

ARTICLE 7

Permits and Procedures

[Amended Oct. 19, 2015 per Ord. 2015-O-21, ZTA-2015-03]

[Amended June 20, 2017 per Ord. 2017-O-09, ZTA-2017-02]

[Amended Nov. 21, 2017 per Ord. 2017-O-18, ZTA-2017-03]

[Amended July 18, 2018 per Ord. 2018-O-07, ZTA-2018-07]

[Amended March 2, 2021 per Ord. 2021-O-03, ZTA-2021-01]

[Amended April 5, 2022 per Ord. 2022-O-01, ZTA-2022-01]

7.1 Permit and/or Approval Required *[Amended May 2, 2014 per Ord. 2014-O-03]*

7.1-1 APPROVAL REQUIRED. No person shall undertake any activity subject to this Ordinance without first obtaining approval from the City. Upon approval of the activity by the City, a permit shall be issued for the approved activity. Certain permits are issued by agencies other than the City of Creedmoor, as noted below; all other permits are issued by the City.

The permits and/or approvals required are:

- A. ZONING PERMIT (also known as Zoning Compliance Permit).
 - 1. New Permanent Structures (sheds, decks, new single family homes, garages, metal buildings and carports, etc.)
 - 2. Special Event/Temporary Structures
 - 3. Signage (size, type, location, etc.)
 - 4. Site Development Plan/Preliminary Plat Approval
 - a. Zoning compliance (land use, density, open space, connectivity, tree preservation, parking, flood, watershed, etc.)
 - b. Public works compliance (utilities, street designs, stormwater, etc.)
 - c. Public safety compliance (fire lanes, hydrants, etc.)
 - d. Access compliance (driveway, street intersections, etc.)
 - 5. Construction Plans
 - a. Infrastructure Plans (streets, water & sewer)
 - b. Driveway Permit – NCDOT or City Public Works (based upon responsible maintenance department)
 - c. Stormwater Plans (if project falls within parameters of local program for development under the Falls Lake Nutrient Management Strategy or other applicable State or Federal laws)
 - d. Floodplain Development and Certification Permit
 - e. Grading Permit - Issued by the North Carolina Department of Environmental Quality (a.k.a. “NCDEQ” or “DEQ”) following issuance of Zoning permit by the City of Creedmoor
 - 6. Subdivision Final Plat Approval
 - 7. Zoning Authorization (septic/well approval, demolition, building alteration and/or remodeling, rooftop solar approval, temporary power poles, etc.)
- B. BUILDING PERMIT. Granville County Building Inspections Department issues building and trade permits following issuance of zoning permit by the City of Creedmoor.
- C. CERTIFICATE OF OCCUPANCY (a.k.a. “C/O”). Granville County Building Inspections Department issues upon final inspection and after zoning approval by the City.
- D. WATER AND WASTEWATER ALLOCATIONS. SGWASA issues water and wastewater allocations in accordance with the SGWASA Allocation Policy and section §7.14 of this ordinance.

7.1-2 FEES. The City Board of Commissioners shall establish a Schedule of Fees, Charges and Expenses, and a collection procedure, for approvals and permits. No approval, permit, certificate, variance, etc. shall be processed and/or issued unless or until such charges have been paid in full.

7.2 Periodic Inspections

The Planning, Zoning and Subdivision Administrator, or his/her designee, shall have the right, upon presentation of proper credentials to enter on any premises within the City's jurisdiction at any reasonable hour for the purposes of inspection, determination of plan compliance or other enforcement action; provided, however, that the appropriate consent has been given for the inspection of areas not open to the public or that an appropriate inspection warrant has been secured, per G.S. 160D-403(e).

7.3 Permit Expiration

7.3-1 **BUILDING PERMIT EXPIRATION.** The Granville County Building Inspections Department shall void a building permit for a project within the City jurisdiction if the authorized work has not begun within six (6) months after issuance of the permit, or work was commenced but was discontinued for a period of twelve (12) months. No work authorized by any permit that has expired shall thereafter be performed until a new permit has been secured, per G.S. 160D-1111.

7.3-2 **OTHER PERMIT/APPROVAL EXPIRATION.** Permits and approvals other than those identified above shall expire as set forth in the process for each permit and/or approval below, however, the default rule of the State of North Carolina states the development approvals / permits are valid for twelve (12) months, unless altered by statute or extended by local rules, per G.S. 160D-108(d).

7.4 Certificates Issued

The Granville County Building Inspections Department issues certificates of occupancy, temporary certificates of occupancy, and certificates of floor elevation/flood proofing upon completion or partial completion of a project. The City of Creedmoor issues driveway access permits on city-owned streets.

7.5 Zoning Permits (Zoning Compliance Permit)

7.5-1 **PURPOSE.** A zoning permit shall be required for the construction or development of any new use or structure within the planning and zoning jurisdiction of the City of Creedmoor. In addition to new uses, a zoning permit shall also be required for expansions of existing uses, as well as for changes of use. The procedure set forth below shall be followed to obtain a zoning permit for the construction of single-family and duplex residential development and expansions of uses and changes of use that do not require permits and/or approvals other than a use permit.

7.5-2 **PRE-APPLICATION PROCEDURE.** No pre-application conference is required prior to applying for a zoning permit. Applicants are encouraged to call or visit the Planning Department prior to requesting a zoning permit to determine what information is required for the application.

7.5-3 **PLAN SUBMITTAL.**

A. **FILING OF APPLICATION.** An application for a zoning permit may be filed by the owner of the property or by an agent duly authorized to execute on behalf of the owner, specifically authorized by the owner to file such application. Where an agent files the application, the agent shall provide documentation that the owner of the property has authorized the filing of the application. The application for a zoning permit shall be filed with the Planning, Zoning and Subdivision Administrator on a form provided by the Planning, Zoning and Subdivision Administrator.

B. **FEES.** An application fee, as established by the City of Creedmoor, shall be due and payable when the application is approved.

C. **INFORMATION REQUIRED.** Each application for a zoning permit shall contain the information required on the application form, including a Site Plan showing the dimensions of the proposed use and its location on the property or site. Other information necessary to show that the use or structure complies with the standards set forth in this Ordinance shall also be provided.

7.5-4 **STAFF REVIEW.** The Planning, Zoning and Subdivision Administrator shall review the application and determine whether it is complete within ten working days of its submittal. If the application is found to be incomplete, the Planning, Zoning and Subdivision Administrator shall notify the applicant of any

deficiencies. No further steps shall be taken to process the application until the applicant corrects the deficiencies. The Planning, Zoning and Subdivision Administrator shall issue a zoning permit only upon finding that the proposed use or structure satisfies the requirements set forth in this Ordinance.

- 7.5-5 PUBLIC NOTIFICATION. No public notification is required for zoning permit requests.
- 7.5-6 FORMAL REVIEW. No formal review of zoning permit requests is required. Requests shall be reviewed by appropriate City staff to assure compliance with all applicable regulations and requirements.
- 7.5-7 VARIANCES. Requests for variances from the requirements set forth in this Ordinance shall be heard by the Board of Adjustment under the procedures established in Article 6.
- 7.5-8 APPEALS. Appeals of the decisions of the Planning, Zoning and Subdivision Administrator shall be heard by the Board of Adjustment under the procedures established by Article 6.
- 7.5-9 PERMIT VALIDITY. Upon the approval of a zoning permit, the applicant shall have one (1) year to obtain the required building permit(s) from Granville County Building Inspections. Failure to obtain requisite building permit(s) within this time shall render the zoning permit void. The Planning, Zoning and Subdivision Administrator 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. Upon issuance of a building permit(s), the zoning permit shall remain valid as long as a valid building permit exists for the project. Any unapproved change, as determined by the Planning, Zoning and Subdivision Administrator in the approved plans shall render the zoning permit invalid.
- 7.5-10 VIOLATIONS. Violations of the requirements and conditions of the zoning permit shall be considered a violation of this Ordinance and shall be subject to the enforcement and penalty provisions set forth in Article 23.
- 7.5-11 CERTIFICATE OF ZONING COMPLIANCE
 - A. Acceptance and Use
 - 1. Certificates of Zoning Compliance are required in development of all housing units
 - 2. Certificate of Zoning Compliance does not grant occupancy
 - 3. This ordinance supersedes any previous references to or use of a Certificate of Compliance where previously existing references or definitions are in conflict.
 - B. Review and Findings
 - 1. The Planning, Zoning, Subdivision Administrator or their designee shall inspect the site for compliance with the approved permit, plan and applicable conditions.
 - 2. Required Standards
 - a. Meets Permitted Design and Placement
 - b. Finished grading on front and rear yards
 - c. Address plaque (UI ref. 2.23)
 - d. Mailbox* (unless other arrangements have been made in subdivision application)
 - e. Driveway Approval* (Public Works or NCDOT)
 - f. Seed and Straw and/or Sod has been placed
 - g. Yard meets all other required standards.
 - C. If the applicant/site have met the requirements and application standards the chosen representative/agent shall issue the Certificate of Zoning Compliance through the Planning, Zoning, Subdivision Department.

7.6 Temporary Structures Permits

- 7.6-1 PURPOSE. To insure that proposed temporary structures comply with the requirements of this Ordinance, no structure that is classified as a temporary structure and permitted as such in the zoning district in which it is located shall be placed or established on the property without first receiving a temporary structure permit and any permits required under the State Building Code.
- 7.6-2 PRE-APPLICATION PROCEDURE. No pre-application conference is required prior to applying for a temporary structure permit. Applicants are hereby encouraged to call or visit the Planning Department

prior to requesting a temporary structure permit to determine what information is required for the application.

7.6-3 PLAN SUBMITTAL.

- A. **FILING OF APPLICATION.** An application for a temporary structure permit may be filed by the owner of the property or by an agent specifically authorized by the owner to file such application. Where an agent files the application, the agent shall provide the Planning, Zoning and Subdivision Administrator with documentation that the owner of the property has authorized the filing of the application. The application for a temporary structure permit shall be filed with the Planning, Zoning and Subdivision Administrator on a form provided.
- B. **FEES.** An application fee, as established by the City of Creedmoor, shall be due and payable when the application is approved.
- C. **INFORMATION REQUIRED.** Each application for temporary structure permit shall contain the information required on the application form. The application shall be accompanied by a Sketch Plan showing the boundaries of the property, the use of adjacent properties, the location of the structure on the property, access and parking provisions, restroom facilities, and other information sufficient to show that the structure complies with the standards set forth in Article 15 of this Ordinance.

7.6-4 STAFF REVIEW. The Planning, Zoning and Subdivision Administrator shall review the application and determine whether it provides the information required. The Planning, Zoning and Subdivision Administrator shall issue a temporary structure permit only upon finding that the proposed temporary structure satisfies the requirements set forth in Article 15 of this Ordinance.

7.6-5 PUBLIC NOTIFICATION. No public notification is required for temporary structure permit requests.

7.6-6 FORMAL REVIEW. Requests shall be reviewed by appropriate City staff to assure compliance with all applicable regulations and requirements.

7.6-7 VARIANCES. Requests for variances from the requirements set forth in this Ordinance shall be heard by the Board of Adjustment under the procedures established in Article 6.

7.6-8 APPEALS. Appeals of the decisions of the Planning, Zoning and Subdivision Administrator shall be heard by the Board of Adjustment under the procedures established in Article 6.

7.6-9 PERMIT VALIDITY. The temporary structure permit shall be valid only for the time period stated on the permit.

7.6-10 VIOLATIONS. Violations of the conditions of the temporary structure permit shall be considered a violation of this Ordinance and shall be subject to the enforcement and penalty provisions set forth in Article 23.

7.6-11 PUBLIC EMERGENCIES. In the event of a natural disaster, catastrophic event or public emergency the Planning, Zoning and Subdivision Administrator or her/his designee may waive any temporary structure permit procedures and authorize the placement of temporary structures and other facilities that are deemed necessary or desirable in conjunction with the management of the emergency.

7.7 Site Development Plan Review

7.7-1 LARGE SITE DEVELOPMENT PLAN REVIEW PROCESS.

- A. **PURPOSE.** The large site development plan review process is required for development projects located within the planning and zoning jurisdiction of the City of Creedmoor and its extraterritorial jurisdiction which, due to their size, could be expected to have a significant impact upon public services and facilities. This review process is established to assure that adequate services and facilities can be provided for these developments and to assure that they do not negatively impact the area in which they are proposed to be located or the City as a whole. Proposed developments involving new construction, additions, renovations, and changes of use which fall into one or more of the following categories are subject to the large site development plan review process.

- 1. New construction and changes of use.

- a. Commercial buildings, structures, or developments with a gross floor area of more than 3,000 square feet;
 - b. Office or institutional buildings, structures, or developments with a gross floor area of more than 5,000 square feet;
 2. Properties located within 1,500 feet of each other, under the same ownership and/or developed by the same developer over a period of three years or less shall be considered to be one development and reviewed as such.
- B. PRE-APPLICATION PROCEDURE.
 1. All applicants for large site development plan review are required to schedule a predevelopment conference with the Planning, Zoning and Subdivision Administrator prior to the preparation of development plans. This conference allows the applicant and Planning, Zoning and Subdivision Administrator an opportunity to discuss the review process, the requirements for completing the review schedule, contact persons for services and permits, and information regarding Site Plans, landscaping, and development requirements.
 2. It is highly recommended that the developer meet with representatives of the neighborhood or area in which the proposed project is to be located. This meeting, which can be held at the pre-application stage, will allow the developer to explain the proposed project and to be informed of the concerns of the neighborhood or area.
- C. SITE DEVELOPMENT PLAN SUBMITTAL.
 1. CONCEPTUAL SITE PLAN REQUIRED. A conceptual site plan shall be required for all large site development plan review requests. The conceptual Site Plan shall contain the following:
 - a. Property boundaries with dimensions;
 - b. PIN for property;
 - c. Location of adjacent streets and utility easements;
 - d. Dimensioned footprint and setbacks of the existing and proposed structures with gross floor area indicated;
 - e. Location and number of parking spaces;
 - f. Location and size of buffer and landscape areas;
 - g. Location of existing and proposed driveways and/or streets;
 - h. Location of all flood zones (if applicable to the property);
 - i. A list of adjoining properties, names and mailing address of the owners, and the zoning and use of these properties;
 - j. Number of stories and overall height of all structures (existing and proposed);
 - k. Location of proposed stormwater detention facilities, if required under the Falls Rules;
 - l. Location of existing and proposed dumpster and recycling containers;
 - m. Generalized depiction or description of natural features on and immediately adjoining the site, including streams and other water bodies, steep slopes, areas covered by tree canopy, etc.; and
 - n. Other information determined by the Planning, Zoning and Subdivision Administrator as necessary to evaluate the request.
 2. ELEVATION DRAWINGS REQUIRED FOR NEW CONSTRUCTION. Building elevation drawings and a description of façade finishes are required for all site plans for developments that include new construction of a commercial or mixed-use building. This requirement does not apply to single- and two-family homes or single-family detached subdivisions, per G.S. 160D-702(b).
 3. PREPARATION BY PROFESSIONAL. Site Plans for developments requiring large site development plan review and elevation drawings for new commercial construction shall be prepared by a registered architect, engineer, landscape architect, or land surveyor licensed in the State of North Carolina for the work in which he is trained and licensed to perform.

4. FEES. Fees as established by the City of Creedmoor shall be due and payable upon approval of the application for large site development plan review.
 5. SUBMITTAL OF APPLICATION. Complete applications for large site development plan review, with the required copies of the conceptual Site Plans, shall be submitted to the Planning, Zoning and Subdivision Administrator at least twenty-five (25) days prior to the Planning Board meeting at which they will be presented.
- D. PUBLIC NOTIFICATION. The Planning, Zoning and Subdivision Administrator shall prepare a public notice as described herein below which indicates the official receipt of an application and conceptual plan for large site development approval. This will serve to encourage public involvement in development projects in Creedmoor. This notice for publication shall include the following:
1. Brief description of the large site development project proposed;
 2. The time, date, and place at which the project will be available for public review; and
 3. Contact information for staff receiving comments concerning the proposed large site development project.
- The notice shall be posted in a conspicuous place at City Hall, on the City's website, or a combination of these two, at least seven (7) days prior to the date the complete application will be presented as part of an informational meeting before the Planning Board. This notice also shall be mailed to the owners, as shown on the County tax listing, of abutting property at least seven (7) days before the date on which the request is to be considered. The applicant is encouraged to conduct a neighborhood meeting to inform nearby property owners of their intentions for development. The neighborhood meeting shall include a presentation of the plan and an opportunity for concerned parties to ask questions and be provided responses to those questions. The time, date, and place of the neighborhood meeting shall be provided to the Planning, Zoning & Subdivision Administrator. The mailing list, attendance record and summary of the presentation and comments shall be submitted to the Planning, Zoning & Subdivision Administrator within two business days following the neighborhood meeting.
- E. STAFF REVIEW.
1. PLANNING DEPARTMENT STAFF REVIEW. Plans for development requiring large site development plan review shall be reviewed by the Planning, Zoning and Subdivision Administrator for compliance with the requirements of this Ordinance prior to submittal to the Planning Board and Board of Commissioners.
 2. SUBMITTAL OF PLANS TO THE TECHNICAL REVIEW COMMITTEE (TRC) The Planning, Zoning and Subdivision Administrator shall distribute site plans for developments requiring large site development plan review to members of the Creedmoor Technical Review Committee (TRC). Technical Review Committee members regularly consist of the Creedmoor Public Works Director, the City Manager, the Stormwater Administrator, the South Granville Water & Sewer Authority, the Granville County Fire Marshal, and the Creedmoor Volunteer Fire Department Chief. The Technical Review Committee is led by the Planning, Zoning and Subdivision Administrator. TRC members are to review site plans for compliance with their respective development standards and requirements. Site Plan comments from TRC members are collected and distributed to the applicant through the Planning, Zoning and Subdivision Administrator, who coordinates the review process. When all TRC members and the Planning, Zoning and Subdivision Administrator agree that the site plan is in compliance with all development requirements and standards, the site plan can then be presented to the Planning Board for a formal recommendation of plan approval or denial.
 3. SUBMITTAL OF PLANS TO THE PLANNING BOARD. The Planning, Zoning and Subdivision Administrator shall present Site Plans for developments requiring large site development plan

review to members of the Planning Board for review and comment at their next available regular meeting. The Planning Board shall review the Site Plans for compliance with the requirements of this Ordinance and other applicable Ordinances and laws. This review shall include submitted comments by any other agencies or officials as required.

4. Comments and recommendations from the Planning Board shall be forwarded to the Board of Commissioners.
- F. FORMAL REVIEW. Applications for large site development plan review are subject to final review and approval by the Board of Commissioners. The Planning, Zoning and Subdivision Administrator shall submit recommendations and comments to the Board prior to their deliberations on approval of large site development plans.
- G. RESERVED.
- H. VARIANCES. Variances from the requirements of this Ordinance for developments requiring large site development plan approval shall be considered by the Board of Adjustment in accordance with the procedures set forth in Article 6.
- I. RESERVED.
- J. PERMIT VALIDITY. Approval of Site Plans and permits for developments requiring large site development plan review shall be valid for one (1) year from the date of approval. Failure to initiate construction, or otherwise begin the permitted use, within this time shall render the site development plan approval void. The applicant may request a single extension of this time period of up to one year from the City of Creedmoor Board of Commissioners upon submittal by the applicant of sufficient justification for the extension.
- K. VIOLATIONS. Violations of the approved site development plan shall be considered a violation of this Ordinance and subject to the enforcement and penalty provisions of Article 23 of this Ordinance.

7.7-2 [RESERVED]

7.8 Special Use Permit Approvals

7.8-1 PURPOSE. Special use permits are established to provide for the location of those uses which are generally compatible with other land uses permitted in a zoning district but which, because of their unique characteristics or potential impacts on the surrounding neighborhood and the City of Creedmoor as a whole, require individual consideration of their location, design, configuration, and/or operation at the particular location proposed. Such individual consideration may also identify cause(s) for the imposition of individualized conditions in order to ensure that the use is appropriate at a particular location and to ensure protection of the public health, safety, and welfare. Any use identified in Section 10.2 of this Ordinance as a special use in a zoning district shall not be permitted without the approval of the City Board of Commissioners in accordance with the requirements and procedures set forth in this section 7.8.

7.8-2 PRE-APPLICATION PROCEDURE.

- A. CONFERENCE. Every applicant for a special use permit is required to meet with the Planning, Zoning and Subdivision Administrator in a pre-application conference prior to the submittal of a request for approval of a special use. The purpose of this conference is to provide additional information regarding the application and review process.
- B. NEIGHBORHOOD MEETING. It is required that the applicant meet with representatives of the neighborhood in which the proposed special use will be located. This meeting, which should be held at the pre-application stage, will allow the applicant to explain the proposed use and to be informed of the concerns of the neighborhood.

7.8-3 PLAN SUBMITTAL.

- A. FILING OF APPLICATION. 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. Where an

agent files the application, the agent shall provide documentation that the owner of the property has authorized the filing of the application. The application for a special use permit shall be filed with the Planning, Zoning and Subdivision Administrator on the form provided.

- B. FEES. A permit fee, as established by the City of Creedmoor Board of Commissioners shall be submitted with the application.
- C. INFORMATION REQUIRED. Each application for a special use permit shall contain all information identified as required by this Ordinance. The application shall be accompanied by at least four (4) copies of a site plan meeting the requirements for site plans as established by section 7.7 of this Ordinance. The application and site plans must be submitted at least twenty-five (25) days prior to the Planning Board meeting at which it will be reviewed.

7.8-4 STAFF REVIEW.

- A. PLANNING, ZONING AND SUBDIVISION ADMINISTRATOR REVIEW. Following submittal of the application and site plans for the special use permit, they shall be reviewed by the Planning, Zoning and Subdivision Administrator for compliance with the requirements of this Ordinance. Provided the application and site plan are complete, the Planning, Zoning and Subdivision Administrator shall schedule the request for review by the Planning Board.
- B. SUBMITTAL OF PLANS TO THE PLANNING BOARD. The Planning, Zoning and Subdivision Administrator shall present the site plans for the conditional use to the Planning Board for review and comment or recommendations at its next regular meeting. The Planning Board shall review the site plan for compliance with existing federal, state, and local regulations. Additional comments by any other agencies or officials as determined by the Planning, Zoning and Subdivision Administrator shall be presented to the Planning Board during the meeting as part of a full discussion of the proposed plan.
- C. Comments and recommendations gathered during the course of the Planning Board meeting shall be forwarded to the Board of Commissioners for their review and consideration in deliberating the approval or denial of the proposed special use.
- D. FAILURE TO COMMENT. Failure on the part of the Planning Board to make a recommendation within 30 days of their meeting means the complete application will be sent up to the Board of Commissioners without recommendation.

7.8-5 FORMAL REVIEW.

- A. EVIDENTIARY HEARING. The City Clerk, upon receipt of a notice from the Planning, Zoning and Subdivision Administrator that a complete application and site plan for a special use permit has been submitted shall schedule an evidentiary hearing before the City Board of Commissioners. An evidentiary hearing shall be conducted for all special use permit applications, following review of the application by the Planning Board.
- B. ACTION BY CREEDMOOR PLANNING BOARD
 - 1. REVIEW OF SPECIAL USE PERMIT REQUEST. A public meeting on those special use permit applications shall be scheduled by the Creedmoor Planning Board upon receipt of a request for review from the Planning, Zoning and Subdivision Administrator. The Creedmoor Planning Board shall consider the request within 30 days of receiving information regarding the special use permit application from the Planning, Zoning and Subdivision Administrator.
 - 2. RECOMMENDATION BY CREEDMOOR PLANNING BOARD. Upon submittal and review of a complete application for a special use permit, including any proposed plan for phasing of the development, the Planning Board shall make one of the following recommendations:
 - a. APPROVAL. If the Planning Board recommends approval, the Planning, Zoning and Subdivision Administrator shall forward the recommendation and the special use permit application to the Creedmoor Board of Commissioners for review. The Planning Board may elect to recommend the Board of Commissioners place additional conditions on the

permit approval based on their review of the submitted application package.

- b. DENIAL. If the Planning Board recommends denial of the special use permit, the reasons for their recommendation of denial shall be provided to the applicant following the meeting at which the matter was presented.

C. ACTION BY THE CREEDMOOR BOARD OF COMMISSIONERS.

- 1. REVIEW OF SPECIAL USE PERMIT REQUEST. An evidentiary hearing on those special use permit applications reviewed by the Creedmoor Planning Board shall be scheduled by the Creedmoor Board of Commissioners following action by the Planning Board. The Creedmoor Board of Commissioners shall consider the request within 45 days of receiving information regarding the special use permit application from the Planning, Zoning and Subdivision Administrator.
- 2. QUASI-JUDICIAL PROCEDURE. The Creedmoor Board of Commissioners must follow the quasi-judicial procedures, as outlined in Section 6.1-4, for all special use permits, per G.S. 160D-406.
- 3. DECISION BY CITY BOARD OF COMMISSIONERS. The Creedmoor Board of Commissioners, after conducting the evidentiary hearing, may: (1) deny approval; (2) table the application pending submittal of additional information; or (3) approve the proposed special use permit. The Board of Commissioners shall determine contested facts and make its decision within a reasonable time. Quasi-judicial decisions must be based upon competent, material, and substantial evidence in the record. Quasi-judicial decisions must be reduced to writing, reflect the Board's determination of contested facts and their application to applicable standards and findings, and be approved by the Board and signed by the Mayor or other duly authorized member of the Board of Commissioners. A quasi-judicial decision regarding a special use permit application is effective upon filing the written decision with the City Clerk. The decision of the Board of Commissioners shall be delivered within a reasonable time by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and any person who has submitted a written request for a copy prior to the date the decision becomes effective. The person required to provide notice shall certify to the City of Creedmoor that proper notice of the decision has been made, and the certificate shall be deemed conclusive in the absence of fraud, per G.S. 160D-406(j).

D. FINDINGS AND CONDITIONS. All special uses shall at a minimum meet the standards for the zoning district in which they are located, as well as meet the specific standards set for in this Ordinance for that specific use. In addition to determining that the application meets all other requirements of this ordinance, the Board of Commissioners shall find:

- 1. That the use or development is located, designed, and proposed to be established, operated and maintained so as to not be detrimental to or endanger the public health, safety, and general welfare;
- 2. That the use or development complies with all applicable required regulations – state, federal and local; and
- 3. That the use or development is located, designed, and proposed to be operated so as not to substantially injure the value of adjoining or abutting property, or provide substantial evidence that the use or development is a public necessity; and
- 4. That the use or development will be in harmony with the area in which it is to be located and conforms to the officially adopted plans and policies for the land use and development of City of Creedmoor and its environs; and
- 5. That there is an adequate water and sewer capacity available for the proposed use; and
- 6. That the use or development will not cause undue traffic congestion, create a traffic hazard, or generate traffic volumes that exceed volume to capacity design of existing street(s) serving the property.

There shall be competent, material, and substantial evidence in the record to support these

conclusions and the City Board of Commissioners must find that all of the above exist or the application will be denied.

- E. **CONDITIONS.** Reasonable and appropriate conditions and safeguards may be imposed on special use permits. In granting the special use permit, the City Board of Commissioners may designate only those conditions that assure the use in its proposed location will be harmonious with the area in which it is proposed to be located, with the spirit of this Ordinance and clearly in keeping with the public welfare. Where appropriate, such conditions may include requirements that street and utility rights-of-way be dedicated to the public and that provision be made for recreational space and facilities. Conditions and safeguards imposed under this section shall not include requirements for which the courts have held to be unenforceable if imposed directly by the City of Creedmoor, including, without limitation, taxes, impact fees, building design elements within the scope of G.S. 160D-702(b), driveway-related improvements in excess of those allowed in G.S. 136-18(29) and G.S. 160A-307, or other unauthorized limitations on the development or use of land, per G.S. 160D-705(c). All such additional conditions shall be entered into the minutes of the meeting, at which the special use permit is granted, on the special use permit itself, and on the approved plans. All specific conditions shall run with the land and shall be binding on the original applicants, their heirs, successors, and assigns. The City of Creedmoor must obtain the applicant's / landowner's written consent to conditions attached to the special use permit to ensure enforceability, per G.S. 160D-1402(k) and G.S. 160D-1403.2 and S.L. 2019-111, Pt. I. Major modifications of the special use permit conditions shall follow the same process as approval for a special use permit. Minor modifications, as defined in Article 3 and Article 7.15 of this Ordinance, to special use permit conditions that do not involve a change in uses permitted or change in density of development permitted may be reviewed and approved administratively by the Planning, Zoning and Subdivision Administrator, per G.S. 160D-403(d) and G.S. 160D-705(c).

The minutes of the Creedmoor Board of Commissioners shall state if the proposed special use meets or does not meet each of the conditions set forth in section 7.8-5.(D), the standards set forth in Article 10 of this Ordinance for the proposed special use, and all other requirements set forth by this Ordinance for the proposed special use. The decision on the special use application, including any proposed phasing schedule for the project, shall be by a simple majority vote of those members of the Creedmoor Board of Commissioners present at the meeting at which the action is taken.

- 7.8-6 **TRANSFER OF APPROVAL.** A special use approval is not transferable from one property to another, but may be transferred to a subsequent owner of the subject property.
- 7.8-7 **RESUBMISSION OF DENIED APPLICATIONS.** No application for approval of a special use permit shall be filed or accepted by the Planning, Zoning and Subdivision Administrator that is identical or substantially similar to an application that has been denied by the Creedmoor Board of Commissioners within one year of the final action by the City Board of Commissioners denying the request. This waiting period may be waived in an individual case, for good cause shown, by the affirmative vote of three-fourths of the members of City Board of Commissioners.
- 7.8-8 **PUBLIC NOTIFICATION.** Notice of evidentiary hearings or public meetings required under this section for special use approvals shall be provided in accordance with the requirements established in section 6.1-4 of this Ordinance, per G.S. 160D-406(b).
- 7.8-9 **PROJECT PHASING.** If a project approved as a special use is to be developed in phases, a master plan for the entire development site must be approved by the Creedmoor Board of Commissioners at the same time and in the same manner the special use permit application is considered.
- A. Final plans for phases of the special use may be submitted in stages and shall be approved by the Planning, Zoning and Subdivision Administrator provided that the following requirements are met:
1. All stages shall be shown with precise boundaries on the master plan and shall be numbered

in the expected order of development.

2. Each phase must be able to exist independently of subsequent phases by meeting all applicable laws and regulations as if the phase were a separate project.
3. All the data required for the project as a whole shall be given for each stage shown on the plan.
4. A proportionate share of the open space, common facilities, amenities, play areas, etc. shall be included in each stage of the development, except that centralized common facilities shall be guaranteed by bond or other irrevocable financial instrument valid for the duration of the project implementation period.
5. The phasing shall be consistent with the traffic circulation, drainage, and utilities plan for the entire master plan for the conditional use.
6. Each phase of the special use must comply with any and all conditions attached to the approval of the special use permit by the Creedmoor Board of Commissioners.

7.8-10 [RESERVED]

7.8-11 APPEALS. An appeal from the decision of the Creedmoor Board of Commissioners regarding a special use permit and site plan may be made by an aggrieved party and shall be made to the Superior Court of Granville County in the nature of certiorari, pursuant to G.S. 160D-1402. Any such petition to the Superior Court shall be filed with the court no later than 30 days after a written copy of the decision of the City Board of Commissioners is received by the applicant. When first class mail is used to deliver written copy of the decision, three (3) days shall be added to the time to appeal.

7.8-12 PERMIT VALIDITY. Approvals of a special use permit and site plan shall be valid for two (2) years from the date of approval by the Creedmoor Board of Commissioners. If the permittee fails to initiate construction, or otherwise begin the special use within this time period, a request for a maximum of a one (1) year extension by the Board of Commissioners may be submitted by the permittee. Permits for the phased development of a special use project shall remain valid for the time approved by the Creedmoor Board of Commissioners as part of the special use approval of the master plan for the special use.

7.8-13 FAILURE TO COMPLY WITH PLANS OR CONDITIONS. In the event of failure to comply with the plans approved by the City Board of Commissioners or with any other conditions imposed upon the special use permit, the permit shall thereupon immediately become void and of no effect. No building permits for further construction or certificates of occupancy under this special use permit shall be issued. If a failure to comply with conditions in a special use permit occurs after occupancy, the owner, lessee, or other responsible person shall be notified in writing of the violation. No earlier than five (5) days after the receipt of the written notice, the body issuing the special use permit may issue a finding of fact that a violation of the requirements of this Ordinance exists. If such finding of fact is made, it shall be unlawful for any person, firm or corporation to continue the special use until the responsible party makes the necessary corrections and the City Board of Commissioners conducts a public hearing and finds that the violation no longer exists.

7.8-14 VIOLATIONS. Violations of the special use permit or of any of the conditions attached to the approval shall be considered a violation of this Ordinance and subject to the enforcement and penalty provisions of Article 23 of this Ordinance.

7.9 Uses with Additional Standards

7.9-1 PURPOSE. Uses with additional standards are uses permitted by right, provided that the additional standards set forth in Section 10.1 of this Ordinance are met. The additional standards are intended to ensure that the uses fit the intent of the zoning districts within which they are permitted, and that the uses are compatible with other development permitted within the zoning districts. Review and approval of these uses are handled by the Planning, Zoning and Subdivision Administrator, who has no discretion to modify the additional standards.

- 7.9-2 PRE-APPLICATION PROCEDURE. A pre-application conference is not required for approval of uses with additional standards. Applicants are encouraged, however, to contact the Planning, Zoning and Subdivision Administrator to discuss the additional standards.
- 7.9-3 PLAN SUBMITTAL.
- A. FILING OF APPLICATION. An application for a permit for a use with additional standards may be filed by the owner of the property or by an agent specifically authorized by the owner to file such application. Where an agent files the application, the agent shall provide documentation that the owner of the property has authorized the filing of the application. The application for a permit for a use with additional standards shall be filed with the Planning, Zoning and Subdivision Administrator on a form provided by the Planning, Zoning and Subdivision Administrator.
- B. FEES. A permit fee, as established by the City of Creedmoor Board of Commissioners, shall be submitted with the application.
- C. INFORMATION REQUIRED. Each application for a permit for a use with additional standards shall contain all information required by the Planning, Zoning and Subdivision Administrator. The application shall be accompanied by a site plan meeting the requirements for site plans as established by section 7.7 of this Ordinance.
- 7.9-4 STAFF REVIEW. Notwithstanding the procedures applicable in section 7.7 of this Ordinance, the Planning, Zoning and Subdivision Administrator shall review the proposed use and determine if the additional standards for that use have been met. If the additional standards have been met, the use shall be approved provided all other applicable standards and procedures have been met. Failure to meet all the additional standards shall result in denial of a permit for the proposed use. The Planning, Zoning and Subdivision Administrator shall approve or deny the proposed use with additional standards or request more information, if needed, within ten (10) working days of submittal. If the application is found to be incomplete, the Planning, Zoning and Subdivision Administrator shall notify the applicant of any deficiencies. No further steps will be taken to process the application until the applicant corrects the deficiencies. The Planning, Zoning and Subdivision Administrator shall approve the use only upon finding that the proposed use satisfies all applicable requirements set forth in this Ordinance.
- 7.9-5 PUBLIC NOTIFICATION. Public notification is not required, unless required by section 7.7 or 7.8 of this Ordinance.
- 7.9-6 FORMAL REVIEW. Formal review of the application by an elected/appointed board or committee is not required, unless required by section 7.7 or 7.8 of this Ordinance.
- 7.9-7 VARIANCES. Variances from the additional standards constitute "use variances" and shall not be permitted.
- 7.9-8 APPEALS. Appeals of decisions of the Planning, Zoning and Subdivision Administrator regarding applications for a use with additional standards shall be heard by the Board of Adjustment under the procedures established in Article 6.
- 7.9-9 PERMIT VALIDITY. The permit for a use with additional standards shall be valid for one year from the date of its issuance. Failure to initiate construction or otherwise begin the permitted use within this time shall render the permit void.
- 7.9-10 VIOLATIONS. Failure to establish or maintain the additional standards is considered a violation of this Ordinance and shall subject the offender to the enforcement and penalty provisions of Article 23 of this Ordinance.

7.10 Sign Permits

- 7.10-1 PURPOSE. In order to regulate the provision of sign standards and sign restrictions within the planning and zoning jurisdiction of the City of Creedmoor, it shall be unlawful to erect or maintain any sign or sign structure without first obtaining a sign permit.
- 7.10-2 PRE-APPLICATION PROCEDURE. There is no pre-application procedure for sign permits.
- 7.10-3 APPLICATION SUBMITTAL.

- A. FILING OF APPLICATION.
 - 1. An application for a sign permit may be filed by the owner of the property or sign or by an agent specifically authorized by the owner to file such application. The application for a sign permit shall be filed with the City of Creedmoor Planning Department on a form provided by the Planning, Zoning and Subdivision Administrator.
 - 2. If the proposed sign is subject to a building permit, under the NC Building Code, an application for all applicable building permits shall be submitted to the Granville County Building Inspections office along with the sign permit application.
 - B. FEES. A permit fee as established by the City of Creedmoor shall be submitted with the application. Work performed without a valid permit shall be subject to a penalty. When any permit has been revoked under the terms of this Ordinance, the permit fees shall not be refunded.
 - C. INFORMATION REQUIRED. Each application for a sign permit shall be accompanied by complete information as required by the Planning, Zoning and Subdivision Administrator and shall include, without being limited to, a site plan and elevation drawings of the proposed sign, a drawing of the building facade indicating the proposed location of the sign (if the sign is to be attached to a building), height, dimensions and square footage of the proposed sign and any other data as the Planning, Zoning and Subdivision Administrator may determine to be necessary for review of the application.
- 7.10-4 STAFF REVIEW. Provided the application is complete, the Planning, Zoning and Subdivision Administrator shall review the application and determine whether it is complete within ten (10) working days of its submittal. If the application is incomplete, the Planning, Zoning and Subdivision Administrator shall notify the applicant of any deficiencies. No further steps shall be taken to process the application until the applicant corrects the deficiencies. The Planning, Zoning and Subdivision Administrator shall issue a permit only upon finding that the proposed sign or sign structure satisfies the requirements of Article 17.
- 7.10-5 PUBLIC NOTIFICATION. No public notification is required for sign permit requests.
- 7.10-6 FORMAL REVIEW. No formal review of sign permit requests is required.
- 7.10-7 VARIANCES. Requests for variances from the requirements for signs set forth in this chapter shall be heard by the Board of Adjustment under the procedures established by Article 6.
- 7.10-8 APPEALS. Appeals of the decisions of the Planning, Zoning and Subdivision Administrator shall be heard by the Board of Adjustment under the procedures established by Article 6.
- 7.10-9 PERMIT VALIDITY. Upon issuance of a sign permit, the applicant will have one (1) year to commence work on the approved signage, after which the permit shall automatically become null and void. The Planning, Zoning and Subdivision Administrator may grant a single 60-day extension of time within which operations must be started or resumed. All requests for such extensions and approval thereof shall be in writing.
- 7.10-10 VIOLATIONS. Violations of the conditions of a sign permit shall be considered a violation of this Ordinance and shall be subject to the enforcement and penalty provisions set forth in Article 23 of this Ordinance.

7.11 Subdivision Plat Approval

- 7.11-1 MAJOR SUBDIVISIONS.
- A. PURPOSE. The Major Subdivision review process is required for those divisions of land as described below. Review and approval of the preliminary plat by the Planning Board is required under the Major Subdivision review process, with review and approval of the final plat by the Planning, Zoning and Subdivision Administrator.
 - B. PRE-APPLICATION PROCEDURE.
 - 1. CONFERENCE. It is required that every applicant for a Major Subdivision meet with the Planning, Zoning and Subdivision Administrator in a conference prior to the submittal of a

subdivision plat. The purpose of this conference is to provide clarification and assistance in the preparation and submission of plats for approval.

2. SKETCH PLAN. A sketch plan shall be submitted to the Planning, Zoning and Subdivision Administrator prior to or at the pre-application conference. Upon submittal of the sketch plan, the Planning, Zoning and Subdivision Administrator shall conduct an initial review to determine whether the proposed subdivision is a Major Subdivision.
 3. NEIGHBORHOOD MEETING. It is highly recommended that the developer meet with representatives of the neighborhood in which the proposed subdivision is to be located. This meeting, which should be held at the pre-application stage, will allow the developer to inform nearby property owners of their intentions for development and to be informed of the concerns of the neighborhood. The meeting will help the developer address major concerns of the neighborhood prior to the public notification process described in 7.11-1(C)(3) below. The neighborhood meeting should include a presentation of the plan and an opportunity for concerned parties to ask questions and be provided responses to those questions. The Planning, Zoning & Subdivision Administrator should be notified of the time, date, and place of the neighborhood meeting.
- C. PRELIMINARY PLAT SUBMITTAL.
1. PRELIMINARY PLAT(S) REQUIRED. A preliminary plat(s) for a proposed Major Subdivision shall be prepared by a professional land surveyor, licensed landscape architect, or licensed engineer and shall be prepared in accordance with the standards set forth by the Planning Department and applicable state standards.
 2. FILING OF APPLICATION. A complete application packet containing all information as required by the City of Creedmoor shall be submitted according to the established schedule prior to the Planning Board meeting at which they are to be reviewed.
 3. PUBLIC NOTIFICATION. The Planning, Zoning and Subdivision Administrator shall prepare a public notice as described herein below which indicates the official receipt of an application and preliminary plat for Major Subdivision approval. This notice for publication shall include the following.
 - a. Brief description of the Major Subdivision proposed;
 - b. The time, date, and place at which the project will be available for public review; and
 - c. Contact information for staff receiving comments concerning the proposed subdivision.The notice shall be posted in a conspicuous place at City Hall, on the City's website, or a combination of these two, at least ten days prior to the date on which the application is to be reviewed by the Planning Board as described in section 7.11-1(C)(4) below. This notice also shall be mailed to the owners of adjacent property at least ten days before the date on which the request is to be considered. A sign stating the above information shall be posted on the subject property ten days before the date on which the application is to be considered by the Planning Board.
 4. REVIEW AT PLANNING BOARD MEETING. The preliminary plat of a proposed Major Subdivision shall be reviewed by the Planning, Zoning and Subdivision Administrator and other City staff for compliance with these subdivision regulations. The Planning, Zoning and Subdivision Administrator shall then present the preliminary plat of Major Subdivision to the Planning Board at the next regular meeting of the board following receipt of the preliminary plat. The Planning Board shall review the preliminary plat for compliance with existing applicable regulations and shall make a recommendation of approval or denial to the City Board of Commissioners.
 5. If the preliminary plat is not recommended for approval, the Planning Board shall set forth in writing the reasons for not recommending approval of the preliminary plat and shall include

any other review comments from the Planning Board. The applicant may revise the plat and resubmit it. The revised plat shall be reviewed by the Planning, Zoning and Subdivision Administrator, and if it is revised in accordance with the directions provided by the Planning Board the preliminary plat shall be presented at the next regular meeting of the Planning Board. The Planning Board shall review the revised, resubmitted preliminary plat and shall make a recommendation of approval or denial, with or without review comments, to the Creedmoor Board of Commissioners. Once the Planning Board makes a recommendation on the preliminary plat, and if the applicant chooses not to revise or resubmit the plat, the matter shall be scheduled for review by the Creedmoor Board of Commissioners at the next scheduled meeting.

6. ACTION BY BOARD OF COMMISSIONERS. The Creedmoor Board of Commissioners has final approval authority for major subdivision preliminary plats. The Board shall take into consideration the recommendations of planning staff, the Planning Board, and the preliminary plat's compliance with Creedmoor Development Ordinance standards. The Board of Commissioners may request revisions of the preliminary plat.
 7. APPEALS. Actions taken by the Board of Commissioners with respect to preliminary plats, or a failure by the Board of Commissioners to take action within 35 days after it has received a preliminary plat for review, may be appealed to the Board of Adjustment.
 8. PERMIT VALIDITY. Approval of the preliminary plat for Major Subdivisions shall be valid for two years from the date of approval by the City of Creedmoor Board of Commissioners. The Final Plat for the Major Subdivision shall be presented for approval prior to the end of this two-year period. Phased Subdivisions shall be exempt from this time limit as set forth in section 7.11-1(E)2 below.
- D. FINAL PLAT. Plats for Major Subdivisions shall be prepared by a professional land surveyor in accordance with the standards set forth by this ordinance and applicable state standards. All certificates required under Article 16 of this ordinance shall appear on the face of the plat as specified. The final plat of a Major Subdivision shall be reviewed by the Planning, Zoning and Subdivision Administrator for compliance with the requirements of this Ordinance and for conformity with the approved preliminary plat. Substantial changes from the preliminary plat, as determined by the Planning, Zoning and Subdivision Administrator, shall require an additional review by the Planning Board to ensure compliance with existing regulations. No final plat shall be approved by the Planning, Zoning and Subdivision Administrator until all improvements are installed or their execution guaranteed as permitted by this Ordinance and all certificates required for final plats by this Ordinance or approvals by state law have been properly completed and signed. The final plat shall be prepared in compliance with the requirements set forth in the checklist for final plats provided by the Planning, Zoning and Subdivision Administrator. Provided the final plat is complete, and no further review is determined to be required, the Planning, Zoning and Subdivision Administrator shall act on the final plat of Major Subdivisions within ten working days of receipt of the plat. The Planning, Zoning and Subdivision Administrator is authorized to present the final plat to the City Board of Commissioners to grant approval for recording. Following final plat approval, the applicant shall record the plat for a Major Subdivision in accordance with this subsection.
- E. SIGNATURES AND RECORDATION.
1. SIGNATURES. Upon approval by the City Board of Commissioners of a final plat for Major Subdivisions, the plat shall be signed in the appropriate place by the Planning, Zoning and Subdivision Administrator and by the owner(s). Additionally, approval shall be shown by a Certificate of Approval for recording.
 2. RECORDATION. A final plat for Major Subdivisions shall be recorded in the office of the register

of deeds for Granville County in compliance with North Carolina General Statutes within 60 days following approval by the City of Creedmoor Board of Commissioners. No subdivision plat shall be considered approved until the plat has been recorded. If the final plat of all or part of the area shown on an approved preliminary plat for a Major Subdivision is not recorded in the office of the register of deeds within two years of the approval by the City of Creedmoor Board of Commissioners, the Preliminary Plat shall be considered null and void. Final plats for subdivisions developed in phases shall be recorded in accordance with the schedule presented by the applicant during the preliminary plat approval and approved by the Planning Board as part of the preliminary plat approval process.

- F. APPEALS. If final plat approval for a Major Subdivision is denied, the applicant may appeal the decision to the Board of Adjustment following procedures described in Article 6.2. Such an appeal must be filed within 30 days after denial.
- G. FEES. For all categories of subdivision, fees as established by the City of Creedmoor shall be due and payable when the application is submitted.

7.11-2 MINOR SUBDIVISIONS.

- A. PURPOSE. The Minor Subdivision review process is required for those divisions of land involving four or fewer lots fronting on an existing approved public street, not requiring any new public or private street(s) for access to interior property, not requiring extension of public sewage or water line, and not requiring a waiver, modification, or variance from any requirement of this Ordinance. Review and approval of the preliminary and final Plat by the Planning, Zoning and Subdivision Administrator permits a speedy review while ensuring that the proposed subdivision meets all development requirements established by the City of Creedmoor.
- B. PRE-APPLICATION CONFERENCE. Every minor subdivision applicant shall meet with the Planning, Zoning and Subdivision Administrator in a conference prior to the submittal of a subdivision plat. The purpose of this conference is to provide clarification and assistance in the preparation and submission of plats for approval.
- C. PLAT SUBMITTAL.
 - 1. PLAT REQUIRED. Plats for Minor Subdivisions shall be prepared by a professional land surveyor in accordance with the standards set forth by this ordinance and applicable state standards.
 - 2. FILING OF APPLICATION. Plats and a complete application packet containing all information established by the Planning Department for Minor Subdivisions shall be submitted to the Planning, Zoning and Subdivision Administrator and may be presented at any time.
- D. STAFF REVIEW. The plat for a proposed Minor Subdivision shall be reviewed by the Planning, Zoning and Subdivision Administrator for compliance with these subdivision regulations. The review shall also include compliance by the plat with other Ordinances and regulations of the City of Creedmoor. The plat shall be prepared in compliance with the requirements set forth in the checklist for final plats provided by the Planning, Zoning and Subdivision Administrator. Provided the application is complete, the Planning, Zoning and Subdivision Administrator shall take action on the plat of the proposed Minor Subdivision within ten (10) working days of its submittal. Following approval, the applicant shall record the plat for a Minor Subdivision in accordance with this subsection.
- E. PUBLIC NOTIFICATION. No public notification is required for Minor Subdivision review.
- F. FINAL PLAT APPROVAL.
 - 1. RECORDATION AND SIGNATURES.
 - a. SIGNATURES. Upon approval of a plat for Minor Subdivisions, said plat shall contain all certificates required under Article 16 of this Ordinance. The final plat shall be signed in the appropriate place by the Planning, Zoning and Subdivision Administrator and by the owner(s). Additionally, approval shall be shown by a Certificate of Approval for recording.

- b. RECORDATION. A plat for Minor Subdivisions shall be recorded by the applicant / landowner in the office of the Register of Deeds for Granville County within 60 days following approval by the Planning, Zoning and Subdivision Administrator. No plat shall be considered approved until the plat has been recorded. No lots in a subdivision shall be sold prior to approval by the Planning, Zoning and Subdivision Administrator and recording of a plat for the subdivision.
 - G. PERMIT VALIDITY. Minor Subdivision plats which have been granted approval shall be recorded as set forth in section 7.11-2.(F.) above within 60 days following approval; otherwise the approval becomes invalid.
 - H. APPEALS. Decisions of the Planning, Zoning and Subdivision Administrator with regard to Minor Subdivisions may be appealed to the Board of Adjustment. Such an appeal must be made within 30 days of the receipt of the decision by the property owner. The appeal shall be in writing and delivered to the City Clerk.
 - I. FEES. For all categories of subdivision, fees as established by the City of Creedmoor shall be due and payable when the application is submitted.
- 7.11-3 EXPEDITED MINOR SUBDIVISIONS.
- A. PURPOSE. The Expedited Minor Subdivision review process is allowed for those divisions of land involving a minimum of five acres in single ownership resulting in the creation of a maximum of three lots. The tract or parcel to be divided shall not be exempted under Article 16.1-2(B). No less than ten years shall have passed since the last subdivision of the land via expedited review, per G.S. 160D-802. Lots resulting from expedited minor subdivision procedures shall meet all applicable zoning regulations and shall conform to all dimensional requirements described in Article 8 of this ordinance. Resulting lots shall have a permanent means of ingress/egress designated on the plat. Review and approval of the final plat by Planning staff permits a speedy review while ensuring that the proposed division of land meets all requirements established by the City of Creedmoor.
 - B. PLAT SUBMITTAL.
 - 1. PLAT REQUIRED. Final plat for Expedited Minor Subdivisions shall be prepared by a professional land surveyor in accordance with the standards set forth by this Ordinance and applicable state standards.
 - 2. FILING OF APPLICATION. Final plat and a complete application packet containing all information established by the Planning Department for Expedited Minor Subdivision shall be submitted to the Planning, Zoning, and Subdivision Administrator and may be presented at any time.
 - C. STAFF REVIEW. The plat for a proposed Expedited Minor Subdivision shall be reviewed by the Planning, Zoning, and Subdivision Administrator for compliance with these subdivision regulations. The review shall also include compliance by the plat with other Ordinances and regulations of the City of Creedmoor. The plat shall be prepared in compliance with the requirements set forth in the checklist for Expedited Minor Subdivisions provided by the Planning, Zoning, and Subdivision Administrator. Provided the application is complete, the Planning, Zoning, and Subdivision Administrator shall take action on the plat of the proposed Expedited Minor Subdivision within ten (10) working days of its submittal. Following approval, the applicant shall record the plat for Expedited Minor Subdivision in accordance with this subsection.
 - D. PUBLIC NOTIFICATION. No public notification is required for Expedited Minor Subdivision review.
 - E. FINAL PLAT APPROVAL.
 - 1. RECORDATION AND SIGNATURES.
 - a. SIGNATURES. Upon approval of a plat for Expedited Minor Subdivisions, said plat shall contain all certificates required under Article 16 of this ordinance. The final plat shall be signed in the appropriate place by the Planning, Zoning, and Subdivision Administrator and by the owner. Additionally, approval shall be shown by a Certificate of Approval for recording.
 - b. RECORDATION. A plat for Expedited Minor Subdivision shall be recorded in the Office of the Register of Deeds for Granville County within 60 days following approval by the Planning, Zoning, and Subdivision Administrator. No plat shall be considered approved

until the plat has been recorded. No lots in an Expedited Minor Subdivision shall be sold prior to approval by the Planning, Zoning, and Subdivision Administrator and recording of the plat for the subdivision.

- F. VALIDITY. Expedited Minor Subdivision plats which have been granted approval shall be recorded as set forth in Section 7.11-3(F) above within 60 days following approval; otherwise the approval becomes invalid.
- G. APPEALS. Decisions of the Planning, Zoning, and Subdivision Administrator with regard to Expedited Minor Subdivisions may be appealed to the Board of Adjustment. Such an appeal must be filed within 30 days of the receipt of the decision by the property owner. The appeal shall be in writing and delivered to the City Clerk.
- H. FEES. For all categories of Subdivision, fees as established by the City of Creedmoor shall be due and payable when the application is submitted.

7.12 Floodplain Development and Certification Permit *[Amended May 27, 2014 per Ord. 2014-0-03]*

7.12-1 PURPOSE. No approval shall be granted for construction in an area designated as a special flood hazard area as shown on the Flood Insurance Rate Maps (FIRM) for the City of Creedmoor, as provided by the Federal Emergency Management Agency, and also adjoining lands, which, because of their characteristics, the City determines as being susceptible to flooding or determines as being susceptible to flooding or damage by flooding until the requirements of Article 18 of this Ordinance are met. Procedures for assuring compliance with these requirements are set forth below.

7.12-2 PRE-APPLICATION PROCEDURE. Developers are encouraged to meet with the Floodplain Administrator, prior to submitting an application for development in the designated flood hazard area. This will provide developers with the opportunity to obtain information regarding details of the application process and regulations affecting development within special flood hazard areas.

7.12-3 PLAN SUBMITTAL.

- A. APPLICATION REQUIRED. Application for a floodplain development permit shall be made to the Floodplain Administrator prior to performing grading, development, or construction on lands designated as special flood hazard areas. Applications shall be made on forms furnished by the City of Creedmoor, shall provide all requested information, and shall be accompanied by a site plan. The application, with all requested information, and site plan shall be provided to the Floodplain Administrator.
- B. PLAN REQUIRED. A site plan drawn to scale shall be provided with the application for a floodplain development permit. The site plan shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 1. 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;
 2. The boundary of the special flood hazard area as delineated on the FIRM or other flood map as determined in this section, or a statement that the entire lot is within the special flood hazard area;
 3. Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Section 18.2-4(B)
 4. The boundary of the floodway(s) or non-encroachment area(s) as determined in Section 18.2-4(B);
 5. The base flood elevation (BFE) where provided as set forth in Sections 18.2-4(B) or 18.6
 6. The old and new location of any watercourse that will be altered or relocated as a result of proposed development;
 7. Certification of the plot plan by a registered land surveyor or professional engineer.
 8. Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:

- a. Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
 - b. Elevation in relation to mean sea level to which any non-residential structure in Zone AE or A will be flood-proofed; and
 - c. Elevation in relation to mean sea level to which any proposed utility systems will be elevated or flood-proofed;
 - 9. If flood-proofing, a flood-proofing Certificate (FEMA Form 81-65) with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of flood-proofing measures.
 - C. A foundation plan, drawn to scale, shall be submitted with the application. The foundation plan 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:
 - 1. The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls);
 - 2. Openings to facilitate equalization of hydrostatic flood forces on walls in accordance with Section 18.4-2(A)(4)(b), when solid foundation perimeter walls are used in Zones A and AE;
 - D. Usage details of any enclosed areas below the regulatory flood protection elevation.
 - E. 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;
 - F. 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, etc.)
 - G. Documentation for placement of recreational vehicles and/or temporary structures, when applicable, to ensure Section 18.5-1(B)(6) of this Ordinance are met.
 - H. 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.
- 7.12-4 PREPARATION BY PROFESSIONAL. Plats, plans, designs, calculations, working drawings, and specifications for work shall be prepared by an authorized professional properly registered and licensed in North Carolina for the work in which they are engaged.
- 7.12-5 FEES. Fees, as established by City of Creedmoor, shall be due and payable when the zoning compliance permit is issued.
- 7.12-6 SUBMITTAL OF PLANS. Applications for floodplain development and certification permits, with all required information, shall be submitted to the Floodplain Administrator. All review(s) shall be coordinated by the Floodplain Administrator.
- 7.12-7 STAFF REVIEW. Following submittal of the application and accompanying data, the information shall be reviewed by the Floodplain Administrator for compliance with the requirements of this Ordinance.
- 7.12-8 [RESERVED]
- 7.12-9 [RESERVED]
- 7.12-10 MAJOR VARIANCES. Major Variances from the requirements of this section shall be heard by the State Environmental Management Commission.
- 7.12-11 APPEALS. Appeals from decisions of the Floodplain Administrator shall be heard by the Board of Adjustment. An appeal shall be filed, in writing, within 30 days of the date action is taken by the Floodplain Administrator.
Decisions of the Board of Adjustment may be appealed to the Superior Court of Granville County.
- 7.12-12 PERMIT REQUIREMENTS. The Floodplain Development and Certification Permit shall include, but not be limited to:

- A. A description of the development to be permitted under the floodplain development permit.
 - B. The Special Flood Hazard Area determination for the proposed development per available data specified in Section 18.2-4(B).
 - C. The regulatory flood protection elevation required for the reference level and all attendant utilities.
 - D. The regulatory flood protection elevation required for the protection of all public utilities.
 - E. All certification submittal requirements with timelines.
 - F. A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.
 - G. The flood openings requirements, if in Zones A and AE.
 - H. Limitations of below base flood elevation (BFE) enclosure uses (if applicable). (i.e., Parking, Building Access and Limited Storage only).
- 7.12-13 CERTIFICATION OF FLOOR ELEVATION/FLOOD-PROOFING. When a property is located in a flood hazard area or when a structure is flood proofed, a certificate shall be provided in accordance with the following standards.
- A. ELEVATION CERTIFICATES.
 1. 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.
 2. An elevation certificate (FEMA Form 81-31) is required after the reference level is established. Within seven (7) 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.
 3. 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 the 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.
 - B. FLOOD-PROOFING CERTIFICATE. If non-residential flood-proofing is used to meet the regulatory flood protection elevation requirements, a flood-proofing 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 flood-proofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Flood-proofing 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.

- 7.12-14 PERMIT VALIDITY. Permits for construction activity in designated flood hazard areas shall be valid for one (1) year. Failure to initiate construction, or otherwise begin the permitted use, within this time shall render the permit void.
- 7.12-15 VIOLATIONS. Violations of the requirements for construction and development activity in designated flood hazard areas shall be considered a violation of this Ordinance and shall be subject to the enforcement and penalty provisions set forth in Article 23 of this Ordinance.

7.13 Stormwater Discharge Permits

- 7.13-1 PURPOSE. To insure that development undertaken in the City does not result in increased stormwater runoff which adversely impacts adjacent property, no development to which this Ordinance applies, pursuant to the standards set forth in Article 19, shall be commenced without the issuance of a stormwater discharge permit by the Stormwater Administrator.
- 7.13-2 PRE-APPLICATION PROCEDURE. Although a pre-application conference is not required, applicants are encouraged to contact the City's Stormwater Administrator prior to submitting their application to discuss the project.
- 7.13-3 PLAN SUBMITTAL.
 - A. APPLICATION REQUIRED. An application for a stormwater discharge permit shall be made by, or on behalf of, the owner(s) or developer(s) of the site for which a permit is sought. The application shall be filed with the Stormwater Administrator on a form supplied by the Stormwater Administrator, and signed by the owner of the property or by an agent specifically authorized by the owner to file such application. Where an agent files the application, the agent shall provide documentation that the owner of the property has authorized the filing of the application.
 - B. SUBMITTAL OF PLAN. A minimum of three (3) paper copies of a complete and detailed stormwater management plan, including detailed design plans and construction specifications, for stormwater management facilities as well as electronic submission of a complete and detailed stormwater plan and the required Falls/Jordan Accounting Tool spreadsheet; the exact location of any stormwater management facility; and the proposed location of the access easement(s) required under the Falls Lake Nutrient Management Strategy (a.k.a. "The Falls Rules") shall be submitted to the Stormwater Administrator. The stormwater management plan shall be prepared by a registered professional engineer, architect, or landscape architect registered, licensed, or certified pursuant to the North Carolina General Statutes and authorized by law to prepare the analysis, plans, and specifications, and provide the certifications required by the various provisions of this subsection.
 - C. FEES. The appropriate stormwater discharge permit application fee, as established by the City of Creedmoor, shall be due and payable when the application is submitted.
- 7.13-4 STAFF REVIEW BY STORMWATER ADMINISTRATOR.
 - A. STORMWATER ADMINISTRATOR REVIEW. Upon receipt of the stormwater discharge permit application and stormwater management plan, the Stormwater Administrator shall conduct a review of the application and plan to ensure that they meet the requirements of this Ordinance. Review of the Stormwater Nutrient Accounting Tool (SNAP) spreadsheet, construction drawings, and all engineering calculations submitted as part of the initial application shall be forwarded to the City's Professional Engineer Consultant for review and comment.
 - B. REVIEW PERIOD. The Stormwater Administrator shall have 45 working days after receipt of a stormwater discharge permit application and stormwater management plan to review the application and plan and notify the applicant of the status of the review. The City's Professional Engineer Consultant shall have the option to review the construction drawings, engineering calculations and associated components of the submitted application for the period of time deemed necessary to determine compliance with the Falls Lake Nutrient Management Strategy and any other applicable state, federal, or local regulations relating to stormwater management

and discharge within the City of Creedmoor's corporate and extraterritorial jurisdiction.

- C. ISSUANCE OF STORMWATER PERMIT. Stormwater discharge permits shall be issued in the name of the applicant(s) and no permit shall be transferred or assigned without the written consent of the City.
- 7.13-5 PUBLIC NOTIFICATION. No public notification is required for stormwater discharge permit requests and stormwater management plan review.
- 7.13-6 FORMAL REVIEW. Formal review of stormwater discharge permit is performed by the Stormwater Administrator acting in consultation with the City's Professional Engineer Consultant.
- 7.13-7 VARIANCES. No variances shall be granted from the requirements that a stormwater discharge permit be obtained and a stormwater management plan be approved prior to initiating any development activity subject to the stormwater management regulations set forth in Article 19 of this Ordinance.
- 7.13-8 APPEALS. Appeals from the decisions of the City staff regarding stormwater discharge permits shall be made to the Creedmoor Board of Adjustment following appeals procedures established in Article 6 of this ordinance.
- 7.13-9 PERMIT VALIDITY. When a stormwater discharge permit is issued in association with a project requiring a building permit, the stormwater discharge permit shall expire upon the expiration or revocation of the building permit.
- 7.13-10 VIOLATIONS. Violations of the stormwater management regulations and of any conditions attached to a stormwater discharge permit shall be subject to the enforcement and penalty provisions set forth in Article 23 of this Ordinance.

7.14 Water and Wastewater Allocations

- 7-14.1 Allocations in General.
 - A. SGWASA has established an Allocation Policy (the "Allocation Policy") that makes available 100,000 gallons of water capacity and 100,000 gallons of wastewater capacity to the City. Water and/or wastewater allocations are only required for projects proposing to establish new water and/or wastewater connections or to increase the volume of existing water and/or wastewater connections.
 - B. The grant of a water and/or wastewater allocation does not create a property right in the allocation. Once granted, an allocation is not transferrable to any other person or entity without the express consent of the SGWASA Board, provided, however, that once a project is completed no allocations shall be forfeited solely on account of a change in ownership in a project or part thereof, except as otherwise provided in the Allocation Policy.
 - C. Water and wastewater allocations shall be issued on a first-come-first-served basis.
 - D. The City shall concur in each allocation request prior to approval by SGWASA if,
 - 1. A complete allocation request form has been submitted along with all other required documents, and all applicable fees have been paid;
 - 2. The requested development complies with all applicable City ordinances; and
 - 3. The SGWASA system continues to have sufficient capacity to adequately provide the requested service(s);
- 7-14.2 Allocation Process.
 - A. An applicant for a water and/or wastewater allocation shall submit an allocation sketch plan and a completed SGWASA allocation request form to the Planning, Zoning and Subdivision Administrator at the same time the applicant submits a sketch plan, site plan, preliminary plat, or plat, as appropriate, for development permit approval by the City. The allocation sketch plan must be sufficiently definite as to allow the applicant and SGWASA staff to determine how much water and/or wastewater capacity the proposed development will require. If a sketch plan, site plan, preliminary plat, or plat submitted for development approval is sufficiently definite to allow the staff to determine how much water and/or wastewater capacity will be needed, then a separate allocation sketch plan will not be required.
 - B. Upon receipt of a complete allocation application and upon determining that the criteria in section 7-14.1(D) have been met, the Planning, Zoning and Subdivision Administrator shall sign the allocation request form on behalf of the City. The applicant shall then transmit the application to

SGWASA.

C. If a development does not require a development approval from the City, then the City shall not require that the applicant receive a water or wastewater allocation before beginning construction.

7-14.3 Development in Phases. For phased projects, the City will concur in an allocation request only for the phase currently proposed for construction. Future proposed phases, even if included in an approved preliminary plat, are not guaranteed a water or wastewater allocation until all allocation fees for the previous phase have been paid and SGWASA has credited that amount back to the City's available capacity.

7.15 Changes to Prior-Approved Developments

7.15-1 MAJOR AMENDMENTS. Except as allowed under Minor Modifications below, all changes to approved large site plans, conditional zoning districts, special use permits, and/or other development approvals are major amendments and shall follow the same process applicable for the original approval.

7.15-2 CHANGES TO INDIVIDUAL PARCELS WITHIN A CONDITIONAL ZONING DISTRICT. For a conditional zoning district applicable to multiple parcels, the owners of individual parcels may apply for minor modification or major amendment so long as the change would not result in other properties failing to meet the terms and conditions of the conditional zoning district. Any approved changes shall only be applicable to those properties whose owners petitioned for the change.

7.15-3 MINOR MODIFICATIONS. The Planning, Zoning and Subdivision Administrator is authorized to review and approve administratively a minor modification to an approved large site plan, conditional zoning district, special use permit, and/or other development approval, subject to the following limitations.

A. GENERAL LIMITATIONS. The minor modification:

1. Does not involve a change in uses permitted or the density of overall development permitted;
2. Does not increase the impacts generated by the development on traffic, stormwater runoff, or similar impacts beyond what was projected for the original development approval;
3. Meets all other ordinance requirements and can not deviate from Creedmoor Development Ordinance standards enforced throughout the City of Creedmoor and its planning and zoning jurisdiction; and
4. Must be petitioned for through a formal application to the Planning, Zoning and Subdivision Administrator. The application must present a sound, reasonable basis for requesting the minor modification.

B. SITE DESIGN. Site design minor modifications are limited adjustments to the terms or design of an approved development plan or plat, including a site plan attached as a condition to a conditional zoning or special use permit. In addition to the general limitations for minor modifications, a site design minor modification must:

1. Comply with underlying zoning standards and other applicable conditions of the approval;
2. Be limited to a minor change such as, without limitation, a minor adjustment to road configuration or internal circulation, a minor adjustment to building location, or a minor adjustment to utility alignment.

C. DIMENSIONAL STANDARDS. Dimensional standard minor modifications are adjustments to the dimensional standards of the zoning ordinance. Dimensional standards may only be modified upon a finding by the Planning, Zoning and Subdivision Administrator, based on evidence from the permit holder, that the modification is needed to address a site characteristic or technical design consideration not known at the time of initial approval. In addition to the general limitations for minor modifications, dimensional standard minor modifications are limited to:

1. An adjustment to parking requirements up to the greater of two (2) parking spaces or ten percent (10%).
2. An adjustment to setback requirements up to the greater of two (2) feet or ten percent

(10%) of the standard setback.

3. An adjustment to landscape standards up to ten percent (10%) of required landscaping.

7.15-4 APPEALS AND VARIANCES. A decision on minor modification may be appealed to the Board of Adjustment as an administrative determination. An application for a minor modification does not preclude an applicant from seeking a variance from the Board of Adjustment.

7.16 Notices and Public Hearings

7.16-1 GENERAL NOTICE REQUIREMENTS.

- A. All notices which this chapter requires for public hearings or public meetings shall identify the date, time and place of the public hearing/public meeting and the nature and character of the proposed action. Where the action being taken concerns a particular property or properties, the notice shall also identify the location of the subject property.
- B. Where specific notice requirements are set forth in the North Carolina General Statutes for a particular type of public hearing, the requirements set forth in the North Carolina General Statutes shall be followed. Where these requirements conflict with procedures as stipulated in this subsection or elsewhere in this chapter, the requirements contained in the North Carolina General Statutes will control.

7.16-2 NOTICE PROCEDURE. The following guidelines detail the notification procedure to be followed for public hearings or public meetings required by this chapter unless otherwise set forth in this chapter. Failure to follow procedures set forth in this section, other than those required by the North Carolina General Statutes, shall not affect the validity of any action taken at a public hearing or public meeting.

- A. PUBLISHED NOTICE. Notice for public meetings or public hearings required by this chapter shall be published in a newspaper of general circulation no later than ten days prior to the date on which the application is to be considered.
- B. MAILED NOTICE. First class mailed notice for public meetings or public hearings required by this chapter shall be provided to owners of all properties located within 500 feet of the subject property as said owners are shown on the County tax listings. Such notice shall be mailed no later than ten days before the scheduled date of the hearing.
- C. POSTED NOTICE. A sign (or signs) providing information concerning a public hearing or public meeting required by this chapter will be posted on property which is the subject of said hearing/meeting no later than ten days before the date on which the hearing or meeting is to occur. The sign(s) shall be prominently placed on the subject parcel or on an adjacent public street or highway right-of-way. When multiple parcels are involved, a posting on each individual parcel is not required, but the City shall post sufficient notices to provide reasonable notice to interested persons.

7.16-3 SPECIAL NOTICE REQUIREMENTS FOR TELECOMMUNICATIONS TOWERS/STRUCTURES. For any public hearing for special use permit applications for telecommunication towers and concealed telecommunication support structures, as required by section 10.2-14 hereinafter, additional notice and public hearing requirements shall be provided as set forth in section 10.2-14 of this chapter.

7.17 Vested Rights and Permit Choice

7.17-1 IN GENERAL. The State of North Carolina recognizes that the approval of development typically follows significant investment in site evaluation, planning, development costs, consultant fees, and related expenses. The State finds that it is necessary and desirable to provide for the establishment of certain vested rights in order to ensure reasonable certainty, stability, and fairness in the development regulation process, to secure the reasonable expectations of landowners, and to foster cooperation between the public and private sectors in land-use planning and development regulation.

7.17-2 PERMIT CHOICE. If a development permit applicant submits a permit application for any type of development and a rule or ordinance is amended, including an amendment to any applicable land

development regulation, between the time the development permit application was submitted and a development permit decision is made, the development permit applicant may choose which adopted version of the rule or ordinance will apply to the permit and use of the building, structure, or land indicated on the permit application, per G.S. 160D-108(b) and G.S. 143-755. If the development permit applicant chooses the version of the rule or ordinance applicable at the time of the permit application, the development permit application shall not be required to await the outcome of the amendment to the rule, map, or ordinance prior to acting on the development permit. If an applicable rule or ordinance is amended after the development permit is wrongfully denied or after an illegal condition is imposed, as determined in a proceeding challenging the permit denial or the condition imposed, the development permit applicant may choose which adopted version of the rule or ordinance will apply to the permit and use of the building, structure, or land indicated on the permit application. Provided, however, any provision of the development permit applicant's chosen version of the rule or ordinance that is determined to be illegal for any reason shall not be enforced upon the applicant without written consent of the applicant. An application for one development permit triggers permit choice for permits under any development regulation; such permit choice is valid for eighteen (18) months after approval of the initial application.

If a permit application is placed on hold at the request of the applicant for a period of six (6) consecutive months or more, or the applicant fails to respond to comments or provide additional information reasonably requested by the City of Creedmoor for a period of six (6) consecutive months or more, the application review is discontinued and the development regulations in effect at the time the permit processing is resumed apply to the application.

7.17-3 VESTED RIGHTS. A vested right, once established as provided for in G.S. 160D-108, precludes any action by the City of Creedmoor that would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property allowed by the applicable land development regulation, except where a change in State or federal law mandating local government enforcement occurs after the development application is submitted that has a fundamental and retroactive effect on the development or use.

Amendments in land development regulations are not applicable or enforceable without the written consent of the owner with regard to any of the following:

1. Buildings or uses of buildings or land for which a development permit application has been submitted and subsequently issued in accordance with G.S. 143-755.
2. Subdivisions of land for which a development permit application authorizing the subdivision has been submitted and subsequently issued in accordance with G.S. 143-755.
3. A site-specific vesting plan pursuant to G.S. 160D-108.1.
4. A multi-phased development pursuant to G.S. 160D-108(f).
5. A vested right established by the terms of a development agreement authorized by G.S. 160D-1001-1012.

A. DURATION OF VESTING. Upon issuance of a development permit, the statutory vesting for a development project is effective upon filing of the application in accordance with G.S. 143-755, for so long as the permit remains valid pursuant to law. Unless otherwise specified, local development permits expire one (1) year after issuance unless work authorized by the permit has substantially commenced. A local land development regulation may provide for a longer permit expiration period. For the purposes of this section, a permit is issued either in the ordinary course of business of the applicable government agency or by the applicable government agency as a court directive.

Except where a longer vesting period is provided by statute or land development regulation, the statutory vesting granted by this section, once established, expires for an uncompleted development project if development work is intentionally and voluntarily discontinued for a period of not less than twenty-four (24) consecutive months, and the statutory vesting period granted by this section for a

nonconforming use of property expires if the use is intentionally and voluntarily discontinued for a period of not less than twenty-four (24) consecutive months.

B. MULTIPLE PERMITS FOR DEVELOPMENT PROJECT. Where multiple local development permits are required to complete a development project, the development permit applicant may choose the version of each of the local development regulations applicable to the project upon submittal of the application for the initial development permit. This provision is applicable only for those subsequent development permit applications filed within eighteen (18) months of the date following the approval of an initial permit. For purposes of the vesting protections of this section, an erosion and sedimentation control permit or a sign permit is not an initial development permit.

C. MULTI-PHASED DEVELOPMENT. A multi-phased development is vested for the entire development with the land development regulations then in place at the time a site plan approval is granted for the initial phase of the multi-phase development. A right which has been vested as provided for in this subsection remains vested for a period of seven years from the time a site plan approval is granted for the initial phase of the multi-phased development, per G.S. 160D-108(f).

D. SITE-SPECIFIC VESTING PLANS. A site-specific vesting plan consists of a plan submitted to the City of Creedmoor in which the applicant requests vesting pursuant to this section, describing with reasonable certainty on the plan the type and intensity of use for a specific parcel or parcels of property. The plan may be in the form of, but not be limited to, any of the following plans or approvals: a planned unit development plan, a subdivision plat, a preliminary or general development plan, a special use permit, a conditional zoning district plan, or any other land-use approval designation as may be utilized by the City of Creedmoor. Unless otherwise expressly provided by the City of Creedmoor, the plan shall include the approximate boundaries of the site; significant topographical and other natural features affecting development of the site; the approximate location on the site of the proposed buildings, structures, and other improvements; the approximate dimensions, including height, of the proposed buildings and other structures; and the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways. What constitutes a site-specific vesting plan under this section that would trigger a vested right shall be finally determined by the City of Creedmoor pursuant to a development regulation, and the document that triggers the vesting shall be so identified at the time of its approval. A variance does not constitute a site-specific vesting plan, and approval of a site-specific vesting plan with the condition that a variance be obtained does not confer a vested right unless and until the necessary variance is obtained. If a sketch plan or other document fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property, it may not constitute a site-specific vesting plan.

1. Establishment of Vested Right. A vested right is established with respect to any property upon the valid approval, or conditional approval, of a site-specific vesting plan as provided in this section. Such a vested right confers upon the landowner the right to undertake and complete the development and use of property under the terms and conditions of the site-specific vesting plan, including any amendments thereto.

2. Approval and Amendment of Plans. If a site-specific vesting plan is based on an approval required by City of Creedmoor regulation, the City of Creedmoor shall provide whatever notice and hearing is required for that underlying approval. A duration of the underlying approval that is less than two (2) years does not affect the duration of the site-specific vesting plan established under this section. If the site-specific vesting plan is not based on such an approval, a legislative hearing with notice as required by G.S. 160D-602 shall be held.

The City of Creedmoor may approve a site-specific vesting plan upon any terms and conditions that may reasonably be necessary to protect the public health, safety, and welfare. Conditional approval results in a vested right, although failure to abide by the terms and conditions of the approval will result in a forfeiture of vested rights. The City of Creedmoor

shall not require a landowner to waive the landowner's vested right as a condition of development approval. A site-specific vesting plan is deemed approved upon the effective date of the City of Creedmoor's decision approving the plan or another date determined by the Creedmoor Board of Commissioners upon approval. An approved site-specific vesting plan and its conditions may be amended with the approval of the owner and the City of Creedmoor as follows: any substantial modification must be reviewed and approved in the same manner as the original approval; minor modifications may be approved by the Planning, Zoning and Subdivision Administrator.

3. Continuing Review. Following approval or conditional approval of a site-specific vesting plan, the City of Creedmoor may make subsequent reviews and require subsequent approvals by the City of Creedmoor to ensure compliance with the terms and conditions of the original approval, provided that these reviews and approvals are not inconsistent with the original approval. The City of Creedmoor may, pursuant to G.S. 160D-403(f), revoke the original approval for failure to comply with applicable terms and conditions of the original approval or the Creedmoor Development Ordinance.

4. Duration and Termination of Vested Right. A vested right for a site-specific vesting plan remains vested for a period of two (2) years. This vesting shall not be extended by any amendments or modifications to a site-specific vesting plan unless expressly provided by the City of Creedmoor

Notwithstanding the provisions above in subsection (4), the City of Creedmoor may provide for rights to be vested for a period exceeding two (2) years but not exceeding five (5) years where warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of development, the level of investment, the need for the development, economic cycles, and market conditions or other considerations. These determinations are in the sound discretion of the City of Creedmoor and shall be made following the process specified for the particular form of a site-specific vesting plan involved.

Upon issuance of a building permit, the provisions of G.S. 160D-1111 and G.S. 160D-1115 apply, except that a permit does not expire and shall not be revoked because of the running of time while a vested right under this section is outstanding.

A right vested as provided in this section terminates at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed.

5. Subsequent Changes Prohibited; Exceptions. A vested right, once established as provided for in this section, precludes any zoning action by the City of Creedmoor that would change, alter, impair, prevent, diminish, or otherwise delay the development or use of property as set forth in an approved site-specific vesting plan, except under on or more of the following conditions:

(a) With the written consent of the affected landowner.

(b) Upon findings, by ordinance after notice and an evidentiary hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to public health, safety, and welfare if the project were to proceed as contemplated in the site-specific vesting plan.

(c) To the extent that the affected landowner receives compensation for all costs, expenses, and other losses incurred by the landowner, including but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consulting fees incurred after approval by the City of Creedmoor, together with interest as provided under G.S. 160D-106. Compensation shall not include diminution in the value of the property which is caused by the action.

(d) Upon findings, by ordinance after notice and an evidentiary hearing, that the landowner or the landowner's representative intentionally supplied inaccurate information or made material misrepresentations that made a difference in the approval by the City of Creedmoor of the site-specific vesting plan or the phased development plan.

(e) Upon the enactment or promulgation of a State or federal law or regulation that precludes development as contemplated in the site-specific vesting plan or the phased development plan, in which case the City of Creedmoor may modify the affected provisions, upon a finding that the change in State or federal law has a fundamental effect on the plan, by ordinance after notice and an evidentiary hearing.

The establishment of a vested right under this section does not preclude the application of overlay zoning or other development regulations which impose additional requirements but do not affect the allowable type of intensity of use, or ordinances or regulations which are general in nature and are applicable to all property subject to development regulation by the City of Creedmoor, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes. Otherwise applicable new regulations become effective with respect to property which is subject to a site-specific vesting plan upon the expiration or termination of the vesting rights period provided for in this section.

Notwithstanding any provision of this section the establishment of a vested right does not preclude, change, or impair the authority of the City of Creedmoor to adopt and enforce development regulations governing nonconforming situations or uses.

E. PROCESS TO CLAIM VESTED RIGHT. A person claiming statutory or common law vested right may submit information to substantiate that claim to the Planning, Zoning and Subdivision Administrator, who shall make an initial determination as to the existence of the vested right. The decision of the Planning, Zoning and Subdivision Administrator may be appealed under G.S. 160D-405. On appeal, the existence of a vested right shall be reviewed de novo. In lieu of seeking such a determination or pursuing an appeal under G.S. 160D-405, a person claiming a vested right may bring an original civil action as provided by G.S. 160D-1403.1.

F. OTHER VESTED RIGHT PROVISIONS. Vested rights shall run with the land except for the use of land for outdoor advertising governed by G.S. 136-136.1 and G.S. 136-131.2 in which case the rights granted run with the owner of the permit issued by the North Carolina Department of Transportation. Nothing in this section precludes judicial determination, based on common law principles or other statutory provisions, that a vested right exists in a particular case or that a compensable taking has occurred.

7.18 Development Agreements

7.18-1 IN GENERAL. The State of North Carolina finds that development projects often occur in multiple phases over several years, requiring a long-term commitment of both public and private resources. Such developments often create community impacts and opportunities that are difficult to accommodate within traditional zoning processes. Because of their scale and duration, such projects often require careful coordination of public capital facilities planning, financing, and construction schedules and phasing of the private development. Such projects involve substantial commitments of private capital, which developers are usually unwilling to risk without sufficient assurances that development standards will remain stable through the extended period of the development. Such developments often permit communities and developers to experiment with difference or nontraditional types of development concepts and standards, while still managing impacts on the surrounding areas. To better structure and manage development approvals for such developments and ensure their proper integration into local capital facilities programs, local governments need flexibility to negotiate such developments.

The City of Creedmoor may enter into development agreements with developers, subject to the procedures of this section and pursuant to G.S. 160D-1001-1012. In entering into such agreements, the City of Creedmoor may not exercise

any authority or make any commitment not authorized by general or local act and may not impose any tax or fee not authorized by otherwise applicable law.

This section is supplemental to the powers conferred upon the City of Creedmoor and does not preclude or supersede rights and obligations established pursuant to other law regarding development approvals, site-specific vesting plans, or other provisions of law. A development agreement shall not exempt the property owner or developer from compliance with the State Building Code or State or local housing codes that are not part of the City of Creedmoor Development Ordinance. When the governing board approves the rezoning of any property associated with a development agreement executed and recorded pursuant to this section, the provisions of G.S. 160D-605(a) apply.

Development authorized by a development agreement shall comply with all applicable laws, including ordinances, resolutions, regulations, permits, policies, and laws affecting development of property, including laws governing permitted uses of property, density, intensity, design, and improvements.

7.18-2 APPROVAL OF BOARD OF COMMISSIONERS REQUIRED.

A. The City of Creedmoor may establish procedures and requirements to consider and enter into development agreements with developers. A development agreement must be approved by the Creedmoor Board of Commissioners as a legislative decision, following the procedures specified in G.S. 160D-1005.

B. The development agreement may, by ordinance, be incorporated, in whole or in part, into any development regulation adopted by the City of Creedmoor. A development agreement may be considered concurrently with a zoning map or text amendment affecting the property and development subject to the development agreement. A development agreement may be concurrently considered with and incorporated by reference with a sketch plan or preliminary plat required under a subdivision regulation or a site plan or other development approval required under the Creedmoor Development Ordinance. If incorporated into a conditional district, the provisions of the development agreement shall be treated as a development regulation in the event of the developer's bankruptcy.

7.18-3 SIZE AND DURATION. The City of Creedmoor may enter into a development agreement with a developer for the development of property as provided for in this section for developable property of any size. Development agreements shall be of a reasonable term specified in the agreement.

7.18-4 PUBLIC HEARING REQUIRED. Before entering into a development agreement, the City of Creedmoor shall conduct a legislative hearing on the proposed agreement. The notice provisions of G.S. 160D-602 applicable to zoning map amendments shall be followed for this hearing. The notice for the hearing must specify the location of the property subject to the development agreement, the development uses proposed on the property, and must specify a place where a copy of the proposed development agreement can be obtained.

7.18-5 CONTENT AND MODIFICATION.

A. A development agreement shall, at a minimum, include all of the following:

1. A description of the property subject to the agreement and the names of its legal and equitable property owners.
2. The duration of the agreement. However, the parties are not precluded from entering into subsequent development agreements that may extend the original duration period.
3. The development uses permitted on the property, including population densities and building types, intensities, placement on the site, and design.
4. A description of public facilities that will serve the development, including who provides the facilities, the date any new public facilities, if needed, will be constructed, and a schedule to assure public facilities are available concurrent with the impacts of the development. In the event that the development agreement provides that the City of Creedmoor shall provide certain public facilities, the development agreement shall provide that the delivery date of such public facilities will be tied to successful performance by the developer in implementing the proposed development, such as meeting defined completion percentages or other performance standards. For this purpose of this subsection, public facilities are defined as

major capital improvements, including, but not limited to, transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational, and health systems and facilities.

5. A description, where appropriate, of any reservation or dedication of land for public purposes and any provisions agreed to by the developer that exceed existing laws related to the protection of environmentally sensitive property.

6. A description, where appropriate, of any conditions, terms, restrictions, or other requirements for the protection of public health, safety, or welfare.

7. A description, where appropriate, of any provisions for the preservation and restoration of historic structures.

B. A development agreement may also provide that the entire development or any phase of it be commenced or completed within a specified period of time. If required by ordinance or in the agreement, the development agreement shall provide a development schedule, including commencement dates and interim completion dates at no greater than five (5) year intervals; provided, however, the failure to meet a commencement or completion date does not, in and of itself, constitute a material breach of the development agreement pursuant to G.S. 160D-1008, but must be judged based upon the totality of the circumstances. The developer may request a modification in the dates as set forth in the agreement.

C. If more than one local government is made party to an agreement, the agreement must specify which local government is responsible for the overall administration of the development agreement. A local or regional utility authority may also be made a part to the development agreement.

D. The development agreement also may cover any other matter, including defined performance standards, not inconsistent with G.S. 160D. The development agreement may include mutually acceptable terms regarding provision of public facilities and other amenities and the allocation of financial responsibility for their provision, provided any impact mitigation measures offered by the developer beyond those that could be required by the City of Creedmoor shall be expressly enumerated within the agreement, and provided the agreement may not include a tax or impact fee not otherwise authorized by law.

E. Consideration of a proposed major modification of the agreement shall follow the same procedures as required for initial approval of a development agreement. What changes constitute a major modification may be determined by ordinance adopted pursuant to G.S. 160D-1003 or as provided for in the agreement.

F. Any performance guarantees under the development agreement shall comply with G.S. 160D-804.1.

7.18-6 VESTING.

A. Unless the development agreement specifically provides for the application of subsequently enacted laws, the laws applicable to development of property subject to a development agreement are those in force at the time of execution of the agreement.

B. Except for grounds specified in G.S. 160D-108(c) or G.S. 160D-108.1(f), the City of Creedmoor may not apply subsequently adopted ordinances or development policies to a development that is subject to a development agreement.

C. In the event State or federal law is changed after a development agreement has been entered into and the change prevents or precludes compliance with one or more provisions of the development agreement, the City of Creedmoor may modify the affected provisions, upon a finding of fact that the change in State or federal law has a fundamental effect on the development agreement.

D. This section does not abrogate any vested rights otherwise preserved by law.

7.18-7 BREACH AND CURE.

A. Provisions established pursuant to G.S. 160D-1003 may include a provision requiring periodic review by the Planning, Zoning and Subdivision Administrator or other appropriate officer of the City of

Creedmoor, at which time the developer shall demonstrate good-faith compliance with the terms of the development agreement.

B. If the City of Creedmoor find and determines that the developer has committed a material breach of the agreement, the City of Creedmoor shall notify the developer in writing setting forth with reasonable particularity the nature of the breach and the evidence supporting the finding and determination and providing the developer a reasonable time in which to cure the material breach.

C. If the developer fails to cure the material breach within the time given, then the City of Creedmoor unilaterally may terminate or modify the development agreement, provided the notice of termination or modification may be appealed to the Board of Adjustment in the manner provided by G.S. 160D-405.

D. An ordinance adopted pursuant to G.S. 160D-1003 or the development agreement may specify other penalties for breach in lieu of termination, including, but not limited to, penalties allowed for violation of a development regulation. Nothing in this section shall be construed to abrogate or impair the power of the City of Creedmoor to enforce applicable law.

E. development agreement shall be enforceable by any part to the agreement notwithstanding any changes in the development regulations made subsequent to the effective date of the development agreement. Any party to the agreement may file an action for injunctive relief to enforce the terms of a development agreement.

7.18-8 AMENDMENT OR TERMINATION. Subject to the provisions of G.S. 160D-1006(e), a development agreement may be amended or terminated by mutual consent of the parties.

7.18-9 CHANGE OF JURISDICTION.

A. Except as otherwise provided by this section, any development agreement entered into by the City of Creedmoor before the effective date of a change of jurisdiction shall be valid for the duration of the agreement or eight (8) years from the effective date of the change in jurisdiction whichever is earlier. The parties to the development agreement and the local government assuming jurisdiction have the same rights and obligations with respect to each other regarding matters addressed in the development agreement as if the property had remained in the previous jurisdiction.

B. A local government assuming jurisdiction may modify or suspend the provisions of the development agreement if the local government determines that the failure of the local government to do so would place the residents of the territory subject to the development agreement or the residents of the local government, or both, in a condition dangerous to their health or safety, or both.

7.18-10 RECORDATION. The developer shall record the agreement with the Granville County Register of Deeds within fourteen (14) days after the City of Creedmoor and the developer execute an approved development agreement. No development approvals may be issued until the development agreement has been recorded. The burdens of the development agreement are binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties of the agreement.

7.18-11 APPLICABILITY OF PROCEDURES TO APPROVE DEBT. In the event that any of the obligations of the City of Creedmoor in the development agreement constitute debt, the City of Creedmoor shall comply, at the time of the obligation to incur debt and before the debt becomes enforceable against the City of Creedmoor, with any applicable constitutional and statutory procedures for the approval of this debt.