

Pender County Planning and Community Development

Planning Division

805 S. Walker Street
PO Box 1519
Burgaw, NC 28425



Phone: 910-259-1202
Fax: 910-259-1295
www.pendercountync.gov

Notification Requirement Summary Zoning Text Amendment

Case Number: ZTA 2024-22

Application Type: Zoning Text Amendment

Applicant: Pender County Planning & Community Development

UDO Sections to be Amended: Article 3, Review Procedures: 3.3.3, 3.5.4, 3.6.3, 3.7.3, 3.9.3, 3.10.3, 3.12.2-3, 3.14.5, 3.16.4, 3.18.2, 3.22 (new section)

Description: Pender County Planning and Community Development, applicant, is requesting the approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance. Specifically, the request is to amend Article 3: Review Procedures in several places to streamline and codify existing processes that adhere to North Carolina General Statutes Chapter 160D regarding requirements for the following: public hearings, public input meetings, and notification of the public through mailed, posted, and published notices about development applications' public meeting dates. Standardized language is proposed here along with a summary table to be included at the end of Article 3.

Board of County Commissioners/Planning Board Meeting

PB: 2/6/2024, BOCC: 3/11/2024

Included: Application Materials, Application Package, Proposed Amended Text

APPLICATION

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Zoning Text Amendment Submission

Applications will be considered for review by Staff only when deemed complete. The application will be regarded as incomplete until the following items are received by the Planning and Community Development Staff.

1. ✓ **Pre-submittal Meeting**
Date of Meeting 12/4/2024
2. ✓ **Signed Application**
3. N/A **Payment**
\$250
4. ✓ **Narrative**
A letter describing, in detail the intent and purpose of the amendment presented, meeting the approval criteria set forth in Section 3.18.5 of the Pender County UDO.
5. ✓ **Digital Submission**
For all documents submitted in paper copy, please a digital copy with paper submission.

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

Signature of Applicant Adam Moran

Date 1/5/2024

Printed Name Adam Moran

Staff Initials:	<u>AM</u>
Date:	<u>1/10/24</u>

Zoning Text Amendment



**Submit Completed Application
and Materials**



Planning Staff Review



**Planning Board Public Hearing for
recommendation**



**Board of County Commissioners Decision
Rendered**

Zoning Map Amendment Specific Requirements

1. Application Submittal

- Application
- Narrative: A letter describing, in detail the intent and purpose of the amendment presented, meeting the approval criteria set forth in Section 3.18.5 of the Pender County UDO.

2. Planning Board and Board of Commissioners Review Criteria (per Section 3.18.5)

- A. In evaluating any proposed Ordinance text amendment, the Planning Board and the County Commissioners shall consider the following:
 - 1) The extent to which the proposed text amendment is consistent with the remainder of the Ordinance, including, specifically, any purpose and intent statements;
 - 2) The extent to which the proposed text amendment represents a new idea not considered in the existing Ordinance, or represents a revision necessitated by changing circumstances over time;
 - 3) Whether or not the proposed text amendment corrects an error in the Ordinance; and
 - 4) Whether or not the proposed text amendment revises the Ordinance to comply with state or federal Statutes or case law.
- B. In deciding whether to adopt a proposed Ordinance text amendment, the central issue before the County Commissioners is whether the proposed amendment advances the public health, safety or welfare and is consistent with any adopted County Land Use Plan documents, the CAMA Land Use Plan, and the specific intent of this Ordinance.

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TEXT AMENDMENT

A request to amend the text of this Ordinance may be initiated by the County Commissioners, Board of Adjustment, Planning Board, Administrator, or a citizen of Pender County.

Approval Criteria (*Section 3.18.5*)

In evaluating any proposed ordinance text amendment, the Planning Board and the County Commissioners shall consider the following:

- a. The extent to which the proposed text amendment is consistent with the remainder of the Ordinance, including, specifically, any purpose and intent statements;
- b. The extent to which the proposed text amendment represents a new idea not considered in the existing Ordinance, or represents a revision necessitated by changing circumstances over time;
- c. Whether or not the proposed text amendment corrects an error in the Ordinance; and
- d. Whether or not the proposed text amendment revises the Ordinance to comply with state or federal statutes or case law.
- e. In deciding whether to adopt a proposed Ordinance text amendment, the central issue before the County Commissioners is whether the proposed amendment advances the public health, safety or welfare and is consistent with any adopted County Land Use Plan documents, the CAMA Land Use Plan, and the specific intent of this Ordinance.

Action by the Planning Board

1. Before making any recommendation on a text amendment, the Planning Board shall consider any recommendations from the Administrator and shall conduct a public hearing where interested parties may be heard.
2. The Planning Board shall make a recommendation based on the approval criteria.
3. The Planning Board shall make its recommendation following the initial public hearing.

Action by County Commissioners

1. Before taking action on a text amendment, the County Commissioners shall consider the recommendations of the Planning Board and Administrator and shall conduct a public hearing.
2. The County Commissioners shall make a decision based on the approval criteria.
3. Following the public hearing, the County Commissioners may approve the text amendment, deny the amendment, or send the amendment back to the Planning Board or a committee of the County Commissioners for additional consideration.

In deciding whether to adopt a proposed Ordinance text amendment, the central issue before the County Commissioners is whether the proposed amendment advances the public health, safety or welfare and is consistent with any adopted County Land Use Plan documents, the CAMA Land Use Plan, and the specific intent of this Ordinance.

APPLICATION FOR TEXT AMENDMENT

THIS SECTION FOR OFFICE USE

Application No.	ZTA2024-22	Date	1/5/2024
Application Fee	\$ N/A - Staff Initiated	Invoice Number:	N/A - Staff Initiated
Pre-Application Conference	12/4/2024	Hearing Date	PB - 2/6/2024; BOCC - 3/11/2024

SECTION 1: APPLICANT INFORMATION

Applicant's Name:	Pender County Planning & Community Development
Applicant's Address:	805 South Walker Street
City, State, & Zip	Burgaw, NC 28425
Phone Number:	910-259-1202
Email Address:	amoran@pendercountync.gov

SECTION 2: UDO TEXT TO BE AMENDED

Current Text to be Amended (Please site accurate Article number referenced):

See attached.

Proposed Text to be added:

See attached.

SECTION 3: SIGNATURE

Applicant's Signature	<i>Adam Moran</i>	Date:	1/5/2024
Applicant's Printed Name	Adam Moran	Date:	1/5/2024

NOTICE TO APPLICANT

If the applicant makes significant changes to the application for a text amendment after the Planning Board has made its recommendation, the Administrator may refer the modified request back to the Planning Board for an additional public hearing.

TEXT AMENDMENT CHECKLIST

<input checked="" type="checkbox"/>	Signed application form
N/A <input type="checkbox"/>	Application fee
<input checked="" type="checkbox"/>	A letter describing, in detail the intent and purpose of the amendment presented, meeting the approval criteria set forth in Section 3.18.5 of the Pender County UDO (shown on page 1 of this application)

Office Use Only

<input type="checkbox"/> ZTA Fees: \$250 N/A - Staff Initiated		Total Fee Calculation: N/A - Staff Initiated	
Payment Method:	Cash : <input type="checkbox"/> \$ _____	Credit Card: <input type="checkbox"/> Master Card <input type="checkbox"/> Visa	Check: <input type="checkbox"/> Check # _____
Application Received By:	Adam Moran	Date:	1/10/2024
Application completeness approved by: Adam Moran		Date:	1/10/2024
Dates Scheduled for Public Hearings:		<input checked="" type="checkbox"/> Planning Board: 2/6/2024	<input checked="" type="checkbox"/> BOC: 3/11/2024

ATTACHMENT 1

Zoning Text Amendment
Proposed Text Changes

ATTACHMENT 1

Zoning Text Amendment 2024-22 Proposed Text

3.3 REZONINGS

3.3.3 Application Eligibility, Procedures, and Requirements

A. A request or proposal for a rezoning may be initiated by the County Commissioners, the Board of Adjustment, the Planning Board, the Administrator, the property owner or their agent, or any other party with appropriate owner consent.

B. Rezoning must correspond with the boundary lines of existing platted lots or tracts. Where the boundaries of a rezoning request do not follow a boundary line or a split zoned property line, it must be possible to subdivide and develop that portion of the property outside the proposed rezoning boundary in accordance with the existing zoning and other requirements of this Ordinance. An illustration containing a metes and bounds description is required. Split zoning a parcel does not imply approval of a Plat.

C. The applicant shall provide an accurate County parcel number, legal description, or a map drawn to scale showing the property boundaries that are to be rezoned, in sufficient detail for the rezoning to be located on the Official Zoning Map.

D. For details of mailed, posted, and/or published notices and public meeting requirements, see 3.22 Public Meeting and Notice Requirements.

...

3.5 MASTER DEVELOPMENT PLAN

3.5.4 Review

A. Applicants shall submit the MDP to the Administrator, together with completed application materials.

B. Application form and materials must be completed at the time of submission.

C. The Master Development Plan must meet all the requirements prescribed in Section 6.1, Master Development Plan Contents.

D. For details of mailed, posted, and/or published notices and public meeting requirements, see 3.22 Public Meeting and Notice Requirements.

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3.6 MINOR SITE DEVELOPMENT PLANS

3.6.3 Review

...

C. The Administrator shall forward the site plan to the Technical Review Committee for review. The Committee shall make recommendations to the Administrator concerning whether the plan meets the requirements of the Pender County Code and other State or Federal regulations as appropriate within five (5) business days. For details of mailed, posted, and/or published notices and public meeting requirements, see 3.22 Public Meeting and Notice Requirements.

...

3.7 MAJOR SITE DEVELOPMENT PLANS

3.7.3 Review

...

~~E. For details of mailed, posted, and/or published notices and public meeting requirements, see 3.22 Public Meeting and Notice Requirements. 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 with 1 set of #10 envelopes stamped with typed address to each person on the list. These addressed envelopes and list shall be submitted prior to the TRC meeting. The Administrator shall then mail a copy of the notification to each property owner not less than 10 days prior to the scheduled meeting.~~

~~F. The Administrator shall post a sign on the subject property with visual information related to the request for a total of 10 business days.~~

...

3.9 MINOR SUBDIVISION

3.9.3 Review

...

C. For details of mailed, posted, and/or published notices and public meeting requirements, see 3.22 Public Meeting and Notice Requirements. ~~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 with 1 set of #10 envelopes stamped with typed address to each person on the list. These addressed envelopes and list shall be submitted prior to the TRC meeting. The Administrator shall then mail a copy of the notification to each property owner not less than 10 days prior to the scheduled meeting.~~

~~D. The Administrator shall post a sign on the subject property with visual information related to the request for a total of 10 business days.~~

...

3.10 MAJOR SUBDIVISION

...

3.10.3 Review

A. Completed plats, application, fees, and other required data must be submitted 45 days before a scheduled Planning Board meeting, if applicable in accordance with Section 2.3.2.B.

B. When required submission material is submitted as noted above, it shall be placed on the next scheduled Planning Board agenda, if applicable.

C. Planning Board review and approval shall not be required for a Major Subdivision in a by-right development zoning district in accordance with Section 2.5.2.B.

D. For details of mailed, posted, and/or published notices and public meeting requirements, see 3.22 Public Meeting and Notice Requirements. ~~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 with 1 set of #10 envelopes stamped with typed address to each person on the list. These addressed envelopes and list shall be submitted prior to the TRC meeting. The Administrator shall then mail a copy of the notification to each property owner not less than 10 days prior to the scheduled meeting.~~

~~E. The Administrator shall post a sign on the subject property with visual information related to the request for a total of 10 business days.~~

...

3.12 SPECIAL USE PERMITS

3.12.2 Application and Fees

...

~~3) 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 with one (1) set of #10 envelopes stamped and with typed addresses to each person on the list. These addressed envelopes and the list shall be submitted at least thirty (30) days prior to the public hearing. The Administrator shall then mail a copy of the legal notice to each adjacent property owner;~~ For details of mailed, posted, and/or published notices and public meeting requirements, see 3.22 Public Meeting and Notice Requirements.

...

3.12.3 Procedures for Reviewing Applications

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~~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.~~ For details of mailed, posted, and/or published notices and public meeting requirements, see 3.22 Public Meeting and Notice Requirements.

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3.14 VARIANCE

3.14.5 Notice and Public Hearings

~~Once the application has been determined complete, the Administrator shall schedule a public hearing and give notice to owners of all properties located within 500 feet of the perimeter of the project bounds along with and aggrieved parties in the form of applicant supplied #10 envelopes with paid first class postage. For details of mailed, posted, and/or published notices and public meeting requirements, see 3.22 Public Meeting and Notice Requirements.~~

3.16 APPEAL OF ADMINISTRATIVE DECISION

3.16.4 Notice and Public Hearings

~~The County shall hold all required public hearings and give notice in accordance with Section 3.14.5. For details of mailed, posted, and/or published notices and public meeting requirements, see 3.22 Public Meeting and Notice Requirements.~~

3.18 ORDINANCE TEXT AMENDMENT

3.18.2 Administrator

A. The Administrator shall be responsible for review and recommendation regarding amendments to the text of this Ordinance.

B. When a text amendment is initiated, the Administrator, in consultation with the appropriate body, shall draft an Ordinance and present that Ordinance to the Planning Board so that a public hearing may be set.

C. The Administrator shall prepare a staff report that reviews the proposed text amendment request in light of any applicable plans and the general requirements of this Ordinance.

D. For details of mailed, posted, and/or published notices and public meeting requirements, see 3.22 Public Meeting and Notice Requirements.

3.22 Public Meeting and Notice Requirements

3.22.1 Meeting Notification Requirements and Procedures

A. Mailed Notice: 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 (including the property owner and applicant). Along with the list, the required number of sets of #10-Type envelopes addressed to each person on the list shall be provided. The return address on the envelopes should be left blank. The number of sets of envelopes are noted in the table below based on each application type. The addressed envelopes and list shall be submitted along with the application. The Administrator shall then mail a copy of the meeting notification to each property owner at least 10 days, but not more than 25 days, prior to the date of the hearing.

Application Type	Sets of Envelopes
Master Development Plan – PD, RM, and MH Districts	1
Master Development Plan – Residential Performance (RP) District	1
Master Development Plan – Non-Residential	1
Minor Subdivision – Preliminary Plat	1
Major Subdivision – Preliminary Plat	1
Major Site Development Plan (Non-residential)	1
Rezoning	2
Conditional Rezoning	2
Special Use Permits	1
Variance	1
Appeal of Administrative Decision	1

B. On-site Posted Notice: The Administrator shall prominently post a notice of the hearing on the site proposed for the amendment or on an adjacent public street or highway right-of-way. The notice must be posted at least 10 days, but not more than 25 days, prior to the date of the hearing.

C. Published Notice: A notice of the required public hearing(s) shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 10 days nor more than 25 days before the date scheduled for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included. For an Appeal of an Administrative Decision see the Board of Adjustment Rules of Procedure for relevant unique requirements.

D. Public Input Meetings: For details regarding Public Input Meetings required for certain development applications see Section 3.1.3, Public Input Meeting.

E. Optional Notice for Large-Scale Zoning Map Amendments: For large-scale zoning map amendments (rezonings), provisions noted in the North Carolina General Statutes 160D-602(b-c) may be followed.

F. See table below (3.22.2) for a summary of public hearing, meeting, and notification requirements.

3.22.2 Meeting and Notification Requirements Summary Table

Application Type	Public Input Mtg. Required?	Notice Required			Technical Review Committee	Public Hearing Required?			UDO Reference(s)
		Mailed	Posted	Published		BOA	PB	BOCC	
Master Development Plan – PD, RM, and MH Districts									
Master Dev. Plan	✓	✓	✓	✓	✓		✓		2.3.2; 3.1.3
Master Development Plan – Residential Performance (RP) District									
Master Dev. Plan		✓	✓		✓				3.5
Master Development Plan – Non-Residential									
Master Dev. Plan		✓	✓		✓				3.5
Subdivisions									
Minor Subdivision – Preliminary Plat		✓	✓		✓				3.9; 6.4
Major Subdivision – Preliminary Plat		✓	✓		✓				3.10; 6.4
Final Plats									3.9-10; 6.5
Non-Residential									
Major Site Development Plan		✓	✓		✓				3.7
Minor Site Development Plan					✓ ¹				3.6
Miscellaneous									
Rezoning		✓	✓	✓			✓	✓	3.3
Conditional Rezoning	✓	✓	✓	✓	✓		✓	✓	3.1.3; 3.3
Ordinance Text Amendment				✓			✓	✓	3.18
Special Use Permits ²		✓	✓	✓				✓	3.12
Variance ²		✓	✓	✓		✓			3.14
Appeal of Administrative Decision ²		✓	✓	✓ ³		✓			3.16
Change of Use Permit									3.21

¹ Five-Day Technical Review Committee Review Period

² Requires a quasi-judicial procedure according to North Carolina General Statutes §160D-406a

³ Required in accordance with Pender County Board of Adjustment Rules of Procedure