

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

Zoning Text Amendment Accessory Structure Setbacks and Separations

Case Number: ZTA 2024-28

Application Type: Zoning Text Amendment

Applicant: Pender County Planning & Community Development

UDO Section to be Amended: 5.3.3.A, Accessory Structure Setbacks and Separation Requirements

Description: Pender County Planning & 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 Section 5.3.3.A, Accessory Structure Setbacks and Separation Requirements, to reduce the required setback and separation requirements for accessory structures. This change is intended to give property owners more flexibility with the placement of accessory buildings to achieve desired improvements to their personal property in both residential and commercial settings.

Board of County Commissioners/Planning Board Meeting

PB: 1/7/2025, BOCC: 2/21/2025

Included: Application Materials, Application, Proposed Amended Text

ZTA 2024-28

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. X **Pre-submittal Meeting**
Date of Meeting N/A
2. X **Signed Application**
3. N/A **Payment**
\$250
4. X **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. X **Digital Submission**
For all documents submitted in paper copy, provide a version. These may be emailed or uploaded to a share folder. *Physical media such as CD or USB drives will not be accepted.*

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

Signature of Applicant Justin Brantley

Date 12/16/2024

Printed Name Justin Brantley, Deputy Planning Director

Staff Initials:	<u>JB</u>
Date:	<u>12/16/24</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.	ZTA ZTA 2024-28	Date	12/16/2024
Application Fee	\$ N/A	Invoice Number:	N/A
Pre-Application Conference	N/A	Hearing Date	1.7.2025 & 2.18.2025

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:	910-259-1529
Email Address:	jbrantley@pendercountync.gov

SECTION 2: UDO TEXT TO BE AMENDED

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

Amendment to Section 5.3.3.A, Accessory Structure Setbacks and Separation Requirements

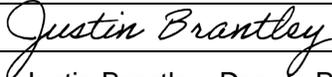
See Staff Report

Proposed Text to be added:

Amendment to reduce setback requirement and separation requirement for accessory structures

See Staff Report

SECTION 3: SIGNATURE

Applicant's Signature		Date:	12/16/2024
Applicant's Printed Name	Justin Brantley, Deputy Planning Director	Date:	12/16/2024

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
<input checked="" 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		Total Fee Calculation:	
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:		Date:	
Application completeness approved by:		Date:	
Dates Scheduled for Public Hearings:	<input type="checkbox"/> Planning Board:	<input type="checkbox"/> BOC:	

ATTACHMENT 1

Proposed Changes

Pender County Planning & Community Development

Zoning Text Amendment Case ZTA 2024-28

Proposed Changes

Red Strikethrough = Language to be Removed

Black Underlined = Language to be Added

5.3.3 Accessory Uses and Structures

A. Accessory Structure Setbacks and Separation Requirements

- 1) Accessory Structures 50-599 Square Feet In Area:
 - a) Setback of ten (10) feet from all property lines, access easements, and any other structures located on the property.
- 2) Accessory Structures 600-~~1,199~~ Square Feet In Area or Greater:
 - a) ~~Setbacks shall adhere to zoning district requirements and separation must be ten (10) feet from any other structure and access easements located on the property.~~ Same front setback requirement as principal buildings per zoning district regulations shall apply.
 - b) Setback of ten (10) feet from all other property lines, access easements, and any other structures located on the property.
- ~~3) — Accessory Structures 1,200 Square Feet in Area or Greater:~~
 - a) ~~Same setback and separation requirements as principal buildings per zoning district regulations~~