

# Planning Department Frequently Asked Questions

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## How do I find out what my property is zoned and what that means?

First, identify your property on the Official Zoning Map. The color key will let you know what your property is zoned. To find out the development regulations for your property, you can look in *Article 4. Zoning Districts and Zoning Map* and *Section 14-7: Table of Area, Yard, and Height Requirements* in the Unified Development Ordinance (UDO). If you have any problems finding the information you are looking for, please call our office at 910-663-3450 or email us at [planning@townofburgaw.com](mailto:planning@townofburgaw.com), and we can provide you with that information.

## **What is the ETJ?**

ETJ stands for extraterritorial jurisdiction and encompasses the areas immediately outside a municipality that are subject to its development regulations. These regulations include zoning ordinances and all requirements of the Unified Development Ordinance (UDO) and building inspections. The town is unable to enforce its nuisance ordinances in the ETJ. The purpose of the ETJ is to ensure that the area around Burgaw is developed in a way that is compatible with the development within the town limits. While residents of the ETJ do not have representation on the Board of Commissioners, they are represented by a designated seat on the Planning Board and Board of Adjustment.

## **Why do I need a zoning permit?**

Zoning Compliance Permits are required for changes of use, new structures, and site development. The zoning permit process makes sure that you are in compliance with all zoning and development regulations of the town.

Changes of Use. Zoning permits are required for changes of use, such as a new business, to make sure that the use is allowed in the zoning district and to address any potential site or building concerns. We will coordinate with building inspections and the fire marshal to ensure the building is adequate for the new use and to determine whether any water/sewer impact fees will be assessed. As part of this process, we can also provide you with sign permits and business privilege licenses.

New Structures. Zoning permits are required for new structures, including fences, porches, and accessory structures to make sure that setback requirements are met. Setbacks are the distance a structure must be from a property line for safety, privacy, and aesthetic purposes. While fences can be placed on a property line, we do require permits to avoid accidental placement on adjacent properties and, for corner lots, impediments to road sight lines.

Site Development. Some development regulations are not tied to the use of a property or to structures. Ordinances regarding grading, excavation, driveways, amount of paved areas, etc. seek to limit potential negative effects on neighboring properties and future owners of your property. Zoning permits are required for general site development to make sure these regulations are followed.

## **What do I need to do to start a business in my home?**

The Town of Burgaw's home occupation ordinances seek to allow economic uses accessory to a residence, while mitigating potential negative impacts on the neighborhood. To start a business in your home, you will need zoning permit and, in most cases, a business privilege license.

## **What can I do if the ordinance won't allow a particular use for my property?**

Anyone can apply for a text change to the town's ordinance. The text change amendment process guarantees you a public hearing in front of the Board of Commissioners, who will make the official decision about whether to make the requested change. The process takes about a month and a half to two

months and includes a discussion of your amendment at the Planning Board level. You will need to fill out an application (see the *Development Regulations, Forms, and Documents* page for a copy) and pay the application fee at the Planning Department office. The deadline for the Planning Board meeting is the last Friday of the month preceding their meeting, so if you turn in the application and fee by the last Friday in January, you would be on their February agenda for a discussion and on the Board of Commissioners' March agenda for a public hearing.

Each Planning Board and Board of Commissioners meeting also has a Public Forum. You can sign up to speak and make a request at that time; however, the boards are not obliged to act on your request.

### **How do I get my property rezoned?**

The rezoning process takes about a month and a half to two months. It includes a discussion of your amendment at the Planning Board level and a public hearing in front of the Board of Commissioners, who will make the official decision about whether to make the requested change. You will need to fill out an application (see the *Development Regulations, Forms, and Documents* page for a copy) and pay the application fee (plus a fee for mailing required notice to adjacent property owners) at the Planning Department office. The deadline for the Planning Board meeting is the last Friday of the month preceding their meeting, so if you turn in the application and fee by the last Friday in January, you will be on their February agenda for a discussion and on the Board of Commissioners' March agenda for a public hearing. We will make sure that all statutory requirements for mailing and advertising of the public hearing are met.

When considering a rezoning, neither board can consider what you in particular want to use the property for. Once a property is rezoned, any use allowed in that zoning district is allowed on the subject property. The boards do consider existing zoning patterns, the guidelines of planning documents, the "best use" for the site, and potential impacts on adjacent properties.

### **How do I register a complaint about a troublesome neighbor or nuisance property in my neighborhood?**

You can make a complaint by calling the Planning Department at 663-3450 or email us at [planning@townofburgaw.com](mailto:planning@townofburgaw.com). However, if you wish to make an anonymous complaint, please call or drop an unsigned note off for us at the Customer Service window at Town Hall. We do accept anonymous complaints but will not be able to contact you with updates on the case. Our ability to make a case may also be compromised without the evidence you would be able to provide.

### **What is the role of the Planning Board?**

The primary role of the Planning Board is to advise the Board of Commissioners on planning, zoning, and development issues within the town and its extraterritorial jurisdiction. The board sponsors planning studies, recommends policies, coordinates public participation, and reviews zoning amendments and development plans to determine consistency with the comprehensive plan and any other relevant plans.

### **How do I know if my property is located in a floodplain?**

FEMA uses a variety of statistical and topographical data to create Flood Insurance Rate Maps (FIRMs) to outline a community's different flood risk areas. These maps are available online at <https://msc.fema.gov> or at the Pender County Online GIS site (<http://www.pendercountync.gov/Government/Departments/InformationTechnologyServices/GISServices/OnLineGISDisclaimer.aspx>). The Town of Burgaw Planning Department and Building Inspections Department also can help you identify whether your property is located in a flood zone and can issue official Flood Determination Letters. Please see the *Flood Damage Prevention* page for more information on different flood zones.

### **I would like to add an accessory structure (shed, pool, detached garage, deck, etc.) to my property. What are the limitations for such structures?**

Attached garages and other enclosed extensions to the footprint of an existing building must meet the setbacks required for the zoning district. Open porches or decks and carports open on three sides only have a 5 ft. setback, except for the street side of a corner lot, where  $\frac{1}{2}$  the zoning district setback is required (20 ft. maximum). Detached structures over 500 square feet must meet the setbacks required for the zoning district. Those no larger than 500 square feet only have a 5 ft. setback, except for the street side of a corner lot, where  $\frac{1}{2}$  the zoning district setback is required (20 ft. maximum).

### **What are the guidelines for putting up a fence at my home?**

Fences not greater than 6 feet tall are allowed in the side or rear yards with no setback requirements. However, no fence taller than 4 feet is allowed within 15 feet of any street right-of-way. Front yard fences are only allowed for residential uses; may be a maximum of 4 feet in height; and must be constructed of wood, stone, brick, decorative concrete block, wrought iron, products created to resemble these materials, or a combination of any of these materials. We do require zoning permits for new fences to ensure that these requirements are met and to verify there is no encroachment onto adjacent properties.

### **What does “grandfathered” mean?**

Uses and structures that were legally allowed prior to a later amendment of the development ordinances can generally be continued as a grandfathered, nonconforming use. In order to retain this “grandfathered” status, all Town regulations in place at the time of the change in the ordinance must have been met, including all required permits, and the situation can't be discontinued for a period of 180 days or more.

### **When do I need a tree removal permit?**

Tree removal permits are required before a property is developed or redeveloped. This includes site preparation and construction for new structures or significant extension to existing structures. A \$10/tree

charge is assessed unless the tree is dead, severely diseased, or in danger of falling close to existing or proposed structures; is causing disruption of existing utility service or causing drainage or passage problems on the right-of-way; violates state or local safety hazards; or removal is necessary to enhance or benefit the health of condition of adjacent trees.

### **What is a conditional use?**

Conditional uses add both flexibility and protection to the zoning ordinance. Generally, a use is either permitted or not permitted in a particular zoning district. Conditional uses let the Board of Commissioners say “maybe” to a use. Then, during the conditional use public hearing the commissioners decide whether a particular plan for a particular piece of property is appropriate. They look to see if the use will negatively impact surrounding properties and is consistent with all appropriate town plans. The board may add conditions regarding driveway locations, utility locations, parking areas, landscaping, etc. to ensure that the standards of the ordinance are met.

### **Do I need to get a permit for a sign?**

In general, all permanent signs identifying a business or advertising a product require a sign permit. See the *Sign Permitting* page for more information sign standards, prohibited signs, and signs permitted without a permit.

### **What can I do if I don't agree with a decision the town planner has made?**

If you disagree with a decision the Planning Administrator has made regarding a permit application, you can appeal the decision to the Board of Adjustment. Application can be made at the Planning Department because it is our job to ensure that all statutory advertising requirements are met. Applications and fee payments (\$250 plus \$6 for all adjacent property owners who must be notified) can be made at any time, and a Board of Adjustment hearing will be scheduled.