

ORDINANCE NO. (2023) 5188

**AN ORDINANCE TO AMEND ORDINANCE NO. (2022) 5132 ENTITLED
“THE ‘GARNER FORWARD’ TOWN OF GARNER UNIFIED DEVELOPMENT ORDINANCE
FOR THE TOWN OF GARNER AND ITS EXTRATERRITORIAL JURISDICTION”
REGARDING REGULATIONS RELATED TO PUBLIC NOTICE REQUIREMENTS**

WHEREAS, the Town Council has conducted a public hearing and received a written recommendation from the Planning Commission regarding zoning text amendment case # ZTA-22-02 in keeping with the requirements of Section 4.6.3 of the Town of Garner Unified Development Ordinance; and

WHEREAS, the Town Council finds that although primarily mentioned in the context of promoting commercial development, the Garner Forward Comprehensive Plan discusses the guiding principle of “aligning the development code with our desired ends”, and that whether through consensus or a majority opinion, the successful adoption of a revised regulation may be understood to represent the fulfillment of that principle; and

WHEREAS, the Town Council further finds the request is reasonable and in the public interest because it promotes multi-family housing in select areas; is of an overall design that keeps within the Town’s character and improves property values; is located and designed to create good multi-family places with quality exterior materials, open spaces and facades; and clusters townhomes, ancillary units, single-family attached and detached homes with similar design characteristics where they can live compatibly.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF GARNER HEREBY ORDAINS:

Section One. That subsection C. under Section 4.4.6. “Public Notice Requirements” be amended to read as follows:

C. Mailed

1. Mailed notice shall be provided to all property owners and occupants of properties abutting or within 800 feet of the affected parcel as reflected in the Wake County tax records at the time of submittal. When less than an entire parcel of land is subject to the application, the entire parcel shall be used to determine abutting properties and those within 800 feet.
2. Occupants of Properties
 - a. Where the tax records reflect a mailing address for an owner of property to be different than the property location address, then notification shall also be mailed to the property location address so that the occupant may be notified.

- b. Where the tax records reflect multiple “residential structure” addresses on a property, then notification shall also be mailed to each said address so that the occupant of individual dwelling units may be notified.
3. For zoning map amendments, properties shall be considered abutting even if separated by a street, railroad, or other transportation corridor or right-of-way. Mailed notices shall contain the same content as published notices outlined in subsection 4.4.6.A.
4. Pursuant to G.S. § 160D-602(b), if a mailed notice for a zoning map amendment hearing includes more than 50 individual owners of more than 50 individual properties, the Town may instead elect to publish notice of the hearing as specified in G.S. § 160D-602(a).
5. If a notice contains errors regarding the time, date, or location of the hearing or the location of the subject property, the notice shall be rendered inadequate. However, if any other minor or clerical defects are present, but time, date, and location of hearing and subject property are correct in the notice, the notice shall remain valid. If questions of validity arise, the decision-making body shall make a formal finding of substantial compliance or lack thereof. If the decision-making body finds there is substantial compliance, it may then begin the proceedings for the case.
6. The applicant shall be responsible for providing the Planning Director with first class stamped envelopes (postage metering is not acceptable) addressed to all mailed notice recipients required by this subsection.

Section Two. That all ordinances or portions thereof in conflict with this ordinance are hereby repealed.

Duly adopted this 6th day of March 2023.



MAYOR

ATTEST: 

TOWN CLERK

APPROVED AS TO FORM: 

TOWN ATTORNEY