

Pender County Planning and Community Development

Planning Division

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MEMORANDUM

To: Pender County Planning Board

From: Planning Staff

Date: February 3, 2015

RE: Changes to By-right Development Review Process

Planning Board Members,

Staff will be discussing with you a proposal to remove the requirement that by-right development be subject to Planning Board review and public hearing.

Current Procedure (Attachment One: Current Process Flow Chart)

Currently, the Master Development Plan (MDP) approval process flows as follows (per Section 3.5):

1. Applicant attends a pre-submittal meeting with Staff;
2. MDP is reviewed by Technical Review Committee;
3. MDP is reviewed by Planning Board with public hearing;
4. Planning Board has authority to approve MDP.

After the Master Development Plan is approved, the applicant may proceed with the preparation of the Preliminary Plat. The approval process flows as follows (Section 3.10):

1. Preliminary Plat is reviewed by the Technical Review Committee;
2. Preliminary Plat is reviewed by Planning Board with public hearing (unless public hearing is waived due to sufficient detail at MDP hearing);
3. Planning Board has authority to approve Preliminary Plat;
4. Final Plat approved by Planning Staff.

Proposed Changes (Attachment Two: Proposed Process Flow Chart)

Proposed changes would eliminate the requirement of a Master Development Plan (including the associated Master Development Plan public hearing) and public hearing during Preliminary Plat approval process for by-right development. This would include Major Subdivisions (Section 3.10) and Major Site Development Plans (Section 3.7) located in by-right zoning classifications: Rural Agricultural, Residential Performance, General Business, Office Institutional, General Industrial, and Industrial Transitional zoning districts.

The approval process for by-right development is proposed as follows (MDP is not necessary):

1. Applicant attends a pre-submittal meeting with Staff and submits Major Site Development Plan (MSDP) or Preliminary Plat;
2. MSDP or Preliminary Plat is reviewed by the Technical Review Committee;
3. Planning Staff has authority to approve MSDP or Preliminary Plat;
4. MSDP or Final Plat approved by Planning Staff.

(Note: The review of a Master Development Plan with public hearing and Planning Board approval would still be required for Planned Development, Residential Mixed, and Manufactured Housing Community zoning districts, which require design standards such as lot sizes, setbacks, and separations to be established at the Master Development Plan hearing.)

Reporting

Planning Staff, as consent or discussion items at the Planning Board meetings, could provide a report to the Planning Board of projects that were recently reviewed by the Technical Review Committee and approved by Staff. Additionally, Planning Staff would like to explore an online tracking system for the County website so that the public can have access to up-to-date information on active by-right development within the County (Attachment Three: Catawba County Website: Subdivision Projects). Informational mailings to adjacent property owners could still be sent and informational signs could be posted on the subject property.

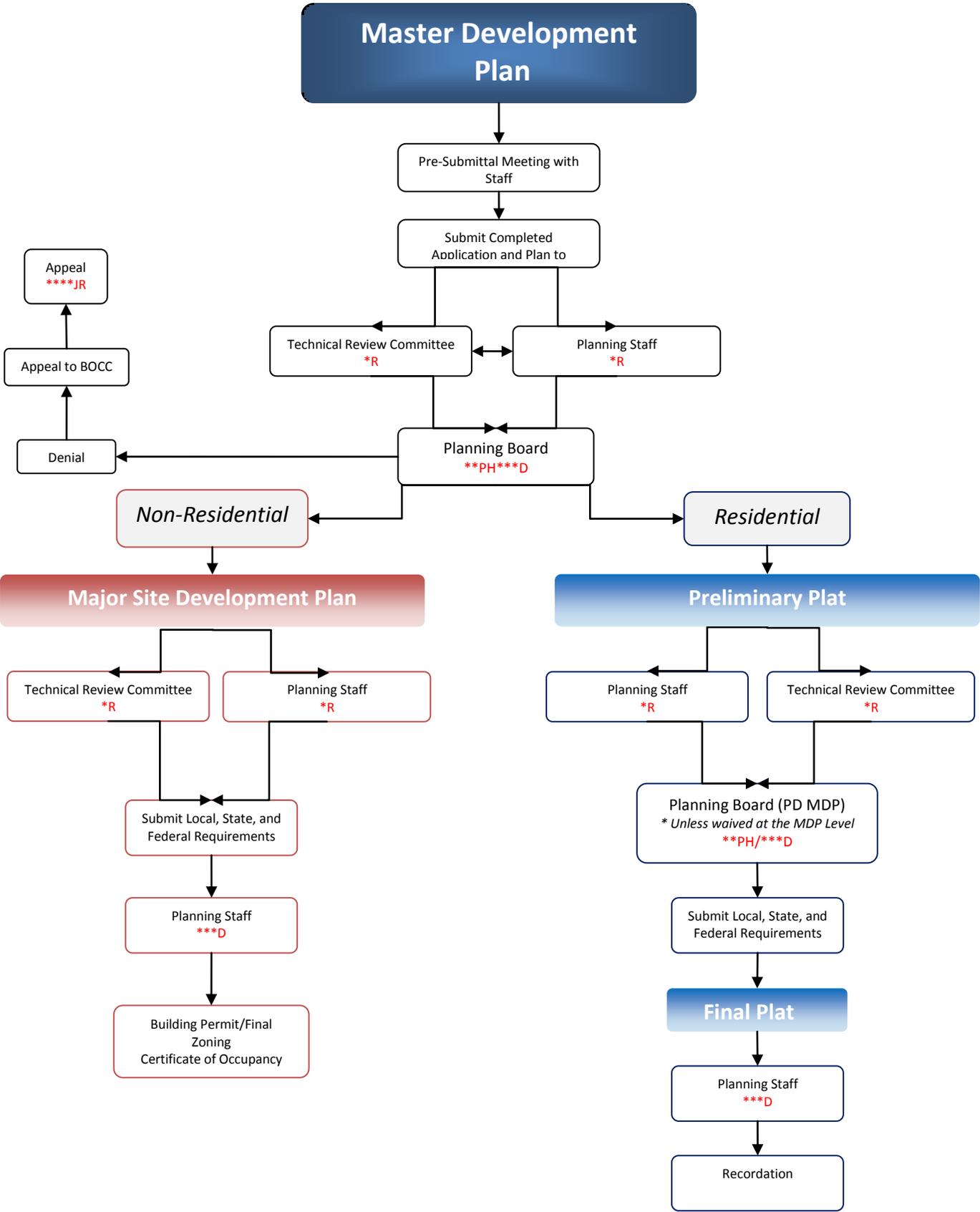
Projected Advantages and Disadvantages

The benefits to the applicant, Planning Board, Planning Staff, and the community would be substantial. Time would be saved for all parties involved, as review by the Planning Board and need for a public hearing would be eliminated. The applicant could focus on input from the Technical Review Committee to address specific concerns from technical experts. The community would benefit from having access to all by-right Major Subdivision and Major Site Development activity listed on the County website.

If review by the Planning Board and the need for a public hearing is removed from the process, a projected disadvantage is that the public may have the perception that the Planning Board is losing authority to make changes within a by-right plan. However, the Unified Development Ordinance does not currently grant the Planning Board that authority.

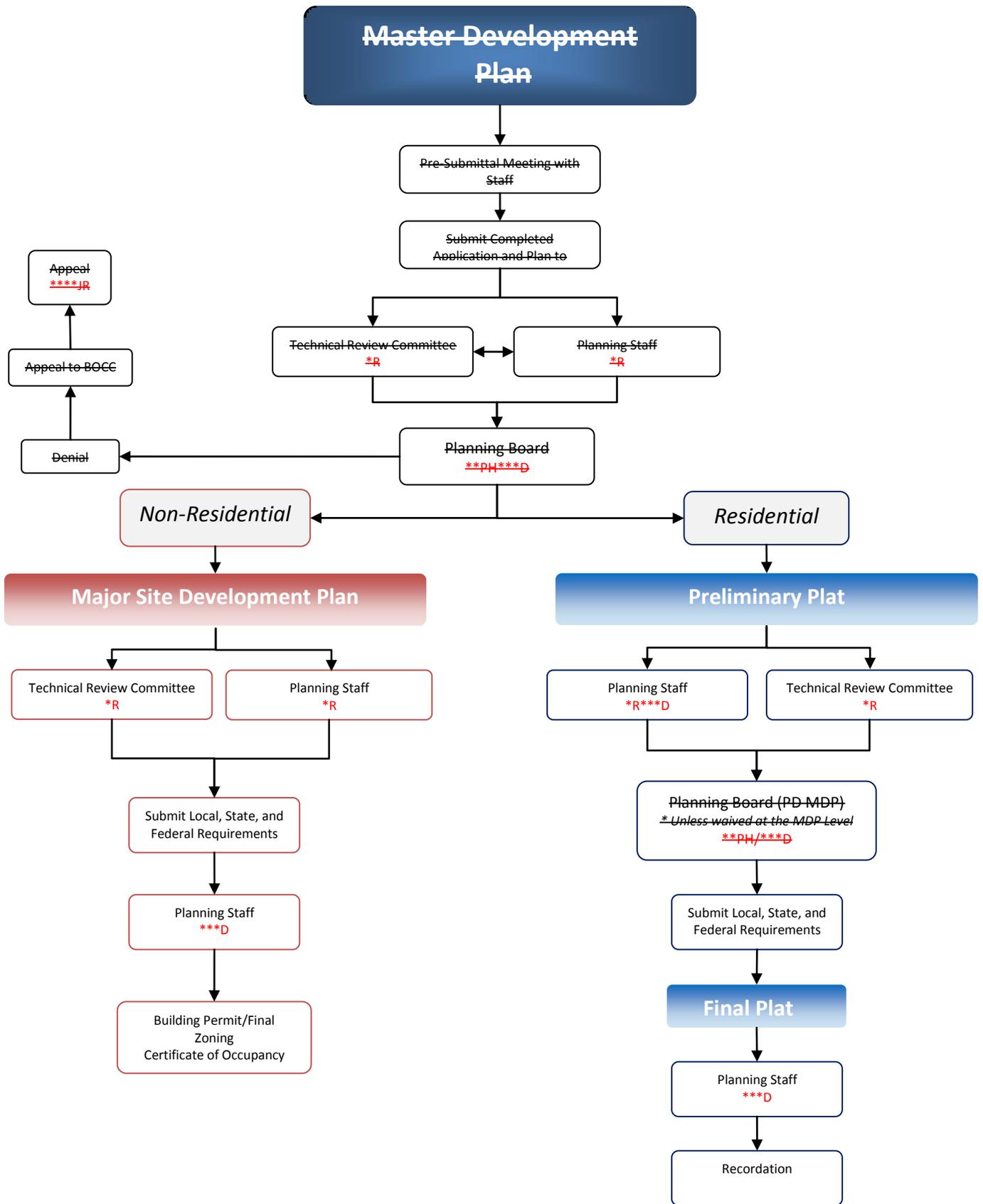
Implementation of Changes

Following Planning Board guidance, Planning Staff will prepare a zoning text amendment to modify procedural changes to Articles Two and Three of the Pender County Unified Development Ordinance, in accordance with North Carolina General Statutes (Attachment Four: North Carolina General Statutes).



* Recommendation; ** Public Hearing
 *** Decision; ****Judicial Review

Attachment Two: Proposed Process Flow Chart for By-Right Development



* Recommendation; ** Public Hearing
 *** Decision; ****Judicial Review

Attachment Three: Catawba County Website: Subdivision Projects



Planning and Parks

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Contact:
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Office Hours:
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8:00 a.m. - 5:00 p.m.

Subdivision Projects

Project Name	Applicant	Request	Location	PIN	Attachments	Status & Date	Applicant Contact
Thomasville Acres - Revised Requirements	RMR Construction Co., Inc.	Revision to Thomasville Acres Subdivision to remove shared driveway requirement on lots 1 & 2 and 16 & 17	Intersection of County Home Road and Thomasville Road	Thomasville Acres Subdivision	Location Map Original Plat Project Request	Pending Meeting scheduled for 10/29/13	Mike Matthews Richard Matthews

For more information, contact Susan Ballbach, Senior Planner at (828) 465-8381 or Email Susan Ballbach.

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§ 153A-332. Ordinance to contain procedure for plat approval; approval prerequisite to plat recordation; statement by owner.

A subdivision ordinance adopted pursuant to this Part shall contain provisions setting forth the procedures to be followed in granting or denying approval of a subdivision plat before its registration.

The ordinance shall provide that the following agencies be given an opportunity to make recommendations concerning an individual subdivision plat before the plat is approved:

- (1) The district highway engineer as to proposed State streets, State highways, and related drainage systems;
- (2) The county health director or local public utility, as appropriate, as to proposed water or sewerage systems;
- (3) Any other agency or official designated by the board of commissioners.

The ordinance may provide that final decisions on preliminary plats and final plats are to be made by:

- (1) The board of commissioners,
- (2) The board of commissioners on recommendation of a designated body, or
- (3) A designated planning board, technical review committee, or other designated body or staff person.

From the effective date of a subdivision ordinance that is adopted by the county, no subdivision plat of land within the county's jurisdiction may be filed or recorded until it has been submitted to and approved by the appropriate board or agency, as specified in the subdivision ordinance, and until this approval is entered in writing on the face of the plat by an authorized representative of the county. The Review Officer, pursuant to G.S. 47-30.2, shall not certify a plat of a subdivision of land located within the territorial jurisdiction of the county that has not been approved in accordance with these provisions, and the clerk of superior court may not order or direct the recording of a plat if the recording would be in conflict with this section. (1959, c. 1007; 1973, c. 822, s. 1; 1997-309, s. 6; 2005-418, s. 3(b).)