REQUEST FOR BOARD ACTION

ITEM NO. 19.

DATE OF REQUEST: January 9, 2009

REQUESTED BY: Staff, Planning and Community Development Department, Patrick T. Davenport, Director

SHORT TITLE: Zoning text amendment to revise Section §15.4C General Provisions Concerning Special Use Permits-Expirations

BACKGROUND: It was recently brought to staff's attention that certain applicants for Special Use Permits are having difficulty in obtaining final zoning permits. Currently, Special use Permits approvals expire after one (1) year and two possible administrative extensions of three (3) months (total of 18 months possible). This expiration period does not allow enough time for an applicant/developer to obtain complex State permits such as wastewater treatment plants and their associated infrastructure, storm water facilities and State road entrance permits on certain projects. Staff prepared the attached ordinance revision which revises the allowable extension periods of approval for Special Use Permits **from two (2) three month extensions to two (2) six month extensions.** A public hearing was held at the Planning Board's December 2, 2008 meeting and a unanimous recommendation of approval to the Board of Commissioners was passed.

SPECIFIC ACTION REQUESTED: Staff is requesting that the Board of Commissioners approve this resolution to adopt the zoning text revision attached hereto. The effect of the zoning text revision would revise the allowable extension periods of approval for Special Use Permits **from two (2) three month extensions to two (2) six month extensions.**

RESOLUTION

NOW, THEREFORE BE IT RESOLVED by the Pender County Board of Commissioners that: on January 21, 2009 the Pender County Board of Commissioners approved amendments and revisions to the Pender County Zoning Ordinance as described herein.

AMENDMENTS:

MOVED_____ SECONDED_____

APPROVED_____ DENIED_____UNANIMOUS

YEA VOTES: Tate___ Brown ___ Blanchard ___ Rivenbark ___ Williams ___

_____ _____
Jimmy T. Tate, Chairman Date

_____ _____
ATTEST Date

PUBLIC HEARING DOCUMENT

PENDER COUNTY BOARD OF COMMISSIONERS -January 21, 2009 meeting

REVISIONS TO EXPIRATION PERIODS OF SPECIAL USE PERMITS

15.4 General Provisions Concerning Special Use Permits

A. Procedures for Reviewing Applications
B. Revocation
C. Expiration
Unless approved otherwise as a condition of the permit, a Special Use Permit shall expire and become void, if a final zoning permit has not been issued for the project within 12 months after the Notice of Approval of the Special Use Permit has been served on the applicant. The Zoning Administrator may provide up to two extensions of the expiration date by no more than 3 months each, for complex projects requiring major state or federal permits, upon receipt of a written request for such extension by the applicant detailing the reasons for delay in completion of the requirements for the zoning permit.

The new text will read:

C. Expiration
Unless approved otherwise as a condition of the permit, a Special Use Permit shall expire and become void, if a final zoning permit has not been issued for the project within 12 months after the Notice of Approval of the Special Use Permit has been served on the applicant. The Zoning Administrator may provide up to two extensions of the expiration date by no more than ~~3~~ **6** months each, for complex projects requiring major state or federal permits, upon receipt of a written request for such extension by the applicant detailing the reasons for delay in completion of the requirements for the zoning permit.

*Note: This will result in a revision to the time periods from **two-three** month extensions to **two-six** month extensions that the Zoning Administrator can extend the Special Use Permit approval prior to obtaining final zoning approval.*

PTD