

# 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](http://www.pendercountync.gov)

---

## **DETERMINATION OF VESTED RIGHT**

### **Establishment of Vested Rights**

#### With Site Specific Development Plan

1. In order for a zoning vested right to be established upon approval of a development plan, the applicant must indicate at the time of application, on a form to be provided by the County, that a zoning vested right is being sought. Site specific development plan means a plan which has been submitted to the County by a landowner describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. Such plan may be in the form of, but not be limited to, any of the following plans or approvals: A planned development plan, a subdivision plat, master development plan or minor site development plan, a conditional or special use permit, or any other land use approval designation as may be utilized by a county. The plan shall include the approximate boundaries of the site; significant topographical and other natural features effecting development of the site; the approximate location on the site of the proposed buildings, structures, and other improvements; the approximate dimensions, including height, of the proposed buildings and other structures; and the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways. A variance shall not constitute a site specific development plan, and approval of a site specific development plan with the condition that a variance be obtained shall not confer a vested right unless and until the necessary variance is obtained.
2. Each map, plat, site plan or other document evidencing a site specific development plan shall contain the following notation: "Approval of this plan established a zoning vested right under N.C.G.S. Section 153A-344.1. Unless terminated at an earlier date, the zoning vested right shall be valid until (date)."

### **Action by the Administrator**

1. The Administrator shall review each proposed vested rights certificate in light of the applicable approval criteria and shall distribute the application to the Technical Review Committee.
2. Based on the results of those reviews, the Administrator shall provide a report to the Board of Adjustment for consideration during a regular meeting of the Board. This report shall include a discussion of all plans and policies that have been adopted by the County and are relevant to the application as well as the Technical Review Committee's recommendation.
3. Once the application has been determined complete, the Administrator shall forward a copy of the application with all related materials to the Board of Adjustment for their decision.

### **Duration**

1. A right which has been vested as provided for in this section shall remain vested for a period of three years. Modifications or amendments to an approved plan do not extend the period of vesting unless specifically so provided by the Board of Adjustment upon approval of the modification and or amendment.
2. The Board of Adjustment may approve an extension of a zoning vested right for a period of two years resulting in a total vesting period of five years.

## APPLICATION FOR DETERMINATION OF VESTED RIGHTS

### THIS SECTION FOR OFFICE USE

Application No.	<b>VRD</b>	Date	
Application Fee	\$	Receipt No.	

### SECTION 1: APPLICANT INFORMATION

Applicant's Name:		Owner's Name:	
Applicant's Address:		Owner's Address:	
City, State, & Zip		City, State, & Zip	
Phone Number:		Phone Number:	

Legal relationship of applicant to land owner:

### SECTION 2: PROJECT INFORMATION

Property Identification Number (PIN):		Current Zoning District:	Total Acreage of Tract:
Project Location:			
Proposed uses of the property to be vested:			

List the provisions of this Ordinance from which vesting is requested:


### SECTION 3: SIGNATURES

Applicant's Signature		Date:	
Owner's Signature		Date:	

#### NOTICE TO APPLICANT:

1. Applicant must also submit the information described below in the Vested Rights Determination Checklist.
2. Applicant or agent authorized in writing must attend the public hearing.
3. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Board of Adjustment agrees to table or delay the hearing.

#### Vested Rights Determination Checklist

	Signed application form
	Application fee
	Attachments justifying the request and any information that is pertinent to the case. If the owner and applicant are different, a letter must be signed by both
	Applications shall include, at a minimum, the following information in addition to the standard information required <ul style="list-style-type: none"> <li><input type="checkbox"/> Identification of the portions of the development plan for which vesting is requested</li> <li><input type="checkbox"/> The proposed timetable for the construction of the phases of the project for which vesting is requested.</li> <li><input type="checkbox"/> If the owner considers prior expenditures and economic impact to be relevant to the governing body's determination</li> <li><input type="checkbox"/> Landowners seeking zoning vested rights on plats or other plans that would not normally receive plan approval may apply for vested rights protection through submittal of an application which contains the identical information</li> </ul>

#### OFFICE USE ONLY

<input type="checkbox"/>	VRD 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:	TRC Date:
Application completeness approved by:	Date:	BOA Hearing Date: