

Article VII. ADMINISTRATION & DEVELOPMENT PROCESSES

Section 7.01 ADMINISTRATIVE AGENCIES

7.01.1 MEETINGS AND MEMBERSHIP IN GENERAL

A. Open Meetings

All meetings of elected or appointed bodies under this ordinance shall be open to the public in accordance with NCGS 143-318 and shall be conducted in accordance with the procedures set forth in these regulations and rules of procedure adopted by the respective bodies and approved by the Board of Commissioners.

B. Rules of Procedure

All boards shall adopt formal rules of procedure consistent with the level of decision-making vested with that board/commission (e.g., administrative, legislative, and advisory review, quasi-judicial). Any adopted rules of procedure shall be kept on file at Town Hall and shall be made available to the public.

C. Minutes

Accurate minutes of each meeting shall be maintained by each board set out in this Article, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact. Each board set out in this Article shall keep records of its examinations and official actions. All of these minutes and records shall be filed in the office of the Town Clerk for the public record.

D. Meetings

1. All bodies authorized under this ordinance shall meet at regularly scheduled times and at such other times as determined by the chairman as provided for in the rules of procedure.
2. Special meetings may be called at any time by the chairperson or by request of a majority of members of the board.

E. Oaths of Office

1. All members of the Board of Commissioners and appointed boards shall take an oath of office prior to assuming their roles and duties.

F. Conflicts of Interest

1. No member of the Board of Commissioners, any appointed board, or administrative staff shall vote on a case or make a decision where the outcome of the matter would have a direct, substantial, and readily identifiable financial impact on him or her.
2. No member of the Board of Commissioners, any appointed board, or administrative staff shall vote on a case or make a decision if the landowner, applicant, or other person subject to that decision is a person

with whom the Commissioner, board member, or staff member has a close familial, business, or other associational relationship.

G. Proportional Representation

1. The membership of the Board of Commissioners and the membership of each appointed board shall represent the corporate limits and the ETJ by population proportion. At minimum, all boards shall each have at least one representative from the ETJ.
2. The population proportions shall be based on the latest decennial census numbers.

7.01.2 ADMINISTRATOR

The Town Manager is appointed as the Administrator and has the primary responsibility for administering and enforcing this ordinance. Other town staff members may be appointed by the Town Manager to assist him or her in these duties.

A. Powers and Duties

The Administrator shall have the following powers and duties, to be carried out in accordance with the terms of this ordinance:

1. Make all final decisions as to the interpretation and definitions of this UDO;
2. Determine the amount and applicability of administrative and consulting fees;
3. Monitor and determine the adequacy of security instruments and escrow deposits and issuance of ministerial development approvals;
4. Serve as staff for the Board of Commissioners, Planning Board and Board of Adjustment;
5. Review and render interpretations of this UDO and the Official Zoning Map,
6. Make recommendations to the Board of Commissioners, Planning Board, the Board of Adjustment;
7. Accept applications for development approval; certify the completeness of submitted applications with the requirements of these regulations;
8. Review and prepare staff reports recommending approval, approval with conditions or denial of applications for amendments to the text of this UDO and all legislative and quasi-judicial applications;
9. Accept applications for, review, and approve, approve with conditions or deny, applications for all ministerial development approvals;
10. Monitor development projects to ensure compliance with conditions of a development approval;
11. Monitor and assist in the enforcement of this UDO;
12. Review development applications to ensure that all necessary permits, licenses, franchises and approvals have been obtained from federal, state, local governmental districts, public and private utilities and other public agencies.

- 13.** Serve as the chair of the Technical Review Committee;
- 14.** Maintain a record of all permits, appeals, variances, certificates, reviews and such other transactions and correspondence pertaining to the administration of this UDO;
- 15.** Determine the establishment of vested rights;
- 16.** Oversee code enforcement and responsibilities related to ensuring compliance with the UDO, notification of violations, ordering actions on violations and keeping records of related activities;
- 17.** To administer the flood damage prevention portion of this ordinance as follows:
 - a.** Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas and Future Conditions Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.
 - b.** Advise permittee that additional Federal or State permits (Wetlands, Endangered Species, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.) may be required, and require that copies of such permits be provided and maintained on file with the floodplain development permit.
 - c.** Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA). Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
 - d.** Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
 - e.** Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with *Article 6 – Environmental and Natural Resource Protection*.
 - f.** Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with *Article 6 – Environmental and Natural Resource Protection*.
 - g.** When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with *Article 6 – Environmental and Natural Resource Protection*.
 - h.** Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas or Future Conditions Flood Hazard Areas (for example, where there appears to be a conflict

between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this ordinance.

- i. When Base Flood Elevation (BFE) data has not been provided, obtain, review, and reasonably utilize any Base Flood Elevation (BFE) data, along with floodway data or non-encroachment area data available from a Federal, State, or other source, in order to administer the provisions of this ordinance.
- j. When Base Flood Elevation (BFE) data is provided but no floodway nor non-encroachment area data has been provided, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a Federal, State, or other source in order to administer the provisions of this ordinance.
- k. When the lowest ground elevation of a parcel or structure located within Zone AE is above the Base Flood Elevation (BFE), advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA.
- l. Maintain a copy of the Letter of Map Amendment (LOMA) issued by FEMA in the floodplain development permit file.
- m. Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection.
- n. Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the floodplain administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the floodplain administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
- o. Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the floodplain administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
- p. Revoke floodplain development permits as required. The floodplain administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating

the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.

- q. Make periodic inspections throughout all special flood hazard areas within the jurisdiction of the community. The floodplain administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- r. Follow through with corrective procedures of *Article 9 – Enforcement and Penalties*.
- s. Review, provide input, and make recommendations for variance requests.
- t. Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with *Article 6 – Environmental and Natural Resource Protection*, including any revisions thereto including Letters of Map Change, issued by FEMA, and to notify the State and FEMA of mapping needs.
- u. Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-F) and Letters of Map Revision (LOMR). Such additional powers and duties as may be set forth for the Administrator elsewhere in this ordinance and other laws and regulations of the town.

7.01.3 TECHNICAL REVIEW COMMITTEE

A. Powers and Duties

1. There is hereby established a Technical Review Committee (TRC).
2. The TRC shall serve as the reviewing, recommending and approving body, where designated in this ordinance, with applications for development approval. The TRC shall provide advice and recommendations on environmental, planning, fiscal, design, engineering, transportation, utility, geo-hydrological, water availability, sustainability, environmental and technical issues, and to assess the comments and reports of reviewing Town departments, regional, state and federal agencies and officials, owner/applicants and other interested parties with standing.
3. The TRC shall meet at the request of the Administrator. An owner/applicant may be invited to attend meetings of the TRC only at the discretion of the Administrator.

4. The TRC shall make recommendations to the Administrator, Board of Commissioners, Planning Board and other bodies for approval, conditional approval or denial of applications for development approval.

B. Membership

1. The TRC shall be chaired by the Administrator (or their designee) and shall consist of technical staff and representatives of various town departments on a project by project basis.
2. Members are appointed by the Administrator, and shall include (but not be limited to) representatives from Fire, Planning, Inspections and Public Utilities. In addition, and as appropriate, the TRC may include, for a specific development approval application, representatives of other jurisdictions or service providers, including but not limited to representatives from the Sheriff, police, parks and recreation, fire districts, school districts, other municipalities, county, public and private utilities, assessment or public improvement districts and regional, state or federal agencies.

C. UDO Review

The Technical Review Committee shall serve as the reviewing and approving entity only for the following:

1. Minor Site Plans
2. Major Site Plans
3. Site Construction Plans
4. Minor Subdivisions
5. Major Subdivision Preliminary Plats
6. Subdivision Construction Plans
7. Final Plats

7.01.4 BOARD OF COMMISSIONERS

A. Powers and Duties

The Town of Lillington Board of Commissioners shall have the following powers and duties to be carried out in accordance with the terms of this ordinance.

1. To conduct any and all business in accordance with their charter and the North Carolina General Statutes.
2. To amend the Land Use Plan and other plans as necessary.

B. UDO Decisions

The Board of Commissioners shall render final decisions regarding the following:

1. Special Use Permits
2. Text Amendments
3. Map Amendments and Rezonings
4. Conditional Zoning District

7.01.5 PLANNING BOARD

A. Powers and Duties

The Town of Lillington Planning Board shall have the following powers and duties to be carried out in accordance with the terms of this ordinance.

1. To perform studies and surveys of the present conditions and probable future development of the town and its environs, including but not limited to, studies and surveys of land uses, population, traffic, parking, annexation, expansions of extraterritorial jurisdiction, etc.

2. To formulate and recommend to the Board of Commissioners the adoption and amendment of a land use plan and other plans as necessary.
3. To initiate proposals for amendments to the Unified Development Ordinance based upon the findings and recommendations delivered in such studies and adopted plans.
4. To determine whether specific proposed developments conform to the principles and requirements of the adopted land use plan for growth and improvement of the town.
5. Perform any other related duties that the council may direct per NCGS 160D-301.

B. Membership and Quorum

1. The Planning Board shall consist of six members, three from the corporate limits of the town and three from the one-mile territorial jurisdiction, who shall be appointed by the Board of Commissioners.
2. Three members shall be appointed for a term of two years and three members shall be appointed for a term of one year. As the terms of these six members expire, new appointments for terms of two years shall be made.
3. The appointment of members shall be made as vacancies occur by expiration of the term of office or at such other time as vacancies occur.
4. Per Town Code § 30.02, A quorum of three members shall be necessary to transact regular business and recommendations.

C. UDO Review and Recommendation

The Planning Board shall review and make recommendations regarding the following:

1. Text Amendments
2. Map Amendments and Rezoning
3. Conditional Zoning District

7.01.6 BOARD OF ADJUSTMENT

A. Powers and Duties

The Town of Lillington Board of Adjustment shall have the following powers and duties to be carried out in accordance with the terms of this ordinance.

1. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Administrator in the carrying out or enforcement of any provision of this ordinance. A concurring majority vote of the members of the Board shall be necessary to reverse, wholly or partly any order, requirement, decision, permit, determination or refusal.
2. To authorize by a concurring vote of fourth-fifths of the members of the Board, variances from the terms of this ordinance as will not be contrary to the public interest where, owing to the special conditions, the following written findings are made:
 - a. Unnecessary hardship would result from the strict application of the regulation. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
 - b. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from

conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

- c. The hardship did not result from actions taken by the applicant of the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
- d. The requested variance is consistent with the spirit, purpose, and intent of the regulation such that the public safety is secured, and substantial justice is achieved.

B. Membership and Quorum

- 1. The Board of Adjustment shall consist of five voting members from within the town corporate limits and two voting members from the extraterritorial jurisdiction (ETJ) of the town. The five voting members of the Town Board of Commissioners shall serve ex officio as the five in-town representatives on the Board of Adjustment.
- 2. The two out-of-town members shall serve three-year terms and shall be appointed by the County Board of Commissioners or as otherwise provided by the NCGS.
- 3. ETJ members shall have the right to vote upon matters arising within the corporate limits. In addition, there shall be one in-town alternate and one ETJ alternate. The in-town alternate shall be the Mayor ex-officio as described below.
- 4. The Mayor of the town shall serve as the Chairperson of the Board of Adjustment.
- 5. The Chairperson may not vote on matters before the Board of Adjustment unless fewer than six members are present and the Chairperson's participation would create a quorum.
- 6. The Mayor pro-tem shall serve as Vice Chairperson but retains the right to vote on all matters before the Board.
- 7. The Administrator shall serve as Clerk to the Board of Adjustment.
- 8. Meetings of the Board shall be held at the call of the Chairperson or at such other times as the Board may determine.
- 9. The Chairperson, or in his or her absence, the Vice Chairperson, may administer oaths and compel the attendance of witnesses.
- 10. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member or his or her absence or failure to vote and of its other official actions.
- 11. A quorum of five members shall be necessary to transact business (four in-town members and one ETJ member).

C. UDO Decisions

The Board of Adjustment shall render final decisions regarding the following:

- 1. Appeal of Administrative Decisions
- 2. Variances

Section 7.02 DEVELOPMENT PROCESSES AND PERMITS

7.02.1 PURPOSE AND INTENT

In order to establish an orderly process to develop land within the jurisdiction of the Town of Lillington consistent with standard development practices and

terminology it is the purpose of this section to provide a clear and comprehensible development process.

7.02.2

PROVISIONS AND APPLICABILITY

The provisions of this section shall be applicable to all development activity under the jurisdiction of the Town of Lillington.

A. Permit to Start Construction Required

No land shall be used or occupied and no structures shall be erected, moved, extended, or enlarged, nor shall any timbering, clearing and grubbing, or filling of any lot for the construction of any building be initiated until the Administrator has issued an appropriate permit which will certify that the proposed work is in conformity with the provisions of this ordinance.

B. Fees and Inspections

1. The Town of Lillington is authorized to establish fees to be charged by the town for the administration of the regulations in this ordinance. Based on the Town's official fee schedule, fees shall be paid to the town to cover the cost of processing, advertising and other administrative expenses regarding each application and/or plan as specified in this ordinance.
2. Agents and officials of the town are authorized to inspect land development activities to ensure compliance with this ordinance, or rules or orders adopted or issued pursuant to this ordinance, and to determine whether the measures required in approved development plans are being appropriately followed. Notice of the right to inspect shall be included in the certificate of approval of each plan.
3. No person shall willfully resist, delay or obstruct an authorized representative, employee or agent of the Town while that person is inspecting or attempting to inspect a land development activity.
4. The Town shall also have the power to require written statements or filing reports under oath, with respect to pertinent questions relating to the land development activity.

C. Permit/Process Table:

Development Permit/Process	Process Type	Review/Recommendation	Final Action	Appeal Process	Public Notice Level
Appeal of Administrative Decision	Quasi-Judicial	N/A	N/A	Board of Adjustment	1
Certificate of Compliance	Administrative	Administrator	Administrator	Board of Adjustment	N/A
Conditional Zoning Districts	Legislative	Planning Board	Board of Commissioners	Superior Court	1, 2, & 3
Special Use Permit	Quasi-Judicial	Administrator/TRC	Board of Commissioners	Superior Court	1, 2, & 3
Design Review	Administrative	Administrator	Administrator	Board of Adjustment	N/A
Final Plat	Administrative	Administrator/TRC	Administrator/TRC	Board of Adjustment	N/A
Floodplain Development Permit	Administrative	Administrator	Administrator	Board of Adjustment	N/A
Major Site Plan	Administrative	Administrator/TRC	Administrator/TRC	Board of Adjustment	N/A
Major Subdivision Preliminary Plat	Administrative	Administrator/TRC	Administrator/TRC	Board of Adjustment	N/A
Minor Subdivision	Administrative	Administrator/TRC	Administrator/TRC	Board of Adjustment	N/A
Rezoning (Map Amendment)	Legislative	Planning Board	Board of Commissioners	Superior Court	1, 2, & 3
Site Construction Plan	Administrative	Administrator/TRC	Administrator/TRC	Board of Adjustment	N/A
Subdivision Construction Plan	Administrative	Administrator/TRC	Administrator/TRC	Board of Adjustment	N/A
Temporary Use/Special Event Permit	*Administrative	*Administrator	*Administrator	Board of Adjustment	N/A
Text Amendment	Legislative	Planning Board	Board of Commissioners	Superior Court	1, 2 & 3
^[1] Transportation Impact Analysis (TIA)	**Administrative	**Administrator/TRC	**Administrator/TRC	N/A	N/A
Variance	Quasi-Judicial	Board of Adjustment	Board of Adjustment	Superior Court	1, 2 & 3
Zoning Permit	Administrative	Administrator	Administrator	Board of Adjustment	N/A

^[1]See Article 5, Section 4.14 – Transportation Impact Analysis

*Requires Board of Commissioners approval if street closure is involved.

**TIAs may be required as part of a conditional zoning or master plan approval as determined by the Administrator.

7.02.3 APPLICATION COMPLETENESS

A. Applications to Be Complete

1. No application is complete unless all of the information required herein is included and all filing fees have been paid. An application that includes such information is deemed complete.
2. Additional information may be required by the Administrator to decide whether or not the development, if completed as proposed, will comply with all of the requirements of this ordinance. Failure to provide

additional required information may result in application denial. The presumption established by this UDO is that all required application information is necessary.

3. Review for completeness of application forms is solely for the purpose of determining whether preliminary information required for submission constitute a decision as to whether application complies with the provisions of the UDO.
4. The Administrator may agree to process an application without all required information at the risk to the Applicant that the decision-making body may later require the information prior to acting on the application.

B. Evidence of Authority

The Administrator may require an applicant to present evidence of authority to submit the application.

7.02.4 PUBLIC NOTICE

The following procedures have been established for development processes/permits that require notification of the public prior to consideration and/or approval.

A. Level 1: Published Notice - General

A notice shall be published in a newspaper of general circulation in the town once a week for 2 successive weeks. The first publication shall appear no less than 10 days or more than 25 days prior to the date fixed for the public hearing. The notice shall include the time, place and date of the hearing/meeting and include a description of the property and the nature of the proposal.

B. Level 2: Mailed Notice / Full Community Notice

1. The owners of property owners adjacent to the subject property shall be notified of the hearing/meeting by first class mail. Such notification shall be postmarked at least 10 but not more 25 days prior to the date of the meeting at which the matter is to be heard.
2. As an alternative, to the mailed notice requirements in Section 7.02.4.B.1 above and per NCGS 160D-602(b) the town may elect to serve notice through a full community notification for pending actions that affect at least 50 properties with at least 50 different property owners. The town shall publish notice of the hearing/meeting in a newspaper of general circulation in the town. Two advertisements shall be published in separate calendar weeks. Each advertisement shall not be less than one-half of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper which publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified by first class mail.

C. Level 3: Posted Notice

In addition to providing published or mailed notice, as required in above, a sign shall be placed in a prominent location on the subject property(ies) or on an adjacent public street or highway right-of-way with a notice of the pending action/hearing and a phone number to contact for additional information. The posting shall occur within the same time period specified in Section 7.02.4.B.1.

7.02.4 APPLICATION REQUIREMENTS

- A. The following general standards for various applications have been identified as a means to create a hierarchy of submissions for permits/processes.
- B. The Application Checklists in the Appendix Section of this ordinance are intended to provide further guidance to applicants as to the necessary level of detail for certain permit/process types. Permits/processes for which checklist requirements are needed are marked with “•” in the table below:

Development Permit/Process	Existing Conditions Map	Sketch Plan	Master Plan	Construction Plan	Final Plat	Building Elevations	As-Built Drawings
Conditional Zoning Districts	•		•				
Special Use Permit	•		•				
Design Review		•				•	
Final Plat					•		•*
Floodplain Development Permit	•			•			•
Major Site Plan	•		•				
Major Subdivision Preliminary Plat	•		•				
Minor Subdivision					•		
Construction Plans	•			•			•*
Temporary Use/Special Event Permit		•*					
Vested Right			•				
Zoning Permit		•*					

**As needed by the Administrator*

C. Existing Conditions Map

An existing conditions map is intended to identify existing developed conditions and natural features including, but not limited to, the following:

- Rights of way
- Existing structures
- Cemeteries
- Bridges or culverts
- Utilities
- Driveways & curb cuts
- Sidewalks, surface parking & loading areas
- Streets with pavement width
- Existing easements

- Natural features such as large stands of trees, water features, special flood hazard area
- Soils Type
- Existing topography

D. Sketch Plan

1. A sketch plan shall show in simple sketch form the dimensions of the lot on which the proposed building or use is to be constructed or conducted and the following:
 - Proposed layout of existing and proposed streets
 - Existing or proposed lot(s) layout, building(s) location and size
 - Nature of land use, parking areas and means of ingress/egress,
 - Environmental conditions (i.e. Special Flood Hazard, wetlands, Impervious Surface Area, etc.)
2. Sketch Plans shall be reviewed as binding documents for compliance of Unified Development Ordinance conformance, but shall be used for non-binding review for all other development application processes in which a sketch plan is required. All plans shall be submitted at a scale not less than 1 inch = 50 feet (for Site Plans) or 1 inch = 200 feet (for Subdivisions) unless otherwise authorized by the Administrator.

E. Master Plan

1. A master plan is intended to provide a detailed two-dimensional drawing that illustrates all of the required site features including:
 - Buildings & parking areas
 - Streets locations, street sections & new & existing rights-of-ways
 - Property lines and setbacks
 - Required or proposed buffers,
 - Conceptual landscaping
 - All related development calculations (e.g., density, proposed building areas, number of parking spaces, estimate impervious surface) in sufficient detail to show compliance with this ordinance.
2. Detailed engineering drawings such as subsurface utilities (e.g., water and sewer) and on-site stormwater facilities are not required for Master Plans, except that horizontal water and sewer locations shall be indicated as required by the utility provider.

F. Construction Plan

1. Construction Plans shall constitute a full and complete set of engineered drawings necessary for final permitting and construction.
2. All plans shall be submitted at a scale not less than 1 inch = 50 feet unless otherwise authorized by the Administrator.

3. All streets, utilities, and stormwater, and other infrastructure systems shall be designed and constructed in accordance with the adopted Town of Lillington Specifications and utilities provider requirements where applicable.

G. Final Plat

1. The final plat shall be prepared by a professional land surveyor, licensed to practice in the State of North Carolina and shall be drawn to a scale no less than 1 inch = 100 feet, and shall meet the requirements of NCGS 47-30.
2. The final plat shall constitute an accurate survey of the entire phase as shown on the approved plan and shall include all the relevant notes and certifications.

H. Building Elevations

In order to reasonably evaluate the building, it is necessary to submit scaled drawings of each elevation visible from a public street. These drawings should be in color and should accurately represent the building heights, floor levels, and building materials.

I. As-Built Drawings

The “as built” drawings shall show the final design specifications for all public infrastructure. The designer of the infrastructure shall certify, under seal, that the installed infrastructure is in substantial compliance with the approved plans and designs and with the requirements of this ordinance. A final inspection and approval by the Administrator shall occur before the release of any performance securities.

Section 7.03 7.03.1

REQUIREMENTS FOR HEARINGS AND DECISIONS

STANDARDS FOR CONDUCT OF QUASI-JUDICIAL HEARINGS

A quasi-judicial decision is a process that involves the finding of facts regarding a specific application of an ordinance and the exercise of discretion when applying the standards of the ordinance. Quasi-judicial decisions include decisions involving variances, special use permits, and appeals of administrative decisions. As a result, the following standard procedures shall be incorporated as appropriate.

A. Contact with Decision-Making Board Members

Contact with any members of a decision-making board prior to the public hearing by any individual regarding the matter is prohibited.

B. Conflict of Interest

Members of the decision-making board shall adhere to the conflict of interest standards outlined in Section 7.01.1.F. If an objection is raised to a member’s participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

C. Participants to be Sworn

All participants in the public hearing shall be duly sworn in prior to the submission of any testimony.

D. Competent Evidence Required

1. All decisions shall be based on competent evidence entered in as part of the record.
 2. The term "competent evidence," as used in this subsection, shall not preclude reliance by the decision-making board on evidence that would not be admissible under the rules of evidence as applied in the trial division of the General Court of Justice if (i) the evidence was admitted without objection, or (ii) the evidence appears to be sufficiently trustworthy and was admitted under such circumstances that it was reasonable for the decision making board to rely upon it.
 3. The term "competent evidence," as used in this subsection, shall not be deemed to include the opinion testimony of lay witnesses as to any of the following:
 - a. The use of property in a particular way would affect the value of other property.
 - b. The increase in vehicular traffic resulting from a proposed development would pose a danger to the public safety.
 - c. Matters about which only expert testimony would generally be admissible under the rules of evidence.

E. Cross-Examination Permitted

The cross-examination of witnesses submitting testimony shall be permitted upon request.

7.03.2 DECISION STANDARDS

Each decision-making board under the provisions of this ordinance shall ensure that the rights of petitioners have not been prejudiced because of the decision-making body's findings, inferences, or conclusions. In addition, such decision shall not be:

- A. In violation of constitutional provisions, including those protecting procedural due process rights.
- B. In excess of the statutory authority conferred upon the town or the authority conferred upon the decision-making board by ordinance.
- C. Inconsistent with applicable procedures specified by statute or ordinance.
- D. Affected by other error of law.
- E. Unsupported by substantial competent and material evidence in view of the entire record.
- F. Arbitrary and capricious.

7.03.3 DECISION RECORDS

The following shall become part of the official record of decision:

- A. Documents and exhibits submitted to the decision-making board;
- B. Meeting minutes;
- C. Any party may request, at their expense, a transcript of the proceedings from any recorded audio/video if available.

Section 7.04 ADMINISTRATIVE PERMITS
7.04.1 ZONING PERMIT

A zoning permit indicates compliance with the provisions of this ordinance and shall be required for the construction or development of any new use within the jurisdiction of the Town of Lillington, and any other site improvement as indicated in the UDO. In addition to new uses, a zoning permit shall be required for expansions of existing uses, changes of use, any uses permitted with special conditions (*Article 3 – Use Standards*) and any signage requiring a permit (*Article 4 – Design Standards*).

A. Application Prior to Building Permit

A zoning permit application shall be presented to the Administrator prior to applying for a building permit from the Harnett County Inspections Department. No building permit shall be issued for any activity within the Town's jurisdiction until such zoning permit is approved by the town and presented to the county.

B. Pre-Application Process

No meeting is required but applicants are encouraged to call or visit the Administrator prior to requesting a zoning permit to determine what information is required for the application.

C. Required Application Information

Sketch Plan and any other relevant information to show compliance (may be waived by Administrator as appropriate). A zoning permit shall be issued in the name of the applicant (except that applications submitted by an agent shall be issued in the name of the principal and shall be accompanied by a signed affidavit designating such agent), shall identify the property involved and the proposed use, shall incorporate by reference the plans submitted, and shall contain any special conditions or requirements lawfully imposed by the permit-issuing authority.

D. Determination of Compliance

Once an application containing all needed elements is submitted, the Administrator shall review the application and approve or deny it based on compliance with the standards contained in this ordinance.

E. Appeals

Appeals of the decisions of the Administrator shall be heard by the Board of Adjustment.

F. Permit Validity & Extensions

1. Zoning permits shall be void after one year from date of issue unless substantial progress on the project has been made by that time or unless a statutory zoning vested right exists as described in this ordinance. Upon issuance of a building permit by the Harnett County Inspections Department, the Zoning Permit shall remain valid as long as a valid building permit exists for the project.

2. Any change to the approved plans that has not been authorized by the Administrator shall invalidate the zoning Permit and any subsequent building permits.
3. The Administrator may grant one extensions of this time period of up to 6 months upon submittal by the applicant of sufficient justification for the extension. Sufficient justification may include, but is not limited to, delays in other outside agency permits, financing institution delays, or other similar reasons beyond the control of the applicant.

7.04.2 TEMPORARY USE/SPECIAL EVENT PERMITS

Temporary Use/Special Event Permit is required for uses permitted in accordance with *Article 3 – Use Standards* prior to the commencement of any use or activity.

A. Pre-Application Process

No meeting is required but applicants are encouraged to call or visit the Administrator prior to requesting a zoning permit to determine what information is required for the application.

B. Required Application Information: Sketch Plan and any other relevant information to show compliance (may be waived by Administrator as appropriate).

C. Determination of Compliance

Once an application containing all needed elements is submitted, the Administrator shall review the application and approve or deny it based on compliance with the standards contained in this ordinance.

D. Appeals

Appeals of the decisions of the Administrator shall be heard by the Board of Adjustment.

E. Permit Validity & Extensions

See *Article 3 – Use Standards*.

7.04.3 CERTIFICATE OF COMPLIANCE

Issuance of a certificate of compliance shall be required prior to the occupancy or use of any new construction and re-occupancy or re-use of any renovation/rehabilitation in the Town of Lillington. Certificates of compliance insure that a completed development project has complied with all the applicable requirements of this ordinance and all other applicable federal, state and local regulations. Certificates of compliance must be signed by the Administrator to certify compliance with applicable regulations of this ordinance.

A. Determination of Compliance

Upon receipt of the request for a certificate of compliance, the Administrator shall inspect the site for compliance with the approved plan and the applicable standards of this ordinance. The applicant shall be notified of any deficiencies in the building(s) or site that prevents the issuance of the certificate of completion or the certificate shall be issued.

B. Appeals

Appeals of the decisions of the Administrator shall be heard by the Board of Adjustment.

7.04.4 ENVIRONMENTAL PERMITS

A. Drainage & Stormwater Management

As part of all construction plan review and approvals, proper permits shall be provided by the applicant that meet the standards *Article 6 – Environmental and Natural Resource Protection* in this ordinance and any applicable requirement of the NC Department of Environmental Natural Resources, Army Corp of Engineers and/or any other applicable state or federal agency.

B. Floodplain Development Permit

A floodplain development permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within special flood hazard areas determined in accordance with *Article 6 – Environmental and Natural Resource Protection* of this ordinance.

1. Permit Required Before Land Disturbance

No such land disturbing activity shall take place in areas designated as Special Flood Hazard areas until plans associated with the activity have been reviewed and approved in accordance with the procedures set forth in this ordinance.

2. Pre-Application Process

Applicants are encouraged to meet with the Administrator prior to submitting an application for development in the designated flood hazard area. The purpose of this meeting is to discuss the project, the proposed design strategies, and to answer questions of the applicant regarding the application and schedules for review.

3. Required Application Information: Existing Conditions Map (may be waived by Administrator as appropriate), Construction Plans & As-Built Drawings – upon completion.

4. Additional Information Required

The following specific items/information shall be presented to the Administrator in an application for a floodplain development permit:

a. Plan Information

A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:

- i.** The nature, location, dimensions and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities and other development;
- ii.** The boundary of the special flood hazard area as delineated on the FIRM or other flood map as determined in *Article 6 – Environmental and Natural Resource Protection*, or a statement that the entire lot is within the special flood hazard area;

- iii. Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in *Article 6 – Environmental and Natural Resource Protection*;
 - iv. The boundary of the floodway(s) or non-encroachment area(s) as determined in *Article 6 – Environmental and Natural Resource Protection*;
 - v. The base flood elevation (BFE) where provided as set forth in *Article 6 – Environmental and Natural Resource Protection*;
 - vi. The old and new location of any watercourse that will be altered or relocated as a result of proposed development;
- b. Proposed elevation, and method thereof, of all development within a special flood hazard area including but not limited to:
- i. Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
 - ii. Elevation in relation to mean sea level to which any non-residential structure in Zone AE, A or AO will be flood-proofed; and
 - iii. Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed;
 - a) If floodproofing, a floodproofing certificate (FEMA Form 81-65) with supporting data and an operational plan that includes, but is not limited to, installation, exercise and maintenance of floodproofing measures.
 - b) A foundation plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:
 - i. The proposed method of elevation, if applicable (such as, fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls);
 - ii. Openings to facilitate equalization of hydrostatic flood forces on walls in accordance with *Article 6 – Environmental and Natural Resource Protection*, when solid foundation perimeter walls are used in Zones A, AO, AE, and A1-30;
 - c) Usage details of any enclosed areas below the regulatory flood protection elevation;
 - d) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage;
 - e) Copies of all other local, state and federal permits required prior to floodplain development permit issuance (wetlands, endangered species, erosion and sedimentation control, riparian buffers, mining and the like);

- f) Documentation for placement of recreational vehicles and/or temporary structures, when applicable.
- g) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.
- h) Permit requirements

The floodplain development permit shall include, but not be limited to:

 - i. A description of the development to be permitted under the floodplain development permit;
 - ii. The special flood hazard area determination for the proposed development per available data specified in *Article 6 – Environmental and Natural Resource Protection*;
 - iii. The regulatory flood protection elevation required for the reference level and all attendant utilities;
 - iv. The regulatory flood protection elevation required for the protection of all public utilities;
 - v. All certification submittal requirements with timelines;
 - vi. A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable; and
 - vii. The flood openings requirements, if in Zones A, AO, AE or A1-30.
- i) Certification requirements
 - i. An elevation certificate (FEMA Form 81-31) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level in relation to mean sea level. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.
 - ii. An elevation certificate (FEMA Form 81-31) is required after the reference level is established. Within seven calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level. Any work done within the seven-day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being

permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.

- iii. A final as-built elevation certificate (FEMA Form 81-31) is required after construction is completed and prior to certificate of compliance/occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of tie reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to certificate of compliance/occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a certificate of compliance/occupancy.
- iv. If non- residential floodproofing is used to meet the regulatory flood protection elevation requirements, a floodproofing certificate (FEMA Form 81-65), with supporting data and an operational plan, is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data and plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a certificate of compliance/occupancy.
- v. *Manufactured homes.* If a manufactured home is placed within Zone A, AO, AE, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required per *Article 6 – Environmental and Natural Resource Protection.*
- vi. *Watercourses.* If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer’s certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or

relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

I) Certification exemptions

The following structures, if located within Zone A, AO, AE or A1-30, are exempt from the elevation/floodproofing certification requirements specified in this ordinance:

- i. Recreational vehicles meeting requirements of *Article 6 – Environmental and Natural Resource Protection*;
- ii. Temporary structures meeting requirements of *Article 6 – Environmental and Natural Resource Protection* and Accessory structures less than 150 square feet meeting requirements of *Article 6 – Environmental and Natural Resource Protection*.

Section 7.05
7.05.1

MAJOR SITE PLANS AND DESIGN REVIEW

MAJOR SITE PLAN REVIEW

The Major Site Plan Review process shall apply to all residential developments which include 3 units or more and to all development applications which require a Transportation Impact Analysis according to *Article 5 - Subdivisions and Infrastructure*. Applications not meeting this threshold shall proceed directly to the construction plan review process.

A. Pre-Application Process

It is required that every applicant for Major Site Plan meet with the Administrator in a conference prior to the submittal of an application. The purpose of this conference is to provide clarification and assistance in the preparation and submission of plans for approval.

B. Process Type: Administrative

C. Required Application Information: Existing Conditions Map, Master Plan and any other relevant information to show compliance (may be waived by Administrator as appropriate).

D. Determination of Compliance

The Technical Review Committee shall review the plan to ensure that it is complete. Upon approval, the applicant may submit a site construction plan.

E. Appeals

An appeal from the decision of the Administrator/TRC regarding a Major Site Plan may be made by an aggrieved party and shall be made to the Board of Adjustment. Any such petition shall be filed with the Administrator within-30 days after the decision or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the secretary or chairman of the Board at the time of its hearing of the case, whichever is later. The decision may be delivered to the aggrieved party either by personal service or by registered mail or certified mail return receipt requested.

E. Validity & Extensions

1. Per NCGA 160D-108(d)(3), approval of a Major Site Master Plan shall be valid for 2 years from the date of approval. Construction Plans shall be presented for approval prior to the end of this 2 year period.
2. Per NCGS 160D-108(d)(4), if the Administrator may grant a single extension of this time period of up to one year upon submittal by the applicant of sufficient justification for the extension. Sufficient justification may include, but is not limited to, delays in other outside agency permits, financing institution delays, or other similar reasons beyond the control of the applicant.
3. If an extension is denied, or a Major Site Plan is not presented for approval within a granted extension period, the applicant may reapply for a Major Site Plan using the same process as if the application was being considered for the first time.

F. Substantial Changes

1. Any substantial change to a Major Site Plan as noted below shall be reviewed and approved or denied by the Administrator/TRC
2. The following changes to a Major Site Plan shall be considered substantial:
 - a. When there is introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access.
 - b. Modification of special performance criteria, design standards, or other requirements specified by the Major Site Plan.
 - c. When there is an increase in the total number of residential dwelling units originally authorized by the approved Major Site Plan.
 - d. When the total floor area of a development is increased more than 10% beyond the total floor area last approved by Board of Commissioners. Changes of less than 10 percent may be approved by the Administrator.

7.05.2 SITE CONSTRUCTION PLAN REVIEW

A. Pre-Application Process

No meeting is required but applicants are encouraged to call or visit the Administrator to determine what information is required for the application.

B. Process Type: Administrative

C. Required Application Information: Existing Conditions Map, Construction Plans & As-Built Drawings (may be waived by Administrator as appropriate).

D. Determination of Compliance

The Site Construction Plan shall be reviewed by the Technical Review Committee for compliance with the requirements of this ordinance and for conformity with the approved Major Site Plan, if applicable. Provided the application is complete, applications shall be reviewed by the

committee and written review comments will be given to the applicant within 30 days of receipt of the Site Construction Plan.

E. Appeals

Appeals of decisions of the Technical Review Committee shall be heard by the Board of Adjustment. An appeal must be made in writing by the applicant within 30 days of the receipt of the committee's comments.

F. Validity & Extensions

Approval of a Site Construction Plan shall be valid for 1 year from the date of approval. There shall be no extensions permitted.

G. Substantial Changes

See Section 7.05.1.K above.

7.05.3 BUILDING DESIGN REVIEW

The building design review process applies to all development with the exception of those exempted per NCGS pertaining to structures subject to regulation under the North Carolina Residential Code for One and Two-Family Dwellings. Voluntary building design standards may be applied to such structures upon consent by the owner at the time approval. The Administrator shall review building elevations for architectural design compliance with the standards of this ordinance.

A. Pre-Application Process

No meeting is required but applicants are encouraged to call or visit the Administrator to determine what information is required for the application.

B. Process Type: Administrative

C. Required Application Information: Sketch Plan (may be waived by Administrator as appropriate) & Building Elevations.

D. Determination of Compliance

Once an application containing all needed elements is submitted, the Administrator shall review the application/plan and approve or deny it based on compliance with the standards contained in this ordinance.

E. Appeals

Appeals of decisions of the Administrator shall be heard by the Board of Adjustment. An appeal must be made in writing by the applicant within 30 days of the receipt of the committee's comments.

F. Validity & Extensions

Approval of building elevations shall be valid for 1 year from the date of approval. There shall be no extensions permitted. Any change to the approved plans that has not been authorized by the Administrator shall invalidate the approval and any subsequent building permits.

Section 7.06 SUBDIVISIONS
7.06.1 MINOR SUBDIVISION REVIEW
A. Applicability

1. The minor subdivision review process is required for those divisions of land which contains five (5) or fewer lots and do not require the dedication of public utilities, public easements and/or public streets.
2. If the subdivider owns, leases, holds an option on or holds any legal or equitable interest in any property adjacent to or located directly across a street, easement, road or right-of-way from the property to be subdivided, the subdivision shall not qualify under the minor subdivision procedure. Furthermore, the minor subdivision procedure may not be used a second time within three years on any property less than 1,500 feet from the original property boundaries by anyone who owned, had an option on or any legal interest in the original subdivision at the time the subdivision received preliminary or final plat approval.

B. Pre-Application Process

It is required that every applicant for a minor subdivision meet with the Administrator prior to the submittal of an application. The purpose of this meeting is to provide clarification and assistance in the preparation and submission of plats for approval.

C. Process Type: Administrative

D. Required Application Information

Sketch Plan (may be waived by Administrator as appropriate) & Final Plat.

E. Determination of Compliance

Once an application containing all needed elements is submitted, the Administrator shall review the application/plan and approve or deny it based on compliance with the standards contained in this ordinance.

F. Appeals

Appeals of decisions of the Administrator shall be heard by the Board of Adjustment. An appeal must be made in writing by the applicant within 30 days of the receipt of the committee's comments.

G. Validity & Extensions

Approval of a final plat for a minor subdivision, the plat shall be signed by the Administrator and the owner(s). Upon signature, minor subdivision plats shall be recorded at the Harnett County Register of Deeds within 30 days following approval or the approval becomes invalid.

7.06.2

MAJOR SUBDIVISION PRELIMINARY PLAT

A. Applicability

The major subdivision preliminary plat review process is required for those divisions of land that create six (6) lots or more, or which require the dedication of public utilities, public easements and/or public streets.

B. Pre-Application Process

It is required that every applicant for major subdivision preliminary plat meet with the Administrator in a conference prior to the submittal of an application. The purpose of this conference is to provide clarification and assistance in the preparation and submission of plans for approval.

D. Process Type: Administrative

E. Required Application Information: Existing Conditions Map & Master Plan.

F. Determination of Compliance

The Technical Review Committee shall review the plan to ensure that it is complete. Upon approval, the applicant may submit a subdivision construction plan.

G. Decisions

If the Administrator approves the major subdivision preliminary plat, the applicant will be directed to proceed to the preparation of Construction Plans. If the Administrator disapproves or approves conditionally the plan, the reasons for such action shall be stated in writing and entered in the records of the Town and the applicant may make changes and submit a revised plan for consideration in accordance with the procedures set forth in this section.

H. Appeals

An appeal from the decision of the Administrator regarding a Major Site Plan may be made by an aggrieved party and shall be made to the Board of Adjustment. Any such petition shall be filed with the Administrator within 30 days after the decision or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the secretary or chairman of the Board at the time of its hearing of the case, whichever is later. The decision may be delivered to the aggrieved party either by personal service or by registered mail or certified mail return receipt requested.

I. Validity & Extensions

1. Per NCGS 160D-108(d)(3), approval of a major subdivision preliminary plat shall be valid for 2 years from the date of approval. Construction Plans shall be presented for approval prior to the end of this 2~~4~~-year period.
2. Per NCGS 160D-108(d)(4), if the approved major subdivision preliminary plat provides for multiple construction phases within the subdivision, contains 100 acres or more, and is subject to committed elements with a requirement to offer land for public use as a condition of approval, the multi-phase development shall be vested for a period of seven years from the time of major subdivision plan approval.
3. The Administrator may grant a single extension of this time period of up to one year upon submittal by the applicant of sufficient justification for the extension. Sufficient justification may include, but is not limited to, delays in other outside agency permits, financing institution delays, or other similar reasons beyond the control of the applicant.
4. If an extension is denied, or a major subdivision preliminary plat is not presented for approval within a granted extension period, the applicant may reapply for a major subdivision preliminary plat using the same process as if the application was being considered for the first time.

J. Substantial Changes

1. Any substantial change to a major subdivision preliminary plat as noted below shall be reviewed and approved or denied by the Administrator/TRC.
2. The following changes to a major subdivision preliminary plat shall be considered substantial:
 - a. When there is introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access.
 - b. Modification of special performance criteria, design standards, or other requirements specified by the major subdivision preliminary plat.
 - c. When there is an increase in the total number of residential dwelling units originally authorized by the approved major subdivision preliminary plat.

7.06.3 SUBDIVISION CONSTRUCTION PLAN REVIEW

A. Pre-Application Process

No meeting is required but applicants are encouraged to call or visit the Administrator to determine what information is required for the application.

B. Process Type: Administrative

C. Required Application Information: Existing Conditions Map & Construction Plans

D. Determination of Compliance

The Site Construction Plan shall be reviewed by the Technical Review Committee for compliance with the requirements of this ordinance and for conformity with the approved major subdivision preliminary plat, if applicable. Provided the application is complete, applications shall be reviewed by the committee and written review comments will be given to the applicant within 30 days of receipt of the Subdivision Construction Plan.

E. Appeals

Appeals of decisions of the Technical Review Committee shall be heard by the Board of Adjustment. An appeal must be made in writing by the applicant within 30 days of the receipt of the committee's decision.

F. Phasing

Subdivision Construction Plans for phased subdivisions shall be reviewed and recorded individually in accordance with the schedule presented by the applicant during the major subdivision preliminary plat approval.

G. Validity & Extensions

1. Approval of a Subdivision Construction Plan shall be valid for 2 years from the date of approval. A Final Plat shall be recorded prior to the end of this 2-year period.
2. The Administrator may grant a single extension of this time period of up to one year upon submittal by the applicant of sufficient justification for the

extension. Sufficient justification may include, but is not limited to, delays in other outside agency permits, financing institution delays, or other similar reasons beyond the control of the applicant.

7.06.4

FINAL PLAT

A. Process Type: Administrative

B. Required Application Information: Final Plat & As-Built Drawings

C. Required Improvements

All required infrastructure improvements shall be either installed or financially guaranteed in accordance with *Article 5 – Subdivisions & Infrastructure*.

D. As-Builts

Upon completion of a development, and before a Final Plat shall be approved (unless financially guaranteed), the applicant shall certify that the completed development is in substantial accordance with the approved plans and designs, and shall submit actual “as built” plans for all public infrastructure after final construction is completed.

E. Determination of Compliance

The Final Plat shall be reviewed by the Administrator for compliance with the requirements of this ordinance and, in the case of major subdivision preliminary plats, for conformity with the approved Construction Plan. Provided the application is complete, plans shall be reviewed and acted upon by the Administrator and notice given the applicant within 30 days of receipt of the Final Plat. If the Administrator has not completed review in this time period, the applicant may seek final approval from the Board of Commissioners at their next meeting.

F. Appeals

Appeals of decisions of the Administrator shall be heard by the Board of Adjustment. An appeal must be made in writing by the applicant within 30 days of the receipt of the Administrators decision.

G. Effect of Approval

The approval of a Final Plat does not constitute acceptance for maintenance or other purposes of improvements in rights-of-way, such as utility lines, street paving, drainage facilities or sidewalks. Such improvements, when located within the corporate limits of the Town of Lillington, may be accepted only by action of the town following inspection and approval. Public land designated on a plat shall be considered to be offered for dedication, but not accepted until the Board of Commissioners has by expressed action done so.

H. Phasing

Final plats for phased subdivisions shall be recorded in accordance with the schedule presented by the applicant during the Construction Plan approval.

I. Validity & Extensions

Final plats that have been granted approval must be recorded within 30 days following approval or the approval becomes invalid. No lots in a subdivision

shall be sold prior to approval by the town and recording of the Final Plat for the subdivision. Upon signature, final plats shall be recorded at the Harnett County Register of Deeds within 30 days following approval or the approval becomes invalid.

Section 7.07 SPECIAL USE PERMITS (CUP)

This section establishes a process and standards to approve certain uses that, because of unique characteristics or potential impacts on adjacent land uses, are not permitted in zoning districts as a matter of right. These uses may be permitted through the issuance of a Special Use Permit (SUP) after ensuring that the use complies with the SUP approval criteria. No inherent right exists to receive a SUP. Such authorization must be approved under a specific set of circumstances and conditions. Each application and situation is unique and may be subject to specific requirements to mitigate the impacts of the proposed use.

7.07.1 APPLICATION PROCEDURES

A. Pre-Application Process

Every applicant for a Special Use Permit is required to meet with the Administrator in a pre-application conference prior to the submittal of a formal application. The purposes of this conference are to provide additional information regarding the review process and assistance in the preparation of the application.

B. Process Type: Quasi-Judicial

C. Required Application Information

An application for a Special Use Permit may be filed by the owner of the property or by an agent specifically authorized by the owner to file such application. Each application for a Special Use Permit shall contain, an Existing Conditions Map (may be waived by the Administrator as appropriate) and Master Plan. Other information necessary to show that the use or structure complies with the standards set forth in this ordinance shall also be provided.

D. Determination of Compliance

The Administrator shall review the plan to ensure that it is complete. The Administrator shall prepare a report and recommendation on the application for the Board of Commissioners.

E. Evidentiary Hearing

1. Public Hearing

The Board of Commissioners shall hold a public evidentiary hearing on the proposal. The applicant and other property owners likely to be affected by the application shall be given an opportunity to be heard.

2. Decision & Findings of Fact

The Board of Commissioners shall approve, deny or approve with conditions the special use permit. No special use permit approval shall be granted unless it complies with the following findings of fact:

- a. Adequate and reasonable mitigation has been provided of potentially adverse effects on adjacent properties through the

conforms to the character of the neighborhood, considering the location, type and height of buildings or structures and the type and extent of landscaping and screening on the site;

- b. The proposed special use permit represents an overall conformance with the adopted goals, recommendations and policies of the Land Use Plan, Official Zoning Map and any other applicable planning documents adopted by the Town;
- c. There exists adequate infrastructure (transportation, utilities, etc.) to support the proposed use proposed;
- d. The proposed use will not cause undue traffic congestion or create a traffic hazard;
- e. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas;
- f. The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property;
- g. The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety or general welfare.

F. Additional Conditions

The Board of Commissioners may place conditions on the use as part of the approval to assure that mitigation measures are associated with the use. The conditions shall become part of the Special Use Permit approval.

G. Review Period

The Board of Commissioners shall take action (approve, deny, or approve with conditions) within 60 days of the closure of the public hearing. Should the Board of Commissioners fail to act on the Special use permit within the prescribed period, the application shall be considered approved.

H. Decisions

If the Board of Commissioners approves the special use permit the applicant will be directed to proceed to the preparation of Construction Plans. If the Board of Commissioners disapproves or approves conditionally the plan, the reasons for such action shall be stated in writing by the Administrator and entered in the records of the Board, and the applicant may make changes and submit a revised plan for consideration in accordance with the procedures set forth in this section.

I. Appeals

An appeal from the decision of the Board of Commissioners regarding a Special Use Permit may be made by an aggrieved party and shall be made to the Superior Court of Harnett County in the nature of certiorari. Any such petition shall be filed with the clerk of the superior court within 30 days after the decision of the Board is filed with the Town Clerk, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the secretary or chairman of the Board at the time of its hearing of the case, whichever is later. The decision of

the Board may be delivered to the aggrieved party either by personal service or by registered mail or certified mail return receipt requested.

J. Validity & Extensions

1. Special Use Permits that have been granted approval must begin site development within 2 years following approval or the approval becomes invalid.
2. The Board of Commissioners may grant a single extension of this time period of up to six months upon submittal by the applicant of sufficient justification for the extension. Sufficient justification may include, but is not limited to, delays in other outside agency permits, financing institution delays, or other similar reasons beyond the control of the applicant.
3. If an extension is denied, or a conditional use permit is not presented for approval within a granted extension period, the applicant may reapply using the same process as if the application was being considered for the first time.

G. Substantial Changes

1. Any substantial change to a special use permit as noted below shall be approved or denied by the Board of Commissioners.
2. The following changes to a special use permit shall be considered substantial and require approval by the Board of Commissioners:
 - a. When there is introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access.
 - b. Modification of special performance criteria, design standards, or other requirements specified by the special use permit.
 - c. When there is an increase in the total number of residential dwelling units originally authorized by the approved conditional use permit.
 - d. When the total floor area of a development is increased more than 10% beyond the total floor area last approved by Board of Commissioners. Changes of less than 10 percent may be approved by the Administrator.

Section 7.08 APPEALS OF ADMINISTRATIVE DECISION

7.08.1 APPLICABILITY

Parties aggrieved by any order, requirement, decision or determination, made by an administrative officer charged with enforcing the provisions of this ordinance.

7.08.2 PROCEDURES

A. Process Type: Quasi-Judicial

B. Filing Process

An appeal of an administrative decision may be taken by any person aggrieved (or by their authorized agent), or by the Administrator, to the Board of Adjustment. Such an appeal shall be made within 30 days of the receipt by such aggrieved party of the written notice of decision from the

Administrator, within 30 days of the filing of the written notice with the Town Clerk.

C. Proceedings

The filing of an appeal shall stay all proceedings in furtherance of the contested action unless the Administrator certifies that, in his/her opinion, by reason of facts stated in the certification, such a stay would cause imminent peril to life and property. In such a case, proceedings shall not be stayed except by restraining order or preliminary injunction granted by the Superior Court of Harnett County.

D. Required Application Information

Such relevant information as may reasonably allow the Board of Adjustment to understand the basis for the appeal. The Administrator shall similarly prepare a report detailing the regulations and interpretation behind the matter being appealed and their reason for their decision.

7.08.3 REVIEW PROCESS

- A.** Upon receiving the application, the Board of Adjustment shall conduct a public evidentiary hearing on the appeal. Any party may appear in person or be represented by an agent at the hearing.
- B.** After conducting the public evidentiary hearing, the Board of Adjustment shall adopt an order reversing or affirming, wholly or in part, or modifying the order requirements, decision or determination in question. It shall take a majority vote of the Board of Adjustment to reverse or modify the contested action.
- C.** The Board of Adjustment, in making its ruling, shall have all the powers of the Administrator from whom the appeal is taken, and may issue or direct the issuance of a permit.
- D.** The decision of the Board of Adjustment must be in writing and permanently filed in the minutes of that reviewing body as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the Board of Adjustment, which must be delivered to parties of interest by certified mail.

7.08.4 APPEALS

Any appeal from a decision of the Board of Adjustment may be made by an aggrieved party and shall be made to the Harnett County Superior Court. Any such petition shall be filed with the clerk of the superior court within 30 days after the decision of the Board is filed with the Town Clerk, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the secretary or chairman of the Board at the time of its hearing of the case, whichever is later. The decision of the Board may be delivered to the aggrieved party either by personal service or by registered mail or certified mail return receipt requested.

Section 7.09

VARIANCES

7.09.1

APPLICABILITY

- A.** The variance process administered by the Board of Adjustment is intended to provide limited relief from the requirements of this ordinance in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of the land in a manner otherwise allowed under this ordinance.
- B.** It is not intended that variances be granted solely to remove inconveniences or financial burdens that the requirements of this ordinance may impose on property owners in general or to increase the profitability of a proposed development, although such factors can be taken into consideration.
- C.** In no event shall the Board of Adjustment grant a variance which would allow the establishment of a use which is not otherwise allowed in a land development district or which would change the land development district classification or the district boundary of the property in question.
- D.** In no event shall the Board of Adjustment grant a variance which would conflict with any state code unless otherwise authorized by laws and regulations.

7.09.2

PROCEDURES

A. Pre-Application Process

Every applicant for a variance is encouraged to meet with the Administrator in a pre-application conference prior to the submittal of a formal application. The purposes of this conference are to provide additional information regarding the review process and assistance in the preparation of the application.

B. Process Type: Quasi-Judicial

C. Filing Process

An application for a variance may be filed by the owner of the property or by an agent specifically authorized by the owner to file such application.

D. Determination of Compliance

The Administrator shall review the plan to ensure that it is complete and shall prepare a report on the application for the Board of Adjustment to consider.

E. Proceedings

The filing of an appeal shall stay all proceedings in furtherance of the contested action unless the Administrator certifies that, in his/her opinion, by reason of facts stated in the certification, such a stay would cause imminent peril to life and property. In such a case, proceedings shall not be stayed except by restraining order or preliminary injunction granted by the Superior Court of Harnett County.

F. Required Application Information

Such relevant information as may reasonably allow the Board of Adjustment to understand the basis for the appeal. The Administrator shall similarly prepare a report detailing the regulations and interpretation behind the matter being appealed and their reason for their decision.

7.09.3 REVIEW PROCESS

- A.** Upon receiving the application, the Board of Adjustment shall conduct a public hearing on the variance.
- B.** After conducting the hearing, the Board of Adjustment may: deny the application; conduct an additional public hearing on the application; approve the application; or approve the application with additional conditions. A concurring vote of four-fifths of the members of the Board of Adjustment shall be necessary to grant a variance.
- C.** A decision by the Board of Adjustment shall be made within 45 days of the date of the hearing.
- D.** Any approval or denial of the request shall be accompanied by written findings of fact supporting the conclusion that the variance meets or does not meet each of the standards set forth on Section 7.09.3E below.
- E.** The Board of Adjustment shall not grant a variance unless and until it makes all of the following findings:
 - 1. Unnecessary hardship would result from the strict application of the regulation. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
 - 2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
 - 3. The hardship did not result from actions taken by the applicant of the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
 - 4. The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that the public safety is secured, and substantial justice is achieved.

F. Additional Conditions

In granting any variance, the Board of Adjustment may attach such conditions to the approval as it deems necessary and appropriate to satisfy the purposes and objectives of this ordinance. The Board of Adjustment may also attach conditions in order to reduce or minimize any injurious effect of such variance upon other property in the neighborhood and to ensure compliance with other terms of this ordinance. Such conditions and safeguards must be reasonably related to the condition or circumstance that gives rise to the need for a variance.

7.09.4 STANDARDS FOR FLOOD DAMAGE PREVENTION AND WATERSHED PROTECTION VARIANCE REQUESTS

Variations from the standards set forth in this ordinance for flood damage prevention and watershed protection may be granted subject to the following additional provisions:

- A.** Variations shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result or when the variance will make the structure in violation of other federal, state or local laws.
- B.** Variations shall only be issued upon:
 - 1. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
 - 2. A showing of good and sufficient cause;
 - 3. A determination that failure to grant the variance would result in exceptional hardship; and,
- C.** A determination that the granting of a variance will not result in a substantial increase in flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
- D.** In passing upon variations, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance and:
 - 1. The danger that material may be swept onto other lands to the injury of others.
 - 2. The danger to life and property due to flooding or erosion damage.
 - 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - 4. The importance of the services provided by the proposed facility to the community.
 - 5. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
 - 6. The compatibility of the proposed use with existing and anticipated development.
 - 7. The relationship of the proposed use to the land development plan and flood damage prevention program for that area.
 - 8. The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - 9. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
 - 10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- E.** Any applicant to whom a variance from the floodplain development regulations is granted shall be given written notice. This notice shall specify

the difference between the base flood elevation and the elevation to which the structure is to be built and contain a written statement that such construction below the Base Flood Elevation increases risks to life and property, and that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions. Variances records shall be provided to the Federal Emergency Management Agency upon request.

7.09.5 APPEALS

Any appeal from a decision of the Board of Adjustment may be made by an aggrieved party and shall be made to the Harnett County Superior Court. Any such petition shall be filed with the clerk of the superior court within 30 days after the decision of the Board is filed with the Town Clerk, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the secretary or chairman of the Board at the time of its hearing of the case, whichever is later. The decision of the Board may be delivered to the aggrieved party either by personal service or by registered mail or certified mail return receipt requested.

Section 7.10 TEXT AMENDMENTS AND REZONINGS (MAP AMENDMENTS)

The Board of Commissioners may from time to time amend any part of the text of this ordinance or amend the Official Zoning Map of the Town.

7.10.1 APPLICATION PROCEDURES

A. Pre-Application Process

Every applicant for a rezoning or text amendment is required to meet with the Administrator in a pre-application conference prior to the submittal of a formal application. The purposes of this conference are to provide additional information regarding the review process and assistance in the preparation of the application.

B. Process Type: Legislative

D. Required Application Information

A petition for a text amendment or rezoning of a part of the Town's official zoning map shall be filed on a form provided by the Administrator. Such petition shall contain all the information required on the form and must be determined to be complete by the Administrator prior to advancing it through the review process.

E. Determination of Compliance

The Administrator shall review the application to ensure that it is complete. The Administrator shall prepare a report and recommendation on the application for Planning Board review & recommendation. After review and recommendation on the application by the Planning Board, the Board of Commissioners shall hold a public hearing on the proposal for official action.

F. Review Process & Public Hearing

1. Planning Board Recommendation

- a. Upon determination of compliance by the Administrator, the Planning Board shall review and provide a recommendation to the Board of Commissioners on the application at the next available, regularly scheduled meeting.
 - b. If the Planning Board is able to reach a recommendation without further deliberation, the Planning Board shall submit a recommendation on the application and refer it to the Board of Commissioners for their consideration at the next available public hearing.
 - c. If the Planning Board determines that further deliberation on the application is required, the Planning Board shall deliver its recommendation to the Board of Commissioners within 45 days of its first consideration on the matter. If no recommendation is received from the Planning Board within 45 days of its first consideration on the matter, the Board of Commissioners shall proceed in its consideration of the matter without a recommendation from the Planning Board.
 - d. The Planning Board shall advise and comment on whether the proposed amendment is consistent with the comprehensive plan. The Planning Board shall provide a written recommendation to the Board of Commissioners that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that the request is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Board of Commissioners.
 - e. As used in this section, “comprehensive plan” includes a unified development ordinance and any other officially adopted plan that is applicable.
- 2. Effect of Planning Board Recommendation**
- a. If the Planning Board makes a favorable recommendation, the matter shall proceed to a public hearing before the Board of Commissioners.
 - b. If the Planning Board recommends against such amendment, a simple majority vote by the Board of Commissioners shall be required to approve the request.
- 3. Legislative Public Hearing**
- Upon consideration by the Planning Board, the Board of Commissioners shall hold a legislative public hearing on the proposal. The applicant and other property owners likely to be affected by the application shall be given an opportunity to be heard.
- 3. Board of Commissioners Decision**
- a. Following receipt of a recommendation from the Planning Board, or after 45 days from the Planning Board meeting if no recommendation is received, the Board of Commissioners shall conduct a public hearing on the matter.

- b. Upon reviewing all of the pertinent information, the Board of Commissioners take action to:
 - i. Adopt the proposed amendment/rezoning request.
 - ii. Adopt the proposed amendment/rezoning request with modifications.
 - iii. Reject the proposed amendment/rezoning request.
 - iv. Refer the proposed amendment back to the Planning Board for further consideration.

G. Land Use Plan Consistency

- 1. In accordance with NCGS 160D all rezonings/zoning map amendments shall be made in accordance with the comprehensive plan.
- 2. Prior to adopting or rejecting any such request, the Board of Commissioners shall adopt a statement describing the proposal's consistency or inconsistency with the comprehensive plan.

H. Citizen Comments

- 1. If any resident or property owner in the Town submits a written statement regarding a proposed amendment, modification, or repeal to this ordinance to the Town Clerk at least two business days prior to the proposed vote on such change, the Town Clerk shall deliver such written statement to the Board of Commissioners.
- 2. Any resident or property owner who submits a written statement of citizen concern may withdraw their written statement any time prior to the meeting at which the item will be considered.

I. Appeals

An appeal from the decision of the Board of Commissioners regarding a text amendment/rezoning may be made by an aggrieved party and shall be made to the Superior Court of Harnett County in the nature of certiorari. Any such petition shall be filed with the clerk of the superior court within 30 days after the decision of the Board is filed with the Town Clerk, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the secretary or chairman of the Board at the time of its hearing of the case, whichever is later. The decision of the Board may be delivered to the aggrieved party either by personal service or by registered mail or certified mail return receipt requested.

J. Period to Subsequent Application

- 1. After an application for an amendment has been approved or denied by the Board of Commissioners, there shall be a 6 month waiting period before an application shall be considered on the same issue.
- 2. This waiting period may be waived by the Board of Commissioners (three-fourths vote required) if it determines that there have been substantial changes in conditions or circumstances which may relate to the request.

Section 7.11 CONDITIONAL ZONING DISTRICTS

Conditional Zoning (CZ) Districts are districts with conditions voluntarily added by the applicant and approved in a legislative procedure by the Board of Commissioners in accordance with NCGS 160D-703(b). Conditional Zoning Districts provide for orderly and flexible development under the general policies of this ordinance without the constraints of some of the prescribed standards guiding by-right development. Conditional Zoning Districts may be used in any district but is not intended to relieve hardships that would otherwise be handled using a variance procedure.

7.11.1 APPLICATION PROCEDURES

A. Process Type: Legislative

B. Applicant and Property Information

1. Conditional Zoning District classification shall only be considered upon the request of the owners and/or their representatives of all the property to be included in the specific Conditional Zoning District request.
2. A Conditional Zoning District shall consist of land under unified control which may be planned and developed as a single development or as an approved programmed series of development phases by multiple developers. Unified control means that all land to be included within a Conditional Zoning District shall be owned or otherwise under the legal control of the applicant for a Conditional Zoning District.
3. The applicant shall be legally capable of providing a commitment to the town that the Conditional Zoning District development will comply with all documents, plans, standards and conditions ultimately approved by the Town.

C. Required Application Information

1. A Conditional Zoning District shall consist of the Existing Conditions Map, a Sketch Plan (may be waived by the Administrator as appropriate), and Master Plan; as well as any other plans, drawings, renderings, elevations, maps and documents specifically included as development documents for approval by the Board of Commissioners.
2. A Conditional Zoning District Master Plan is a site specific plan that is a condition of the Conditional Zoning District rezoning.
3. In addition to those items required for Master Plans, a Conditional Zoning District Master Plan shall, at a minimum, illustrate the following:
 - a. The underlying zoning districts and a full list of proposed uses consistent in character with those zoning districts. Such use classifications may be selected from any of the uses, whether permitted, by right or with supplemental standards, allowed in the general zoning district upon which the Conditional Zoning District is based. Uses not otherwise permitted within the general zoning district shall not be permitted within the Conditional Zoning District;
 - b. General traffic routes (external and internal) to and from the development with major access points identified;
 - c. Tabular data, including the range and scope of proposed land uses, proposed densities, floor area ratios and impervious surface ratios as

applicable to development type; and land areas devoted to each type of general land use and phase of development;

d. A proposed development schedule if the project is to be phased.

7.11.2

EXCEPTION FOR CONDITIONAL ZONING DISTRICTS WITH USE LIMITATIONS ONLY

If an applicant proposes a Conditional Zoning District which meets the following criteria, no Conditional Zoning District Master Plan shall be required in the application:

- A. The only proposed deviation in use from the underlying zoning is to impose additional limitations on the uses that will be allowed in the Conditional Zoning District.
- B. No other deviations from the standards of the underlying zoning are proposed in the Conditional Zoning District.

7.11.3

REVIEW PROCESS AND PUBLIC HEARING

The procedure for approval of a Conditional Zoning District shall follow the procedure for review of Text Amendments and Rezoning (Map Amendments) as outlined in Section 7.10.

A. Effect of Approval

The applicant may proceed with development only after approval of the Conditional Zoning District Master Plan by the Board of Commissioners, followed by approval of any necessary Site or Subdivision Plans/Plats, except that all subsequent approvals shall be completed by the Administrator. The development and use of all land within the Conditional Zoning District shall be in keeping with the approved Master Plan and all applicable provisions therein.

B. Substantial Changes

Any substantial change to a Master Plan as noted below shall be reviewed by the Planning Board and approved or denied by the Board of Commissioners as an amended Conditional Zoning District. The following changes to a Conditional Zoning District Master Plan shall require approval by the Board of Commissioners:

- 1. Land area being added or removed from the Conditional District.
- 2. Modification of special performance criteria, design standards, or other requirements specified by the original approval.
- 3. A change in land use or development type beyond that permitted by the approved Conditional Zoning District Master Plan.
- 4. When there is introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access.
- 5. When there is an increase in the total number of residential dwelling units originally authorized by the approved Conditional Zoning District Master Plan.
- 6. When the total floor area of a development is increased more than 10% beyond the total floor area last approved by Board of

Commissioners. Changes of less than 10 percent may be approved by the Administrator.

Section 7.12 VESTED RIGHTS

The zoning vested right is a right which must be requested by the applicant at the time of submittal and is established pursuant to NCGS 160D-108 to undertake and complete the development and use of property under the terms and conditions of an approved plan.