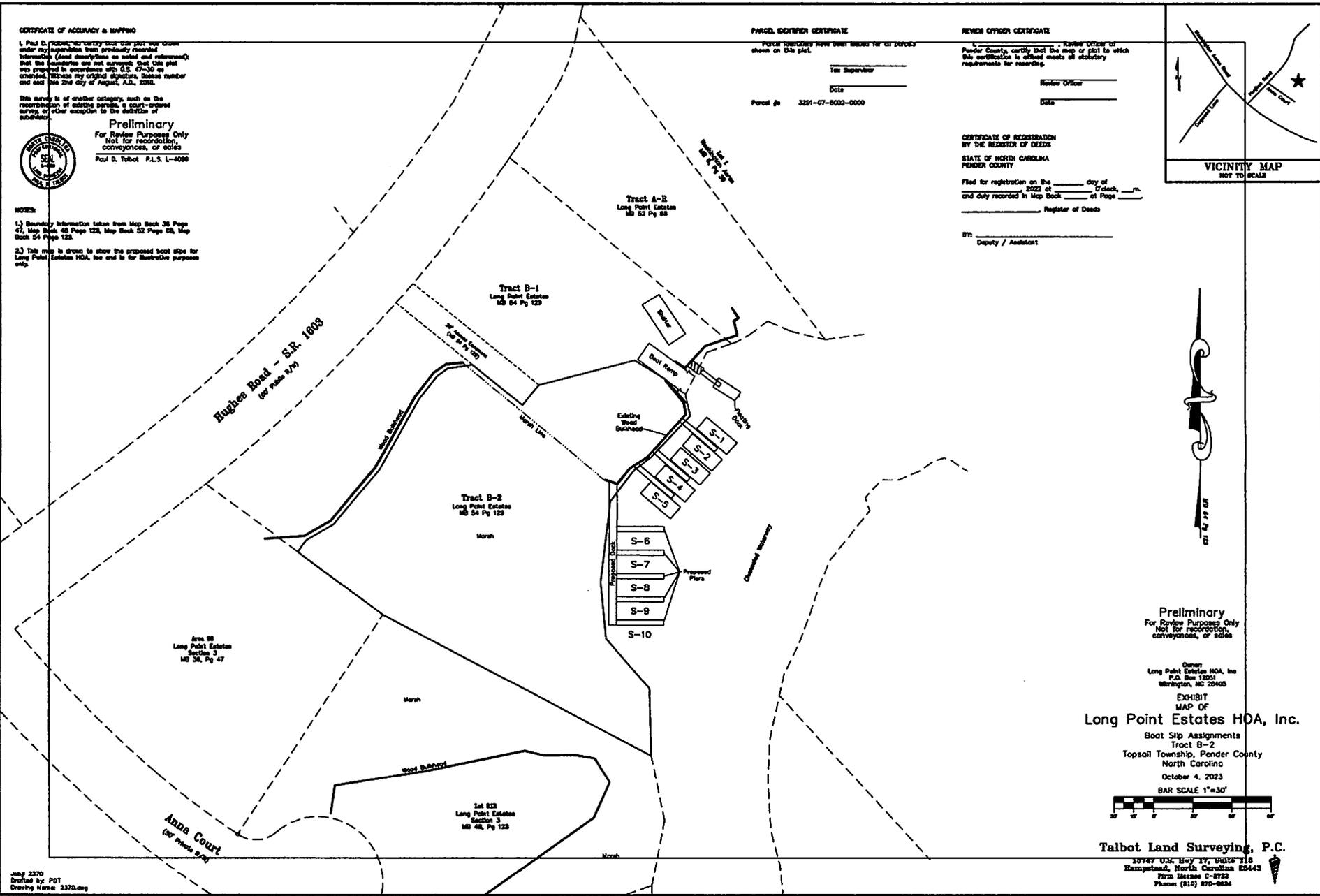
Boat Slip Assignments  
Tract B-2  
Topsail Township, Pender County  
North Carolina

October 4, 2023  
BAR SCALE 1"=30'



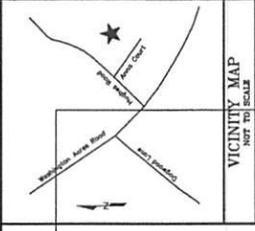
**Talbot Land Surveying, P.C.**

10909 US-17, SUITE 118  
HARRISLAND, North Carolina 28443  
Firm License C-8722  
Phone: (910) 870-0834



2370.dwg

July 2370  
Drafted by: PDT  
Drawing Name: 2370.dwg



NOTES:  
 1.) Boundary information taken from Map Book 36, Page 47, Map Book 48, Page 128, Map Book 82, Page 10, Map Book 54, Page 125.  
 2.) This map is shown as is and the proposed boat ramp is shown as is. It is not to be used for any other purpose.

**Preliminary**  
 For Review Purposes Only  
 Not for recordation,  
 conveyance, or sales

**Preliminary**  
 For Review Purposes Only  
 Not for recordation,  
 conveyance, or sales

Owner:  
 Long Point Estates HOA, Inc  
 1000 N. 1st St.  
 Washington, NC 27885

EXHIBIT  
 MAP OF  
**Long Point Estates HOA, Inc.**  
 Boat Slip Assignments  
 Tract B-2  
 Topsail Township, Pender County  
 North Carolina  
 November 13, 2023  
 BAR SCALE: 1"=30'

Long Point Estates HOA, Inc  
 1000 N. 1st St.  
 Washington, NC 27885



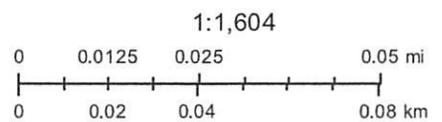
**Talbot Land Surveying, P.C.**  
 1000 N. 1st St.  
 Hampstead, North Carolina 28443  
 Firm License C-5722  
 Phone: (919) 875-9844

Job# 2370\_P01  
 Drawing Name: 2370.dwg

# Pender County



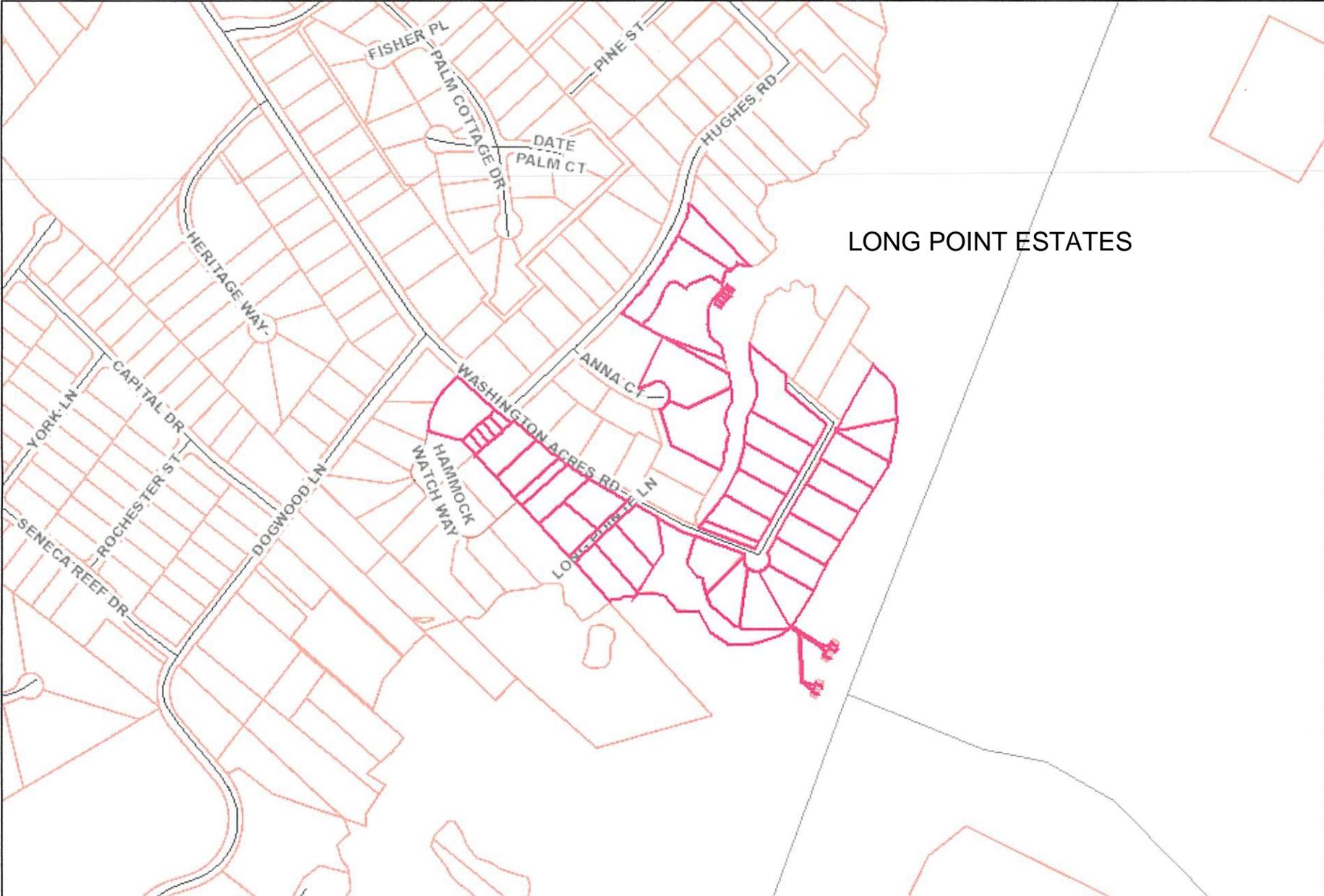
June 7, 2024



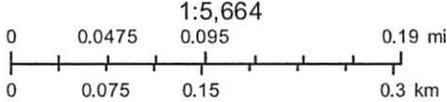
# **SUP 2024-45**

## Communities Overview

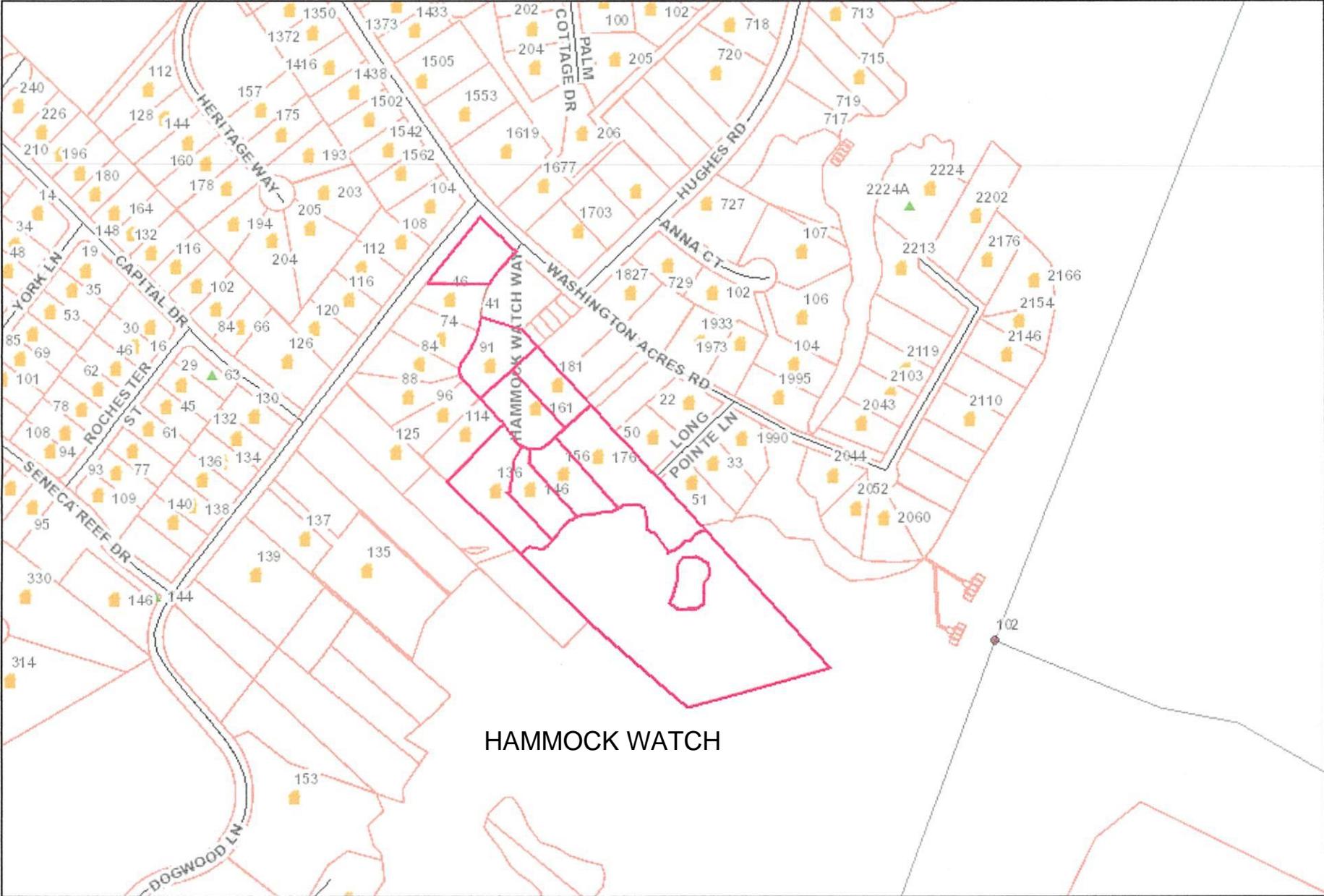
# Pender County



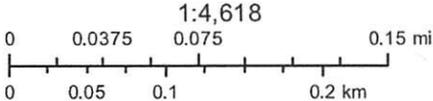
June 7, 2024



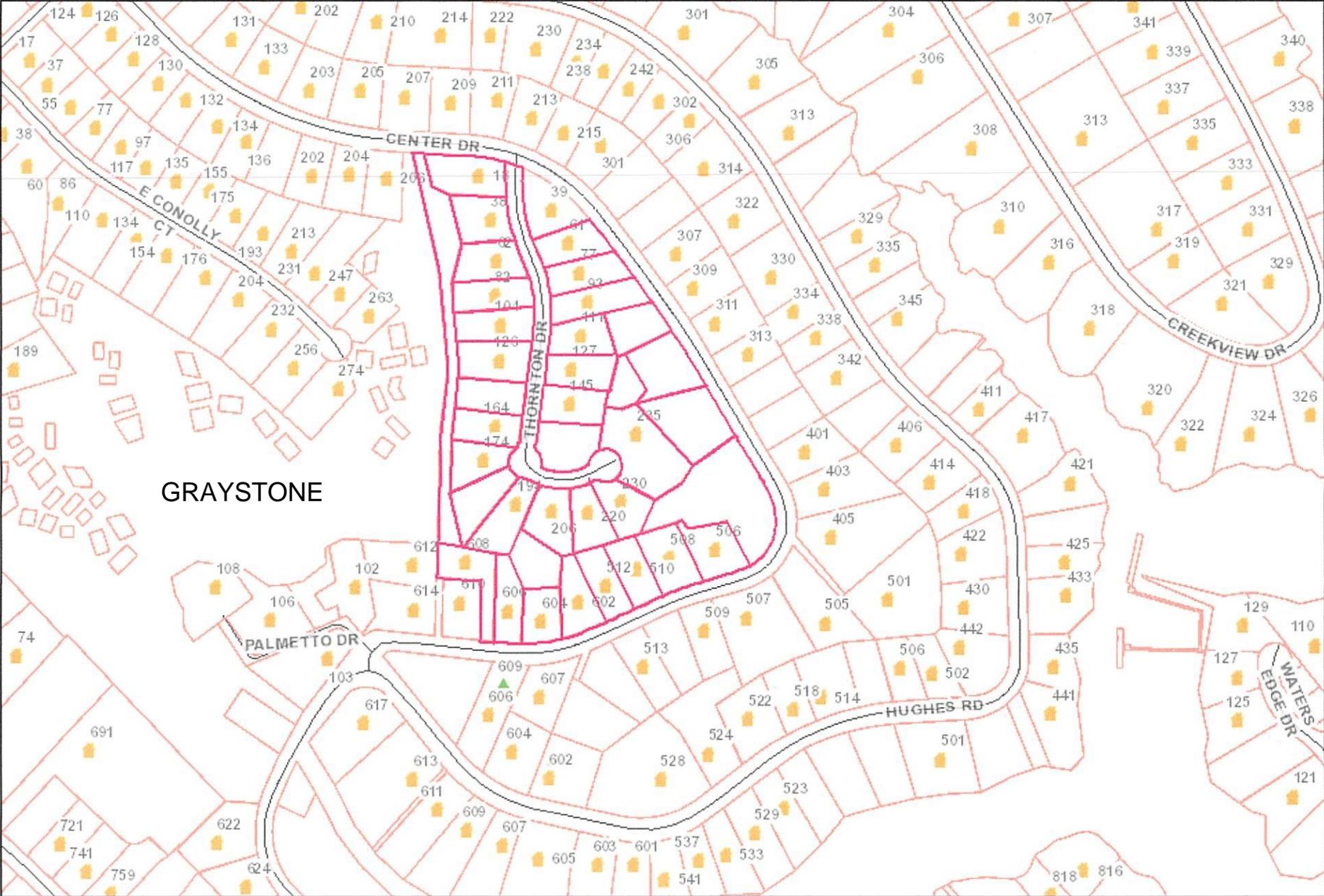
# Pender County



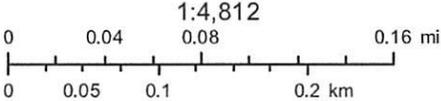
June 7, 2024



# Pender County



June 7, 2024



# **SUP 2024-45**

Attachment 1 – SUP 2023-44  
Board Order

**COUNTY OF PENDER  
STATE OF NORTH CAROLINA  
ORDER TO APPROVE A SPECIAL USE PERMIT  
COMMUNITY BOATING FACILITY IN THE RP, RESIDENTIAL PERFORMANCE ZONING DISTRICT**

Case SUP-2023-44

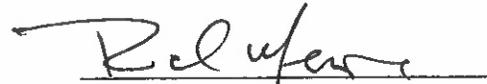
The County Commissioners for Pender County (the "County Commissioners"), having held a public hearing on December 4<sup>th</sup>, 2023, to consider application SUP 2023-44 submitted by Long Point Estates HOA, Inc. (the "applicant"), for the expansion of a community boating facility, which includes the addition of new dock with five boat slips bringing the total number of boat slips on site to ten. The use is proposed within the RP, Residential Performance zoning district. The subject properties are located along the Intracoastal Waterway on Hughes Road approximately 500 feet northeast of the intersection of Hughes Road and Washington Acres Road in the Topsail Township and may be further identified by Pender County PINs 3291-07-5002-0000 and 3291-07-4166-0000, and having heard all of the evidence and arguments presented at the hearing, the County Commissioners make the following FINDINGS OF FACT:

1. The County Commissioners FIND AS A FACT that all of the specific requirements set forth in Section 3.12.3.G of the Pender County Unified Development Ordinance WILL be satisfied if the property is developed in accordance with the plans and findings submitted to the County Commissioners.
2. It is the County Commissioners' CONCLUSION that the proposed use DOES satisfy the first general requirement listed in the Ordinance; namely the requirement that the use requested is listed among the special uses in the district for which application is made or is similar in character to those listed in that district. In support of this conclusion, the Commissioners make the following FINDING OF FACT:
  - a. **The requested use is a community boating facility and is permitted with a Special Use Permit in the RP, Residential Performance zoning district as identified in the Pender County Unified Development Ordinance.**
3. It is the County Commissioners' CONCLUSION that the proposed use DOES satisfy the second general requirement listed in the Ordinance; namely that the requested use will not impair the integrity or character of the surrounding or adjoining districts, nor adversely affect the safety, health, morals, or welfare of the community or of the immediate neighbors of the property. In support of this conclusion, the Commissioners make the following FINDINGS OF FACT:
  - a. **The requested use will not adversely affect the surrounding and adjoining districts and properties in the vicinity. Additionally, the proposed project has received a Major CAMA permit from NCDEQ-DCM, which includes 26 conditions.**
4. It is the County Commissioners' CONCLUSION that the proposed use DOES satisfy the third general requirement listed in the Ordinance; namely that the proposed use shall not constitute a nuisance or hazard. In support of this conclusion, the Commissioners make the following FINDINGS OF FACT:

- a. **The proposed use will not create a nuisance or a hazard and there will be little noticeable change to the current use of the property, only the expansion of the pier and docking facility.**
5. It is the County Commissioners' CONCLUSION that the proposed use **DOES** satisfy the **fourth** general requirement listed in the Ordinance; namely that the requested use will be in conformity with the Pender County Land Use Plan and other official plans, or policies adopted by the Board of County Commissioners; In support of this conclusion, the Commissioners make the following FINDINGS OF FACT:
  - a. **The proposed use is consistent with Policy 5.1.X and 5.1.HH of the Pender 2.0 Comprehensive Land Use Plan and is identified as an appropriate use in the Coastal Residential Future Land Use Classification.**
6. It is the County Commissioners' CONCLUSION that the proposed use **DOES** satisfy the **fifth** general requirement listed in the Ordinance; namely that adequate utilities, access roads, drainage, sanitation, or other necessary facilities have been or are being provided; In support of this conclusion, the Commissioners make the following FINDINGS OF FACT:
  - a. **The proposed use is located on an improved public road with sufficient access to the site. There is also sufficient infrastructure currently in place to accommodate the proposed low intensity use and expansion of the existing residential boating facility.**
7. It is the County Commissioners' CONCLUSION that the proposed use **DOES** satisfy the **sixth** general requirement listed in the Ordinance; namely that adequate measures have been or will be taken to provide ingress and egress so designed as to minimize the traffic congestion in the public roads; In support of this conclusion, the Commissioners make the following FINDINGS OF FACT:
  - a. **The proposed facility is limited to residents at Long Point Estates; no increase in traffic impacts are anticipated.**
8. It is the County Commissioners' CONCLUSION that the proposed use **DOES** satisfy the **seventh** general requirement listed in the Ordinance; namely that the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located; In support of this conclusion, the Commissioners make the following FINDINGS OF FACT:
  - a. **The Residential Performance zoning district is intended to allow a variety of residential uses and densities and neighborhood-scale institutional uses. The proposed use will meet the supplemental requirements listed in Pender County Unified Development Ordinance Section 5.3.12.D.**
9. It is the County Commissioners' CONCLUSION that the proposed use **DOES** satisfy the **eighth** general requirement listed in the Ordinance; namely that the proposed use shall not adversely affect surrounding uses and shall be placed on a lot of sufficient size to satisfy the space requirements of said use; In support of this conclusion, the Commissioners make the following FINDINGS OF FACT:
  - a. **The proposed use will have no adverse impact on surrounding uses. It will complement surrounding uses and enhance the Long Point Estates residential community.**

10. It is the County Commissioners' CONCLUSION that the proposed use **DOES** satisfy the eight general requirements listed in the Ordinance for Special Use Permits. Therefore, because the County Commissioners conclude that all of the standard's precedent to the issuance of a special use permit **HAVE** been satisfied, **IT IS ORDERED** that the application for the issuance of a special use permit be **APPROVED**.

Ordered this 4<sup>th</sup> day of December 2023.

  
\_\_\_\_\_  
Brad George, Chairman

Date 12/15/23

Attest:  
  
\_\_\_\_\_  
Clerk to the Board

Date 12/15/23

# **SUP 2024-45**

## Attachment 2 – Memorandum of Understanding

**Memorandum of Understanding**

This Memorandum of Understanding ("MOU") is made on June 7, 2024 by and between Long Point Estates HOA, Inc., Hammock Watch HOA, Inc. and Graystone HOA, Inc., (hereinafter "the Parties").

The Parties wish to establish a relationship for the purpose of allowing Long Point Estates HOA, Inc. to offer to the residents of Hammock Watch HOA, Inc. and Graystone HOA, Inc. a license for certain privileges, including use of the Long Point Estates HOA, Inc.'s boat ramp, subject to the conditions established by Long Point Estates HOA, Inc.

The Parties understand that Long Point Estates HOA, Inc. is required to obtain a Special Use Permit from the Pender County Board of Commissioners in order to allow the proposed shared use of Long Point Estates HOA, Inc.'s boat ramp. In the event that Long Point Estates HOA, Inc.'s Special Use Permit application is denied, no shared use of the boat ramp shall be permitted. In the event that Long Point Estates HOA, Inc.'s Special Use Permit is approved, use of the boat ramp shall be subject to any conditions of approval established by the Board of Commissioners, in addition to all applicable Federal, State and County laws, ordinances and permitting requirements

The Parties understand that Long Point HOA, Inc. shall offer directly to the residents of Hammock Watch HOA, Inc. and Graystone HOA, Inc. a total of 40 licenses, on a first-come, first-serve basis, at the sole discretion of Long Point HOA, Inc. and Long Point Estates HOA, Inc. shall enter into direct license agreements with these individuals, which license agreements are substantially similar to the form attached as **Exhibit A**, or any amendments to the form adopted by the Board of Directors of Long Point HOA, Inc.

In exchange for offering these licenses to their residences, Hammock Watch HOA, Inc. and Graystone HOA, Inc. agree to confirm for Long Point Estates HOA, Inc. whether the individuals applying for licenses for the Long Point HOA boat ramp are residents of Hammock Watch HOA, Inc. or Graystone HOA, Inc.

Wherefore, the following individuals acknowledge the terms of this MOU and that each has signatory authority on behalf of their respective Association.

LONG POINT ESTATES HOA, INC.

HAMMOCK WATCH HOA, INC.

GRAYSTONE HOA, INC.

Terry Williams

\_\_\_\_\_

\_\_\_\_\_

Name:

Name:

Name:

Title: Secretary

Title:

Title:

06/07/24

## Memorandum of Understanding

This Memorandum of Understanding ("MOU") is made on June 7, 2024 by and between Long Point Estates HOA, Inc., Hammock Watch HOA, Inc. and Graystone HOA, Inc., (hereinafter "the Parties").

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In exchange for offering these licenses to their residences, Hammock Watch HOA, Inc. and Graystone HOA, Inc. agree to confirm for Long Point Estates HOA, Inc. whether the individuals applying for licenses for the Long Point HOA boat ramp are residents of Hammock Watch HOA, Inc. or Graystone HOA, Inc.

Wherefore, the following individuals acknowledge the terms of this MOU and that each has signatory authority on behalf of their respective Association.

LONG POINT ESTATES HOA, INC.

HAMMOCK WATCH HOA, INC.

GRAYSTONE HOA, INC.

\_\_\_\_\_

*Maria Burkhart*

\_\_\_\_\_

Name:

Name: *Maria Burkhart*

Name:

Title:

Title: *Vice President,  
Hammock Watch HOA*

Title:

## Memorandum of Understanding

This Memorandum of Understanding ("MOU") is made on June 7, 2024 by and between Long Point Estates HOA, Inc., Hammock Watch HOA, Inc. and Graystone HOA, Inc., (hereinafter "the Parties").

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The Parties understand that Long Point HOA, Inc. shall offer directly to the residents of Hammock Watch HOA, Inc. and Graystone HOA, Inc. a total of 40 licenses, on a first-come, first-serve basis, at the sole discretion of Long Point HOA, Inc. and Long Point Estates HOA, Inc. shall enter into direct license agreements with these individuals, which license agreements are substantially similar to the form attached as **Exhibit A**, or any amendments to the form adopted by the Board of Directors of Long Point HOA, Inc.

In exchange for offering these licenses to their residences, Hammock Watch HOA, Inc. and Graystone HOA, Inc. agree to confirm for Long Point Estates HOA, Inc. whether the individuals applying for licenses for the Long Point HOA boat ramp are residents of Hammock Watch HOA, Inc. or Graystone HOA, Inc.

Wherefore, the following individuals acknowledge the terms of this MOU and that each has signatory authority on behalf of their respective Association.

LONG POINT ESTATES HOA, INC.

HAMMOCK WATCH HOA, INC.

GRAYSTONE HOA, INC.

\_\_\_\_\_  
Name:

\_\_\_\_\_  
Name:

  
Name: Ben Molthen

Title:

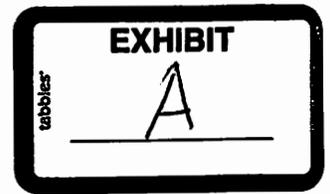
Title:

Title: Board Member

# **SUP 2024-45**

## Attachment 3 – Boat Ramp Rules and Permit

# Long Point Estates HOA Boat Facility Rules Parking Pass Holders



## Parking and boat ramp use - BY PERMIT ONLY –

### PERMIT STICKER MUST BE PLACED ON THE LOWER LEFT REAR WINDOW

No Commercial Operations

No Littering

No Loitering

This area is for parking and boat launch only

Be respectful of fellow boaters and neighbors

Refrain from profanity, loud music, and disruptive behavior

Observe a NO WAKE courtesy when leaving and approaching the boat ramp/dock

Do not park or trespass on any adjunct private property or boat slips/docks

Keep children and pets under direct supervision

Do not dive or jump from docks

Do not leave your boat unattended at the dock

Do not leave your vehicle unattended on the ramp

No boat trailer storage

When not in use THE GATE MUST REMAIN LOCKED

Park in designated areas only

Key replacement fee \$50.00

Key and parking area is for personal use

ASOLUTELY no pass or key sharing

Parking stickers must be permanently affixed to the vehicle it is assigned

Payment and signed rules must be returned before issuance of pass and key

If privileges are revoked, there is no refund of yearly pass fee

Passes are yearly and must be renewed – current pass holders in good standing will have first option to renew before opening to new members

I understand that if I lose my key more than 3 times my privileges may be revoked.

I agree to help monitor the boat ramp area and should I observe suspicious or inappropriate activity I agree to contact the authorities or Premier Management Company at 910.679.3012.

None of the above rules are intended to supersede LPE HOA Bylaws or covenants. If contradictions exist, Bylaws and Covenants take precedent.

Print Name: \_\_\_\_\_

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

Date: \_\_\_\_\_

## Boat Permit Information

Print First and Last Name: \_\_\_\_\_

Address: \_\_\_\_\_

Email address: \_\_\_\_\_

Mobile number: \_\_\_\_\_

Permit # (to be filled out once assigned): \_\_\_\_\_

Key # (to be filled out once assigned): \_\_\_\_\_

# **SUP 2024-45**

## Attachment 4 - SUP Approval and Revocation Procedures

- 7) Existing and proposed streams, drainage ways, ponds, lagoons, wetlands, flood plains, berms, etc.
- 8) Existing and proposed structures and on-site improvements;
- 9) Existing and proposed fencing, vegetative screening and buffering;
- 10) Existing and proposed signs, lighting, landscaping, walks, parking and drives;
- 11) Detail any expected impact to the community, such as; traffic, noise, vibration, glare, odor, dust, etc. and the method being used to lessen these impacts.

### **3.12.3 Procedures for Reviewing Applications**

- A. The special uses, as specified in the various districts, may be established only after review and approval by the Board of Commissioners.
- B. The Board of County Commissioners, acting in a quasi-judicial manner and setting, shall hear evidence from the applicant and any interested members of the public.
- C. The Board of Commissioners shall hold a public hearing on the application for a Special Use Permit within sixty (60) days after the completed application is filed.
- D. The Administrator shall cause notice of the hearing to be published once a week for two successive calendar weeks. The notice shall be published for the first time not less than ten (10) nor more than twenty-five (25) days before the date fixed for the hearing.
- E. All Special Use Permit applications must be presented to the Administrator for a determination of completeness.
- F. An appeal from a completeness determination may be made to the Board of Adjustment within twenty (20) days of the determination.
- G. The Board of Commissioners shall approve, modify, or deny the application for a Special Use Permit. In approving a Special Use Permit, the Board of Commissioners, with due regard to the nature and state of all adjacent structures and uses in the district within same is located, shall make written findings that the following are fulfilled:
  - 1) The use requested is listed among the special uses in the district for which application is made, or is similar in character to those listed in that district;
  - 2) The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor adversely affect the safety, health, morals, or welfare of the community or of the immediate neighbors of the property;
  - 3) The proposed use shall not constitute a nuisance or hazard;
  - 4) The requested use will be in conformity with the Pender County Land Use Plan and other official plans or policies adopted by the Board of County Commissioners;
  - 5) Adequate utilities, access roads, drainage, sanitation or other necessary facilities have been or are being provided;
  - 6) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize the traffic congestion in the public roads;
  - 7) That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located; and
  - 8) The proposed use shall not adversely affect surrounding uses and shall be placed on a lot of sufficient size to satisfy the space requirements of said use.

### **3.12.4 General Provisions Concerning Special Use Permits**

- A. Compliance With Other Codes - Granting of a Special Use Permit does not exempt the applicant from complying with all of the requirements of building codes and other Ordinances.
- B. Revocation - In any case where the Special Use Permit or the conditions of a Special Use Permit have not been or are not being complied with, the Administrator may initiate a notice of violation for the provisions of this Ordinance and the conditions of the Special Use Permit not in compliance or the Administrator, may initiate notice of a public hearing to consider revocation of the permit by the Board of Commissioners or both actions may be initiated. Procedures for notice of such hearing shall be the same as procedures for consideration of an initial application for a Special Use Permit and the permittee shall be notified. After a public hearing has been held, the Board of Commissioners may revoke the Special Use Permit upon finding any of the following:
- 1) That the approval was obtained by fraud.
  - 2) That the use for which such approval was granted is not being executed.
  - 3) That the use for which such approval was granted has ceased to exist or has been suspended for one year.
  - 4) That the permit granted is being, or recently has been exercised contrary to the terms or conditions of such approval.
  - 5) That the permit granted is in violation of an Ordinance or Statute.
  - 6) That the use for which the approval was granted was so exercised as to be detrimental to the public health or safety, or so as to constitute a nuisance.
- C. Expiration - Unless a request for additional time is granted or approved otherwise as a condition of the permit, a Special Use Permit shall expire and become void if final Zoning Approval has not been issued for the project within 24 months after the Notice of Approval of the Special Use Permit has been served on the applicant. The Administrator may provide one extension of the expiration date by no more than 6 months, for complex projects requiring major state or federal permits, upon receipt of a written request for such extension by the applicant detailing the reasons for delay in completion of the requirements for the Zoning Approval.
- D. Duration of Special Use - Any conditions imposed on a special use authorized and exercised shall be perpetually binding upon the property unless expressly limited by the Special Use Permit or subsequently changed or amended by the Board of Commissioners after application to the Board of Commissioners and a public hearing.
- E. Conditions and Guarantees - Prior to the granting of any special use, the Board of Commissioners may stipulate such conditions and restrictions upon the establishment, location, or construction, maintenance, and operation of the special use as it deems necessary for the protection of the public and to secure compliance with the standards and requirements specified in this Ordinance. In all cases in which special uses are granted, the Board of Commissioners shall require such evidence and guarantees as it may deem necessary to assure that conditions stipulated in connection therewith are being and will be complied with.
- 1) Such conditions may include a time limitation.
  - 2) Conditions may be imposed which require that one or more things be done before the use requested can be initiated. For example, "that a solid board fence be erected around the site to a height of six (6) feet before the use requested is initiated".