



ARTICLE 3 – PERMITS AND PROCEDURES

ARTICLE 3 – PERMITS AND PROCEDURES

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3.1 PURPOSE AND INTENT (NEW)

A. GENERAL

This Article provides clear and comprehensible procedural steps that are generally applicable to development applications under this Ordinance as found in Table 3.1: Development Review Procedures, unless otherwise expressly exempted.

B. APPLICABILITY.

The provisions of this Article shall be applicable to all development activity under the jurisdiction of Guilford County as described in Article 1 – General Provisions of this Ordinance.

C. REQUIRED.

No person shall undertake any development activity subject to this Ordinance without first obtaining a permit from the appropriate reviewing authority.

D. TABLE 3.1: DEVELOPMENT REVIEW PROCEDURES

identifies the authorities and procedures for reviewing and deciding permit applications. The table also identifies whether and what type of public hearing is required and references the relevant Section of the Ordinance where the procedure may be found.

Table 3.1 - Development Review Procedures									
TABLE KEY		M = Mandatory ▪ = Not Applicable ¹ = Notes		C = Comment R = Recommend / Advisory D = Decision			P = Public Hearing Q = Quasi-Judicial Hearing A = Appeal N = de novo Hearing		
APPLICATION OR PROCESS	SECTION REFERENCE	PUBLIC NOTICE LEVEL¹	PRE-APPLICATION CONFERENCE	REVIEW AUTHORITIES					
				ADMINISTRATIVE		DECISION-MAKING BODIES			
				PLANNING AND DEVELOPMENT DIRECTOR (PD) ²	TECHNICAL REVIEW COMMITTEE (TRC)	HISTORIC PRESERVATION COMMISSION (HPC)	PLANNING BOARD (PB)	BOARD OF COUNTY COMMISSIONERS (BCC)	BOARD OF ADJUSTMENT (BOA)



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Administrative Adjustment	3.5.B	■	■	D	■	■	■	■	A
Appeal ³	3.5.C	1,2	■	R	■	■	■	■	D/A
Certificate of Appropriateness, major	3.5.D	1,2,3	M	R	■	Q	■	■	■
Certificate of Appropriateness, minor	3.5.D	■	■	R/D ⁴	■	■	■	■	A
Certificate of Erosion Control Performance	3.5.E	■	■	D	■	■	■	■	■
Certificate of Floor Elevation/Floodproofing	3.5.F	■	■	D	■	■	■	■	■
Certificate of Occupancy	3.5.G	■	■	D	■	■	■	■	■
Rezoning (Including Conditional ⁵)	3.5.K	1,2,3	M	R	R	■	D/R ⁶	D/A ⁷	■
Event Permit (Temporary Uses)	3.5.H	■	■	D	■	■	■	■	■
Floodplain Development Permit	3.5.I		■						
Grading Permit	3.5.J	■	■						



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Sign Permit	3.5.L	■	■	D	■	■	■	■	A
Site Plan, Major	3.5.M	■	M	R	D	■	A	A	■
Site Plan, Minor	3.5.N	■	■	D	A	■	■	■	■
Special Use Permit	3.5.O	1,2,3	M	■	■	■	Q	N ⁸	■
Subdivision Exempt	3.5.P	■	■	D	■	■	■	■	■
Subdivision, Major Preliminary Plat	3.5.Q	1	M	R	R/D	■	A ⁹	A	
Subdivision, Major Final Plat	3.5.Q.5	■	■	D	■	■	A	■	A
Subdivision, Minor Preliminary Plat	3.5.R	■	■	D	A	■	■	■	■
Subdivision Waiver	3.5.S	■	■	D	R	■	■	■	■
Text Amendment	3.5.T	1,2	M	R	■	■	R	D	■
Variance ¹⁰	3.5.U	1,2,3	M	■	■	■	Q	Q	Q



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Vested Rights	3.5.V	1,2,3	■	D	D	D	■	■	■
Street name changes, road closings, right-of-way vacations, easement removals for on-system DOT roads		■	■	R	R	■	D	A	■

¹ See also Section 3.3 and Table 3.2 for public notification procedures.

² Planning and Development Department Director or his/her designee, or other County staff member authorized by the Planning and Development Department Director

³ Refer to individual procedures in Section 3.5 for appropriate process and Table 3.1 for appellant body.

⁴ Planning Director may decide Minor Certificate of Appropriateness applications.

⁵ Rezoning may be conventional or conditional. Conditional zoning may be a part of planned developments – See Article 4.

⁶ Decision by Planning Board only if 75% vote to approve.

⁷ Appeal for decisions of less than 75% vote or no approval.

⁸ An applicant for a special use permit may have a de novo hearing to the Board of Commissioners if the permit is denied by the Planning Board.

⁹ Decisions of the TRC may be appealed to the Planning Board within thirty (30) days of the TRC decision.

¹⁰ For the types of variances heard and appropriate decision-making body, see Section 3.5.U.

3.2 PUBLIC NOTICE PROCEDURES (NEW - FROM 9-1)

Table 3.2 – Public Notification Requirements

Application Type ⁵	Decision-Making Body	Type of Public Notification “R” = Required, [1] = see note below, ■ = not applicable		
		Electronic Notice ¹	Mailed Notice ²	Posted Notice ³
Appeal	Varies [4]	R	R	R
Certificate of Appropriateness (major)	Historic Preservation Commission	■	R	■
Rezoning	Planning Board	R	R	R
	Board of Commissioners	R	R	R
Road Closures	Planning Board	R	R	R
Special Use Permit	Planning Board	R	R	R
Text Amendment	Planning Board	R	R	■
	Board of Commissioners	R	R	■
Variance	Board of Commissioners	R	R	R
Vested Rights	Varies [4]	R	R	R

¹ See Subsection B of this Section for notice requirements specific to Guilford County.

² Mailed notice must be deposited no less than 10 and no more than 25 days before hearing.

³ Posted notice on site must be placed on property no less than 10 days before hearing.

⁴ An appeal or variance may be heard by multiple Boards. Detailed appeal and variance procedures are located within each procedure for specific applications, if applicable.

⁵ Application types not listed do not require public notification.

A. NOTICE REQUIREMENTS



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4. The public noticing requirements in this Section are applicable for development applications subject to a public hearing. Applications shall be submitted to the Planning and Development Director and shall be scheduled by the Planning and Development Director for a regular or specially called meeting before the decision-making authority. Public notification of such hearing shall comply with the provisions of NCGS 153A-323 and 153A-343, as amended.
5. Table 3.1 - Development Review Procedures, identifies the appropriate notice for specific procedures and corresponds to the level numbering below.

B. LEVEL 1- PUBLISHED NOTICE

1. In accordance with legislation specific to Guilford County, Session Law 2017-210 Senate Bill 181 authorized Guilford County to use only electronic notice for all legal notices under NCGS 1-597 or under any other general law, or under any local act in-lieu of the notice being required for publication under the provisions of NCGS 153A-323.

C. LEVEL 2- MAILED NOTICE

1. In accordance with NCGS 153A-343, the applicant as shown on the county tax listing or authorized agent of the owner, and the owners of all parcels of land abutting that parcel of land as shown on the county tax listing, residing in the County or not, shall be mailed a notice of a public hearing on the proposed amendment by first class mail at the last addresses listed for such owners on the latest county tax listings. This notice must be deposited in the mail at least ten (10) but not more than twenty-five (25) days prior to the date of the public hearing per NCGS 153A-323. The person(s) mailing such notices shall certify to the Board of Commissioners that fact, and such certificate shall be maintained in the Planning and Development Department.
2. As an alternative to the mailed notice requirements above, the County may elect to serve notice through a full community notification for pending actions that affect at least fifty (50) properties with at least fifty (50) different property owners in accordance with this Section. Notice shall be mailed to non-resident property owners.

D. LEVEL 3- POSTED NOTICE

1. The Planning and Development Department shall post a sign in a prominent location on or near the subject property which indicates that a development application has been proposed. The sign shall contain a case number, phone number, and link to county website to contact the Planning and Development Department. This sign shall be posted no less than ten (10) days prior to the date of the public hearing.
2. In the event that an action occurs on more than one parcel subject to a public hearing, at least one sign shall be posted in a central location. If there are multiple frontages, the Planning and Development Department shall post at least one sign per frontage.



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3.3 COMMON REVIEW PROCEDURES (NEW 3-3.1,2)

A. OVERVIEW

1. Decisions on development applications may be administrative, legislative or quasi-judicial. This Section describes the standard administrative and legislative procedural steps and rules generally applicable to development applications reviewed under this Ordinance, except where specified. See Section 3.4 for Quasi-Judicial procedures. The flow charts adjacent to the procedures indicate the steps for the specific application review and decision.

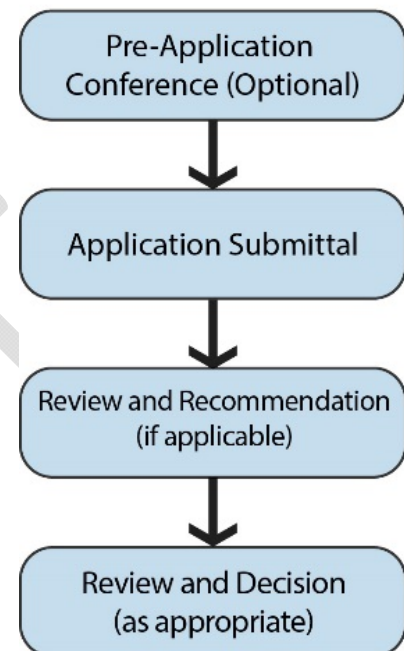
B. PRE-APPLICATION CONFERENCE.

1. A pre-application conference between the applicant and County staff shall be required before submittal of the following applications. The Planning and Development Director or his/her designee shall determine which staff shall be in attendance at the conference based on the application.
 - a. Rezoning
 - b. Text Amendments
 - c. Planned Development District
 - d. Major Subdivision
 - e. Major Site Plan Review
 - f. Special Use Permits
2. Discussions at a pre-application conference are not binding on the County and do not constitute submittal for formal review of an application.

C. APPLICATION SUBMITTAL

1. Unless otherwise specified, all applications shall be submitted by the owner of the property or the authorized agent. The Planning and Development Director may require reasonable proof of agency from any person submitting an application.
2. An application for any permit under this Ordinance including but not limited to that for a building, sign, and use/location permit, shall be made to the Planning and Development Director.
3. Submissions shall be submitted in such form, number of copies and format as required on the application found in the County Planning and Development Department or through its land management system or other digital portal on the County's website.
4. Waiver of Submission Requirements. The Planning and Development Director may waive submission of required elements of information when in his opinion such information is otherwise available or is not necessary to review the application.
5. Processing. All applications for permits shall be submitted, reviewed and processed in accordance with the requirements of this Ordinance.

D. FEES





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1. The Planning and Development Director recommends development fees to the Board of Commissioners, which will establish a Development Fee Schedule, charges and expenses, and a collection procedure which shall be amended from time to time as necessary.
 - a. The Development Fee Schedule is available in the Planning and Development Department or on the County's Website.
 - b. No application shall be reviewed or approved unless or until charges and fees have been paid in full.
 - c. Fees shall not be refunded unless the application(s) is/are withdrawn prior to the issuance of a public notice.

E. APPLICATION COMPLETENESS

1. Incomplete Applications. Planning and Development Department staff may refuse to process an incomplete application. Staff shall notify the applicant of the submittal deficiencies. The applicant may correct the deficiencies and resubmit the application for a completeness determination. If the applicant fails to resubmit a complete application within 45 calendar days after being first notified of submittal deficiencies, the application shall be considered withdrawn and applicable fees shall not be refunded.
2. Application Complete. On determining that the application is complete, the Planning and Development Director shall accept the application for review in accordance with the procedures and standards of this Ordinance.

F. REVIEW AND RECOMMENDATION

1. When an application is determined complete, it shall be distributed by the Planning and Development Director to all appropriate staff and review agencies for review and comment, and the preparation of a staff report, if appropriate.
2. In considering the application, the TRC and other county staff (as appropriate), shall review the application, relevant support material, and any comments or recommendations from other staff and review agencies to which the application was referred.
3. Concurrent Review
 - a. Review of plans may be concurrent.

G. REVIEW AND DECISIONS

1. If an application is subject to staff review and a decision by the Planning and Development Director, the Director shall approve, approve subject to conditions, or disapprove the application.
2. A copy of required plans or information submitted with the application shall be returned to the applicant. All conditions of approval shall be expressly set forth in the development permit or approval.
3. If deficiencies in complying with applicable standards of this Ordinance are identified, the Planning and Development Director shall notify the applicant of such deficiencies and provide the applicant a reasonable opportunity to discuss them and revise the application accordingly.

H. IMPROVEMENT PERMIT AND AUTHORIZATION TO CONSTRUCT REQUIRED

1. A permit for any building or use for which a State or County Health Department Improvement Permit for installation of a well and/or an Improvement Permit/Authorization to Construct a new sewage disposal system is required shall not be issued until such



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Improvement Permit or Authorization to Construct has been issued by the State or County Health Department.

I. CONFORMANCE WITH "AIRPORT OVERLAY DISTRICT"

1. The Planning and Development Director shall not issue a building, sign, or use/location permit or Certificate of Occupancy for any building or sign not in conformity with the provisions of the "Airport Zoning Overlay District," except upon written order of the Board of Airport Zoning Appeals.

J. APPEAL

1. Appeals of decisions may be made by the applicant or any party with standing as outlined in NCGS 160A-393(d) and NCGS 160A-388(b)(1) and in Table 3.1, Development Review Procedures.

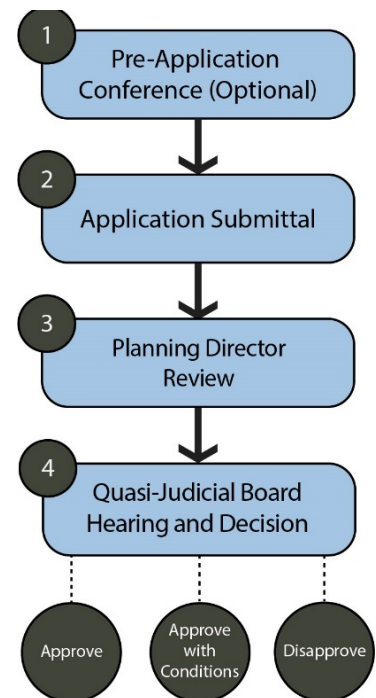
3.4 QUASI-JUDICIAL PROCEDURES

A. OVERVIEW

1. For development applications subject to a quasi-judicial public hearing, a hearing shall be held by the reviewing body designated in Table 3.1: Development Review Procedures; namely:
 - a. Appeals
 - b. Major Certificates of Appropriateness
 - c. Special Use Permits
 - d. Variances
2. The hearing shall be held and in accordance with NCGS 153A-345.1.

B. COMMON QUASI-JUDICIAL PROCEDURES

1. Staff Review
 - a. General review times for specific permits and procedures shall be listed on the application forms available from the Planning & Development Department or County's website.
 - b. Applications shall be reviewed during the review cycle in place when the application is determined to be complete.
 - c. When an application is determined to be complete, it shall be distributed by staff to review agencies for review and comment.
 - d. If deficiencies in complying with applicable standards of this Ordinance are identified, the Planning and Development Director shall notify the applicant of such deficiencies and provide the applicant a reasonable opportunity to discuss them and revise the application accordingly.
 - e. In the preparation of a staff report, the Planning and Development Director shall review the application, relevant support material, and comments or recommendations from other staff and review agencies to which the application was referred.
2. Rules of Procedure **(new)**





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- a. In all quasi-judicial hearings, rulings must be based only upon the evidence received by the reviewing body at the hearing.
- b. A member shall not participate in or vote on any quasi-judicial matter in a manner that would violate the applicant's constitutional right to an impartial decision maker. Impermissible violations of due process include, but are not limited to:
 - (2) A member having a fixed opinion prior to hearing the matter that is not susceptible to change.
 - (2) Undisclosed ex-parte communications
 - (3) A close familial, business, or other associational relationship with an affected person.
 - (4) A financial interest in the outcome of the matter.
- c. If an objection is raised to a member's participation and that member does not recuse themselves, the remaining members shall, by majority vote, rule on the objection.
- d. The reviewing body shall act as a fact-finding body and shall approve or disapprove the application in accordance with the evidence presented before it which is substantial, competent, relevant and material.

C. HEARING AND DECISION (NEW)

1. The presiding officer of the reviewing body shall call the proceedings to order and announce the hearing has begun.
2. All witnesses who are to testify at the hearing shall be sworn in.
3. The Planning and Development Director or their designee shall briefly describe the applicant's request, introduce all relevant county code provisions, and answer questions from the reviewing body.
4. The applicant or their legal counsel shall present the case in support of its application.
5. Parties in interest, including the County, shall have the right to present evidence and cross-examine witnesses, as to any competent, material and relevant facts, inspect documents and make oral arguments.
6. Counsel for the reviewing body may advise the reviewing body as to the applicable law and the findings of fact that must be made to approve or deny the request.
7. The reviewing body shall conduct open deliberation of the application.
8. The reviewing body shall act as a fact-finding body and shall approve or disapprove the application in accordance with the evidence presented.
9. In accordance with NCGS 153A-340, each decision-making board under the provisions of this ordinance shall ensure that the rights of petitioners have not been prejudiced because of the decision-making body's findings, inferences, or conclusions.
10. In accordance with NCGS 153A-340, the decision-making board may affirm the decision, reverse the decision and remand the case with appropriate instructions to County staff of other advisory/recommending body, or remand the case for further proceedings.
11. Every decision shall include the vote, abstention, or recusal from voting or absence of each member.
12. The decision shall clearly state the factors considered in making the decision and the basis or rationale for the decision including findings of fact and conclusions of law, shall be filed with the Register of Deeds.
13. A written copy of the decision shall make a copy of the decision available to the public in the offices of the Planning and Development Department during normal business hours.



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14. Failure to Act. Upon failure of the decision-making body to act on a request following an evidentiary hearing, and any properly followed continuance procedures, the application shall be deemed denied.

D. EXAMINATION

Members of the reviewing body may ask questions of persons presenting testimony or evidence at any time during the proceedings until commencement of deliberation.

E. CROSS-EXAMINATION

After each witness testifies, testimony is subject to cross-examination.

F. NOTIFICATION OF DECISION

Timing. The decision-making body shall take action on the application as promptly as reasonably possible in consideration of the public interest. Except where otherwise stated in this Ordinance, the Planning and Development Director shall provide the applicant written notification of a decision or action within 10 days after a final decision on a development application.

G. APPEAL PROCEDURES

See Section 3.5.C, Appeals.

3.5 PROCEDURES FOR SPECIFIC APPLICATIONS (NEW)

A. STRUCTURE OF PROCEDURES

1. For each type of development application reviewed under this Ordinance, the following sections state the purpose of the development permit or approval, the steps in the review process, the review standards for the application, and the provisions addressing expiration and amendment, if applicable.
2. Development application provisions in this Section are organized in alphabetical order in accordance with the sequence of procedures in Table 3.1: Development Review Procedures.

B. ADMINISTRATIVE ADJUSTMENT (NEW – BASED ON AND EXPANDS 9-7.5)

1. Overview
 - a. This Section provides an administrative mechanism for allowing adjustments to certain numeric standards (e.g., setbacks) in this Ordinance, outside of the variance process, based on specific review criteria, including:
 - (1) Physical Hardship: Where because of strict compliance with the provisions of this Article would cause unusual and unnecessary hardship on the applicant.
 - (2) Equal or Better Performance: Where in its opinion an adjustment will result in equal or better performance, allowing development that otherwise advances the county's vision and is consistent in character and compatible with the surrounding development.
 - (3) Unintentional Error: Where through an unintentional error by the applicant, his agent, or the reviewing staff, there is a minor violation of a standard in this Ordinance, where such violation is not prejudicial to the value or development potential of the site or adjoining properties.
2. Administrative Adjustment Amount



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- a. An administrative adjustment may allow a deviation from a numeric standard by up to ten (10) percent. In no event shall an administrative adjustment be granted that would permit the creation of a nonconforming lot or that shall conflict with the state building code or any other state code unless otherwise authorized by law and regulations.
3. Timing of Review
 - a. An administrative adjustment may be requested either as a stand-alone application, or in combination with another application for development review.
 - b. In cases when submitted concurrently with another application, the administrative adjustment portion of the application shall be reviewed and decided prior to the other portion(s) of the application.
4. Administrative Amendments
 - a. Conditional Zoning
 - (1) A request to change the conceptual plan or the conditions governing an approved conditional zoning district shall be processed in accordance with this ordinance as a new application to rezone property to a conditional zoning district.
 - (2) It is recognized that some minor and incidental modifications to the approved concept plan will occur.
 - (3) The Planning and Development Director shall have the authority to approve an Administrative Adjustment, to an approved conditional zoning district conceptual plan or to the conditions without the requested change having to be approved as a new application in accordance with this ordinance.
 - (a) Such Administrative Amendments shall include only those changes that:
 - (i) Do not significantly alter the conceptual plan or its conditions;
 - (ii) Do not significantly impact abutting properties or
 - (iii) Do not increase the amount of residential development or the maximum number of allowed residential dwelling units.
 - (4) Any request for an administrative amendment shall be in writing, signed by the property owner(s), and it shall detail the requested change. The applicant must provide any additional information requested by the Planning and Development Director. The applicable fee for administrative review as specified in the County's fee schedule must accompany the written request.
 - (5) Any decision by the Planning and Development Director to approve or deny a request for an Administrative Amendment must be in writing and must state the grounds for approval or denial. The Planning and Development Director shall always have the discretion to decline to exercise the authority delegated by this section if he/she is uncertain if the requested change would qualify as an Administrative Amendment or because the Planning and Development Director determines that a public hearing and Planning Board consideration is appropriate under the circumstances. If the Planning and Development Director declines to exercise the authority delegated by this Section, the applicant can only apply for a rezoning in accordance with this Ordinance.

C. APPEALS

1. Applicability
 - a. Any appeal from a legislative or quasi-judicial decision by the Board of Commissioners or Board of Adjustment shall be to Guilford County Superior Court in the nature of



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certiorari and shall be filed no later than 30 days after the date the board's decision is filed.

b. The decision-making body for an appeal may be found in Table 3.1.

2. Appeals Generally

a. Decision of Planning and Development Director/TRC

- (1) Appeals of the decisions of the Planning and Development Director or TRC shall be heard by the Board of Adjustment.
- (2) Such an appeal shall be made within 30 days of the receipt by such aggrieved party of the written notice of decision from the Planning and Development Director, or in the case of an office, department or board of the county, within 30 days of the filing of the written notice.
- (3) The filing of an appeal shall stay all proceedings in furtherance of the contested action unless the Planning and Development Director certifies that, in his/her opinion, by reason of facts stated in the certification, such a stay would cause imminent peril to life and property. In such a case, proceedings shall not be stayed except by restraining order or preliminary injunction granted by the Superior Court of Guilford County.
- (4) Such relevant information as may reasonably allow the Board of Adjustment to understand the basis for the applicant's appeal. The Planning and Development Director shall similarly prepare a report detailing the regulations and interpretation behind the matter being appealed and their reason for their decision.
- (5) Upon receiving the application, the Board of Adjustment shall conduct an evidentiary hearing on the appeal. Any party may appear in person or be represented by an agent at the hearing.
- (6) After conducting the evidentiary hearing, the Board of Adjustment shall adopt an order reversing or affirming, wholly or in part, or modifying the order requirements, decision or determination in question. It shall take a 4/5ths vote of the Board of Adjustment to reverse or modify the contested action.
- (7) The Board of Adjustment, in making its ruling, shall have all the powers of the Administrator from whom the appeal is taken, and may issue or direct the issuance of a permit.
- (8) The decision of the Board of Adjustment must be in writing and permanently filed in the minutes of that reviewing body as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the Board of Adjustment, which must be delivered to parties of interest by certified mail.
- (9) Any appeal from a decision of the Board of Adjustment may be made by an aggrieved party and shall be made to the Superior Court of Guilford County in the nature of certiorari. Any such petition shall be filed with the clerk of the superior court within 30 days after the decision of the Board is filed with the Town Clerk, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the secretary or chairman of the Board at the time of its hearing of the case, whichever is later. The decision of the Board may be delivered to the aggrieved party either by personal service or by registered mail or certified mail return receipt requested.

b. Decision of Planning Board



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- (1) Applicants whose Special Use Permit has been denied by the Planning Board regarding a Special Use Permit may request a de novo hearing to be held by the Board of Commissioners.
- (2) Final decisions of the Planning Board may be appealed to the Board of Commissioners.
- (3) Such appeals shall be made within thirty (30) days of the decision by filling with the Clerk to the Board of Commissioners a written notice of appeal.
- c. Decision of the Historic Preservation Commission**
 - (1) An appeal may be taken to the Board of Adjustment from the Historic Preservation Commission's action in granting or denying any Certificate of Appropriateness. The appeal:
 - (a) May be taken by any aggrieved party.
 - (b) Shall be taken within thirty (30) days after the decision of the Historic Preservation Commission.
 - (c) Shall be in the nature of certiorari.
- 3. Appeal Procedures for Specific Development Review Applications**
 - a. Flood Hazard Appeals**
 - (1) See Article 9 – Environmental Regulations
 - b. Site Plan, Major**
 - (1) Action by Planning Board. If a Major Site Plan is appealed to the Planning Board, it shall be scheduled, subject to filing deadlines, to be reviewed at the next regularly scheduled meeting.
 - (2) If the Major Site Plan is denied or granted conditional approval by the Planning Board, the applicant may appeal the Major Site Plan to the Board of Commissioners within thirty (30) days after Planning Board action.
 - (3) If no action is taken by the Planning Board, the petitioner may take the Major Site Plan to the Board of Commissioners for decision.
 - c. Site Plan, Minor**
 - (1) Action by Planning and Development Director. If a Minor Site Plan is appealed to the Planning Board, it shall be scheduled, subject to filing deadlines, to be reviewed at the next regularly scheduled meeting.
 - (2) If the Minor Site Plan is denied or granted conditional approval by the Planning Board, the applicant may appeal the Minor Site Plan to the Board of Commissioners within thirty (30) days after Planning Board action.
 - (3) If no action is taken by the Planning Board, the petitioner may take the Minor Site Plan to the Board of Commissioners for decision
 - d. Soil Erosion and Sedimentation Appeals**
 - (1) See Article 9 – Environmental Regulations
 - e. Subdivision, Major Preliminary Plat**
 - (1) If a Preliminary Plat is appealed to the Planning Board it shall be reviewed at the next regularly scheduled meeting.
 - (2) If the plat is granted conditional approval, or denied, or if no action is taken within thirty (30) days by the Technical Review Committee, the applicant may appeal the plat to the Planning Board within thirty (30) days.
 - (3) If the plat is denied, or granted conditional approval, or if no action is taken by the Planning Board the applicant may appeal the plat to the Board of Commissioners



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within thirty (30) days after the Planning Board decision. The Board of Commissioners shall approve, grant conditional approval, or deny the plat.

f. Subdivision, Minor Preliminary Plat

- (1) If a Preliminary Plat is appealed to the Technical Review Committee, it shall be reviewed at the next regularly scheduled meeting.
- (2) If the plat is granted conditional approval, or denied, or if no action is taken within thirty (30) days by the Technical Review Committee, the applicant may appeal the plat to the Planning Board within thirty (30) days.
- (3) If the plat is denied, or granted conditional approval, or if no action is taken by the Planning Board the applicant may appeal the plat to the Board of Commissioners within thirty (30) days after the Planning Board decision. The Board of Commissioners shall approve, grant conditional approval, or deny the plat.

D. CERTIFICATE OF APPROPRIATENESS (4-12.1 E)

1. Applicability

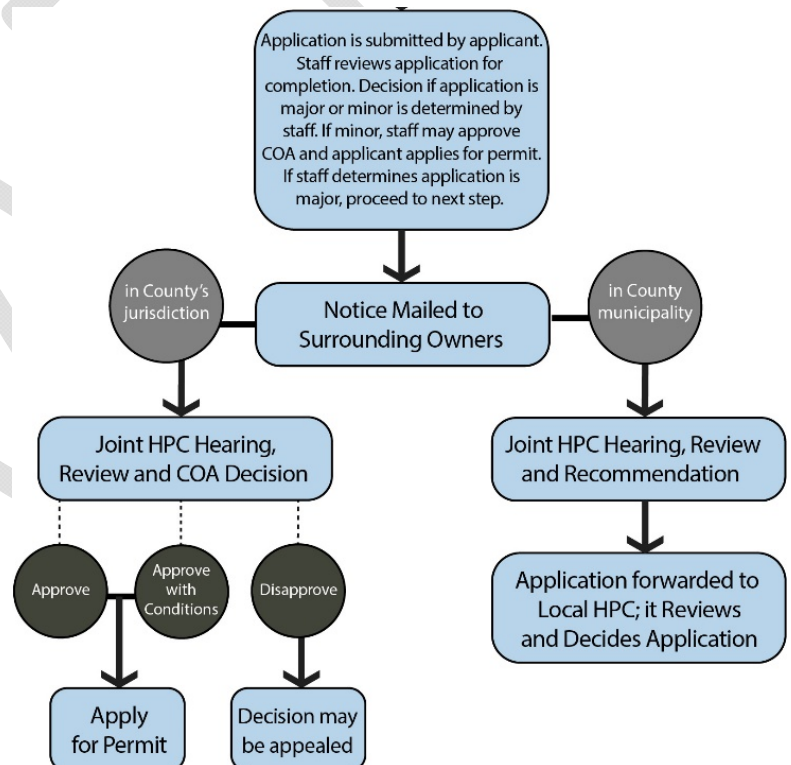
- a. A Certificate of Appropriateness (COA) shall be required for all work activities within Historic District Overlays as specified in Article 4-12, Section 8-A, and any property designated as a local historic landmark by the Historic Preservation Commission whether a building permit is otherwise required or not. Descriptions of minor or major work activities requiring a COA are listed in the Historic Preservation Commission Rules of Procedure**

2. Pre-Application

- a. Pre-Application Conference**
(1) Optional.

3. Application Submittal

- a. Application for a Certificate of Appropriateness (COA) shall be made to the Department of Planning and Development on forms provided. At that time, staff will determine whether the application for a COA is for a minor or major work activity. The application must be filed no later than thirty (30) days prior to the next regularly scheduled meeting of the Historic Preservation Commission. Each application shall be accompanied by sketches, drawings, photographs, specifications, descriptions, and/or other information of sufficient detail to clearly show the proposed move, exterior alterations, additions, relocation, and/or new construction.**





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Adopted <Effective Date>



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calendar days from the date of issuance, the COA for the subject property shall immediately expire and the applicant shall be required to reapply.

6. Review Criteria

- a. In granting a Certificate of Appropriateness, the Historic Preservation Commission shall take into account the historic or architectural significance of the property under consideration and the exterior form and appearance of any proposed additions or modifications to a structure as outlined in Article 4-12, Section 8.A.2.
- a. The HPC shall not consider interior arrangement for a property within a historic district overlay unless it is designated as local historic landmark.
- b. When considering the application, the HPC shall apply the review guidelines required by Section 7.2 and shall, in approving, approving with conditions, disapproving, or deferring an application, make findings of fact, indicating the extent to which the application is or is not in compliance with review criteria, and shall cause these findings of facts to be entered into the minutes of its meetings. The minutes shall also contain a summary of any citation to evidence, testimony, studies, or other authority upon which the HPC based its decision.

7. Appeals

Applicable. See Section 3.5.C.

An appeal of a final action by the Historic Preservation Commission may be made to the Board of Adjustment. Written notice of intent to appeal must be sent to the HPC, postmarked within twenty (20) calendar days following the HPC's decision. Appeals must be filed with the Board of Adjustment within sixty (60) calendar days following the HPC's decision and shall be in the nature of certiorari. A decision by the Board of Adjustment may be appealed to the superior court of Guilford County.

E. CERTIFICATE OF EROSION CONTROL PERFORMANCE (3-8.3)

1. Procedure (See Article 9 – Environmental Regulations)

a. Certificate Issuance

- (1) A certificate of erosion control performance is issued after the installation, inspection, and certification of properly installed and functioning sedimentation control devices.
- (2) Erosion control performance certificates are issued by staff after inspection.

F. CERTIFICATE OF FLOOR ELEVATION/FLOODPROOFING (3-8.4)

1. Purpose and Intent

- a. This section sets out the procedures for the issuance of a certificate of floor elevation/floodproofing in Guilford County.
- b. See Article 9 – Environmental Regulations for additional requirements.

2. Certificate of Floor Elevation/Floodproofing Applicability and Procedure

- a. 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.



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- a. The following structures, if located within Zone A, AE or A1-30, are exempt from the elevation/floodproofing certification requirements specified in items (A) and (B) of this subsection:
 - (1) Recreational Vehicles meeting requirements of Article 9 – Environmental Regulations.
 - (2) Temporary Structures meeting requirements of Article 9 – Environmental Regulations.
 - (3) Accessory Structures less than 150 square feet meeting requirements of Article 9 – Environmental Regulations.

G. CERTIFICATE OF OCCUPANCY (3-8.1)

1. Applicability
 - a. No land, building, or sign shall be structurally altered, erected, moved, occupied, or its use changed until a Certificate of Occupancy is issued by the Planning and Development Director. This certificate shall state that the building and/or proposed use complies with the provisions of this Ordinance.
 - b. Farm uses (Article 12 - Definitions) and Farm Buildings (per NCGS 143-138), except residences, are exempt from the provisions of this Ordinance outside municipalities.
 - c. A Certificate of Occupancy shall be required for the purpose of renewing or altering a nonconforming use.
2. Certificate of Occupancy Application Submittal
 - a. A Certificate of Occupancy shall be applied for concurrently with the application for a building, sign, use or location permit.
 - b. A Certificate of Occupancy shall be provided once all requirements of the permit are satisfied,
3. Procedures
 - a. Inspection and Certificate Issuance
 - (1) Certificate of Occupancy shall be issued as soon as practical after completion of construction or alterations of such building or sign after:
 - (a) Inspection by the Planning and Development Director to determine compliance with all applicable provisions of this Ordinance.
 - (b) If required, issuance of an Operations Permit for a septic system, Certificate of Completion for a well, or other approved sanitary disposal method by the County or State Health Department.
 - (c) Issuance of a Certificate of Completion for Wells by the County Health Department.
 - (d) Compliance with all applicable provisions of related health, building, and fire codes.
4. Certificate of Occupancy and Compliance
 - a. A Certificate of Occupancy may also serve as a Certificate of Compliance under the building code, in which case it shall be known as a Certificate of Occupancy and Compliance.
5. Temporary Certificate of Occupancy
 - a. This certificate temporarily authorizes operations at a building or construction site until the building or construction site receives its certificate of occupancy for compliance with the provisions of this Ordinance.



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- (1) A Temporary Certificate of Occupancy may be issued by the Planning and Development Director prior to the completion of all construction, alterations, or changes if such occupancy will not violate any health or safety considerations of applicable codes.
 - (2) A Temporary Certificate of Occupancy may be for a time period as the Planning and Development Director deems appropriate to complete the work, but not to exceed one hundred eighty (180) days.
 - (3) A surety will be posted in an amount sufficient to ensure that the missing elements specified in the plan will be accomplished within the period of the Temporary Certificate of Occupancy.
 - (4) If the work is not completed within the period of the Temporary Certificate of Occupancy, the Planning and Development Director shall notify the owner. The owner shall cease use of the building and land immediately and shall not resume such use until a Certificate of Occupancy has been issued. Failure to cease use shall subject the owner or operator to civil penalties and other enforcement actions available under this Ordinance and Compliance with all applicable provisions of related health, building, and fire codes.
- 6. Certificate of Operation**
- a. If required, an Operations Permit for a septic system, or other approved sanitary disposal method, must be issued by the County or State Health Department prior to temporary occupancy.

H. EVENT PERMIT (TEMPORARY USES)

- 1. Applicability**
 - a. An event permit shall be obtained for non-permanent facilities and activities which will have a duration more than three (3) days but not more than thirty (30) days. Examples of this type of event uses are: a carnival, a turkey shoot, a revival or similar activity conducted on a defined, short-term basis.
 - (1) Turkey shoots may have a duration not to exceed ninety (90) days in a calendar year.
 - b. The permit assists in the coordination of health, traffic, and other code specific inspections necessary for a safe and healthful operation.
- 2. Event Permit Procedures**
 - a. Pre-Application Conference
 - (1) Optional
 - b. Application Submittal
 - (1) An Application for an Event Permit shall be filed by the owner of the property or authorized agent with the Guilford County Planning and Development Department.
 - (2) The application for an Event Permit shall contain the information required on the application form.
 - (3) Application for an event permit shall be made to the Planning and Development Director at least ten (10) working days prior to the start of the event.
 - c. Review and Decision
 - (1) Event Permit procedures are reviewed administratively per Section 3.3.
- 3. Permit Issuance**



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- a. The event permit shall not be issued until evidence is shown that the following conditions have been or will be complied with:
 - (1) Ample off-street parking shall be provided for the event, in addition to required parking for the use or uses located at the event site.
 - (2) The owner of the property where the event is to be held, or his agent, shall provide to the Planning and Development Director written authorization that the event may take place on the property.
 - (3) An event held outside of a building and within five hundred (500) feet of any residence shall cease operation by 10:00 p.m.
 - (4) Noise shall be controlled so that no adjoining property owner or occupant is unduly disturbed by the event.
 - (5) Licenses and/or permits required by other agencies shall be obtained prior to the issuance of the event permit.
 4. Maximum Number of Permits
 - a. No more than three (3) permits may be issued on the same property for the same event in any one (1) calendar year.
- I. FLOODPLAIN DEVELOPMENT PERMIT (3-3-5)**
 1. Floodplain Development Permit Procedure
 - a. Floodplain Development Permits are reviewed and approved by the Floodplain Administrator. Refer to Section 3.3 for Common Review Procedures.
 - b. See Article 9 – Environmental Regulations for additional standards or requirements.
 2. Application Requirements
 - a. Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a Floodplain Development Permit:
 - (2) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - (a) 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;
 - (b) 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;
 - (c) Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map;
 - (d) The boundary of the floodway(s) or non-encroachment area(s);
 - (e) The Base Flood Elevation (BFE) where provided;
 - (f) The old and new location of any watercourse that will be altered or relocated as a result of proposed development;
 - (g) Certification of the plot plan by a registered land surveyor or professional engineer.
 - (2) Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:



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- (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 floodproofed;
 - (3) If floodproofing, a Floodproofing Certificate (FEMA Form 81-65) with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of floodproofing measures.
 - (4) A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this Ordinance are met. These details include but are not limited to:
 - (a) 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);
 - (b) Openings to facilitate equalization of hydrostatic flood forces on walls in accordance with this ordinance when solid foundation perimeter walls are used in Zones A, AE, and A1-30;
 - (5) Usage details of any enclosed areas below the regulatory flood protection elevation.
 - (6) 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;
 - (7) 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.)
 - (8) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure the applicable sections of this Ordinance are met.
 - (9) 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.
- b. Permit Requirements**
- (1) The Floodplain Development 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.
 - (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.



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- (g) The flood openings requirements, if in Zones A, AE, or A1-30.(8)Limitations of below BFE enclosure uses (if applicable). (i.e., Parking, Building Access and Limited Storage only).

J. GRADING PERMIT (3-3-4)

1. Grading Permit Procedure
 - a. Grading permits are reviewed and approved by the Planning and Development Director. Refer to Section 3.3 for Common Review Procedures.
 - b. See Article 9 - Environmental Regulations for additional standards or requirements.
2. Exemptions
 - a. The following land-disturbing activities are exempt from grading permit requirements:
 - (1) For the purpose of fighting fires.
 - (2) For the stock piling of raw or processed sand, stone, or gravel in material processing plants and storage yards, provided that sediment control measures have been utilized to protect against off-site damage.
 - (3) Areas that do not exceed one (1) acre in surface area. In determining the area, lands under one (1) or diverse ownership being developed as a unit shall be aggregated.
 - (4) Those undertaken on agricultural land for the production of plants and animals useful to man, including but not limited to: forage and sod crops, grain and feed crops, tobacco, cotton and peanuts; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, including the breeding and grazing of any or all such animals; bees and aviary products; fur animals.
 - (5) Those undertaken on forest land for the production and harvesting of timber and timber products and which are conducted in accordance with Forest Practice Guidelines Related to Water Quality (best management practices) as adopted by the North Carolina Department of Environment, Health and Natural Resources (DEHNR). If land-disturbing activity undertaken on forestland for the production and harvesting of timber and timber products is not conducted in accordance with Forest Practice Guidelines Related to Water Quality, the provisions on this Ordinance shall apply to such activity and any related land-disturbing activity on the tract.
 - (6) Mining activity undertaken by persons as defined in NCGS 113A-52(8) who are otherwise regulated by the provisions of The Mining Act of 1971, NCGS 74-46 through 74-68.
 - (7) Land-disturbing activity over which the State has exclusive regulatory jurisdiction as provided in NCGS 113A-56(a).
3. Expiration
 - a. Expiration. A grading permit shall be valid for one (1) year unless it is revoked by the Planning and Development Director or the grading project is completed, and a Certificate of Compliance is issued by the Planning and Development Director within the one-year period.
4. Renewal
 - a. The grading permit may be reissued for an additional one hundred eighty (180) day period, if adequately justified, by making a written request to the Planning and



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Development Director. No permit fee will be required for reissuance of a grading permit; however, the applicable surety shall remain in effect.

- b.** Eighteen-Month Limit. If grading or protection of the site is not completed within eighteen (18) months, the person conducting the land-disturbing activity shall be required to obtain a new grading permit by following the same procedures whereby the original permit was issued.
- 5.** Posting
 - a.** The Grading Permit must be posted in a prominent place on the side of the land-disturbing activity at all times it is in effect.

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K. HISTORIC LANDMARKS DESIGNATION

1. ADOPTION OF ORDINANCE OF DESIGNATION

- a. The Guilford County Board of Commissioners may adopt, amend or repeal an ordinance designating any historic landmark property. The ordinance shall contain information on any designated property which includes:
 - (1) the name(s) of the owner(s) and the situs address if applicable;
 - (2) a description of the physical configuration and orientation of any historic resources within the landmark designation boundaries;
 - (3) describe those elements which are integral to the property's historic, architectural, archaeological, and/or cultural significance; and
 - (4) any other information deemed necessary, within the authority of this ordinance and the general statutes, as determined by Board of Commissioners.
- b. The landmark designation process may be initiated by either the HPC or at the request of a property owner. No ordinance to designate any building, structure, site, area, or object shall be adopted or amended until all the requirements of this ordinance and its subsections have been satisfied.

2. Criteria for Designation

To be designated as a historic landmark, a property, building, site, area, or object shall be found by the HPC to possess special significance in terms of its history, prehistory, architecture, archaeology, and/or cultural importance, and to retain the integrity of its design, setting, workmanship, materials, feeling, and/or association.

3. Procedure for Designation

- a. The Historic Preservation Commission (HPC) shall make, or cause to be made, an investigation/designation report including:
 - (1) the name of the property to be designated, including both common and historic names if they can be determined;
 - (2) the name(s) and address(es) of the current owner(s);
 - (3) the location of the property for which designation is proposed, including the street address and Guilford County tax map parcel number or parcel identification;
 - (4) the dates of original construction and of all later additions or alterations, if applicable;
 - (5) an assessment of the significance of the building or site as prescribed by this ordinance;
 - (6) an architectural or archaeological description of the area of the site or structure, including descriptions of all outbuildings and appurtenant features, for which designation is proposed;
 - (7) a narrative of the history of the site and/or structure within the context of its type, period, and locality;
 - (8) at least one photograph showing, to the fullest extent possible, the overall disposition of the property; one photograph of each façade or elevation and supplementary photographs as necessary to illustrate architectural details or ornamentation, siting, scale, proportion, and relationship of features or buildings, structures, or objects to each other; and



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- (9) a map showing the location of the property, including all outbuildings and appurtenant features situated upon it.
- b. Pursuant to G.S. 160A-400.6, as amended, the designation report shall be submitted to the North Carolina Department of Cultural Resources (NCDRC), Division of Archives and History, or its successor agency, which, acting through the State Historic Preservation Officer, shall review it and provide written comments and recommendations to the Board of Commissioners regarding the substance and effect of the proposed designation. Failure of the NCDRC to respond within thirty (30) days following its receipt of the report shall constitute approval of the report by the NCDRC and relieve Board of Commissioners of all responsibility to consider the NCDRC's comments or recommendations concerning the report.
 - c. At the expiration of the thirty (30) day review period, the HPC shall consider the report and any comments or recommendations from the State Historic Preservation Officer, and shall accept it, amend it, reject it, or defer a decision until completion of a period of further study, not to exceed sixty (60) days. The HPC shall forward to the Board of Commissioners a copy of the report, copies of written comments received from the NCDRC, and a recommendation either to approve or disapprove designation of the property, stating in its recommendation the extent to which the property meets the criteria for designation as set forth in this ordinance. A recommendation for approval shall be accompanied by a proposed ordinance of designation.
 - h. In disapproving a designation report, a copy of the minutes of the meeting at which such decision to deny was made shall be mailed to the owner of the subject property, including a letter explaining the substance of the HPC's decision. A recommendation against approval shall not prevent any future consideration of a property for designation as a historic landmark.
 - d. The Board of Commissioners shall hold a public hearing, either jointly with the HPC, or separately, to consider the proposed ordinance.
 - e. Following the public hearing, Board of Commissioners shall consider the HPC's designation report, its recommendation(s), the NCDRC recommendation(s), and comments made at the public hearing, and shall adopt the ordinance as proposed, adopt the ordinance with amendments, or reject the ordinance.
 - f. Upon adoption of the ordinance, the HPC staff:

 - (1) shall within thirty (30) days of adoption, send the owner(s) of the landmark(s) written notice of such designation, explaining the substance of the HPC's decision, via certified mail with a return receipt requested;
 - (2) shall file one copy of the ordinance, and any subsequent amendments thereto, in the office of the Register of Deeds of Guilford County, which office shall index each historic landmark according to the name of the owner in the grantee and grantor indexes;
 - (3) shall, if the landmark lies within the zoning jurisdiction of the cities of Greensboro, High Point, or Burlington, file a second copy of the ordinance, and any subsequent amendments thereto, in the office of the municipal clerk, where it shall be made available for public inspection at any reasonable time, and shall provide a third copy to the building inspector for the designating jurisdiction; and



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(4) shall notify the Guilford County tax assessor of the landmark designation.

- g. Upon notification from the HPC, the Guilford County tax assessor shall clearly indicate the designation on all appropriate tax maps.

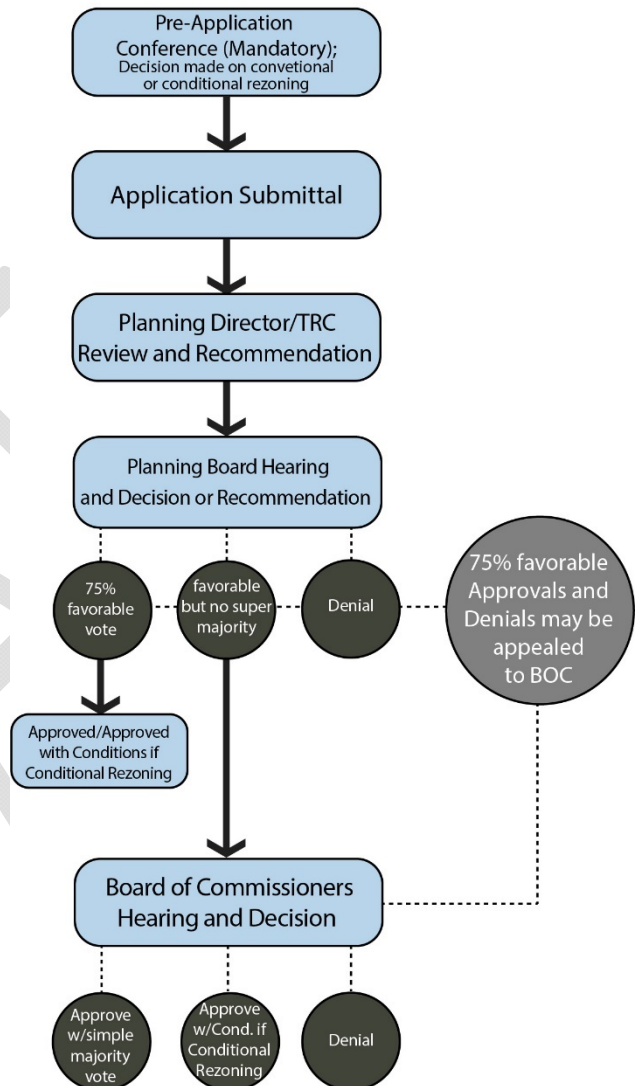
L. REZONING / MAP AMENDMENT (3-12.1 AND NEW)

1. Intent

- a. This section provides a uniform means for reviewing and deciding proposed amendments to the Official Zoning Map of Guilford County.

2. Applicability

- a. The Board of Commissioners, any local Board, Commission or Department or any person who resides or owns property within the zoning jurisdiction of Guilford County may petition for an amendment to the Official Zoning Map (rezoning).
- b. Rezoning may be of the following type:
- (1) Conventional Rezoning to an general use of PUD zoning district.
 - (2) Conditional Rezoning that may include development or design standards that may not fit within an established zoning district.
 - (3) Overlay Rezoning that may be subject to additional requirements as stated elsewhere within this ordinance.
- c. Rezoning should correspond with the boundary lines of existing platted lots or tracts. Where the boundaries of a rezoning request stop short of an exterior property line, it must be possible to subdivide and develop that portion of the property outside the proposed rezoning boundary in accordance with the existing zoning and other requirements of this Ordinance.
- d. All zoning requirements shall be met within the boundaries of the area being rezoned. If all of the requirements cannot be met on the site being rezoned, the rezoning shall be expanded to include all property necessary to meet zoning requirements.
- e. Requests for changes in the zoning classification of a property within a historic district shall be processed and considered in the same manner and procedure as set forth Section 3.5.D. except that the Historic Preservation Commission shall forward a recommendation to the Planning Board prior to the Planning Board taking any action.





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3. Prior Approval

- a. Amendments, modifications, supplements, repeal or other changes in zoning regulations and zone boundaries shall not be applicable or enforceable without the consent of the owner with regard to lots for which building permits have been issued, pursuant to state law, prior to the enactment of the Ordinance making the change or changes, so long as the permits remain valid.

4. Procedure

a. Pre-application Conference

- (1) Prior to submitting an application for a rezoning / map amendment, the applicant shall meet with the Guilford County Planning and Development Director to discuss the proposed amendment and to receive information regarding the approval requirements and procedures.

b. Application Submittal and Acceptance

- (1) Conventional and Conditional. Applications for a rezoning/map amendment shall be submitted in accordance with the requirements on the form available in the Planning and Development Department or on the County's website.
- (2) All fees shall be due and payable when the application is made according to the Schedule of Fees.
- (3) Refiling of Application
 - (a) No application for rezoning to the same district shall be filed within a one (1) year period from the date of final action on the previous rezoning request (other than a withdrawal, subject to the provisions in Section 3.5, prior to the public hearing) on a given parcel of land or portion thereof, unless the Planning Board determines that additional information submitted to them merits consideration for a public hearing at their next meeting.
 - (b) A second request for the same parcel of land or portion thereof for a different zoning district may occur within a one (1) year period from final action on the initial request.
 - (c) Under no circumstances shall more than two (2) zoning map amendments be filed for rezoning a given parcel of land or any portion thereof within any one (1) year period.

c. Staff Review

The Planning and Development Director shall review the application, prepare a staff report, and provide a recommendation.

d. Public Hearing

- (1) The notice of public hearing by mail, posting, and electronic publishing as authorized by Session Law 2017-210 Senate Bill 181, shall be in accordance Section 3.2.
- (2) The Planning Board shall hold a public hearing on the application. The Planning and Development shall present the application to the Planning Board, together with the Planning and Development Department's recommendation(s), at the first regularly scheduled meeting following proper filing and notice of the application.
- (3) The Planning Board shall decide the application if application received seventy-five (75) percent favorable vote and shall comment on the application's consistency with applicable county adopted policy plans. Applications receiving less than seventy-five (75) percent favorable vote or a denial from the Planning Board, the application is



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forwarded as a recommendation to the Board of Commissioners for review and final decision.

e. Planning Board Review and Decision

- (1) The Planning Board, after conducting a public hearing, shall review and provide a decision on the request.
- (2) The decision shall be one of the following:
 - (a) Adoption of the rezoning as proposed
 - (b) Adoption of the rezoning to a zoning district designation of lesser intensity
 - (c) Denial of the rezoning
 - (d) Remand of the rezoning application to staff for further consideration.

f. Voting

- (1) A favorable seventy-five (75) percent vote from members present from the Planning Board shall constitute final action unless appealed.
- (2) Applications receiving less than a seventy-five (75) percent favorable vote, but a majority favorable vote from the Planning Board members present and voting, shall constitute a favorable recommendation of the application and shall be forwarded to the Board of Commissioners.
- (3) Applications receiving less than a majority favorable vote or unfavorable from the Planning Board, shall constitute denial of the application unless appealed.
- (4) Applications receiving less than a seventy-five (75) percent favorable vote from the Planning Board, appealed applications and their decisions, shall be scheduled for a public hearing before the Board of Commissioners.
- (5) Any application heard by the Board of Commissioners, either by recommendation from the Planning Board or by appeal of a decision of the Planning Board, requires a simple majority vote to be approved, otherwise the application shall be deemed denied.

g. Application Withdrawal

- (1) An application for amendment may be withdrawn by the applicant any time before submission of the public notice to the newspaper or electronically, announcing the public hearing.
- (2) After submission of such notice, an application may be withdrawn at the discretion of the Planning Board or Board of Commissioners at the public hearing.
- (3) No more than two (2) withdrawals may occur on the same parcel of land or portion thereof within a one (1) year period.
- (4) No application shall be filed on the same parcel of land or portion thereof within a one (1) year period after the date of the second withdrawal.

h. Continuance

The Planning Board may continue a rezoning request for up to two (2) months provided the reason for said continuance is stated in the motion to continue. Nothing in this Section shall prohibit a continuance being granted for a greater period of time provided it is mutually agreed upon by all parties concerned. Upon failure of the Planning Board to act on a request immediately following all proper continuances, or if no action is taken, the petitioner may take the rezoning application to the Board of Commissioners without a recommendation from the Planning Board. A record of the Planning Board's comments regarding the proposed rezoning shall accompany the application.



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5. Appeals

Applicable. See Section 3.5.C.

6. Conditional Zoning

a. Pre-application Conference

- (1) Prior to submitting an application for a rezoning / map amendment, the applicant shall meet with the Guilford County Planning and Development Director to discuss the intention of for applying condition zoning for a general use district.
- (2) Petitioning for a Conditional Zoning district is a voluntary procedure and can be initiated only by the owner of the property in question, or by the authorized agent.
- (3) An application for Conditional Zoning may be submitted for any district, the use of which is not to relieve hardships that would otherwise be handled using a variance procedure. Zoning to a Conditional Zoning district is not intended for securing early or speculative reclassification of property.
- (4) Conditional zoning may allow or disallow a particular use, specify density or specific development standards, but they shall correspond to the general zoning district.
- (5) Planned Developments identified in this Ordinance will have a corresponding conditional zoning district.
- (6) The Planning Board through the Conditional Zoning process may approve deviations to or eliminate standards in the UDO and/or underlying zoning district. New standards shall be adopted as conditions and will be applied as standards for approval during the plan review process. Any standards not modified or eliminated will be applied in accordance with the provisions of the UDO. All standards and requirements that apply to the corresponding general use or planned district will apply to the conditional zoning districts.
- (7) Conditions which represent greater restrictions on development and use of the property than would apply in the corresponding general use district or which involve subdivision, stormwater control, flood protection or other limitations on land which may be regulated by the county and state law, may be specified in the application.

b. Application Submittal and Acceptance

Applicable. See Section 3.5.K.

c. Staff Review

Applicable. See Section 3.5.K.

d. Public Hearing

Applicable. See Section 3.5.K.

e. Planning Board Review and Decision

Applicable. See Section 3.5.K.

f. Voting

- (1) Applicable. See Section 3.5.K.

- (2) Effect of Approval

If a petition for a conditional zoning district is approved, the development and use of the property shall be governed by the ordinance requirements applicable to the district's zoning classification, the approved conceptual plan for the district, and any additional approved rules, regulations, and conditions, all of which are binding on the property as an amendment to these regulations and to the Zoning Map.

g. Amendments to an Approved Conditional Zoning District



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See Section 3.5.B, Administrative Amendments.

h. Application Withdrawal

See Section 3.5.K.

i. Appeals

Applicable. See Section 3.5.C.

7. Planned Unit Developments (PD-R or PD-M). See Article 4 – Zoning Districts.

8. Rural Preservation District (RPD). See Article 4 – Zoning Districts.

9. Additional Procedures

a. Flood Zoning Map Amendments

See Article 9 – Environmental Regulations for procedures regarding amendments to the Flood Zoning Map.

b. Water Supply Watershed Map Amendments

(1) Applications for Water Supply Watershed Map amendments shall be processed in accordance with the procedures in Section 3.5.K.

(2) Water Supply Watershed Maps may be amended in cases where:

(a) A new water supply watershed is established.

(b) A Watershed Critical Area boundary is changed.

(c) A Watershed Critical Area tier line is shifted

M. SIGN PERMITS

1. Sign Permit Procedure

a. Sign Permits are reviewed and approved by the Planning and Development Director.

Refer to Section 3.3 for Common Review Procedures.

b. See Article 7 - Signs for additional standards or requirements.

N. HISTORIC DISTRICT ZONING OVERLAY ESTABLISHMENT

1. Adoption of Ordinance of Designation

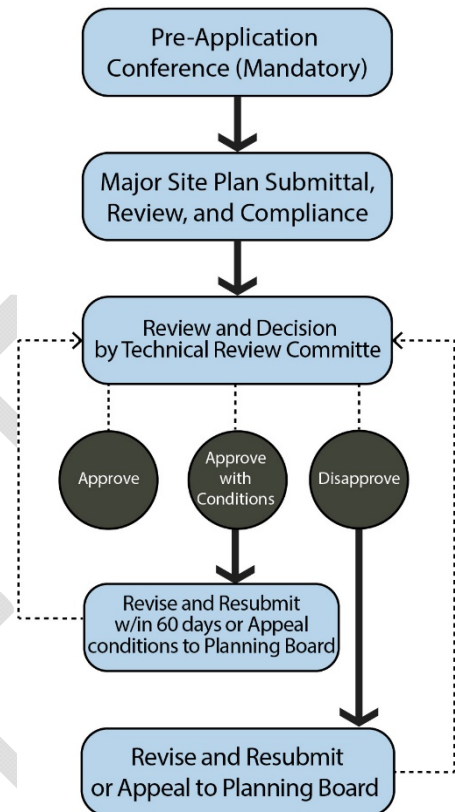
The Board of Commissioners may adopt and, from time to time, amend or repeal an ordinance designating a historic district. The ordinance shall include information which shall describe the physical area proposed for designation, its boundaries, and general historic, architectural, archaeological, and/or cultural significance. The district designation process may be initiated by either the HPC or at the request of any number of property owners. No ordinance to designate a district shall be adopted or amended until all of the requirements of this ordinance and its subsections have been satisfied. See Article 4 Zoning Districts for detailed procedures for Historic District Overlay establishment.



ARTICLE 3 – PERMITS AND PROCEDURES

O. SITE PLAN, MAJOR (3-11)

1. Applicability
 - a. A Major Site Plan shall be required for all development with the exception of the described in Section 3.5.N.
 - b. Major Site Plans are required for development or additions to existing developments:
 - (1) Greater than fifteen thousand (15,000) square feet of gross floor area.
 - (2) Nine (9) dwelling units or more in a single building.
 - (3) Open uses of land, or expansions of open uses of land involving forty thousand (40,000) square feet or more.
2. Submittal
 - a. Major Site Plans determined to be complete, shall be submitted to the Planning and Development Department for review by the Technical Review Committee at least seven (7) business days prior to the next scheduled meeting, unless otherwise determined by staff based on workload.
3. Site Plan Compliance
 - a. Major Site Plans shall contain all applicable information listed in Guilford County Procedural Manual. The Site Plan shall consist of up to four (4) sheets depending on the development including:
 - (1) site layout
 - (2) water and sewer utility plan
 - (3) conceptual landscaping plan showing planting areas, types/species of plant material (i.e. canopy trees, understory trees, shrubs), and number of plantings
 - (4) grading, erosion control and watershed development plan, if required.
 - b. Depending on the scale or complexity of the development, any or all of the sheets may be combined.
 - c. When required street and utility construction plans for all public or private streets, and water, sanitary sewer, and storm sewer facilities shall be submitted to the Jurisdiction following conditional approval or approval of the Major Site Plan. For each phase of the Major Site Plan, street and utility construction plans shall include all improvements lying within or adjacent to that section as well as all water and sanitary sewer lines lying outside that section and being required to serve that section.
4. Fees
 - a. All fees shall be submitted in accordance with Section 3.3.
5. Coordination with Other Procedures
 - a. In certain circumstances and upon approval by the Planning and Development Director, the Major Site Plan approval process may run concurrently with building plan review,





ARTICLE 3 – PERMITS AND PROCEDURES

and application for Certificate of Appropriateness, and application for a Grading Permit, or other applications or approvals required for a particular project.

6. Review and Approval

- a.** Approval of Major Site/Plot Plan. The Major Site Plan shall be approved when it meets all requirements of this Ordinance or proper waivers and/or variances are obtained.
- b.** Approval Authority:
 - (1) Major Site Plans submitted for developments shall be reviewed by the Technical Review Committee.
 - (2) If the Major Site Plan is approved, the applicant may proceed with other requirements necessary to obtain a Building Permit.
 - (3) If the Technical Review Committee denies the Major Site Plan, reasons for the denial shall be stated in writing and the Site Plan may be revised and resubmitted.
 - (4) The Technical Review Committee shall take action within thirty (30) days of reviewing the Major Site Plan. If the Major Site Plan is denied or granted conditional approval, or if no action is taken within thirty (30) days by the TRC, the applicant may appeal the decision to the Planning Board.
 - (5) The appeal may be made within fifteen (15) days after denial, conditional approval, or lack of action by the Technical Review Committee.

7. Conditional Approvals

- a.** If the Site Plan is granted conditional approval by the Technical Review Committee, Planning Board, or Board of Commissioners, the applicant shall revise and resubmit the Major Site Plan or Appeal the conditions per subsection 8 below. The Planning and Development Department shall review the revised Major Site Plan and, if it meets all the approval conditions and is otherwise substantially unaltered, shall signify on the plan the change from conditional approval to approval. If the Major Site Plan is not revised within sixty (60) days to meet the approval conditions, or the applicant notifies the Planning and Development Department that they are unwilling to revise the Major Site Plan, it shall be deemed denied.

8. Appeal

- a.** Applicable. See Section 3.5.C, Appeals.

9. Inspections

- a.** Work performed pursuant to approved street and utility construction plans shall be inspected and approved by the appropriate authority.

10. Runoff Control Structures and Soil Erosion and Sedimentation Control Devices Installation

- a.** Any approved permanent runoff control structure(s) and soil erosion and sedimentation control device(s) may be installed prior to approval of street and utility construction plans.

11. Permits

- a.** Upon approval of the Site Plan, the developer shall be eligible to apply for building and any other permits and authorizations as required by this Ordinance or other laws, unless otherwise provided in this Ordinance.

12. No Construction Without Plan Approval

- a.** None of the improvements listed above shall be constructed until the street and utility construction plans for such improvements have been reviewed and approved by the appropriate authority.

13. Expiration of Major Site Plan Approval



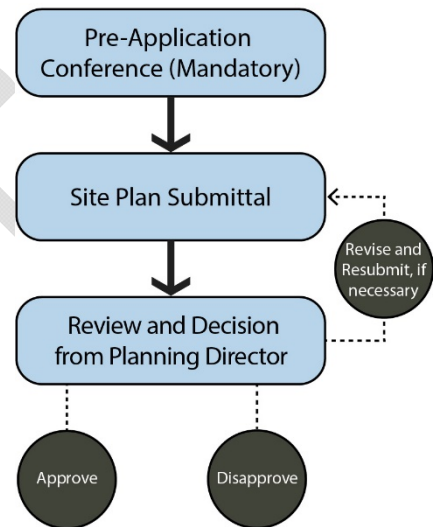
ARTICLE 3 – PERMITS AND PROCEDURES

- a. If construction or development does not begin within two (2) years following site plan or plot plan approval; or is begun within two (2) years and then discontinued for a period greater than one hundred eighty (180) days; such approval shall expire, and a new site plan or plot plan must be submitted in accordance with the procedures in this Section.

P. SITE PLAN, MINOR (3-11)

1. Applicability

- a. Minor Site Plans submitted for development or additions to existing developments shall be:
 - (1) Fifteen thousand (15,000) square feet or less of gross floor area.
 - (2) Eight (8) dwelling units or less in a single building.
 - (3) Open uses of land, or expansions of open uses of land, involving less than forty thousand (40,000) square feet.
- b. Sketch Plan for Department of Environmental Health Required. No building permit for a single-family or two-family dwelling and their accessory(s) on a single lot shall be issued until an Authorization to Construct, if required; and a Sketch Plan, prepared in accordance with the Guilford County Procedural Manual, has been approved.
- c. Site Plan Required. No other building permit shall be issued on a lot until a Minor Site Plan, prepared in accordance with Guilford County Procedural Manual has been approved for the development. Except that no new or amended Minor Site Plan shall be required if an adequate Minor Site Plan is already on file, no change in the parking requirements is required, and no increase in built-upon area is proposed or required.



2. Review and Decision

- a. Approval of Minor Site Plan. The Minor Site Plan or shall be reviewed and approved by the Planning and Development Director when it meets all requirements of this Ordinance or proper waivers and/or variances are obtained.

3. Appeal

- a. Applicable. See Section 3.5.C, Appeals.

4. Inspections

- a. Work performed pursuant to approved street and utility construction plans shall be inspected and approved by the appropriate authority.

5. Runoff Control Structures and Soil Erosion and Sedimentation Control Devices Installation

- a. Any approved permanent runoff control structure(s) and soil erosion and sedimentation control device(s) may be installed prior to approval of street and utility construction plans.

6. Permits

- a. Upon approval of the Minor Site Plan, the developer shall be eligible to apply for building and any other permits and authorizations as required by this Ordinance or other laws, unless otherwise provided in this Ordinance.

7. No Construction Without Plan Approval

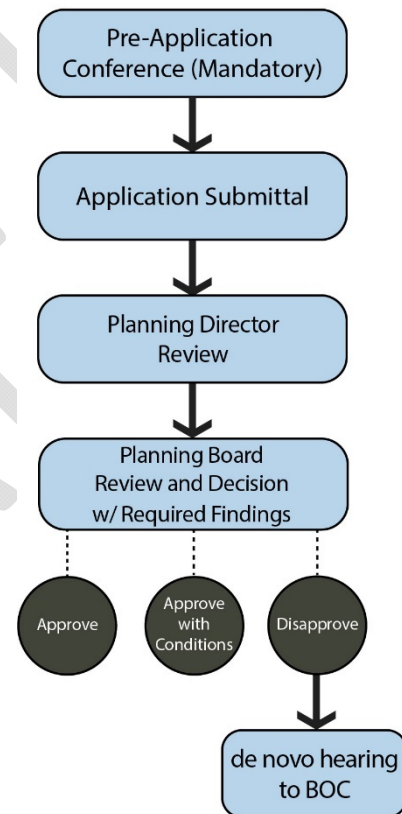


ARTICLE 3 – PERMITS AND PROCEDURES

- a. None of the improvements listed above shall be constructed until the street and utility construction plans for such improvements have been reviewed and approved by the appropriate authority.
8. Expiration of Minor Site Plan or Plot Plan Approval
 - a. If construction or development does not begin within two (2) years following site plan or plot plan approval; or is begun within two (2) years and then discontinued for a period greater than one hundred eighty (180) days; such approval shall expire, and a new site plan or plot plan must be submitted in accordance with the procedures in this Section.

Q. SPECIAL USE PERMITS (3-13.4 AND NEW)

1. Intent
 - a. The Special Use Permit review process is established to provide for the adequate review and consideration of those uses which, because of their unique characteristics and impacts upon the community, require individual consideration of their location, design, configuration, and/or operation in the community.
2. Applicability
 - a. If the proposed use is represented by an “S” in the column for the zoning district in which it is located in Article 4 – Zoning Districts (Table of Permitted and Special Uses), the use shall comply with the procedures and standards of this section, prior to development.
3. Procedure
 - a. Pre-Application Conference.
 - (1) The applicant shall attend a pre-application conference.
 - b. Application Submittal
 - (1) An application for a Special Use Permit may be filed by the owner or owner’s authorized agent with the Guilford County Planning and Development Department on a form provided by the Planning and Development Department or on the County website.
 - (2) The application shall, at a minimum, require a conceptual site plan. Some applications may require additional information.
 - c. Review and Recommendation
 - (1) The application shall be reviewed by Technical Review Committee and the Planning and Development Director for compliance with the requirements of this section.
 - (2) Upon review of a complete application, the Planning and Development Director shall prepare a staff report and make one of the following recommendations to the Planning Board:
 - (a) Approval
 - (b) Approve with conditions





ARTICLE 3 – PERMITS AND PROCEDURES

- (c) Denial
- d. Public Notification
 - (1) Applicable. See Table 3.2, Public Notification Requirements.
- e. Planning Board Review and Decision
 - (1) Voting on a Special Use Permit shall be in accordance with Section 3.4, Quasi-Judicial Hearing Procedures and shall require a simple majority for decision. All evidence presented at the public hearing in regard to applications for Special Use Permits shall be under oath.
- f. Required Findings
 - (1) The Special Use Permit shall be granted when each of the following Findings of Fact have been made by the Planning Board:
 - (a) The proposed use is represented by an "S" in the column for the district in which it is located in Article 4 – Zoning Districts (Table of Permitted Uses).
 - (b) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan submitted.
 - (c) That the use meets all required conditions and specifications.
 - (d) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.
 - (e) That the location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the Jurisdiction and its environs.
 - (2) Any Special Use Permit so authorized, shall be perpetually binding upon the property included in such permit, unless subsequently changed or amended through application for a new or amended Special Use Permit or until a use otherwise permitted in the district is established.
- g. Review Factors

The applicant shall demonstrate that the review factors listed below have been adequately addressed.

 - (1) Circulation: Number and location of access points to the property and the proposed structures and uses, with particular reference to automotive, pedestrian safety, traffic flow and control, and access in case of emergency.
 - (2) Parking and Loading: Location of off-street parking and loading areas.
 - (3) Service Entrances and Areas: Locations of refuse and service areas with adequate access for services vehicles.
 - (4) Lighting: Location of lighting with reference to spillage & glare, motorist & pedestrian traffic safety, and compatibility with other property in the area.
 - (5) Utilities: Location and availability of utilities (public or private).
 - (6) Open Spaces: Location of required street yards and other open spaces and preservation of existing trees and other natural features (where applicable).
 - (7) Environmental Protection: Provisions to protect floodplains, stream buffers, wetlands, watersheds, open space and other natural features
 - (8) Landscaping, Buffering & Screening: Installation of landscaping, fencing or berming for the purpose of buffering and screening where necessary to provide visual screening where appropriate.



ARTICLE 3 – PERMITS AND PROCEDURES

- (9) Effect on Nearby Properties: Effects of the proposed use on nearby properties, including, but not limited to, the effects of noise, odor, lighting, and traffic.
- (10) Compatibility: The general compatibility with nearby properties, including but not limited to the scale, design, and use in relationship to other properties.
- h. Conditions for Approval**
 - (1) In granting a Special Use Permit, the Planning Board may impose more restrictive requirements upon such permit as it may deem necessary in order that the purpose and intent of this Ordinance are served.
 - (2) Either the use as proposed, or the use as proposed subject to such additional conditions as the owner may propose or the Planning Board may impose, is consistent with the purposes of the District and compatible with surrounding uses.
- i. Recordation of Decision**
 - (1) In granting or denying a Special Use Permit, the Planning Board's decision shall be recorded with the Register of Deeds.
- j. Special Use Permit Denial**
 - (1) If the Planning Board fails to make the findings required by this section or makes other findings inconsistent with the required findings, then such proposed permit shall be denied.
 - (2) If denied, the applicant may request a de novo hearing by the Board of Commissioners per Section 3.5.C, Appeals.
- k. Compliance with Approved Permit**
 - (1) No building or other subsequent permit or approval shall be issued for any development on property subject to a Special Use Permit except in accordance with the terms of the permit and the district.
- l. Submission of Site Plans**
 - (1) After Special Use Permit approval, site plans for any development made pursuant to any Special Use Permit shall be submitted for review in the same manner as other development plans required by this Ordinance.
- m. Administrative Adjustment**
 - (1) Applicable. See Section 3.5.B, Administrative Adjustment.
 - (2) In approving such Site Plans, the Planning and Development Director may make minor modifications to the requirements of such Special Use Permit where such modification will result in equal or better performance and provided that the objective and purpose of the requirements and conditions of the Special Use Permit are maintained.
- n. Amendment of Permit**
 - (1) The Planning Board may change or amend any Special Use Permit subject to the same consideration as provided for in this Ordinance for the original issuance of a Special Use Permit.
- o. Timing of Amendment Proposal**
 - (1) No proposal to change or amend any Special Use Permit shall be considered within a one (1) year period after the date of the original authorization of such permit or within a one-year period after the hearing of any previous proposal to change or amend any such permit.
- p. Effect of Invalidity**



ARTICLE 3 – PERMITS AND PROCEDURES

- (1) If for any reason any condition imposed pursuant to these regulations is found to be illegal or invalid, such Special Use Permit shall be null and void and of no effect.
- q. Non-compliance with Permit Conditions
 - (1) If after receiving a Notice of Violation for violation of the terms or conditions of a Special Use Permit, the owner fails to correct such violations within a reasonable time, then the Special Use Permit may, after a hearing, be revoked by the Planning Board.
 - (2) The Planning Board shall revoke such permit on all or part of a development if it finds that there has been a violation that:
 - (a) Was intentional or continued for an unreasonable time after the owner had notice thereof.
 - (b) Was substantially inconsistent with the purposes of the district and continued for any time after the owner had notice thereof and the opportunity to cure.
 - (3) All of the other remedies of this Ordinance for a zoning violation shall apply to a violation of the terms of a Special Use Permit. Civil and/or criminal penalties may accrue pending the correction of a violation of a Special Use Permit, notwithstanding the fact that the owner may correct the violation within a reasonable time for purposes of the revocation provisions of this paragraph.

R. SUBDIVISION, EXEMPT

4. Intent
 - a. The purpose of this procedure is established to provide relief from the subdivision regulations found in this Ordinance.
5. Applicability
 - a. Such divisions of land exempt from the regulations are detailed in NCGS 153A-335 and NCGS 29, Intestate Succession.
6. Certification and Recordation
 - a. Any plat exempt from the regulations of this Ordinance shall be certified as exempt by the Planning and Development Director or, in circumstances specified in NCGS 47-30(f)(11), a professional land surveyor prior to being recorded.

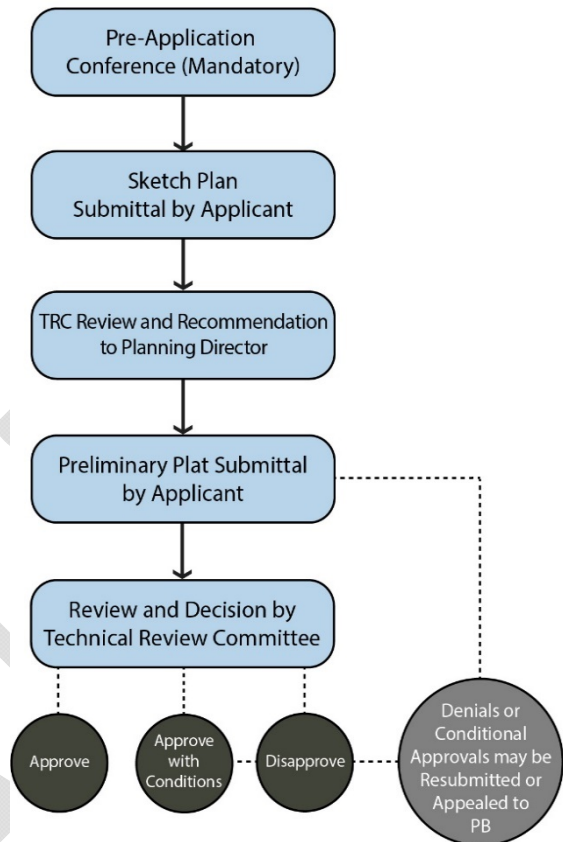


ARTICLE 3 – PERMITS AND PROCEDURES

Q. SUBDIVISION, MAJOR

1. Intent

- a. The purpose of this section is to provide a uniform means for the review and approval of divisions of land in accordance with Article 6 – Subdivisions & Infrastructure Standards.
- b. No real property, including property declared under the N.C. Condominium Act NCGS 47C-1 et seq., lying within the unincorporated areas of Guilford County shall be subdivided except in conformance with all applicable provisions of this Section. Violation of this Section shall be a misdemeanor.
- c. Re-Platting. Lots that have been labeled as "Non-buildable," "No Improvement Permit has been issued," "No certification for Sewage Treatment has been given for this lot" or otherwise identified as unsuitable for building purposes at the time of plat recordation must be re-platted before any building permit on the lot can be issued. Re-platted lots described above or re-platting of lots to remove or relocate easements created through the subdivision process shall follow the approval procedures defined in this Article but shall not be subject to Article 8 – Subdivision & Infrastructure concerning the dedication of property for street right-of-way or open space. The approval process may be abbreviated for the re-platting of lots.



2. Applicability

- a. All divisions of land into more than four (4) lots or subdivisions that require public improvements shall comply with the provisions of this section, except where exempt by definition or statute. See Section 3.6.P, Subdivisions, Exempt.

3. Procedure

- a. Pre-Application Conference.
 - (2) The applicant shall attend a pre-application conference at the Planning and Development Department prior to submission of a Preliminary Plat.
- b. Plat Submittal
 - (2) Sketch Plan. A Sketch Plan shall be submitted is land adjoining the subject parcel is owned by the subdivider seeking approval of a Major Subdivision.
 - (3) Technical Review Committee. A Sketch Plan is required for review by the Technical Review Committee for any subdivision of property that involves:
 - (a) More than fifty (25) lots.
 - (b) Utilizes Off-site Sewage Treatment.



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- (c) A Community Sewage Treatment System.
 - (4) Procedures for approval shall correspond to the procedures found in Section 3.5.Q, Preliminary Plat.
 - (5) Preparation. The Sketch Plan shall be prepared in accordance with the Guilford County Procedures Manual and submitted to the Planning and Development Department.
- c. Review and Recommendation
 - (2) After review of the sketch plan, the Technical Review committee shall make a recommendation to the Planning and Development Director.
- 4. Preliminary Plat (5-6)
 - a. Intent
 - (2) A Preliminary Plat shall be required for all major subdivisions of land, including Group Developments, with the following exception:
 - (a) When existing developments are converted from multifamily residential or group developments to condominium unit ownership, the developer shall submit a declaration of unit ownership, owner's association declaration, and a Final Plat for approval in accordance with Section 3.5.Q.5, Final Plat.
 - b. Preparation
 - (2) The Preliminary Plat shall be prepared by a registered land surveyor, registered landscape architect, registered architect, or licensed engineer, and shall be prepared in accordance with the Guilford County Procedures Manual.
 - (3) When a subdivision is to be developed in phases, a master plan shall be submitted for the entire development and a preliminary plat shall be submitted for each individual phase. A final plat is submitted for individual phases as each phase is developed.
 - c. Review
 - (2) When the application is deemed complete, the Planning and Development Director shall schedule Major Subdivisions cases for the next regularly scheduled Technical Review Committee.
 - (3) The Technical Review Committee shall review the Preliminary Plat for compliance with existing regulations. This review shall be made by the members of the Technical Review Committee and by any other agencies or officials by referral or as required by NCGS 153-332.
 - d. Action by Technical Review Committee
 - (2) Timing. The Technical Review Committee shall take action within thirty (30) days of reviewing the Preliminary Plat.
 - (3) Conditional Approval
 - (a) If the Preliminary Plat is granted conditional approval, the applicant shall revise the Plat, based upon the conditions of the approval and resubmit. The Planning Director shall review the revised plat and, if it meets all the approval conditions and is otherwise substantially unaltered, shall signify on the plat the change from conditional approval to approval.
 - (b) If the plat is not revised within sixty (60) days to meet the approval conditions or the applicant notifies the Planning Department that he is unwilling to revise the plat, it shall be deemed denied.
- (4) Denials



ARTICLE 3 – PERMITS AND PROCEDURES

- (a) If the Preliminary Plat is denied the reasons shall be stated in writing. The applicant may revise and resubmit a plat which has been denied. Decisions of the Technical Review Committee may be appealed to the Planning Board within thirty (30) days of the Technical Review Committee decision.
 - e. Preliminary Plat Approvals
 - (2) Major Subdivisions must be reviewed and may be granted approval by the Technical Review Committee.
 - (3) If the Preliminary Plat is approved, the applicant may proceed toward Final Plat approval.
 - (4) All subdivision plats shall meet the following requirements before being approved.
 - (a) All applicable standards in Article 9 – Subdivisions & Infrastructure Standards, prior applicable permits and development approvals, and all other applicable requirements of this Ordinance.
 - (b) All requirements of Article 9 – Subdivisions & Infrastructure Standards and Appendix, Sewage Treatment.
 - (c) Zoning District Compliance: The development must be zoned correctly prior to preliminary plat approval.
 - f. Appeals
 - (2) Applicable. See Section 3.5.C, Appeals.
 - g. Effect of Approval
 - (2) Approval of a preliminary plat authorizes the submittal of street and utility construction plans, and soil erosion and sedimentation control plans.
 - (a) Street and Utility Construction Plans
 - (i) Street and utility construction plans for all public improvements associated with the preliminary plat shall be approved prior to street and utility construction and prior to the approval of a final plat in accordance with Article 9 – Subdivisions & Infrastructure Standards
 - (ii) In the case of a multi-phase subdivision, street and utility construction plans shall include all improvements within a phase and all public improvements outside the phase but necessary to serve development within that phase.
 - (b) Grading Permit
 - (iii) An approved preliminary plat authorizes the submittal of soil erosion and sedimentation control plans and the issuance of a grading permit. Any approved soil erosion and sedimentation control devices, and approved permanent runoff control structures may be installed prior to the approval of street and utility construction plans in accordance with this Ordinance.
- 5. Final Plat
 - a. Approval Process
 - (1) Submission. Upon approval of the Preliminary Plat and other required plans the applicant shall be eligible to submit a Final Plat for approval. Approval of the Preliminary Plat shall constitute tentative approval of the Final Plat if the Final Plat is substantially unchanged from the approved Preliminary Plat.
 - (2) The Final Plat shall be prepared by a Professional Land Surveyor in accordance with the Guilford County Procedural Manual.
 - (3) Preliminary Plats Reviewed by Environmental Health Division or the North Carolina Department of Environment and Natural Resources. Prior to Final Plat approval a



ARTICLE 3 – PERMITS AND PROCEDURES

copy of the Final Plat shall be reviewed by the Environmental Health Division. The Final Plat mylar and nine (9) prints shall be submitted to the Planning Division. The Environmental Health Division shall determine that no changes have occurred that affect On-site, Off-site, or Community Sewage Treatment System suitability. Monuments must be set prior to Environmental Health review of the Final Plat. If changes have occurred that affect lot suitability, a new health drawing or plot plan and an improvement permit application and fee for each affected lot shall be submitted and a new evaluation shall occur. Improvements Permits for On-site and Off-site systems will be issued for approved lots recorded on the Final Plat. Areas approved for a Community Sewage Treatment System shall be clearly denoted on the mylar and each print and indicate the total processing capacity of the area and which lots may use the system.

- (4) Preliminary Plats Reviewed by a Soil Scientist. The Final Plat mylar and nine (9) prints shall be submitted to the Planning Division. The mylar and each of the prints shall contain the applicable soil suitability certification as listed in the Guilford County Procedures Manual. Monuments must be set prior to Soil Scientist review and certification of the Final Plat. The Soil Scientist shall determine that no changes have occurred that affect lot suitability since the evaluation. If changes have occurred that affect lot suitability, a revised Soil Suitability Report shall be submitted with the Final Plat. After Final Plat recordation application for Improvements Permits may be submitted to the Environmental Health Division.
 - (5) Substantial Change. Substantial changes from the Preliminary Plat will require an additional review by the Technical Review Committee to insure compliance with existing regulations.
- b. Required Improvements**
 - (1) No Final Plat shall be approved until all required improvements have been installed and approved or appropriate surety is provided as set forth in Article 9 – Subdivisions & Infrastructure Standards.
 - c. Assurance of Completion of Improvements**
 - (1) Where the improvements required by this Ordinance have not been completed prior to the submission of the plat for final approval, such improvements shall be assured by the owner's filing of an approved surety bond, certified check, irrevocable letter of credit, or other acceptable legal arrangement in an amount to be determined by the Jurisdiction and for an approved period not to exceed two (2) years.
 - d. Certification of Final Plat**
 - (1) When the Planning and Development Director has approved a Final Plat, a signed written statement to this effect shall be entered on the face of the plat. The statement can be found in the Guilford County Procedures Manual.
 - e. Permits**
 - (1) Unless otherwise provided in this Ordinance, upon recordation of the Final Plat, the subdivider shall be eligible to apply for building and any other permits required by this Ordinance.
 - f. Fees**
 - (1) A fee according to the Schedule of Fees shall be due and payable when the Final Plat is submitted for approval.

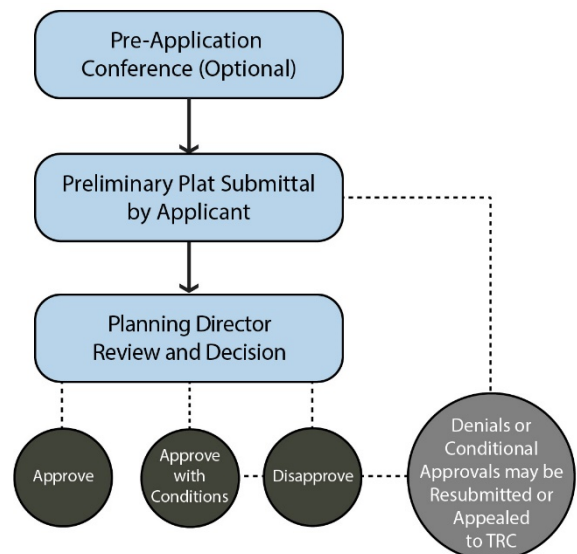


ARTICLE 3 – PERMITS AND PROCEDURES

- g. Recordation of Final Plat**
 - (1) After approval, a Final Plat must be recorded in the office of the Register of Deeds within sixty (60) days. No plat shall be regarded as finally approved until such plat has been recorded. If the Final Plat of all or part of the area shown on the approved Preliminary Plat is not recorded in the Office of the Register of Deeds within two (2) years of approval of the Preliminary Plat, or if there is a lapse of more than two (2) years between the recordings of sections, the Preliminary Plat must be resubmitted to the Technical Review Committee. Such resubmittal shall be in accordance with the requirements of this Ordinance at the time of resubmittal.
- h. Financial Guarantees**
 - (1) All public improvements that have not been installed by the developer and inspected and accepted by the City shall comply with the requirements in Article 9 – Subdivisions & Infrastructure Standards prior to the recordation of a final plat.
 - (2) For the Release of Financial Guarantees
 - (a) The Planning and Development Director shall authorize the release of all or a portion of any guarantee posted as the improvements are completed. Such funds shall be released within 30 days after submittal of an improvements completion certification from a Professional Engineer and approval of applicable improvements by the Planning Director.
- i. As-Built Plans**
 - (1) As-built plans for all public improvements shall be submitted.
- j. Expiration**
 - (1) An approved preliminary plat shall be valid for two years from the date of approval and may be extended.

R. SUBDIVISION, MINOR

- 1. Intent**
 - a.** The purpose of this section is to provide a uniform means for the review and approval of divisions of land of four (4) lots or less in accordance with Article 9 – Subdivisions & Infrastructure Standards.
 - a.** All divisions of land into more than four (4) lots or less with no required public improvements shall comply with the provisions of this section, except where exempt by definition or statute. See Section 3.5.P, Subdivisions, Exempt.
- 2. Minor Plat Procedure**
 - a. Pre-Application Conference**
 - (1) Optional
 - b. Plat Submittal**
 - (1) Minor plats shall be submitted to the Planning and Development Director for review and processing.
 - (2) The Planning and Development Director shall have up to ten (10) business days to review the plat and to make the following findings:





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- (a) The application and plat qualify as a minor subdivision as defined in this Ordinance.
 - (b) Other applicable Ordinance standards have been met.
 - a. Decision
 - (1) The Planning and Development Director, after reviewing the application and plat for consistency with the regulations of this ordinance, may make the following decision:
 - (c) Approve the plat.
 - (d) Approve the plat with conditions.
 - (e) Disapprove the plat.
 - 3. Recordation of Final Plat
 - a. Certification of Final Plat
 - (1) When the Planning and Development Director has approved a Final Plat, a signed written statement to this effect shall be entered on the face of the plat. The statement can be found in <Proposed Procedures Manual>.
 - b. Recordation of Final Plat
 - (1) After approval, a Final Plat must be recorded in the office of the Register of Deeds within sixty (60) days. No plat shall be regarded as finally approved until such plat has been recorded. If the Final Plat of all or part of the area shown on the approved Preliminary Plat is not recorded in the Office of the Register of Deeds within two (2) years of approval of the Preliminary Plat, or if there is a lapse of more than two (2) years between the recordings of plats, the Preliminary Plat must be resubmitted to the Planning and Development Director. Such resubmittal shall be in accordance with the requirements of this Ordinance at the time of resubmittal.
 - 4. Appeal
 - a. Applicable. See Section 3.5.C, Appeals.
- S. SUBDIVISION WAIVER**
- 1. Intent
 - a. It is the intent of this section to provide a relief from standards in this Article if certain circumstances are met.
 - 2. Waivers
 - a. Approval Authority
 - (1) The Technical Review Committee or, on appeal, the Planning Board or Board of Commissioners may approve waivers to standards in Article 9 – Subdivisions & Infrastructure Standards.
 - b. Grounds for Waivers
 - (1) The Technical Review Committee may waive standards in Article 9 – Subdivisions & Infrastructure Standards, under the following circumstances:
 - (a) Physical Hardship: Where because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this Article would cause unusual and unnecessary hardship on the subdivider.
 - (b) Equal or Better Performance: Where in its opinion a waiver will result in equal or better performance in furtherance of the purposes of this Ordinance.
 - (c) Unintentional Error: Where through an unintentional error by the applicant, his agent, or the reviewing staff, there is a minor violation of a standard in this



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Article, where such violation is not prejudicial to the value or development potential of the subdivision or adjoining properties.

- c. Conditions. In granting waivers, the approval authority may require such conditions as will secure, insofar as practicable, the purposes of the standards or requirements waived.

T. TEXT AMENDMENTS (3-12.4 AND NEW TEXT)

1. Purpose and Intent

- a. This section provides a uniform means for amending the text of this Ordinance wherever the public necessity, changed conditions, convenience, general welfare, or appropriate land use practices require doing so. A text amendment may be initiated by Guilford County or an applicant.

2. Procedure

a. Pre-Application Conference

- (1) Before submitting an application for an amendment, the applicant shall meet with the Planning and Development Department to discuss the proposed amendment and to receive information regarding the approval requirements and procedures.

b. Application Submittal

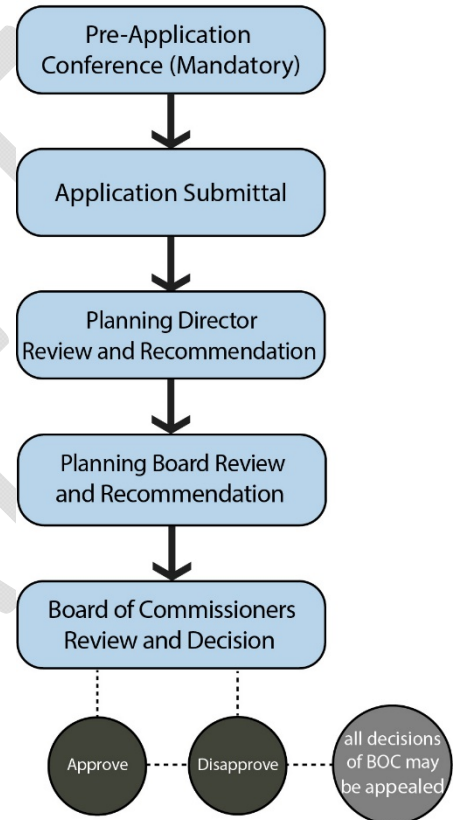
- (1) An application for an amendment shall be filed with the Guilford County Planning and Development Department on a form provided by the Department or found on the County Website. Any fees, as designated by the Guilford County Board of Commissioners, shall be due and payable at the time the application is submitted.
- (2) All information required on the application form shall be contained on or accompany the application.

c. Review

- (1) The Planning and Development Director shall review the application, prepare a staff report, set a public hearing per Section 3.2 and Table 3.2, Public Notification Requirements, and provide a recommendation to the Planning Board.
- (2) Necessary research may be required for an application for a text amendment. The public hearing may be delayed to account for research conducted by staff and other related workload.

d. Planning Board Review and Recommendation

- (1) Following the receipt of the report regarding the Director's recommendation on a proposed amendment, the Guilford County Planning Board shall hold a hearing to consider the proposed amendment. The hearing shall be scheduled as provided by the Planning Board's rules of procedures.





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- (2) Recommendations of the Planning Board shall be reported to the Guilford County Board of Commissioners for a public hearing and final action according to the process set forth in this ordinance. The Guilford County Board of Commissioners shall schedule the public hearing subsequent to receiving the Planning Board's report and recommendation. The public hearing shall be scheduled as provided by the Board of Commissioner's rules of procedures.
- (3) A recommendation by the Planning Board shall include the adoption of a statement describing how the Planning Board considers the action taken to be consistent with the Comprehensive Plan, as amended, reasonable and in the public interest.
- (4) If no action is taken, the petitioner may take the rezoning application to the Board of Commissioners without a recommendation from the Planning Board. A record of the Planning Board's comments regarding the proposed amendment shall accompany the application.
- e. Board of Commissioners Review and Decision
 - (1) Following the receipt of the Guilford County Planning Board's action on a proposed amendment, the Guilford County Board of Commissioners shall hold a public hearing to consider the proposed amendment. Notice of the public hearing shall be provided per Table 3.2, Public Notification Requirements.
 - (2) Before acting on any proposed amendment, the Board of Commissioners shall consider any recommendations made by the Guilford County Planning Board and/or the County Planning Department, comments made at the public hearing, and other relevant information.
 - (3) Upon reviewing all pertinent information, the Board of Commissioners may adopt the proposed amendment, reject the proposed amendment, refer the proposed amendment back to the Planning Board for further consideration, or modify the proposed amendment.
 - (4) Approval by the Board of Commissioners shall include adoption of a statement describing how the Board of Commissioners considers the action taken to be consistent with the Comprehensive Plan, reasonable and in the public interest.
 - (5) All amendments and changes must be in the form of an ordinance. Copies of adopted ordinances shall be kept on file at the office of the Clerk of the Board of Commissioners and with the Planning and Development Department.
3. Appeal
 - a. Applicable. See Section 3.5.C, Appeals.
4. Additional Requirements (may move)
 - a. Amendments to Soil Erosion and Sedimentation Control Requirements
 - (1) Guilford County shall incorporate revisions required by the Commission within eight (8) months following receipt of the required revisions. If standards and provisions of this Ordinance currently meet or exceed the required revisions, the Commission shall be so notified within ninety (90) days of their receipt.
 - b. Amendments to the Watershed Protection/Stormwater Management Regulations
 - (1) Amendments to the watershed protection/stormwater management regulations found in this Ordinance shall be submitted to the Division of Water Quality for necessary review and Environmental Management Commission approval, when the State has statutory oversight, prior to adoption by the Board of Commissioners. All



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amendments are effective upon adoption by the Board of Commissioners unless otherwise noted.

U. VARIANCE (9-5.8)

1. Purpose and Intent

- a. The variance process is a Quasi-Judicial Hearing (Section 3.4) and is intended to provide limited relief from the requirements of this Ordinance in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of the land in a manner otherwise allowed under this Ordinance.

2. Authority

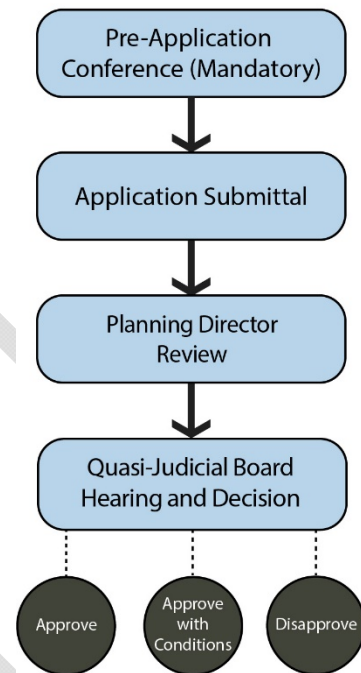
- a. Multiple boards shall serve as the Board of Adjustment for quasi-judicial matters in Guilford County. If the Board of Commissioners chooses not to appoint members to the Board of Adjustment, it shall sit as the Board of Adjustment subject to the provisions of this Ordinance.
- b. Depending on the request, variances may be heard by the:
 - (1) Planning Board.
 - (2) Board of Adjustment.
 - (3) Board of Commissioners.

3. Applicability

- a. Development that would otherwise be subject to undue and unique hardship from the application of the standards of this Ordinance may seek relief from this Ordinance in accordance with this section that otherwise would not be satisfied under the allowances set forth in Ordinance.
- b. In no event shall a quasi-judicial board grant a variance which would allow the establishment of a use which is not otherwise allowed in a zoning district or which would change the density, district classification, or the district boundary of the property in question.
- c. In no event shall a quasi-judicial board grant a variance which would conflict with any State code unless otherwise authorized by laws and regulations.
- d. The Board of Commissioners shall not, under any circumstances, grant a variance to permit a use or density not otherwise permitted by this Ordinance in the zoning district involved.
- e. Variance Runs with the Land. Any variance so authorized, shall be perpetually binding upon the property included in such permit, unless subsequently changed or amended through application for a new or amended variance through a violation of the conditions of the variance that would render the variance null and void.

4. Variance Procedures

- a. Pre-Application Conference
 - (1) Mandatory. Pre-Application Conference.
- b. Application Submittal





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- (1) An application for a variance shall be submitted in writing to the Board by filling an application with the Planning and Development Director.
- c. Staff Review**
 - (1) The Planning and Development Director shall review the application to ensure that it is complete and shall prepare a staff report detailing the regulations and interpretation behind the matter being appealed along with any findings from accompanying research.
- d. Public Notification**
 - (1) Applicable. See Table 3-2, Public Notification Requirements.
- e. Quasi-Judicial Board Review and Hearing**
 - (1) Upon receiving the application, the quasi-judicial board shall conduct a quasi-judicial hearing on the variance.
 - (2) Grounds for Variance
 - (a) The variance requested is the minimum variance that will make possible the reasonable use of the land, building or structure. The fact that property may be utilized for greater profit, however, will not be considered adequate to justify the granting of a variance.
 - (b) Neither the nonconforming use of lands, buildings or structures in the same zoning district, nor the permitted use of lands, buildings or structures in other zoning districts shall be considered as grounds for the issuance of a variance. Furthermore, mere financial hardship does not constitute grounds for the granting of a variance.
 - (c) A variance may be granted where a building permit has been issued and, due to unintentional error of the Planning and Development Director in determining the location of the structure on the property, there is a minimal violation of the dimensional requirements, provided that such relief may be granted without substantially impairing the purpose and intent of this Ordinance.
 - (3) Findings of Fact
 - (a) A variance may be granted by the Board of Adjustment if evidence presented by the applicant persuades it to reach the following findings of fact:
 - (i) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
 - (ii) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
 - (iii) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
 - (iv) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.



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- (b) After conducting the hearing, the quasi-judicial board shall make a decision within a reasonable time and may:
 - (i) Deny the application.
 - (ii) Conduct an additional public hearing on the application.
 - (iii) Approve the application.
 - (iv) Approve the application with additional conditions.
 - (c) A concurring vote of 4/5 of the members of the quasi-judicial board shall be necessary to grant a variance.
 - f. Conditions. In granting a variance, the Board of Adjustment may prescribe such reasonable and appropriate conditions and safeguards as will assure that the use of the property to which the variance applies will be compatible with surrounding properties and will not alter the essential character of the neighborhood.
 - (1) Violations of such conditions and safeguards, when a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.
 - (2) A variance granted subject to a condition shall be permitted only so long as there is compliance with the condition.
 - (3) If a violation of a condition of a variance occurs, the Planning and Development Director may revoke the Certificate of Occupancy.
 - (4) In the event that any such condition is held invalid, for any reason, such holding shall have the effect of invalidating the variance granted and shall render the variance null and void.
 - g. Duration. The variance may be issued for an indefinite duration or for a specified duration only. Unless otherwise specified, construction or operation shall be commenced within twelve (12) months of the date of issuance of a variance, or the variance shall become void.
- 5. Appeals
 - a. Applicable. See Section 3.5.C, Appeals.
- 6. Procedures for Specific Variances
 - a. Flood Hazard Variance
 - (1) The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.
 - (2) Functionally dependent facilities if determined to meet the definition as stated in Article 12 - Definitions of this Ordinance, provided provisions of this Section have been satisfied, and such facilities are protected by methods that minimize flood damages.
 - (a) Any other type of development provided it meets the requirements stated in this Section.
 - (3) A written report addressing each of the above factors shall be submitted with the application for a variance.
 - (4) Upon consideration of the factors listed above and the purposes of this Ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Ordinance.
 - (5) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which



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the structure is to be built and that such construction below the Base Flood Elevation increases risks to life and property, and that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance up to twenty-five dollars (\$25.00) per one hundred dollars (\$100.00) of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.

- (6) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.
- (7) Conditions for Variances:
 - (a) Variances shall not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.
 - (b) Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.
 - (c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (d) Variances shall only be issued prior to development permit approval.
 - (e) Variances shall only be issued upon:
 - (i) A showing of good and sufficient cause;
 - (ii) A determination that failure to grant the variance would result in exceptional hardship; and
 - (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (8) A variance may be issued for solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.
 - (a) The use serves a critical need in the community.
 - (b) No feasible location exists for the use outside the Special Flood Hazard Area.
 - (c) The reference level of any structure is elevated or floodproofed to at least the Regulatory Flood Protection Elevation.
 - (d) The use complies with all other applicable federal, state, and local laws.
 - (e) The County of Guilford has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

V. VESTED RIGHTS

1. Applicability
 - a. A vested right establishes the right to undertake and complete the development and use of a property on substantial expenditures as set forth in NCGS 153A-344.1.
 - b. Vested Right Runs with Property. A zoning vested right is not a personal right but shall attach to and run with the applicable property. After approval of a site-specific



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development plan, all successors to the original landowner shall be entitled to exercise such right while applicable.

- c. Types of Vested Rights. Vested Rights may be granted for the following development activities:
 - (1) Site-Specific Development Plans
 - (2) Building Permits
2. Establishment of a Zoning Vested Right for Site-Specific Development Plans
 - a. Establishment of Vested Right. A zoning vested right shall be deemed established upon the valid approval, or conditional approval, by the appropriate approval authority as specified in Table 3.3, of a site-specific development plan, following notice and public hearing by the Planning Board.
 - b. Approval of Site-Specific Development Plan
 - (1) The approving authority may approve a site-specific development plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety and welfare.
 - (2) Approval of a site-specific development plan with the condition that a variance be obtained shall not confer a zoning vested right unless and until the necessary variance is obtained.
 - (3) Effective Date of Approval. A site-specific development plan shall be deemed approved upon the effective date of the approval authority's action or Ordinance relating thereto.
 - (4) Effect of Additional, New or Amended Regulations. The establishment of a zoning vested right shall not preclude the application of overlay zoning that imposes additional requirements but does not affect the allowable type or intensity of use, or Ordinances or regulations that are general in nature are applicable to all property subject to land use regulation by the Jurisdiction including, but not limited to, building, fire, plumbing, electrical and mechanical codes. Otherwise, the application of new or amended regulations shall become effective with respect to property that is subject to a site-specific development plan upon the expiration or termination of the vested right in accordance with this Ordinance.
 - c. Vested Right Runs with Property
 - (1) A zoning vested right is not a personal right but shall attach to and run with the applicable property. After approval of a site-specific development plan, all successors to the original landowner shall be entitled to exercise such right while applicable.
 - (2) Approval Procedures
 - (a) Notice and Public Hearing
 - (i) Notice of any proposed approval for a zoning vested right shall be as provided in this Section. The Planning Board shall hold a public hearing on the matter in before the approval body, as noted in Table 3.3 below, decides the case.

Table 3.3 – Vested Rights for Site-Specific Development Plans

Plans that Qualify for Vesting	Vested Timeline	Approval Body
Minor Subdivision, Preliminary Plat	2 years	Planning and Development Director



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Sketch Plan	2 years	Planning and Development Director
Minor Site Plans	2 years	Planning and Development Director
Master or Common Sign Plan	2 years	Planning and Development Director
Watershed Development Plan	2 years	Planning and Development Director
Landscaping Plan	2 years	Planning and Development Director
Major Subdivision, Preliminary Plat	2 years	Technical Review Committee
Major Site Plan	2 years	Technical Review Committee
Special Use Permit	2 years	Planning Board
Planned Development (residential or mixed) Unified Development Plan	2 years	Planning Board

(3) Plans Not Vested

(a) Conceptual Plans: Because the following plans frequently lack sufficient detail, they are not vested under this Ordinance:

- (i) A Planned Development-Residential or Planned Development-Mixed sketch plan; or
- (ii) A subdivision master plan or sketch plan.
- (iii) Plans Not Relating to Type and Intensity of Use.
- (iv) The following types of plans are reviewed and approved under statutes not related to the type and intensity of use in the context of NCGS 153A-334.1 and, therefore, are not considered vested in the meaning of this Ordinance:
 - Soil erosion and sedimentation control plans.
 - Utility and street construction plans.

(4) Compliance

(a) Conformance Review

- (i) Following approval or conditional approval of a site-specific development plan, nothing in this Ordinance shall exempt such a plan from subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with the original approval.

(5) Noncompliance

- (a) Nothing in this Ordinance shall prohibit the revocation of the original approval or other remedies for failure to comply with applicable terms and conditions of the approval or the Zoning Ordinance.

3. Vested Rights for Building Permits

- a. A building permit shall not expire or be revoked because of the running of time while a zoning vested right under this Section is outstanding. Termination.
- b. A zoning right that has been vested as provided in this Ordinance shall terminate:



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- (1) At the end of the applicable vesting period with respect to buildings and uses for which no valid building permit application has been filed.
- (2) With the written consent of the affected landowner.
- (3) Upon findings by the Board of Commissioners that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the site-specific development plan.
- (4) Upon payment to the affected landowner of 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 consultant's fees incurred after approval by the Jurisdiction together with interest thereon at the legal rate until paid. Compensation shall not include any diminution in the value of the property which is caused by such action.
- (5) Upon findings by the Board of Commissioners that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the approval authority of the site-specific development plan.
- (6) Upon the enactment or promulgation of a state or federal law or regulation that precludes development as contemplated in the site-specific development plan, in which case the approval authority may modify the affected provisions, upon a finding that the change in State or Federal law has a fundamental effect on the plan.