

ITEM FIVE

Adjacent Property Owner Notifications

The following Ordinance Sections will be updated to remove the policy on notification of adjoining/adjacent owners and replace it with a notification requirement for properties within 500-feet of the perimeter of the project bounds. Specifically:

REZONING

3.3.3 Public Notice

- A. When a change in the zoning classification of a parcel of property is requested, the applicant shall provide to the Administrator, a list of names and addresses, as obtained from the county tax listings and tax abstract, **of the owners of all properties located within 500-feet of the perimeter of the project bounds** ~~adjacent property owners, including property owners directly across any road or road easement,~~ and owners of the property under consideration for rezoning, in accordance with N.C.G.S. §153A-343.

3.3.4 Public Hearing

- A. The Planning Board shall hold a public hearing for all rezonings, at which the Board of Commissioners may sit concurrently with the Planning Board, if the Board of Commissioners so desire. If not held concurrently, a separate rezoning public hearing before the Board of Commissioners is required for each project after being heard by the Planning Board.
- B. Notice of the public hearing shall be published in a newspaper of general circulation in the county at least once each week for two successive weeks prior to the hearing according to General Statutes and by mailing notices to **owners of all properties located within 500-feet of the perimeter of the project bounds** ~~adjoining property owners~~ in the envelope provided by the applicant, if required by General Statute.
- C. The Administrator shall post a sign on the subject property with visual information related to the request.

CONDITIONAL REZONING

3.4.3 Public Input Meeting

- B. Prior to scheduling a public hearing on the rezoning application, the applicant must conduct one public input meeting and file a report of the results with the Administrator.
- C. The report for the public hearing will include a summary of the public input meeting.
- D. The applicant shall mail a notice for the public input meeting **to the owners of all properties located within 500-feet of the of the perimeter of the project bounds** ~~adjoining property owners~~ not less than ten (10) days prior to the scheduled meeting.
- E. The notice shall include the time, date and location of the meeting as well as a description of the proposal.

MAJOR SITE DEVELOPMENT PLAN

3.7.3 Review

- F. Applicants shall submit two copies of the site plan to the Administrator for review, along with applicable applications and completed materials. Final approval of the site plan shall be issued by the Administrator.
- G. Major Site Development Plans located in the PD, Planned Development district must include a Master Development Plan as prescribed in Section 3.5, Master Development Plan.
- H. Major Site Development Plans will be required to follow the MDP process outlined in Section 3.5 or if specifically waived in accordance with Section 3.5.2.D.
- I. The site plan must meet all the requirements prescribed in Section 6.3, Major Site Development Plan Contents.
- J. The applicant shall provide to the Administrator a list of names and addresses of the owners of all properties located within 500 feet along with (1) set of #10 envelopes stamped with typed addresses to each person on the list. These addressed envelopes and the list shall be submitted prior to the TRC meeting. The Administrator shall then mail a copy of notification to each property owner not less than ten (10) days prior to the scheduled meeting.
- K. The Administrator shall post a sign on the subject property with visual information related to the request for a total of 10 business days.
- L. 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 any Pender County codes or Ordinances and other State or Federal regulations as appropriate.
- M. The Administrator shall determine and provide comments to the applicant whether the site plan is in conformance with a previously approved Master Development Plan or if an MDP is not required, the site plan is in conformance with applicable sections of this Ordinance.
- N. For projects in the PD zoning district, the Planning Board may request that the site plan be presented to the Planning Board for its review and make recommendations to the Administrator concerning the site plan. The Administrator shall incorporate such recommendations into the review of the site plan.
- O. Upon approval of the Master Development Plan as required in accordance with Section 3.5.2, applicant may proceed with the preparation of a Major Site Development Plan.
- P. Approval of the site plan shall expire within two years of the approval date unless building permits have been obtained for construction.
- Q. The Administrator shall periodically inspect the site during construction to ensure that the site plan requirements are met.
- R. Final Zoning Approval shall not be issued for any use or site requiring a site plan until all requirements shown on the approved site plan have been met and all improvements shown on the site plan have been provided. If structures and improvements have been provided sufficient to guarantee public health and safety but if all site plan improvements have not been completed, a certificate of occupancy shall only be issued if a bond with surety or other acceptable guarantees have been provided to insure that all approved improvements will be provided. Such guarantees shall be for a limited time period acceptable to the Administrator, during which time said improvements shall be completed.

MINOR SUBDIVISION

3.9.3 Review

- A. Application form must be completed and fee paid at the time of submission.
- B. Minor subdivision plans must meet all the requirements prescribed in Section 6.4, Preliminary Plat Contents and Section 6.5, Final Plat Contents.
- C. The applicant shall provide to the Administrator a list of names and addresses of the owners of all properties located within 500 feet along with (1) set of #10 envelopes stamped with typed addresses to each person on the list. These addressed envelopes and the list shall be submitted prior to the TRC meeting. The Administrator shall then mail a copy of notification to each property owner not less than ten (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.
- E. The Administrator will forward the Minor Subdivision application and site plan to the Technical Review Committee for review. The TRC shall make recommendations concerning whether the plan meets the requirements and/or plans of their particular state agency, county department or utility authority within five (5) business days.
- F. For projects in the PD zoning district, the administrator may request that the site plan be presented to the Planning Board for its review.
 - 1) The Planning Board may make recommendations to the Administrator concerning the site plan.
 - 2) The Administrator shall incorporate such recommendations into the review of the site plan.
- G. When required submission material is submitted, the Administrator shall review and provide comments or approval to the applicant within fifteen (15) working days.
- H. The plat will be reviewed for compliance with this Ordinance.
- I. Plat approval constitutes approval of the layout and authorizes the developer to proceed with construction of the subdivision and improvements in accord with the approved plat and any conditions attached to the approval.
- J. If a plat is not approved, the reasons for disapproval must be specified and provided to the applicants in writing. Disapproval of a plat may be appealed to the Pender County Zoning Board of Adjustment.
- K. Approval of the preliminary plat shall be valid for two (2) years of the approval date unless building permits have been obtained for construction.

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. **The applicant shall provide to the Administrator a list of names and addresses of the owners of all properties located within 500 feet along with (1) set of #10 envelopes stamped with typed addresses to each person on the list. These addressed envelopes and the list shall be submitted prior to the TRC meeting. The Administrator shall then mail a copy of notification to each property owner not less than ten (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.**
- F. The Administrator will forward the Major Subdivision application and site plan to the Technical Review Committee for review. The TRC shall make recommendations concerning whether the plan meets the requirements and or plans of their particular state agency, county department or utility authority
- G. Major subdivision plans must meet all the requirements prescribed in Section 6.4, Preliminary Plat Contents and Section 6.5, Final Plat Contents.
- H. The preliminary plat must be submitted in digital format to the Administrator within the time frame indicated above. The digital submission of the plat will be considered proprietary information. The digital layout will be made available to the Tax Supervisor for parcel update and the digital submission may be returned to the person submitting it.
- I. The plat will be reviewed for compliance with this Ordinance.
- J. Due to the subdivision of land for residential purposes a portion of land must be dedicated to open space by means of providing recreational area to the residents or payments in lieu of dedication to the County. Open space requirements may be referenced in Section 7.6, Open Space.
- K. Planning Board, if applicable in accordance with Section 2.3.2.B, will take action on the plat submission within 65 days after completed submission.
- L. Master Development Plan approval shall be valid for two years. If all conditions of preliminary plat are met and a phase of the final plat is recorded, the preliminary plat status shall remain valid perpetually for all remaining phases.
- M. Preliminary plat approval constitutes approval of the layout and authorizes the developer to proceed with construction of the subdivision and improvements in accord with the approved plat, conditions attached to the approval, and submittal of required permits.
- N. All conditions of preliminary plat approval must be completed and submitted within two (2) years of the approval date.
- O. If a preliminary plat is not approved, the reasons for disapproval must be specified and provided to the developer in writing. Disapproval of a preliminary plat may be appealed to the Pender County Board of Adjustment.
- P. A preliminary plat will not be scheduled for review that is incomplete or does not have the required documents submitted with it.

SPECIAL USE PERMIT

3.12.2 Application and Fees

- A. Applications for Special Use Permits, signed by the applicant, shall be approved or denied by the Board of Commissioners and shall follow the general requirements of Section 3.1.1 and 3.1.2.
- B. Each application shall contain the following as stipulated by the County Commissioners and Administrator:
 1. Structures. Location of all structures within fifty (50) feet of the property; location and depth, if known, of any existing utility lines in the property or along any adjacent road.
 2. Other Requirements. Location of property boundaries, location of any easements for utility lines or passage which cross or occupy any portion of the property for proposed lines;
 3. The applicant shall provide to the Administrator a list of names and addresses of ~~all adjacent property owners~~ **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 property owner;

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 **the owners of all properties located within 500-feet of the perimeter of the project bounds** ~~adjoining/abutting property owners~~ and aggrieved parties in the form of applicant supplied #10 envelopes with paid first class postage.

CONDITIONAL ZONING DISTRICTS

4.13.4 Public Input Meeting

Prior to scheduling a public hearing on the rezoning application, the applicant must conduct one public input meeting and file a report of the results with the Administrator. The report for the public hearing will include a summary of the public input meeting. The applicant shall mail a notice for the public input meeting to **the owners of all properties located within 500-feet of the perimeter of the project bounds** ~~adjoining property owners~~ not less than ten (10) days prior to the scheduled meeting. The notice shall include the time, date and location of the meeting as well as a description of the proposal. The applicant's report of the meeting shall include:

- A. A copy of the letter announcing the meeting
- B. A list of adjoining property owners contacted
- C. An attendance roster
- D. A summary of the issues discussed
- E. The results of the meeting including changes to the project's proposal, if any