

**CASE: A-369, 7/09 Applicant: Staff**

**REQUEST: Zoning Text Amendment for Sections 53.5-7(c)2.**

(Proposed amendments are bold italics underlined)

(7) The following minimum improvements and public services shall be provided in accordance with all standards set by the County or appropriate local or State agency:

(A) Water supply and sewer facilities; (8/3/87)

(B) Fire hydrant and water supply systems that meet the standards specified in Volume 2, Standard 24 of the National Fire Protection Association Fire Code as amended.

(C) Adequate public elementary school facilities shall be available to serve the PD District. The developer must choose and do one of the following two options:

1. The developer may donate by gift deed land to the County Board of Education provided the following conditions are met.

a. The amount of land dedicated shall be equal to the following: acreage of land = (# of units in PD\*) x (.0217 Acres/Unit)

b. The value of the land donated shall be equal to or greater than the fee. The market value of the land shall be determined ~~either by its tax assessed market value or by~~ a certified appraiser **based on the value of unimproved developable land in the PD site. The County will choose the appraiser** ~~who shall be chosen by the County and~~ whose fee shall be paid by the developer

c. The land to be donated must be evaluated and accepted by the Board of Education with regard to such criteria as location, access, physical characteristics, and size.

In the event that land is not so donated and accepted, then section 2 below applies.

**\* NOTE: Where development is proposed to be age restricted to senior adult residents and adequate documentation is produced and recorded to assure this outcome, such units will not be calculated into the equation in 1.a. above. However, if such units convert or otherwise transition to unrestricted ownership, the school acreage shall be recalculated on the entire number of units and the difference in donated land or fee in lieu of donation shall be due and payable immediately.**

*(Rationale: if the community is restricted to persons without school-age children, the impact on schools will not be relevant. However, one should not be able to make that*

claim and them create an impact at a later time without adequate contribution to the school system.)

2. The developer may pay a fee to New Hanover County for the benefit of the County Board of Education equal to the tax-assessed market value as determined by a certified appraiser of the amount of unimproved developable land in the PD site as calculated in subsection (1)a. above. ~~for unimproved land in the PD site (3/2/87)~~ The appraisal must be submitted as part of the PD application. The entire fee for the whole PD project must be paid before submittal of any final plat.

*(Rationale: In order to capture the true cost of providing land for public school sites a fair market appraisal should be utilized. The entire fee should be collected before the first final plat is submitted to allow the school system to utilize the fee for the intended purpose of purchasing land for an elementary school.)*

(F) A fee shall be paid to New Hanover County for use by the fire department servicing the PD District. The Fire Service District Commission shall recommend the most appropriate use of the fee to provide adequate fire protection in the District. The entire fee for the whole PD project must be paid before submittal of any final plat. The fee shall be calculated as follows:

Fee = (# of units in the PD) x (Avg. household size in Unincorporated County) x

(Present total assessed property valuation in unincorporated County) x (Present Fire Service District tax rate) x 2  
(Total population in unincorporated County) (3/2/87)

*(Rationale: The entire fee should be collected before the first final plat is submitted to allow the fire district to utilize the fee for the intended purpose of protecting the entire project.)*