

## ARTICLE 7

### Permits and Procedures

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

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

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

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

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

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

The permits and/or approvals required are:

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

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

#### **7.2 Periodic Inspections**

The Planning, Zoning and Subdivision Administrator, or his/her designee, shall have the right, upon presentation of proper credentials to enter on any premises within the City's jurisdiction at any reasonable hour for the purposes of inspection, determination of plan compliance or other enforcement action.

#### **7.3 Permit Expiration**

- 7.3-1 BUILDING PERMIT EXPIRATION. The Granville County Building Inspections Department shall void a building permit for a project within the City jurisdiction if the authorized work has not begun within 180 days after issuance of the permit, or work was commenced but was discontinued for a period of one year. No work authorized by any permit that has expired shall thereafter be performed until a new permit has been secured. (NCGS§ 160A-418).
- 7.3-2 OTHER PERMIT/APPROVAL EXPIRATION. Permits and approvals other than those identified above shall expire as set forth in the process for each permit and/or approval below.

#### **7.4 Certificates Issued**

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

#### **7.5 Zoning Permits (Zoning Compliance Permit)**

- 7.5-1 PURPOSE. A zoning permit shall be required for the construction or development of any new use within the planning and regulation jurisdiction of the City of Creedmoor. In addition to new uses, a zoning permit shall also be required for expansions of existing uses, as well as for changes of use. The procedure set forth below shall be followed to obtain a zoning permit for the construction of single-family and duplex residential development and expansions of uses and changes of use that do not require permits and/or approvals other than a use permit.
- 7.5-2 PRE-APPLICATION PROCEDURE. No pre-application conference is required prior to applying for a zoning permit. Applicants are encouraged to call or visit the Planning Services Department prior to requesting a zoning permit to determine what information is required for the application.
- 7.5-3 PLAN SUBMITTAL.
- A. FILING OF APPLICATION. An application for a zoning permit may be filed by the owner of the property or by an Officer duly authorized to execute on behalf of the owner, specifically authorized by the owner to file such application. Where an agent files the application, the agent shall provide documentation that the owner of the property has authorized the filing of the application. The application for a zoning permit shall be filed with the Planning, Zoning and Subdivision Administrator on a form provided by the Planning, Zoning and Subdivision Administrator.
- B. FEES. An application fee, as established by the City of Creedmoor, shall be due and payable when the application is approved.
- C. INFORMATION REQUIRED. Each application for a zoning permit shall contain the information required on the application form, including a Site Plan showing the dimensions of the proposed use and its location on the property or site. Other information necessary to show that the use or structure complies with the standards set forth in this Ordinance shall also be provided.
- 7.5-4 STAFF REVIEW. The Planning, Zoning and Subdivision Administrator shall review the application and determine whether it is complete within ten working days of its submittal. If the application is found to be incomplete, the Planning, Zoning and Subdivision Administrator shall notify the applicant of any deficiencies. No further steps shall be taken to process the application until the applicant corrects the deficiencies. The Planning, Zoning and Subdivision Administrator shall issue a zoning permit only upon finding that the proposed use or structure satisfies the requirements set forth in this Ordinance.
- 7.5-5 PUBLIC NOTIFICATION. No public notification is required for zoning permit requests.
- 7.5-6 FORMAL REVIEW. No formal review of zoning permit requests is required. Requests shall be reviewed by appropriate City staff to assure compliance with all applicable regulations and requirements.
- 7.5-7 VARIANCES. Requests for variances from the requirements set forth in this Ordinance shall be heard by the Board of Adjustment under the procedures established in Article 6.
- 7.5-8 APPEALS. Appeals of the decisions of the Planning, Zoning and Subdivision Administrator shall be heard by the Board of Adjustment under the procedures established by Article 6.

- 7.5-9 PERMIT VALIDITY. Upon the approval of a zoning permit, the applicant shall have six months to obtain the required building permit(s) from Granville County Building Inspections. Failure to obtain requisite building permit(s) within this time shall render the zoning permit void. The Planning, Zoning and Subdivision Administrator may grant a single extension of this time period of up to six months upon submittal by the applicant of sufficient justification for the extension. Upon issuance of a building permit(s), the zoning permit shall remain valid as long as a valid building permit exists for the project. Any unapproved change, as determined by the Planning, Zoning and Subdivision Administrator in the approved plans shall render the zoning permit invalid.
- 7.5-10 VIOLATIONS. Violations of the requirements and conditions of the zoning permit shall be considered a violation of this Ordinance and shall be subject to the enforcement and penalty provisions set forth in Article 23.

## **7.6 Temporary Structures Permits**

- 7.6-1 PURPOSE. To insure that proposed temporary structures comply with the requirements of this Ordinance, no structure that is classified as a temporary structure and permitted as such in the zoning district in which it is located shall be placed or established on the property without first receiving a temporary structure permit and any permits required under the State Building Code.
- 7.6-2 PRE-APPLICATION PROCEDURE. No pre-application conference is required prior to applying for a temporary structure permit. Applicants are hereby encouraged to call or visit the Planning Services Department prior to requesting a temporary structure permit to determine what information is required for the application.
- 7.6-3 PLAN SUBMITTAL.
- A. FILING OF APPLICATION. An application for a temporary structure permit may be filed by the owner of the property or by an agent specifically authorized by the owner to file such application. Where an agent, files the application, the agent shall provide the Planning, Zoning and Subdivision Administrator with documentation that the owner of the property has authorized the filing of the application. The application for a temporary structure permit shall be filed with the Planning, Zoning and Subdivision Administrator on a form provided.
  - B. FEES. A permit fee, as established by City of Creedmoor, shall be submitted with the application. In addition, a permit shall be obtained from the County Fire Marshal as required by the state fire prevention code.
  - C. INFORMATION REQUIRED. Each application for temporary structure permit shall contain the information required on the application form. The application shall be accompanied by a Sketch Plan showing the boundaries of the property, the use of adjacent properties, the location of the structure on the property, access and parking provisions, restroom facilities, and other information sufficient to show that the structure complies with the standards set forth in Article 15 of this Ordinance. Persons seeking issuance of a temporary structure permit shall file an application with a minimum of five (5) days prior to the construction.
- 7.6-4 STAFF REVIEW. The Planning, Zoning and Subdivision Administrator shall review the application and determine whether it provides the information required. The Planning, Zoning and Subdivision Administrator shall issue a temporary structure permit only upon finding that the proposed temporary structure satisfies the requirements set forth in Article 15 of this Ordinance.
- 7.6-5 PUBLIC NOTIFICATION. No public notification is required for temporary structure permit requests.
- 7.6-6 FORMAL REVIEW. Requests shall be reviewed by appropriate City staff to assure compliance with all applicable regulations and requirements.
- 7.6-7 VARIANCES. Requests for variances from the requirements set forth in this Ordinance shall be heard by the Board of Adjustment under the procedures established in Article 6.
- 7.6-8 APPEALS. Appeals of the decisions of the Planning, Zoning and Subdivision Administrator shall be heard by the Board of Adjustment under the procedures established in Article 6.

- 7.6-9 PERMIT VALIDITY. The temporary structure permit shall be valid only for the time period stated on the permit.
- 7.6-10 VIOLATIONS. Violations of the conditions of the temporary structure permit shall be considered a violation of this Ordinance and shall be subject to the enforcement and penalty provisions set forth in Article 23.
- 7.6-11 PUBLIC EMERGENCIES. In the event of a natural disaster, catastrophic event or public emergency the Planning, Zoning and Subdivision Administrator or her/his designee may waive any temporary structure permit procedures and authorize the placement of temporary structures and other facilities that are deemed necessary or desirable in conjunction with the management of the emergency.

## **7.7 Site Development Plan Review**

### **7.7-1 LARGE SITE DEVELOPMENT PLAN REVIEW PROCESS.**

- A. PURPOSE. The large site development plan review process is required for development projects located within the planning and regulation jurisdiction of the City of Creedmoor and its extraterritorial jurisdiction which, due to their size, could be expected to have a significant impact upon public services and facilities. This review process is established to assure that adequate services and facilities can be provided for these developments and to assure that they do not negatively impact the area in which they are proposed to be located or the City as a whole. Proposed developments involving new construction, additions, renovations, and changes of use which fall into one or more of the following categories are subject to the large site development plan review process.
  - 1. New construction and changes of use.
    - a. Commercial buildings, structures, or developments with a gross floor area of more than 3,000 square feet;
    - b. Office or institutional buildings, structures, or developments with a gross floor area of more than 5,000 square feet;
  - 2. Properties located within 1,500 feet of each other, under the same ownership and/or developed by the same developer over a period of three years or less shall be considered to be one development and reviewed as such.
- B. PRE-APPLICATION PROCEDURE.
  - 1. All applicants for large site development plan review are required to schedule a predevelopment conference with the Planning, Zoning and Subdivision Administrator prior to the preparation of development plans. This conference allows the applicant and Planning, Zoning and Subdivision Administrator an opportunity to discuss the review process, the requirements for completing the review schedule, contact persons for services and permits, and information regarding Site Plans, landscaping, and development requirements.
  - 2. It is highly recommended that the developer meet with representatives of the Neighborhood or area in which the proposed project is to be located. This meeting, which can be held at the pre-application stage, will allow the developer to explain the proposed project and to be informed of the concerns of the Neighborhood or area.
- C. SITE DEVELOPMENT PLAN SUBMITTAL.
  - 1. CONCEPTUAL SITE PLAN REQUIRED. A conceptual site plan shall be required for all large site development plan review requests. The conceptual Site Plan shall contain the following:
    - a. Property boundaries with dimensions;
    - b. PIN for property;
    - c. Location of adjacent streets and utility easements;
    - d. Dimensioned footprint and setbacks of the existing and proposed structures with gross floor area indicated;
    - e. Location and number of parking spaces;

- f. Location and size of buffer and landscape areas;
  - g. Location of existing and proposed driveways and/or streets;
  - h. Location of all flood zones (if applicable to the property);
  - i. A list of adjoining properties, names and mailing address of the owners, and the zoning and use of these properties;
  - j. Number of stories and overall height of all structures (existing and proposed);
  - k. Location of proposed stormwater detention facilities, if required under the Falls Rules;
  - l. Location of existing and proposed dumpster and recycling containers;
  - m. Generalized depiction or description of natural features on and immediately adjoining the site, including streams and other water bodies, steep slopes, areas covered by tree canopy, etc.; and
  - n. Other information determined by the Planning, Zoning and Subdivision Administrator as necessary to evaluate the request.
2. PREPARATION BY PROFESSIONAL. Site Plans for developments requiring large site development plan review shall be prepared by a registered architect, engineer, landscape architect, or land surveyor licensed in the State of North Carolina for the work in which he is trained and licensed to perform.
  3. FEES. Fees as established by the City of Creedmoor shall be due and payable upon approval of the application for large site development plan review.
  4. SUBMITTAL OF APPLICATION. Complete applications for large site development plan review, with the required copies of the conceptual Site Plans, shall be submitted to the Planning, Zoning and Subdivision Administrator at least twenty-five (25) days prior to the Planning Board meeting at which they will be presented.
- D. PUBLIC NOTIFICATION. The Planning, Zoning and Subdivision Administrator shall prepare a public notice as described herein below which indicates the official receipt of an application and conceptual plan for large site development approval. This will serve to encourage public involvement in development projects in Creedmoor. This notice for publication shall include the following:
1. Brief description of the large site development project proposed;
  2. The time, date, and place at which the project will be available for public review; and
  3. Contact information for staff receiving comments concerning the proposed large site development project.
- The notice shall be posted in a conspicuous place at City Hall, on the City's website, or a combination of these two, at least five days prior to the date the complete application will be presented as part of an informational meeting before the Planning Board. This notice also shall be mailed to the owners, as shown on the County tax listing, of abutting property at least five days before the date on which the request is to be considered. The applicant is encouraged to conduct a Neighborhood meeting to inform nearby property owners of their intentions for development. The neighborhood meeting shall include a presentation of the plan and an opportunity for concerned parties to ask questions and be provided responses to those questions. The time, date, and place of the neighborhood meeting shall be provided to the Planning, Zoning & Subdivision Administrator. The mailing list, attendance record and summary of the presentation and comments shall be submitted to the Planning, Zoning & Subdivision Administrator within two business days following the neighborhood meeting.
- E. STAFF REVIEW.
1. PLANNING SERVICES DEPARTMENT STAFF REVIEW. Plans for development requiring large site development plan review shall be reviewed by the Planning, Zoning and Subdivision Administrator for compliance with the requirements of this chapter prior to submittal to the

Planning Board and Board of Commissioners.

2. SUBMITTAL OF PLANS TO THE PLANNING BOARD. The Planning, Zoning and Subdivision Administrator shall present Site Plans for developments requiring large site development plan review to members of the Planning Board for review and comment at their next available regular meeting. The Planning Board shall review the Site Plans for compliance with the requirements of this Ordinance and other applicable Ordinances and laws. This review shall include submitted comments by any other agencies or officials as required.
  3. Comments and recommendations from the Planning Board shall be forwarded to the Board of Commissioners.
- F. FORMAL REVIEW. Applications for large site development plan review are subject to final review and approval by the Board of Commissioners. The Planning, Zoning and Subdivision Administrator shall submit recommendations and comments to the Board prior to their deliberations on approval of large site development plans.
  - G. RESERVED.
  - H. VARIANCES. Variances from the requirements of this Ordinance for developments requiring large site development plan approval shall be considered by the Board of Adjustment in accordance with the procedures set forth in Article 6.
  - I. RESERVED.
  - J. PERMIT VALIDITY. Approval of Site Plans and permits for developments requiring large site development plan review shall be valid for one (1) year from the date of approval. Failure to initiate construction, or otherwise begin the permitted use, within this time shall render the site development plan approval void. The applicant may request a single extension of this time period of up to one year from the City of Creedmoor Board of Commissioners upon submittal by the applicant of sufficient justification for the extension.
  - K. VIOLATIONS. Violations of the approved site development plan shall be considered a violation of this Ordinance and subject to the enforcement and penalty provisions of Article 23 of this Ordinance.

7.7-2 [RESERVED]

## **7.8 Conditional Use Approvals**

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

7.8-2 PRE-APPLICATION PROCEDURE.

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

7.8-3 PLAN SUBMITTAL.

- A. FILING OF APPLICATION. An application for a conditional use permit may be filed by the owner of the property or by an agent specifically authorized by the owner to file such application. Where an agent files the application, the agent shall provide documentation that the owner of the property has authorized the filing of the application. The application for a conditional use permit shall be filed with the Planning, Zoning and Subdivision Administrator on the form provided.
- B. FEES. A permit fee, as established by the City of Creedmoor Board of Commissioners shall be submitted with the application.
- C. INFORMATION REQUIRED. Each application for a conditional use permit shall contain all information identified as required by this ordinance. The application shall be accompanied by at least four (4) copies of a Site Plan meeting the requirements for Site Plans as established by section 7.7 of this Ordinance. The application and Site Plans must be submitted at least twenty-five (25) days prior to the Planning Board meeting at which it will be reviewed.

7.8-4 STAFF REVIEW.

- A. PLANNING, ZONING AND SUBDIVISION ADMINISTRATOR REVIEW. Following submittal of the application and Site Plans for the conditional use, they shall be reviewed by the Planning, Zoning and Subdivision Administrator for compliance with the requirements of this section 7.8 of this Ordinance. Provided the application and Site Plan are complete, the Planning, Zoning and Subdivision Administrator shall schedule the request for review by the Planning Board.
- B. SUBMITTAL OF PLANS TO THE PLANNING BOARD. The Planning, Zoning and Subdivision Administrator shall present the Site Plans for the conditional use to the Planning Board for review and comment or recommendations at its next regular meeting. The Planning Board shall review the Site Plan for compliance with existing federal, state, and local regulations. Additional comments by any other agencies or officials as determined by the Planning, Zoning and Subdivision Administrator shall be presented to the Planning Board during the meeting as part of a full discussion of the proposed plan.
- C. Comments and recommendations gathered during the course of the Planning Board meeting shall be forwarded to the Board of Commissioners for their review and consideration in deliberating the approval or denial of the proposed conditional use.
- D. FAILURE TO COMMENT. Failure on the part of the Planning Board to make a recommendation within 30 days of their meeting means the complete application will be sent up to the Board of Commissioners without recommendation.

7.8-5 FORMAL REVIEW.

- A. PUBLIC HEARING. The City Clerk, upon receipt of a notice from the Planning, Zoning and Subdivision Administrator that a complete application and Site Plan for a conditional use permit has been submitted shall schedule a public hearing before the City Board of Commissioners. A public hearing shall be conducted for all conditional use permit applications, following review of the application by the Planning Board.
- B. ACTION BY CREEDMOOR PLANNING BOARD
  - 1. REVIEW OF CONDITIONAL USE PERMIT REQUEST. A public meeting on those conditional use applications shall be scheduled by the Creedmoor Planning Board upon receipt of a request for review from the applicant. The Creedmoor Planning Board shall consider the request within 30 days of receiving information regarding the conditional use permit application from the Planning, Zoning and Subdivision Administrator.
  - 2. RECOMMENDATION BY CREEDMOOR PLANNING BOARD. Upon submittal and review of a complete application for a conditional use permit, including any proposed plan for phasing of the development, the Planning Board shall make one of the following recommendations:
    - a. APPROVAL. If the Planning Board recommends approval, the Planning, Zoning and

Subdivision Administrator shall forward the recommendation and the conditional use application to the Creedmoor City Board of Commissioners for review. The Planning Board may elect to recommend the Board of Commissioners place additional conditions on the permit approval based on their review of the submitted application package.

- b. DENIAL. If the Planning Board recommends denial of the conditional use permit, the reasons for their recommendation of denial shall be provided to the applicant following the meeting at which the matter was presented.
- C. ACTION BY THE CREEDMOOR CITY BOARD OF COMMISSIONERS.
1. REVIEW OF CONDITIONAL USE PERMIT REQUEST. A public hearing on those conditional use applications reviewed by the Creedmoor Planning Board shall be scheduled by the Creedmoor City Board of Commissioners following action by the Planning Board. The Creedmoor City Board of Commissioners shall consider the request within 35 days of receiving information regarding the conditional use permit application from the Planning, Zoning and Subdivision Administrator.
  2. DECISION BY CITY BOARD OF COMMISSIONERS. The Creedmoor City Board of Commissioners, after conducting the public hearing, may: (1) deny approval; (2) table the application pending submittal of additional information; or (3) approve the proposed conditional use permit.
- D. FINDINGS AND CONDITIONS. All Conditional Uses shall at a minimum meet the standards for the zoning district in which they are located, as well as the meet the specific standards set for in this ordinance for that specific use. In addition to determining that the application meets all other requirements of this ordinance, the Board of Commissioners shall find:
1. That the use or development is located, designed, and proposed to be established, operated and maintained so as to not be detrimental to or endanger the public health, safety, and general welfare;
  2. That the use or development complies with all applicable required regulations – state, federal and local; and
  3. That the use or development is located, designed, and proposed to be operated so as not to substantially injure the value of adjoining or abutting property, or provide substantial evidence that the use or development is a public necessity; and
  4. That the use or development will be in harmony with the area in which it is to be located and conforms to the officially adopted plans and policies for the land use and development of City of Creedmoor and its environs; and
  5. That there is an adequate water and sewer capacity available for the proposed use; and
  6. That the use or development will not cause undue traffic congestion, create a traffic hazard, or generate traffic volumes that exceed volume to capacity design of existing street(s) serving the property.
- There shall be competent, material, and substantial evidence in the record to support these conclusions and the City Board of Commissioners must find that all of the above exist or the application will be denied.
- E. ADDITIONAL CONDITIONS. In granting the conditional use permit, the City Board of Commissioners may designate only those conditions, in addition and in connection therewith, as will, in its opinion, assure that the use in its proposed location will be harmonious with the area in which it is proposed to be located, with the spirit of this Ordinance and clearly in keeping with the public welfare. All such additional conditions shall be entered into the minutes of the meeting, at which the conditional use permit is granted, on the conditional use permit itself, and on the approved plans. All specific conditions shall run with the land and shall be binding on the original applicants, their heirs, successors, and assigns.

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

- 7.8-6 TRANSFER OF APPROVAL. A conditional use approval is not transferable from one property to another, but may be transferred to a subsequent owner of the property.
- 7.8-7 RESUBMISSION OF DENIED APPLICATIONS. No application for approval of a conditional use shall be filed with our accepted by the Planning, Zoning and Subdivision Administrator that is identical or substantially similar to an application that has been denied by the Creedmoor City Board of Commissioners within one year of the final action by the City Board of Commissioners denying the request. This waiting period may be waived in an individual case, for good cause shown, by the affirmative vote of three-fourths of the members of City Board of Commissioners.
- 7.8-8 PUBLIC NOTIFICATION. Notice of public hearings or public meetings required under this section for conditional use approvals shall be provided in accordance with the requirements established by the North Carolina General Statutes for public meeting notification. In addition, the Planning, Zoning and Subdivision Administrator shall prepare a public notice as described herein below which indicates the official receipt of an application and Site Plan for a conditional use permit approval. This will serve to encourage public involvement in development projects in Creedmoor. This notice for publication shall include the following.
- A. Brief description of the conditional use project proposed;
  - B. The time, date, and place at which the request will be considered; and
  - C. Contact information for staff receiving comments concerning the proposed conditional use.
- The notice shall be posted in a conspicuous place at City Hall, on the City's website, or a combination of these two, at least five days prior to the date on which the application is to be considered.
- 7.8-9 PROJECT PHASING. If a project approved as a conditional use is to be developed in phases, a master plan for the entire development site must be approved by the Creedmoor City Board of Commissioners at the same time and in the same manner the conditional use permit application is considered.
- A. Final plans for phases of the conditional use may be submitted in stages and shall be approved by the Planning, Zoning and Subdivision Administrator provided that the following requirements are met:
    - 1. All stages shall be shown with precise boundaries on the master plan and shall be numbered in the expected order of development.
    - 2. Each phase must be able to exist independently of subsequent phases by meeting all applicable laws and regulations as if the phase were a separate project.
    - 3. All the data required for the project as a whole shall be given for each stage shown on the plan.
    - 4. A proportionate share of the open space, common facilities, amenities, play areas, etc. shall be included in each stage of the development, except that centralized common facilities shall be guaranteed by bond or other irrevocable financial instrument valid for the duration of the project implementation period.
    - 5. The phasing shall be consistent with the traffic circulation, drainage, and utilities plan for the entire master plan for the conditional use.
    - 6. Each phase of the conditional use must comply with any and all conditions attached to the approval of the conditional use permit by the Creedmoor City Board of Commissioners.

- 7.8-10 [RESERVED]
- 7.8-11 APPEALS. An appeal from the decision of the Creedmoor City Board of Commissioners regarding a conditional use application and Site Plan may be made by an aggrieved party and shall be made to the Superior Court of Granville County in the nature of certiorari. Any such petition to the Superior Court shall be filed with the court no later than 30 days after a written copy of the decision of the City Board of Commissioners is received by the applicant.
- 7.8-12 PERMIT VALIDITY. Approvals of a conditional use application and Site Plan shall be valid for two years from the date of approval by the Creedmoor City Board of Commissioners. If the permittee fails to initiate construction, or otherwise begin the permitted use within this time period, a request for a maximum of a one year extension by the Board of Commissioners may be submitted by the permittee. Permits for the phased development of a conditional use project shall remain valid for the time approved by the Creedmoor City Board of Commissioners as part of the conditional use approval of the master plan for the conditional use.
- 7.8-13 FAILURE TO COMPLY WITH PLANS OR CONDITIONS. In the event of failure to comply with the plans approved by the City Board of Commissioners or with any other conditions imposed upon the conditional use permit, the permit shall thereupon immediately become void and of no effect. No building permits for further construction or certificates of occupancy under this conditional use permit shall be issued. If a failure to comply with conditions in a conditional use permit occurs after occupancy, the owner, lessee, or other responsible person shall be notified in writing of the violation. No earlier than five days after the receipt of the written notice, the body issuing the conditional use permit may issue a finding of fact that a violation of the requirements of this Ordinance exists. If such finding of fact is made, it shall be unlawful for any person, firm or corporation to continue the conditional use until the responsible party makes the necessary corrections and the City Board of Commissioners conducts a public hearing and finds that the violation no longer exists.
- 7.8-14 VIOLATIONS. Violations of the conditional use permit or of any of the conditions attached to the approval shall be considered a violation of this Ordinance and subject to the enforcement and penalty provisions of Article 23 of this Ordinance.

## **7.9 Uses with Additional Standards**

- 7.9-1 PURPOSE. Uses with additional standards are uses permitted by right, provided that the additional standards set forth in Section 10.1 of this Ordinance are met. The additional standards are intended to ensure that the uses fit the intent of the zoning districts within which they are permitted, and that the uses are compatible with other development permitted within the zoning districts. Review and approval of these uses are handled by the Planning, Zoning and Subdivision Administrator, who has no discretion to modify the additional standards.
- 7.9-2 PRE-APPLICATION PROCEDURE. A pre-application conference is not required for approval of uses with additional standards. Applicants are encouraged, however, to contact the Planning, Zoning and Subdivision Administrator to discuss the additional standards.
- 7.9-3 PLAN SUBMITTAL.
- A. FILING OF APPLICATION. An application for a permit for a use with additional standards may be filed by the owner of the property or by an agent specifically authorized by the owner to file such application. Where an agent files the application, the agent shall provide documentation that the owner of the property has authorized the filing of the application. The application for a permit for a use with additional standards shall be filed with the Planning, Zoning and Subdivision Administrator on a form provided by the Planning, Zoning and Subdivision Administrator.
- B. FEES. A permit fee, as established by the City of Creedmoor City Board of Commissioners, shall be submitted with the application.
- C. INFORMATION REQUIRED. Each application for a permit for a use with additional standards shall contain all information required by the Planning, Zoning and Subdivision Administrator. The

application shall be accompanied by a Site Plan meeting the requirements for Site Plans as established by section 7.7 of this Ordinance.

- 7.9-4 STAFF REVIEW. Notwithstanding the procedures applicable in section 7.7 of this Ordinance, the Planning, Zoning and Subdivision Administrator shall review the proposed use and determine if the additional standards for that use have been met. If the additional standards have been met, the use shall be approved provided all other applicable standards and procedures have been met. Failure to meet all the additional standards shall result in denial of a permit for the proposed use. The Planning, Zoning and Subdivision Administrator shall approve or deny the proposed use with additional standards or request more information, if needed, within ten (10) working days of submittal. If the application is found to be incomplete, the Planning, Zoning and Subdivision Administrator shall notify the applicant of any deficiencies. No further steps will be taken to process the application until the applicant corrects the deficiencies. The Planning, Zoning and Subdivision Administrator shall approve the use only upon finding that the proposed use satisfies all applicable requirements set forth in this Ordinance.
- 7.9-5 PUBLIC NOTIFICATION. Public notification is not required, unless required by section 7.7 or 7.8 of this Ordinance.
- 7.9-6 FORMAL REVIEW. Formal review of the application by an elected/appointed board or committee is not required, unless required by section 7.7 or 7.8 of this Ordinance.
- 7.9-7 VARIANCES. Variances from the additional standards constitute "use variances" and shall not be permitted.
- 7.9-8 APPEALS. Appeals of decisions of the Planning, Zoning and Subdivision Administrator regarding applications for a use with additional standards shall be heard by the Board of Adjustment under the procedures established in Article 6.
- 7.9-9 PERMIT VALIDITY. The permit for a use with additional standards shall be valid for one year from the date of its issuance. Failure to initiate construction or otherwise begin the permitted use within this time shall render the permit void.
- 7.9-10 VIOLATIONS. Failure to establish or maintain the additional standards is considered a violation of this Ordinance and shall subject the offender to the enforcement and penalty provisions of Article 23 of this Ordinance.

## **7.10 Sign Permits**

- 7.10-1 PURPOSE. In order to regulate the provision of sign standards and sign restrictions within the planning and regulation jurisdiction of the City of Creedmoor, it shall be unlawful to erect or maintain any sign or sign structure without first obtaining a sign permit.
- 7.10-2 PRE-APPLICATION PROCEDURE. There is no pre-application procedure for sign permits.
- 7.10-3 APPLICATION SUBMITTAL.
  - A FILING OF APPLICATION.
    - 1. An application for a sign permit may be filed by the owner of the property or sign or by an agent specifically authorized by the owner to file such application. The application for a sign permit shall be filed with the City of Creedmoor Planning Services Department on a form provided by the Planning, Zoning and Subdivision Administrator.
    - 2. If the proposed sign is subject to a building permit, under the NC Building Code, an application for all applicable building permits shall be submitted to the Granville County Building Inspections office along with the sign permit application.
  - B. FEES. A permit fee as established by the City of Creedmoor shall be submitted with the application. Work performed without a valid permit shall be subject to a penalty. When any permit has been revoked under the terms of this Ordinance, the permit fees shall not be refunded.
  - C. INFORMATION REQUIRED. Each application for a sign permit shall be accompanied by complete

information as required by the Planning, Zoning and Subdivision Administrator and shall include, without being limited to, a Site Plan and elevation drawings of the proposed sign, a drawing of the building facade indicating the proposed location of the sign (if the sign is to be attached to a building), height, dimensions and square footage of the proposed sign and any other data as the Planning, Zoning and Subdivision Administrator may determine to be necessary for review of the application.

- 7.10-4 STAFF REVIEW. Provided the application is complete, the Planning, Zoning and Subdivision Administrator shall review the application and determine whether it is complete within ten (10) working days of its submittal. If the application is incomplete, the Planning, Zoning and Subdivision Administrator shall notify the applicant of any deficiencies. No further steps shall be taken to process the application until the applicant corrects the deficiencies. The Planning, Zoning and Subdivision Administrator shall issue a permit only upon finding that the proposed sign or sign structure satisfies the requirements of Article 17.
- 7.10-5 PUBLIC NOTIFICATION. No public notification is required for sign permit requests.
- 7.10-6 FORMAL REVIEW. No formal review of sign permit requests is required.
- 7.10-7 VARIANCES. Requests for variances from the requirements for signs set forth in this chapter shall be heard by the Board of Adjustment under the procedures established by Article 6.
- 7.10-8 APPEALS. Appeals of the decisions of the Planning, Zoning and Subdivision Administrator shall be heard by the Board of Adjustment under the procedures established by Article 6.
- 7.10-9 PERMIT VALIDITY. Upon issuance of a sign permit, the applicant will have six months to commence work on the approved signage, after which the permit shall automatically become null and void. The Planning, Zoning and Subdivision Administrator may grant a single 60-day extension of time within which operations must be started or resumed. All requests for such extensions and approval thereof shall be in writing.
- 7.10-10 VIOLATIONS. Violations of the conditions of a sign permit shall be considered a violation of this Ordinance and shall be subject to the enforcement and penalty provisions set forth in Article 23 of this Ordinance.

## **7.11 Subdivision Plat Approval**

### **7.11-1 MAJOR SUBDIVISIONS.**

- A. PURPOSE. The Major Subdivision review process is required for those divisions of land as described below. Review and approval of the Preliminary Plat by the Planning Board is required under the Major Subdivision review process, with review and approval of the Final Plat by the Planning, Zoning and Subdivision Administrator.
- B. PRE-APPLICATION PROCEDURE.
  - 1. CONFERENCE. It is required that every applicant for a Major Subdivision meet with the Planning, Zoning and Subdivision Administrator in a conference prior to the submittal of a Subdivision Plat. The purpose of this conference is to provide clarification and assistance in the preparation and submission of Plats for approval.
  - 2. SKETCH PLAN. A Sketch Plan shall be submitted to the Planning, Zoning and Subdivision Administrator prior to or at the pre-application conference. Upon submittal of the Sketch Plan, the Planning, Zoning and Subdivision Administrator shall conduct an initial review to determine whether the proposed Subdivision is a Major Subdivision.
  - 3. NEIGHBORHOOD MEETING. It is highly recommended that the developer meet with representatives of the Neighborhood in which the proposed Subdivision is to be located. This meeting, which should be held at the pre-application stage, will allow the developer to inform nearby property owners of their intentions for development and to be informed of the concerns of the Neighborhood. The meeting will help the developer address major concerns of the Neighborhood prior to the Public Notification process described in 7.11-

1(C)(3) below. The neighborhood meeting should include a presentation of the plan and an opportunity for concerned parties to ask questions and be provided responses to those questions. The Planning, Zoning & Subdivision Administrator should be notified of the time, date, and place of the neighborhood meeting.

C. PRELIMINARY PLAT SUBMITTAL.

1. PRELIMINARY PLAT(S) REQUIRED. A Preliminary Plat(s) for a proposed Major Subdivision shall be prepared by a professional land surveyor, licensed landscape architect, or licensed engineer and shall be prepared in accordance with the standards set forth by the Planning Services Department and applicable state standards.
2. FILING OF APPLICATION. A complete application packet containing all information as required by the City of Creedmoor shall be submitted according to the established schedule prior to the Planning Board meeting at which they are to be reviewed
3. PUBLIC NOTIFICATION. The Planning, Zoning and Subdivision Administrator shall prepare a public notice as described herein below which indicates the official receipt of an application and Preliminary Plat for Major Subdivision approval. This notice for publication shall include the following.
  - a. Brief description of the Major Subdivision proposed;
  - b. The time, date, and place at which the project will be available for public review; and
  - c. Contact information for staff receiving comments concerning the proposed Subdivision.The notice shall be posted in a conspicuous place at City Hall, on the City's website, or a combination of these two, at least ten days prior to the date on which the application is to be reviewed by the Planning Board as described in section 7.11-1(C)(4) below This notice also shall be mailed to the owners of adjacent property at least ten days before the date on which the request is to be considered. A sign stating the above information shall be posted on the subject property ten days before the date on which the application is to be considered by the Planning Board.
4. REVIEW AT PLANNING BOARD MEETING. The Preliminary Plat of a proposed Major Subdivision shall be reviewed by the Planning, Zoning and Subdivision Administrator and other City staff for compliance with these Subdivision regulations. The Planning, Zoning and Subdivision Administrator shall then present the Preliminary Plat of Major Subdivisions to the Planning Board at the next regular meeting of the board following receipt of the Preliminary Plat. The Planning Board shall review the Preliminary Plat for compliance with existing applicable regulations.
5. If the Preliminary Plat is not approved, the Planning Board shall set forth in writing the reasons for denying approval of the Plat. The applicant may revise the Plat and resubmit it. The revised Plat shall be reviewed by the Planning, Zoning and Subdivision Administrator, and if it is revised in accordance with the directions provided by the Planning Board the Preliminary Plat shall be presented at the next regular meeting of the Planning Board. If the Plat is not revised within 60 days to comply, it shall be deemed denied; provided, however, the Planning, Zoning and Subdivision Administrator may extend the time period for compliance upon a showing by the applicant that additional time is needed to comply. Such notice for a request to extend the time period must come to the Planning, Zoning and Subdivision Administrator in writing prior to the 60 day grace period expiring. If 60 days lapses between the time the Planning Board has returned Plats/plans to the applicant or applicant's agent, it shall be deemed denied and the applicant must reapply. Such reapplication shall require the repayment of fees.
6. APPEALS. Actions taken by the Planning Board with respect to Preliminary Plats, or a failure by the Planning Board to take action within 35 days after it has received a Preliminary Plat,

may be appealed to the Board of Adjustment.

7. PERMIT VALIDITY. Approval of the Preliminary Plat for Major Subdivisions shall be valid for two years from the date of approval by the City of Creedmoor Planning Board. The Final Plat for the Major Subdivision shall be presented for approval prior to the end of this two-year period. Phased Subdivisions shall be exempt from this time limit as set forth in section 7.11-1(E)2 below.

D. FINAL PLAT. Plats for Major Subdivisions shall be prepared by a professional land surveyor in accordance with the standards set forth by this ordinance and applicable state standards. All certificates required under Article 16 of this ordinance shall appear on the face of the plat as specified. The Final Plat of a Major Subdivision shall be reviewed by the Planning, Zoning and Subdivision Administrator for compliance with the requirements of this Ordinance and for conformity with the approved Preliminary Plat. Substantial changes from the Preliminary Plat, as determined by the Planning, Zoning and Subdivision Administrator, shall require an additional review by the Planning Board to ensure compliance with existing regulations. No Final Plat shall be approved by the Planning, Zoning and Subdivision Administrator until all improvements are installed or their execution guaranteed as permitted by this Ordinance and all certificates required for final Plats by this Ordinance or approvals by state law have been properly completed and signed. The Final Plat shall be prepared in compliance with the requirements set forth in the checklist for Final Plats provided by the Planning, Zoning and Subdivision Administrator. Provided the Final Plat is complete, and no further review is determined to be required, the Planning, Zoning and Subdivision Administrator shall act on the Final Plat of Major Subdivisions within ten working days of receipt of the Plat. The Planning, Zoning and Subdivision Administrator is authorized to present the Final Plat to the City Board of Commissioners to grant approval for recording.. Following Final Plat approval, the applicant shall record the Plat for a Major Subdivision in accordance with this subsection.

E. SIGNATURES AND RECORDATION.

1. SIGNATURES. Upon approval by the City Board of Commissioners of a Final Plat for Major Subdivisions, the Plat shall be signed in the appropriate place by the Planning, Zoning and Subdivision Administrator and by the owner(s). Additionally, approval shall be shown by a Certificate of Approval for recording.

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

F. APPEALS. If Final Plat approval for a Major Subdivision is denied, the applicant may appeal the decision to the Board of Adjustment following procedures described in Article 6.2. Such an appeal must be filed within 30 days after denial.

G. FEES. For all categories of Subdivision, fees as established by the City of Creedmoor shall be due and payable when the application is submitted.

7.11-2 MINOR SUBDIVISIONS.

A. PURPOSE. The Minor Subdivision review process is required for those divisions of land involving four or fewer lots fronting on an existing approved public street, not requiring any new public or

private street(s) for access to interior property, not requiring extension of public sewage or water line, and not requiring a waiver, modification, or variance from any requirement of this ordinance. Review and approval of the preliminary and Final Plat by the staff permits a speedy review while ensuring that the proposed Subdivision meets all requirements established by the City of Creedmoor.

- B. PRE-APPLICATION CONFERENCE. Every minor subdivision applicant shall meet with the Planning, Zoning and Subdivision Administrator in a conference prior to the submittal of a Subdivision Plat. The purpose of this conference is to provide clarification and assistance in the preparation and submission of Plats for approval.
- C. PLAT SUBMITTAL.
  - 1. PLAT REQUIRED. Plats for Minor Subdivisions shall be prepared by a professional land surveyor in accordance with the standards set forth by this ordinance and applicable state standards.
  - 2. FILING OF APPLICATION. Plats and a complete application packet containing all information established by the Planning Services Department for Minor Subdivisions shall be submitted to the Planning, Zoning and Subdivision Administrator and may be presented at any time.
- D. STAFF REVIEW. The Plat for a proposed Minor Subdivision shall be reviewed by the Planning, Zoning and Subdivision Administrator for compliance with these Subdivision regulations. The review shall also include compliance by the Plat with other Ordinances and regulations of the City of Creedmoor. The Plat shall be prepared in compliance with the requirements set forth in the checklist for final Plats provided by the Planning, Zoning and Subdivision Administrator. Provided the application is complete, the Planning, Zoning and Subdivision Administrator shall take action on the Plat of the proposed Minor Subdivision within ten (10) working days of its submittal. Following approval, the applicant shall record the Plat for a Minor Subdivision in accordance with this subsection.
- E. PUBLIC NOTIFICATION. No public notification is required for Minor Subdivision review.
- F. FINAL PLATS APPROVAL.
  - 1. RECORDATION AND SIGNATURES.
    - a. SIGNATURES. Upon approval of a Plat for Minor Subdivisions, said Plat shall contain all certificates required under Article 16 of this ordinance. The Final Plat shall be signed in the appropriate place by the Planning, Zoning and Subdivision Administrator and by the owner(s). Additionally, approval shall be shown by a Certificate of Approval for recording.
    - b. RECORDATION. A Plat for Minor Subdivisions shall be recorded by the City of Creedmoor in the office of the Register of Deeds for Granville County within 60 days following approval by the Planning, Zoning and Subdivision Administrator. No Plat shall be considered finally approved until the Plat has been recorded. No lots in a Subdivision shall be sold prior to approval by the Planning, Zoning and Subdivision Administrator and recording of a Plat for the Subdivision.
- G. PERMIT VALIDITY. Minor Subdivision Plats which have been granted approval shall be recorded as set forth in section 7.11-2.(F.) above within 60 days following approval; otherwise the approval becomes invalid.
- H. APPEALS. Decisions of the Planning, Zoning and Subdivision Administrator with regard to Minor Subdivisions may be appealed to the Board of Adjustment. Such an appeal must be made within 30 days of the receipt of the decision by the property owner. The appeal shall be in writing and delivered to the City Clerk.
- I. FEES. For all categories of Subdivision, fees as established by the City of Creedmoor shall be due and payable when the application is submitted.

7.11-3 EXPEDITED MINOR SUBDIVISIONS.

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

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

- 7.12-1 PURPOSE. No approval shall be granted for construction in an area designated as a special flood hazard area as shown on the Flood Insurance Rate Maps (FIRM) for the City of Creedmoor, as provided by the Federal Emergency Management Agency, and also adjoining lands, which, because of

their characteristics, the City determines as being susceptible to flooding or determines as being susceptible to flooding or damage by flooding until the requirements of Article 18 of this Ordinance are met. Procedures for assuring compliance with these requirements are set forth below.

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

7.12-3 PLAN SUBMITTAL.

- A. APPLICATION REQUIRED. Application for a floodplain development permit shall be made to the Floodplain Administrator prior to performing grading, development, or construction on lands designated as special flood hazard areas. Applications shall be made on forms furnished by the City of Creedmoor, shall provide all requested information, and shall be accompanied by a Site Plan. The application, with all requested information, and Site Plan shall be provided to the Floodplain Administrator.
- B. PLAN REQUIRED. A Site Plan drawn to scale shall be provided with the application for a floodplain development permit. The Site Plan shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
1. The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
  2. The boundary of the special flood hazard area as delineated on the FIRM or other flood map as determined in this section, or a statement that the entire lot is within the special flood hazard area;
  3. Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Section 18.2-4(B)
  4. The boundary of the floodway(s) or non-encroachment area(s) as determined in Section 18.2-4(B);
  5. The base flood elevation (BFE) where provided as set forth in Sections 18.2-4(B) or 18.6
  6. The old and new location of any watercourse that will be altered or relocated as a result of proposed development;
  7. Certification of the plot plan by a registered land surveyor or professional engineer.
  8. Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
    - a. Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
    - b. Elevation in relation to mean sea level to which any non-residential structure in Zone AE or A will be flood-proofed; and
    - c. Elevation in relation to mean sea level to which any proposed utility systems will be elevated or flood-proofed;
  9. If flood-proofing, a Flood-proofing Certificate (FEMA Form 81-65) with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of flood-proofing measures.
- C. A Foundation Plan, drawn to scale, shall be submitted with the application. The foundation plan shall include details of the proposed foundation system to ensure all provisions of this Ordinance are met. These details include but are not limited to:
1. The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls);
  2. Openings to facilitate equalization of hydrostatic flood forces on walls in accordance with

Section 18.4-2(A)(4)(b), when solid foundation perimeter walls are used in Zones A and AE;

- D. Usage details of any enclosed areas below the regulatory flood protection elevation.
  - E. Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage;
  - F. Copies of all other Local, State and Federal permits required prior to floodplain development permit issuance (Wetlands, Endangered Species, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.)
  - G. Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure Section 18.5-1(B)(6) of this Ordinance are met.
  - H. A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.
- 7.12-4 PREPARATION BY PROFESSIONAL. Plats, plans, designs, calculations, working drawings, and specifications for work shall be prepared by an authorized professional properly registered and licensed in North Carolina for the work in which they are engaged.
- 7.12-5 FEES. Fees, as established by City of Creedmoor, shall be due and payable when the zoning compliance permit is issued.
- 7.12-6 SUBMITTAL OF PLANS. Applications for floodplain development and certification permits, with all required information, shall be submitted to the Floodplain Administrator. All review(s) shall be coordinated by the Floodplain Administrator.
- 7.12-7 STAFF REVIEW. Following submittal of the application and accompanying data, the information shall be reviewed by the Floodplain Administrator for compliance with the requirements of this Ordinance.
- 7.12-8 [RESERVED]
- 7.12-9 [RESERVED]
- 7.12-10 MAJOR VARIANCES. Major Variances from the requirements of this section shall be heard by the State Environmental Management Commission.
- 7.12-11 APPEALS. Appeals from decisions of the Floodplain Administrator shall be heard by the Board of Adjustment. An appeal shall be filed, in writing, within 30 days of the date action is taken by the Floodplain Administrator.
- Decisions of the Board of Adjustment may be appealed to the Superior Court of Granville County.
- 7.12-12 PERMIT REQUIREMENTS. The Floodplain Development and Certification Permit shall include, but not be limited to:
- A. A description of the development to be permitted under the floodplain development permit.
  - B. The Special Flood Hazard Area determination for the proposed development per available data specified in Section 18.2-4(B).
  - C. The regulatory flood protection elevation required for the reference level and all attendant utilities.
  - D. The regulatory flood protection elevation required for the protection of all public utilities.
  - E. All certification submittal requirements with timelines.
  - F. A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.
  - G. The flood openings requirements, if in Zones A and AE.
  - H. Limitations of below BFE enclosure uses (if applicable). (i.e., Parking, Building Access and Limited Storage only).
- 7.12-13 CERTIFICATION OF FLOOR ELEVATION/FLOOD-PROOFING. When a property is located in a flood hazard area or when a structure is flood proofed, a certificate shall be provided in accordance with

the following standards.

A. ELEVATION CERTIFICATES.

1. An Elevation Certificate (FEMA Form 81-31) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.
2. An Elevation Certificate (FEMA Form 81-31) is required after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level.
3. A final as-built Elevation Certificate (FEMA Form 81-31) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

B. FLOOD-PROOFING CERTIFICATE. If non-residential flood-proofing is used to meet the regulatory flood protection elevation requirements, a Flood-proofing Certificate (FEMA Form 81-65), with supporting data and an operational plan, is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the flood-proofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Flood-proofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data and plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

7.12-14 PERMIT VALIDITY. Permits for construction activity in designated flood hazard areas shall be valid for one year. Failure to initiate construction, or otherwise begin the permitted use, within this time shall render the permit void.

7.12-15 VIOLATIONS. Violations of the requirements for construction and development activity in designated flood hazard areas shall be considered a violation of this Ordinance and shall be subject to the enforcement and penalty provisions set forth in Article 23 of this Ordinance.

**7.13 Stormwater Discharge Permits**

7.13-1 PURPOSE. To insure that development undertaken in the City does not result in increased stormwater runoff which adversely impacts adjacent property, no development to which this Ordinance applies, pursuant to the standards set forth in Article 19, shall be commenced without the issuance of a stormwater discharge permit by the Stormwater Administrator.

7.13-2 PRE-APPLICATION PROCEDURE. Although a pre-application conference is not required, applicants are encouraged to contact 1) the City's Stormwater Administrator and 2) the City's Professional Engineer

prior to submitting their application to discuss the project.

7.13-3 PLAN SUBMITTAL.

- A. APPLICATION REQUIRED. An application for a stormwater discharge permit shall be made by, or on behalf of, the owner(s) or developer(s) of the site for which a permit is sought. The application shall be filed with the Stormwater Administrator on a form supplied by the Stormwater Administrator, and signed by the owner of the property or by an agent specifically authorized by the owner to file such application. Where an agent files the application, the agent shall provide documentation that the owner of the property has authorized the filing of the application.
- B. SUBMITTAL OF PLAN. A minimum of three (3) paper copies of a complete and detailed stormwater management plan, including detailed design plans and construction specifications, for stormwater management facilities as well as electronic submission of a complete and detailed stormwater plan and the required Falls/Jordan Accounting Tool spreadsheet; the exact location of any stormwater management facility; and the proposed location of the access easement(s) required under the Falls Lake Nutrient Management Strategy (a.k.a. "The Falls Rules") shall be submitted to the Stormwater Administrator. The stormwater management plan shall be prepared by a registered professional engineer, architect, or landscape architect registered, licensed, or certified pursuant to the North Carolina General Statutes and authorized by law to prepare the analysis, plans, and specifications, and provide the certifications required by the various provisions of this subsection.
- C. FEES. The appropriate stormwater discharge permit application fee, as established by the City of Creedmoor, shall be due and payable when the application is submitted.

7.13-4 STAFF REVIEW BY STORMWATER ADMINISTRATOR.

- A. STORMWATER ADMINISTRATOR REVIEW. Upon receipt of the stormwater discharge permit application and stormwater management plan, the Stormwater Administrator shall conduct a review of the application and plan to insure that they meet the requirements of this Ordinance. Review of the Stormwater Nutrient Accounting Tool (SNAP) spreadsheet, construction drawings, and all engineering calculations submitted as part of the initial application shall be forwarded to the City's Professional Engineer for review and comment.
- B. REVIEW PERIOD. The Stormwater Administrator shall have 45 working days after receipt of a stormwater discharge permit application and stormwater management plan to review the application and plan and notify the applicant of the status of the review. The City's Professional Engineer shall have the option to review the construction drawings, engineering calculations and associated components of the submitted application for the period of time deemed necessary to determine compliance with the Falls Lake Nutrient Management Strategy and any other applicable state, federal, or local regulations relating to stormwater management and discharge within the City of Creedmoor's corporate and extraterritorial jurisdiction.
- C. ISSUANCE OF STORMWATER PERMIT. Stormwater discharge permits shall be issued in the name of the applicant(s) and no permit shall be transferred or assigned without the written consent of the City.

7.13-5 PUBLIC NOTIFICATION. No public notification is required for stormwater discharge permit requests and stormwater management plan review.

7.13-6 FORMAL REVIEW. Formal review of stormwater discharge permit is performed by the Stormwater Administrator acting in consultation with the City's Professional Engineer.

7.13-7 VARIANCES. No variances shall be granted from the requirements that a stormwater discharge permit be obtained and a stormwater management plan be approved prior to initiating any development activity subject to the stormwater management regulations set forth in Article 19 of this Ordinance.

7.13-8 APPEALS. Appeals from the decisions of the City staff regarding stormwater discharge permits shall

be made to the Creedmoor City Board of Adjustment following appeals procedures established in Article 6 of this ordinance.

7.13-9 PERMIT VALIDITY. When a stormwater discharge permit is issued in association with a project requiring a building permit, the stormwater discharge permit shall expire upon the expiration or revocation of the building permit.

7.13-10 VIOLATIONS. Violations of the stormwater management regulations and of any conditions attached to a stormwater discharge permit shall be subject to the enforcement and penalty provisions set forth in Article 23 of this Ordinance.

#### **7.14 Water and Wastewater Allocations**

##### **7-14.1 Allocations in General.**

- A. SGWASA has established an Allocation Policy (the "Allocation Policy") that makes available 100,000 gallons of water capacity and 100,000 gallons of wastewater capacity to the City. Water and/or wastewater allocations are only required for projects proposing to establish new water and/or wastewater connections or to increase the volume of existing water and/or wastewater connections.
- B. The grant of a water and/or wastewater allocation does not create a property right in the allocation. Once granted, an allocation is not transferrable to any other person or entity without the express consent of the SGWASA Board, provided, however, that once a project is completed no allocations shall be forfeited solely on account of a change in ownership in a project or part thereof, except as otherwise provided in the Allocation Policy.
- C. Water and wastewater allocations shall be issued on a first-come-first-served basis.
- D. The City shall concur in each allocation request prior to approval by SGWASA if,
  - 1. A complete Allocation Request Form has been submitted along with all other required documents, and all applicable fees have been paid;
  - 2. The requested development complies with all applicable City ordinances; and
  - 3. The SGWASA system continues to have sufficient capacity to adequately provide the requested service(s);

##### **7-14.2 Allocation Process.**

- A. An applicant for a water and/or wastewater allocation shall submit an allocation Sketch Plan and a completed SGWASA Allocation Request Form to the Planning, Zoning and Subdivision Administrator at the same time the applicant submits a Sketch Plan, Site Plan, Preliminary Plat, or Plat, as appropriate, for development permit approval by the City. The allocation Sketch Plan must be sufficiently definite as to allow the applicant and SGWASA staff to determine how much water and/or wastewater capacity the proposed development will require. If a Sketch Plan, Site Plan, Preliminary Plat, or Plat submitted for development approval is sufficiently definite to allow the staff to determine how much water and/or wastewater capacity will be needed, then a separate allocation Sketch Plan will not be required.
- B. Upon receipt of a complete allocation application and upon determining that the criteria in section 7-14.1(D) have been met, the Planning, Zoning and Subdivision Administrator shall sign the Allocation Request Form on behalf of the City. The applicant shall then transmit the application to SGWASA.
- C. If a development does not require a development approval from the City, then the City shall not require that the applicant receive a water or wastewater allocation before beginning construction.

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

**7.15 [Reserved]**

**7.16 Notices and Public Hearings**

7.16-1 GENERAL NOTICE REQUIREMENTS.

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

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

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

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