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**ARTICLE 7**  
**PERMITS AND PROCEDURES**

**7.1 PERMIT AND/OR APPROVAL REQUIRED**

7.1-1 Approval Required. No person shall undertake any activity subject to this Ordinance without first obtaining approval from the Town. Upon approval of the activity by the Town, a permit shall be issued for the approved activity. Certain permits are issued by agencies other than the Town of Wilson's Mills, as noted below; all other permits are issued by the Town. In any case where an application is made to operate more than one (1) use on a property, the *Planning, Zoning & Subdivision Administrator* shall determine which use or uses shall be the principal use or uses and the type of permit that is required; zoning compliance permit, Special Use Permit, or Use Listed with Additional Standards.

The permits and/or approvals required are:

- (A.) ***Zoning permits*** (also known as *Zoning Compliance Permit*) are issued by the Town of Wilson's Mills for all new use (See Table 8.6, Sections 1-3), building and/or development projects, which also applies to the following:
- (1.) Special Event/Temporary Structures where required by Article 15 of this Ordinance
  - (2.) Signage (size, type, location, etc.) as required by Article 17 of this Ordinance
  - (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) A grading plan shall be provided for review and approval in accordance with the procedures of this Ordinance to demonstrate both positive drainage characteristics and smooth grade transitions to avoid abrupt "v" ditches, swales and other disruptions to the landscape, particularly between dwellings.
    - (b) Infrastructure Plans (streets, water & sewer)
    - (c) Driveway Permit – NCDOT or Town (based upon responsible maintenance department)
    - (d) Stormwater Plans (BMP)

- (e) Floodplain Development and Certification Permit
- (f) Grading Permit - Issued by the North Carolina Department of Environmental Quality (a.k.a. “NCDEQ” or “DEQ”) following issuance of *Zoning permit* by the Town of Wilson’s Mills.

(5.) Subdivision *Final Plat* Approval

(B.) ***Building Permit***–Johnston County Building Inspections Department issues building permits following issuance of *Zoning permit* by the Town of Wilson’s Mills.

(C.) ***Certificate of Occupancy*** (a.k.a. “CO”) - Johnston County Building Inspections Department issues upon final building inspections and site plan compliance approval by the Town.

7.1-2 Fees. The Town Council shall establish a Schedule of Fees, Charges and Expenses, and a collection procedure, for approvals and permits to be issued by the Town. 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 & Subdivision Administrator*, or their designee shall have the right, upon presentation of proper credentials to enter on any premises within the Town'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 Expiration of Zoning Permits and Approvals. Permits and approvals, other than those identified in section 7.3-2 below, shall expire as set forth in the process for each permit and/or approval based upon permit and approval type detailed in Sections 7.5 through 7.13 of this Article.

7.3-2 Building Permit Expiration. The Johnston County Building Inspections Department may void a building permit for a project within the Town 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.

## 7.4 CERTIFICATES ISSUED BY JOHNSTON COUNTY

The Town of Wilson’s Mills in conjunction with the Johnston 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 building project.

## **7.5 ZONING PERMITS (ZONING COMPLIANCE PERMIT)**

7.5-1 Purpose. A *Zoning Compliance Permit (zoning permit)* is required for the construction or development of any new use within the planning and regulation jurisdiction of the Town of Wilson's Mills. 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 expedited procedure set forth in Sub-sections 7.5-2 through 7.5-4 below shall be followed to obtain a Zoning Compliance Permit for the construction of one single family or one two-family (duplex) duplex residential structure and expansions of uses and changes of use that do not require permits and/or approvals described in Section 7.7 of this Ordinance, other than:

- (1.) Use permit,
- (2.) Driveway access permit, and/or
- (3.) Building permit.

7.5-2 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 & Subdivision Administrator* on a form provided by the *Planning, Zoning & Subdivision Administrator*.

(B.) Information required. Each application for a *zoning permit* shall contain the information required on the application form, including applicable *Site Development Plan* and *Construction Plan* as determined in Section 7.7 of this Article, showing the dimensions of the proposed use or uses 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.

7.5-3 Staff review. The *Planning, Zoning & Subdivision Administrator* shall review the application and determine whether it is complete within ten (10) working days of its submittal, including the fulfillment of applicable fees duly paid. If the application is found to be incomplete, the *Planning, Zoning & 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 review of complete applications may vary depending upon the applicability of technical plans and specifications as outlined in this Article. In any event the *Planning, Zoning &*

*Subdivision Administrator* shall issue a *zoning permit* only upon finding that the proposed development, use, or structure satisfies the requirements set forth in this Ordinance.

- 7.5-4 Permit validity. Upon the approval of a *zoning permit*, the applicant shall have one year to obtain the required building permit(s) if any. Failure to obtain requisite building permit(s) within this time shall render the *zoning permit* void. The *Planning, Zoning & Subdivision Administrator* shall grant a single extension of this time period of up to six (6) months upon written request by the applicant. Upon issuance of a building permit(s), the *zoning permit* shall expire one year after issuance unless work has substantially commenced. as long as a valid building permit exists for the project. Any unapproved change, as determined by the *Planning, Zoning & Subdivision Administrator* in the approved plans shall render the *zoning permit* invalid and in violation of this Ordinance. Violations of this Ordinance are subject to the remedies and penalties pursuant to Article 23 of this Ordinance.

## **7.6 SPECIAL EVENTS/TEMPORARY STRUCTURES ZONING PERMIT**

- 7.6-1 Purpose. To insure that proposed special events and temporary structures comply with the requirements of Article 15 and any other applicable standards and specifications of this Ordinance, no use that is classified as a special event requiring a permit, and/or 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 special event/temporary structure *zoning permit* from the *Planning, Zoning & Subdivision Administrator*.

7.6-2 Plan submittal.

(A.) Filing of application. An application for a special event/temporary structure *zoning 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 & Subdivision Administrator* with documentation that the owner of the property has authorized the filing of the application. The application for a special event/temporary structure *zoning permit* shall be filed with the *Planning, Zoning & Subdivision Administrator* on a form provided by the *Planning, Zoning & Subdivision Administrator*.

(B.) Information required. Each application for special event/temporary structure *zoning 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 special event or structure on the property, access and parking provisions, restroom facilities, and other

information sufficient to show that the special event or structure complies with the standards set forth in Article 15 and any other applicable standards and specifications of this Ordinance. Persons seeking issuance of a special event/temporary structure *zoning permit* for an event shall file an application with a minimum of five (5) days prior to the proposed event date, unless this time frame is reduced in writing by the *Planning, Zoning & Subdivision Administrator*.

- 7.6-3 Staff review. The *Planning, Zoning & Subdivision Administrator* shall review the application and determine whether it provides the information required. The *Planning, Zoning & Subdivision Administrator* shall issue a special event/temporary structure *zoning permit* only upon finding that the proposed special event or temporary structure satisfies the requirements set forth in Article 15 and any other applicable standards and specifications of this Ordinance.
- 7.6-4 Permit validity. The special event/temporary structure *zoning permit* shall be valid only for the date(s) stated on the permit.
- 7.6-5 Public emergencies. In the event of a natural disaster, catastrophic event, or public emergency the *Planning, Zoning & Subdivision Administrator* or their designee may waive any special event/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 in accordance with Section 1.15.

## 7.7 SITE DEVELOPMENT AND CONSTRUCTION PLAN APPROVAL(S)

### 7.7-1 Major Site Development and Construction Plans.

(A.) Purpose. The site development and construction plan review process are required for development projects located within the Town of Wilson's Mills in order to prepare for expected impacts 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 Town 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 major 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 1,000 square feet;
  - (b.) Office or institutional buildings, structures, or developments with a gross floor area of more than 2,400 square feet;

- (c.) Any residential development containing more than 4 individual units; and/or
  - (d.) Any development where public streets are extended.
- (2.) Additions to existing buildings increasing gross floor area by fifty (50) percent or more of the above threshold for new construction for that land use, or additions with a gross floor area of 25 percent of the above threshold for new construction for that land use if the resulting total gross floor area, when combined with the existing floor area, would result in a gross floor area meeting or exceeding the above threshold for new construction for that land use if the structure did not previously meet the above threshold.
  - (3.) In the case of residential development, additions of four (4) or more dwelling units on one parcel of land.
  - (4.) 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.) Exemptions. Projects within the Town of Wilson's Mills involving new construction, additions, renovations, and changes of use which do not meet the minimum size requirements of the *Major Site Development Plan* review processes as set forth in subsection 7.7-1(A) above shall be reviewed as *Minor Site Development Plans* in accordance with the provisions of Sub-section 7.7-2 of this Article.
- (C.) Pre-application procedure. All applicants for major Site Development Plan review are required to schedule a predevelopment conference with the *Planning, Zoning & Subdivision Administrator* prior to the preparation of development plans. This conference allows the applicant and *Planning, Zoning & 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 Development Plans* and development requirements.
- (D.) Site Development Plan submittal.
- (1.) Application required. An application shall be required for all major Site Development Plan review requests. This application shall contain pertinent information regarding the proposed project and shall be accompanied by a *Site Development Plan*. The *Site Development Plan* shall contain the following:
    - (a.) Property boundaries with dimensions
    - (b.) PIN for property
    - (c.) Location of adjacent streets, right of ways, and utility easements
    - (d.) Dimensioned footprint and setbacks of the existing and proposed structures with gross floor area indicated
    - (e.) Dimensions of existing and proposed impervious surfaces

- (f.) Location and number of parking spaces
  - (g.) Location and size of buffer and landscape areas
  - (h.) Location of existing and proposed driveways and/or streets
  - (i.) Location of all flood zones
  - (j.) Location of adjoining properties and both the existing zoning designation and use of these properties
  - (k.) Names and addresses of adjoining property owners
  - (l.) Number of stories and overall height of all existing and proposed structures
  - (m.) Location of proposed stormwater facilities
  - (n.) Location of existing and proposed dumpster and recycling containers
  - (o.) 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
  - (p.) Other information determined by the *Planning, Zoning & Subdivision Administrator* as necessary to evaluate the request.
- (2.) Preparation by professional. *Site Development Plans* for developments requiring major 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 they are trained and licensed to perform.

(3.) Staff review.

(1.) *Planning Department* staff review.

Plans for development requiring major Site Development Plan review shall be reviewed by the *Planning, Zoning & Subdivision Administrator* for compliance with the requirements of this Article and standards and specifications of this Ordinance and the Technical Standards & Specifications Manual.

(2.) Submittal of plans to *Planning, Zoning & Subdivision Administrator*.

The *Planning, Zoning & Subdivision Administrator* review the *Site Development Plans* for compliance with the applicable requirements of this Ordinance and other applicable Ordinances and laws, to which their respective jurisdiction applies. This review shall be made by the *Planning, Zoning & Subdivision Administrator* and by any other agencies or officials as requested by the *Planning, Zoning & Subdivision Administrator*.

- (E.) Permit validity. Approval of *Site Development Plans* and zoning permit for developments requiring major Site Development Plan review shall be valid for two (2) years from the date of approval. Failure to submit construction plans, initiate construction, or otherwise begin the permitted use, within this time shall render the Site Development Plan approval void. The *Planning, Zoning & Subdivision Administrator* shall grant a single extension of this time period of up to six months upon written request by the applicant.



(F.) Site Construction Plans.

(1.) Site Construction Plan required. A complete and comprehensive set of Site Construction Plans shall be required for all major Site Development Plan review requests. This submittal shall contain pertinent information regarding the proposed project and shall be accompanied by the approved *Site Development Plan* per 7.7-1(E.) herein above illustrating any and all deviations from the approved Site Development Plan. The *Site Construction Plan* shall contain the following:

- (a.) Property boundaries with dimensions
- (b.) Location of adjacent streets/roads including existing right-of-way and/or easement(s)
- (c.) Location and design of proposed streets including cross-sections in accordance with the Wilson's Mills Technical Standards & Specifications Manual, centerline profile(s), and the proposed right-of-way
- (d.) Location of existing and proposed utilities, including easements associated with both
- (e.) A grading plan showing existing and proposed contours demonstrating both positive drainage characteristics and smooth grade transitions to avoid abrupt "v" ditches, swales and other disruptions to the landscape, particularly between buildings where open space enhancements for use by persons actively utilizing the landscape and/or yard area. The use of crawl-space construction techniques in detached residential structures and professional landscape design is required to meet this characteristic of site development.
- (f.) Location of existing and proposed stormwater detention, retention, collection, and conveyance facilities
- (g.) Dimensions of existing and proposed impervious surfaces
- (h.) Location of existing structures and either proposed structures or proposed building envelopes
- (i.) Location and number of existing and proposed parking spaces, including loading spaces, maneuvering areas, and fire lane(s)
- (j.) Location and size of buffer and landscape areas
- (k.) Location of existing and proposed driveways and/or streets
- (l.) Location of all flood zones
- (m.) Location of adjoining properties and both the current zoning designation and use of these properties
- (n.) Names and addresses of adjoining property owners
- (o.) Number of stories and overall height of all existing and proposed structures
- (p.) Location of existing and proposed dumpster and recycling container area(s)

(q.) 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

(r.) Other information determined by the *Planning, Zoning & Subdivision Administrator* as necessary to evaluate the request.

(2.) Preparation by professional. *Construction Plans* for developments requiring major 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 the professional is trained and licensed to perform.

7.7-2

Minor Site Development Plan review process.

(A.) Purpose. The minor Site Development Plan review process is required for development projects within the Town of Wilson's Mills involving new construction, additions, renovations, and changes of use which do not meet the minimum size requirements of the major Site Development Plan review processes as set forth in subsection 7.7-1(A), but do fall into one or more of the following categories.

(1.) All new developments not meeting the threshold for major Site Development Plan review, except residential projects containing not more than one single family dwelling unit or one two-family (duplex) dwelling unit;

(2.) Additions with a gross floor area of 100 square feet or more (excluding single family and duplex residential units);

(3.) Additions that displace existing parking;

(4.) Additions that generate the need for more parking;

(5.) Renovations which exceed 50 percent of the assessed value of the building, as determined by the County Tax Assessor;

(6.) Changes of use, where parking requirements are greater than those of the previous use;

(7.) 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 a single development and reviewed as such.

(B.) Plan submittal.

(1.) Application required. An application shall be required for all minor Site Development Plan review requests. This application shall contain pertinent information regarding the proposed project and shall be accompanied by a conceptual *Site Development Plan*. The conceptual *Site Development 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 proposed structures with gross floor area indicated
  - (e.) Dimensions of proposed increase in impervious surfaces
  - (f.) Location and number of proposed parking spaces
  - (g.) Location and size of proposed buffer and landscape areas
  - (h.) Location of existing and proposed driveways and/or streets
  - (i.) Location of all flood zones
  - (j.) Location of adjoining properties and both the existing zoning designation and use of these properties
  - (k.) Names and addresses of adjoining property owners
  - (l.) Number of stories and overall height of all proposed structures
  - (m.) Location of proposed stormwater facilities
  - (n.) Location of proposed dumpster and recycling containers
  - (o.) 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.
  - (p.) Other information determined by the *Planning, Zoning & Subdivision Administrator* as necessary to evaluate the request.
  - (q.) The application and conceptual *Site Development Plan* shall be submitted to the *Planning, Zoning & Subdivision Administrator*.
- (2.) Preparation by professional. *Site Development Plans* for developments requiring minor Site Development Plan review shall be prepared by a registered architect, engineer, landscape architect, or professional land surveyor licensed in the State of North Carolina for the work in which the professional is trained and licensed to perform.

(C.) Staff review.

(1.) Planning Department staff review.

Plans for development requiring minor Site Development Plan review shall be reviewed by the *Planning, Zoning & Subdivision Administrator* for compliance with the requirements of this Article and standards and specifications of this Ordinance and the Technical Standards & Specifications Manual.

- (2.) Submittal of plans to Planning, Zoning & Subdivision Administrator. The *Planning, Zoning & Subdivision Administrator* review the *Site Development Plans* for compliance with the applicable requirements of this Ordinance and other applicable Ordinances and laws, to which their respective jurisdiction applies. This review shall be made by the *Planning, Zoning & Subdivision Administrator* and by any other agencies or officials as requested by the *Planning, Zoning & Subdivision Administrator*.

(D.) Permit validity. Approval of the *Site Development Plan* for projects requiring minor Site Development Plan review shall be valid for two years 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 null and void. The *Planning, Zoning & Subdivision Administrator* shall grant a single extension of this time period of up to six months upon written request by the applicant.

## 7.8 SPECIAL USE PERMITS

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

7.8-2 Pre-application conference procedure. Every applicant for a special use *permit* is required to meet with the *Planning, Zoning & Subdivision Administrator* in a preapplication conference prior to the submittal of a request for approval of a special use permit. The purposes of this conference are to provide additional information regarding the review process and assistance in the preparation of the application.

7.8-3 Plan submittal.

(A.) Filing of application. An application for a special use *permit* may be filed by the owner of the property or by an agent specifically authorized by the owner to file such application. Where an agent files the application, the agent shall provide documentation that the owner of the property has authorized the filing of the application. The application for a special use *permit* shall be filed with the *Planning, Zoning & Subdivision Administrator* on a form provided by the *Planning, Zoning & Subdivision Administrator*.

(B.) Information required. Each application for a special use *permit* shall contain all information identified as required by the *Planning, Zoning & Subdivision Administrator*. The application shall be accompanied by an electronic file copy plus at least two paper copies of a *Site Development Plan* containing all information required by Section 7.7 of this Ordinance for filing(s) on the subject property.

7.8-4 Staff review.

(A.) Planning, Zoning & Subdivision Administrator review. Following submittal of the application and *Site Development Plans* for the special use permit, they shall be reviewed by the *Planning, Zoning & Subdivision Administrator* for compliance with the requirements of section 7.8 of this Ordinance.

(B.) Submittal of plans to Planning, Zoning & Subdivision Administrator.

This review shall be made by the *Planning, Zoning & Subdivision Administrator* and by any other agencies or officials as requested by the *Planning, Zoning & Subdivision Administrator*. The *Planning, Zoning & Subdivision Administrator* shall review the *Site Development Plans* for compliance with the applicable requirements of this Ordinance and other applicable Ordinances and laws, to which their respective departmental role applies.

7.8-5 Formal review.

(A.) Public hearing. Upon receipt of a notice from the *Planning, Zoning & Subdivision Administrator* of the applicant requesting a public hearing on the application and *Site Development Plan* for a special use *permit*, a public hearing shall be scheduled. A public hearing before the Wilson's Mills Town Council shall be held for all special use permit applications.

(B.) Action by the Wilson's Mills Town Council.

(1.) The Wilson's Mills Town Council shall consider the request within 35 days of receiving information regarding the special use permit application from the *Planning, Zoning & Subdivision Administrator*.

(2.) The Wilson's Mills Town Council, after conducting the quasi-judicial public hearing, may: (1) deny approval; (2) continue the application pending submittal of additional information; or (3) approve the proposed special use permit.

(3.) The decision on the special use permit application shall be by a simple majority vote of those members of the Wilson's Mills Town Council present at the meeting at which the action is taken.

(4.) The minutes of the Wilson's Mills Town Council shall state if the proposal meets or does not meet each of the conditions set forth in section 7.8-5(D), the standards set forth in Article 10 of this Ordinance for the proposed special use permit, and all other requirements set forth by this Ordinance for the proposed special use permit.

(C.) Findings and Conditions. In granting the *special use permit*, the Council shall find there to be competent, material, and substantial evidence in the record to support these conclusions and the Town Council must find that all the below listed facts exist or the application shall be denied.

- (1.) That the use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
- (2.) That the use or development complies with all required regulations and standards of this Ordinance and with all other applicable regulations;
- (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 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 general plans for the land use and development of Town of Wilson's Mills and its environs.

(D.) Additional Conditions. In granting the special use *permit*, the Town Council 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 special use *permit* is granted, on the special use *permit* itself, and on the approved plans. All specific conditions shall run with the land and shall be binding on the original applicants, their heirs, successors, and assigns. The special use *permit*, as approved, shall be recorded by the *Planning, Zoning & Subdivision Administrator* with the Register of Deeds for the county in which the subject property is located the same as a deed restriction. The *special use permit* recipient shall be responsible for paying the recording fee. No *building permit* shall be issued for the subject property until the recording is made.

7.8-6 Transfer of approval. A special use permit approval is not transferable from one property to another but is transferable to a subsequent owner of the property to which applied.

7.8-7 Resubmission of denied applications. No application for approval of a special use permit shall be filed with, or accepted by, the *Planning, Zoning & Subdivision Administrator* that is identical or substantially similar to an application that has been denied by the Wilson's Mills Town Council within one year of the final action by the Town Council denying the request. This waiting period may be waived in an individual case, for good cause shown, by the affirmative vote of a majority of the members of Town Council.

7.8-8 Public notification. Notice of public hearings or public meetings required under this section for special use permit approvals shall be provided in accordance with the requirements established by the North Carolina General Statutes for public hearing notification. In addition, the *Planning, Zoning & Subdivision Administrator* shall prepare a public notice as described herein below which indicates the official receipt of an application and *Site Development Plan* for a special use *permit* approval. This will serve to encourage public involvement in development projects in Wilson's

Mills. The notice shall be posted in a conspicuous place at Town Hall, on the Town's website, or a combination of these two, at least five days prior to the date on which the application is to be considered. This notice for publication shall include the following.

- (A.) Brief description of the 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 special use permit.

7.8-9 Project phasing. If a project approved through a special use permit is to be developed in phases, a master plan for the entire development site must be approved by the Wilson's Mills Town Council at the same time and in the same manner the special use *permit* application is considered.

(A.) Final plans for phases of the special use permit may be submitted in stages and shall be approved by the *Planning, Zoning & 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 special use permit.
- (6.) Each phase of the special use must comply with any and all conditions attached to the approval of the special use *permit* by the Wilson's Mills Town Council.

7.8-10 Variations. In issuing special use *permits*, the Wilson's Mills Town Council may prescribe dimensional requirements (height, setback, etc.) that are different from the requirements of the corresponding general zoning classification, and may prescribe development and design standards that are different from those set out in Article 9; provided, that any request for a modification to a dimensional requirement or development and design standard that is less restrictive than would be applicable for the underlying general zoning classification must be specifically described in any notices required for the public hearing on the special use *permit* application, and must be set out separately in any Ordinance issuing said special use *permit*, together with an explanation of the reason for the modification. Except as modified pursuant to this

paragraph, all standards and requirements applicable to the underlying general zoning district must be met. Variances to the standards established by any special use permit shall not be allowed, per Article 6 of this Ordinance.

- 7.8-11 Appeals. An appeal from the decision of the Wilson's Mills Town Council regarding a special use permit application and *Site Development Plan* may be made by an aggrieved party and shall be made to the Superior Court of the county in which the subject property is located 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 Town Council is received by the applicant.
- 7.8-12 Permit validity. Approvals of a special use permit application and *Site Development Plan* shall be valid for two years from the date of approval by the Wilson's Mills Town Council. Failure to initiate construction, or otherwise begin the permitted use, within this time shall render the special use approval null and void. The *Planning, Zoning & Subdivision Administrator* shall grant a single extension of this time period of up to six (6) months upon written request by the application. Permits for the phased development shall remain valid for the time approved by the Wilson's Mills Town Council as part of the conditional approval of the master plan for the special use permit.
- 7.8-13 Failure to Comply with Plans or Conditions. In the event of failure to comply with the plans approved by the Town Council or with any other conditions imposed upon the special use permit, the *special use permit* shall thereupon immediately become void and of no effect. No building permits for further construction or certificates of occupancy under this special use *permit* shall be issued. If a failure to comply with conditions in a special use *permit* occurs after occupancy, the owner, lessee, or other responsible person shall be notified in writing of the violation. No earlier than five days after the receipt of the written notice, the body issuing the special use *permit* may issue a finding of fact that a violation of the requirements of this Ordinance exists. If such finding of fact is made, it shall be unlawful for any person, firm or corporation to continue the use until the responsible party makes the necessary corrections and the Town Council conducts a public hearing and finds that the violation no longer exists.

## 7.9 USES LISTED WITH ADDITIONAL STANDARDS

- 7.9-1 Purpose. Uses listed 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 the authority of the *Planning, Zoning & Subdivision Administrator*, who has no discretion to modify the additional standards.



7.9-2 Plan submittal.

(A.) Filing of application. An application for a *zoning 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 *zoning permit* for a use with additional standards shall be filed with the *Planning, Zoning & Subdivision Administrator* on a form provided by the *Planning, Zoning & Subdivision Administrator*.

(B.) Information required. Each application for a *zoning permit* for a use with additional standards shall contain all information required by the *Planning, Zoning & Subdivision Administrator*. The application shall be accompanied by a *Site Development Plan* meeting the requirements for *Site Development Plans* as established by section 7.7 of this Ordinance.

7.9-3 Staff review. Notwithstanding the procedures applicable in section 7.7 of this Ordinance, the *Planning, Zoning & 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 *zoning permit* for the proposed use. The *Planning, Zoning & 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 & 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 & Subdivision Administrator* shall approve the use only upon finding that the proposed use satisfies all applicable requirements set forth in this Ordinance.

7.9-4 Permit validity. The *zoning 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 *zoning permit* void. The *Planning, Zoning & Subdivision Administrator* shall grant a single extension of this time period of up to six months upon written request by the applicant.

## 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 Town of Wilson's Mills, it shall

be unlawful to erect or maintain any sign or sign structure without first obtaining a sign *zoning permit*.

7.10-2 Application submittal.

(A.) Filing of application.

(1.) An application for a sign *zoning permit* may be filed by the owner of the property or signed by an agent specifically authorized by the owner to file such application.

The application for a sign *zoning permit* shall be filed with the Town of Wilson's Mills *Planning Department* on a form provided by the *Planning, Zoning & Subdivision Administrator*.

(2.) Sign contractor's license. No person shall engage in the business of erecting or maintaining signs in the Town of Wilson's Mills unless said person has been issued a sign contractor's license which has not expired at the time said work is done. This requirement shall exclude those persons who construct and erect a principal use identification sign when that sign is used at that person's place of business, provided all construction and installation is properly permitted and inspected for compliance with the applicable building codes of the Town of Wilson's Mills and other sections of this Ordinance.

(B.) Information required. Each application for a sign *zoning permit* shall be accompanied by complete information as required by the *Planning, Zoning & Subdivision Administrator* and shall include, without being limited to, a *Site Development 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 & Subdivision Administrator* may determine to be necessary for review of the application.

7.10-3 Staff review. Provided the application for a sign *zoning permit* is complete, the *Planning, Zoning & 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 & 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 & Subdivision Administrator* shall issue a sign *zoning permit* only upon finding that the proposed sign or sign structure satisfies the requirements of Article 17.

7.10-4 Permit validity. Upon issuance of a sign *zoning permit*, the applicant will have six (6) months to commence work on the approved signage, after which the *zoning permit* shall automatically become null and void. The *Planning, Zoning &*

*Subdivision Administrator* shall 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. Signs included in a Site Development Plan application and approval are subject to Permit Validity of Section 7.7 of this Article.

## **7.11 SUBDIVISION PLAT APPROVAL**

### **7.11-1 Major Subdivisions.**

(A.) Purpose. The *Major Subdivision* review process is required for those divisions of land meeting the definition of “*Subdivision, Major*” appearing in Article 3 of this Ordinance. Review and approval of the *Preliminary Plat* by the *Planning, Zoning & Subdivision Administrator* is required under the *Major Subdivision* review process, with review and approval of the *Final Plat* made by the *Planning, Zoning & Subdivision Administrator*. *Major Subdivisions* proposing the development of new street infrastructure are required to enter into a *Development Agreement* in accordance with Section 7.15 of this Article.

(B.) Pre-application procedure.

(1.) Conference. It is required that every applicant for a *Major Subdivision* meet with the *Planning, Zoning & 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 & Subdivision Administrator* prior to or at the pre-application conference. Upon submittal of the *Sketch Plan*, the *Planning, Zoning & Subdivision Administrator* shall conduct an initial review to determine whether the proposed *Subdivision* is a *Major Subdivision*.

(C.) Application and Preliminary Plat/Site Development Plan submittal.

(1.) Preliminary Plat(s) required. A *Preliminary Plat and Site Development Plan* for a proposed *Major Subdivision* shall be prepared by a registered architect, engineer, landscape architect, and/or land surveyor licensed in the State of North Carolina for the work in which the professional is trained and licensed to perform; and shall be prepared in accordance with the standards set forth by the *Planning Department* and applicable state standards.

(2.) Filing of application. A complete application containing all information as required by the Town of Wilson’s Mills shall be submitted, along with applicable fees, to the *Planning, Zoning & Subdivision Administrator*.

(D.) Preliminary Plat/Site Development Plan for Major Subdivisions submittal requirements.

- (1.) Application required. An application shall be required for all *Preliminary Plat/Site Development Plan for Major Subdivisions* review requests. This application shall contain pertinent information regarding the proposed project and shall be accompanied by a *Preliminary Plat/Site Development Plan for Major Subdivisions*. The *Preliminary Plat/Site Development Plan for Major Subdivisions* shall contain the following:
- (a.) Property boundaries with dimensions
  - (b.) PIN for property
  - (c.) Location of adjacent streets, right of ways, and utility easements
  - (d.) Dimensioned footprint and setbacks of the existing structures
  - (e.) Location and size of buffer and landscape areas
  - (f.) Location of existing and proposed streets
  - (g.) Location of all flood zones
  - (h.) Location of adjoining properties and both the existing zoning designation and use of these properties
  - (i.) Names and addresses of adjoining property owners
  - (j.) Location of proposed stormwater facilities
  - (k.) 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
  - (l.) Other information determined by the *Planning, Zoning & Subdivision Administrator* as necessary to evaluate the request.

(E.) Staff review.

(1.) Planning Department staff review.

Plans for *Preliminary Plat/Site Development Plan for Major Subdivisions* review shall be reviewed by the *Planning, Zoning & Subdivision Administrator* for compliance with the requirements of this Article.

(2.) Submittal of plans to Planning, Zoning & Subdivision Administrator.

This review shall be made by the *Planning, Zoning & Subdivision Administrator* and by any other agencies or officials as requested by the *Planning, Zoning & Subdivision Administrator*. The *Planning, Zoning & Subdivision Administrator* shall review the *Preliminary Plat/Site Development Plan for Major Subdivisions* for compliance with the applicable requirements of this Ordinance and other applicable Ordinances and laws, to which their respective departmental role applies.

(F.) Permit validity. Approval of the *Preliminary Plat/Site Development Plan for Major Subdivisions* shall be valid for two (2) years from the date of approval by the

*Planning, Zoning & Subdivision Administrator and Planning Board* of the Town of Wilson's Mills. The *Final Plat* for the *Major Subdivision* shall be presented for approval prior to the end of the two-year period. Phased *Subdivisions* shall be exempt from this time limit as set forth in section 7.11-1(I)(2) of this Ordinance.

(G.) Site Construction Plans.

- (1.) Site Construction Plan required. A complete and comprehensive set of Site Construction Plans shall be required for all *Preliminary Plat/Site Development Plan* for *Major Subdivisions* review requests. This submittal shall contain pertinent information regarding the proposed project listed below and shall be accompanied by the approved *Preliminary Plat/Site Development Plan for Major Subdivisions* per 7.11-1(E.) herein above illustrating any and all deviations from the approved *Preliminary Plat/Site Development Plan for Major Subdivisions*. The *Site Construction Plans* shall contain the following:
- (a.) Property boundaries with dimensions
  - (b.) Location of adjacent streets/roads including existing right-of-way and/or easement(s)
  - (c.) Location and design of proposed streets including cross-sections in accordance with the Wilson's Mills Technical Standards & Specifications Manual, centerline profile(s), and the proposed right-of-way
  - (d.) Location of existing and proposed utilities, including easements associated with both
  - (e.) A grading plan showing existing and proposed contours demonstrating both positive drainage characteristics and smooth grade transitions to avoid abrupt "v" ditches, swales, and other disruptions to the landscape, particularly between dwellings. The use of crawl-space construction techniques in detached residential structures and professional landscape design is required to meet this characteristic of site development.
  - (f.) Location of existing and proposed stormwater detention, retention, collection, and conveyance facilities
  - (g.) Dimensions of existing and proposed impervious surfaces
  - (h.) Location of existing structures and either proposed structures or proposed building envelopes
  - (i.) Location and number of existing and proposed parking spaces, including loading spaces, maneuvering areas, and fire lane(s)
  - (j.) Location and size of buffer and landscape areas
  - (k.) Location of existing and proposed driveways and/or streets
  - (l.) Location of all flood zones
  - (m.) Location of adjoining properties and the current zoning designation and use of these properties
  - (n.) Names and addresses of adjoining property owners

- (o.) Number of stories and overall height of all existing and proposed structures
  - (p.) Location of existing and proposed dumpster and recycling container area(s) if applicable
  - (q.) 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
  - (r.) Other information determined by the *Planning, Zoning & Subdivision Administrator* as necessary to evaluate the request.
- (2.) Preparation by professional. *Construction Plans* for developments requiring major Site Development Plan review shall be prepared by a registered architect, engineer, landscape architect, and/or land surveyor licensed in the State of North Carolina for the work in which the professional is trained and licensed to perform; and shall be prepared in accordance with the standards set forth by the *Planning Department* and applicable state standards.
- (H.) Final Plat. *Plats* for recording *Major Subdivisions* shall be prepared by a professional land surveyor in accordance with the standards set forth by the applicable state standards and in accordance with the standards and specifications of this Ordinance. The *Final Plat* of a *Major Subdivision* shall be reviewed by the *Planning, Zoning & 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 & Subdivision Administrator*, shall require an additional review by the *Planning, Zoning & Subdivision Administrator*, to ensure compliance. No *Final Plat* shall be approved by the *Planning, Zoning & Subdivision Administrator* until all improvements are installed, fees paid in lieu, 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. Provided the *Final Plat* is complete, and no further review is determined to be required, the *Planning, Zoning & Subdivision Administrator* shall act on the *Final Plat* of *Major Subdivisions* within ten (10) working days of receipt of the Mylar *Plat*. The *Planning, Zoning & Subdivision Administrator* is authorized to approve the *Final Plat* for recording and to present the *Final Plat* to the Town Council to grant approval and acceptance of dedications by resolution. Following *Final Plat* approval, the applicant shall record the *Plat* for a *Major Subdivision* in accordance with this subsection.
- (I.) Signatures and recordation.
- (1.) Signatures. Upon approval of a *Final Plat* for *Major Subdivisions*, the *Plat* shall be signed in the appropriate place by the *Planning, Zoning & Subdivision Administrator* and by the owner(s). Additionally, approval shall be shown by a

Certificate of Approval; Certificate of Review Officer; Certificate of Professional Land Surveyor; and Certificate of Ownership for recording. For Major Subdivisions installing new public infrastructure the following certificates shall also be shown where applicable: Certificate of Dedication; Certificate of Approval for Street and Road Maintenance; Certificate of Streets and Other Public Infrastructure Improvements; and Certificate of Water and Sewer System Approval. The language for these certificates appears at the end of Article 7 of this Ordinance.

- (2.) Recordation. A *Final Plat* for *Major Subdivisions* shall be recorded in the office of the register of deeds for the county in which the subject property is located in compliance with North Carolina General Statutes within 60 days following approval by the Town of Wilson's Mills. 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 Town of the *Preliminary Plat*, the *Preliminary Plat* shall be resubmitted to the *Planning, Zoning & Subdivision Administrator* for consideration following the process set forth in this Article. *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 as part of the *Preliminary Plat* approval process. If the *Final Plat* of all or part of the area shown on an approved *Preliminary Plat* for a *Major Subdivision* to be developed in phases is not recorded in the office of the register of deeds within the schedule approved by the Town, the *Preliminary Plat* shall be resubmitted to the *Planning, Zoning & Subdivision Administrator* for consideration following the process set forth in this Article. No lots in a *Subdivision* shall be sold prior to approval by the *Planning, Zoning & Subdivision Administrator* and recording of a *Plat* for the *Subdivision*.

#### 7.11-2 Minor Subdivisions.

- (A.) Purpose. The *Minor Subdivision* review process is required for those divisions of land meeting the definition of "*Subdivision, Minor*" appearing in Article 3 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 Town of Wilson's Mills.
- (B.) Pre-application conference. It is required that every *Subdivision* applicant meet with the *Planning, Zoning & Subdivision Administrator* prior to the submittal of a *Minor 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 licensed in the State of North Carolina for the work in which the professional is trained and licensed to perform; and shall be prepared in accordance with the standards set forth by the *Planning Department* and applicable state standards.
- (2.) Filing of application. A complete application containing all information as required by the Town of Wilson's Mills shall be submitted, along with applicable fees, to the *Planning, Zoning & Subdivision Administrator*.

(D.) Staff review.

(1.) Planning Department staff review.

Plans for development not requiring major Site Development Plan review shall be reviewed by the *Planning, Zoning & Subdivision Administrator* for compliance with the requirements of this Article.

(E.) Final Plat approval.

(1.) Recordation and signatures.

(a.) Signatures. Upon approval of a *Plat for Minor Subdivisions*, said *Plat* shall be signed in the appropriate place by the *Planning, Zoning & Subdivision Administrator* and by the owner(s). Additionally, approval shall be shown by a Certificate of Approval; Certificate of Review Officer; Certificate of Professional Land Surveyor; and Certificate of Ownership for recording. The language for these certificates appears at the end of this Article.

(b.) Recordation. A *Plat for Minor Subdivisions* shall be recorded by the developer of Wilson's Mills in the office of the register of deeds for the county in which the subject property is located within 60 days following approval by the *Planning, Zoning & 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 & Subdivision Administrator* and recording of a *Plat* for the *Subdivision*.

(F.) Permit validity. *Minor Subdivision Plats* which have been granted approval shall be recorded as set forth in section 7.11-2(E)(1)(b) above within 60 days following approval or the approval becomes invalid.

## 7.12 FLOODPLAIN DEVELOPMENT AND CERTIFICATION PERMIT

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



Town of Wilson's Mills, as provided by the Federal Emergency Management Agency, and adjoining lands, which, because of their characteristics, the Town identifies 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 required to meet with the *Floodplain Administrator*, prior to submitting an application for development in the designated *Special 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*, herein after the *Planning, Zoning & Subdivision 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 *Planning, Zoning & Subdivision Administrator*, shall provide all requested information, and shall be accompanied by a *Site Development Plan*. The application, with all requested information, and *Site Development Plan* shall be provided to the *Planning, Zoning & Subdivision Administrator*.
- (B.) Plan required. A *Site Development Plan* drawn to scale shall be provided with the application for a *Floodplain Development Permit*. The *Site Development 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 Article 18;
  - (4.) The boundary of the floodway(s) or non-encroachment area(s) as determined in Article 18;
  - (5.) The *Base Flood Elevation* (BFE) where provided as set forth in Article 18
  - (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 professional 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 or subsequent current version) with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of floodproofing 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 Article 18, 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 Article 18 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 Submittal of Plats/Plans. Applications for floodplain development and certification permits, with all required information, shall be submitted to the *Planning, Zoning & Subdivision Administrator*. All review(s) shall be coordinated by the *Planning, Zoning & Subdivision Administrator*.

7.12-6 Staff Review. Plans for development requiring Site Development Plan review shall be reviewed by the *Planning, Zoning & Subdivision Administrator* for compliance with the requirements of this Article.

7.12-7 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 Article 18 of this Ordinance.
- (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).

7.12-8 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 086-0-33 or subsequent current version) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the *Planning, Zoning & Subdivision Administrator* a certification of the elevation of the reference level, in relation to mean sea level. The *Planning, Zoning & Subdivision 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.) RESERVED
- (3.) A final as-built Elevation Certificate (FEMA Form 086-0-33 or subsequent current version) 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 *Planning, Zoning & Subdivision Administrator* a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The *Planning, Zoning & Subdivision 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 or subsequent current version), 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 *Planning, Zoning & Subdivision 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 *Planning, Zoning & Subdivision 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 or Occupancy.

7.12-9 Permit validity. Permits for construction activity in designated flood hazard areas shall be valid for one (1) year. Failure to initiate construction, or otherwise begin the permitted use, within this time shall render the permit void.

### **7.13 VESTED RIGHTS APPROVAL**

7.13-1 Purpose. A vested right is a right which is established pursuant to N.C. Gen. Stat. sec. 160D-108 to undertake and complete the development and use of property under the terms and conditions of an approved site-specific vesting plan (formerly referred to as "site specific development plan"). The vested right process shall follow the procedures outlined in NCGS 160D-108.

### **7.14 NOTICES AND PUBLIC HEARINGS**

7.14-1 General notice requirements.

- (A.) All notices which this Article 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 Article, the requirements contained in the North Carolina General Statutes will control.

7.14-2 Notice procedure. The following guidelines detail the notification procedure to be followed for public hearings required by this Article unless otherwise set forth in this Article. 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. (N.C.G.S. 160D-602).

- (A.) Published notice. Notice for public hearings required by this Article shall be published in a newspaper of general circulation within the Town of Wilson's Mills.
- (B.) Mailed notice. First class mailed notice for public meetings or public hearings required by N.C.G.S. 160D-602 shall be provided to owners shown on the County tax listings.
- (C.) Posted notice. A sign (or signs) providing information concerning a public hearing or public meeting required by N.C.G.S. 160D-602 will be posted on property which is the subject of said hearing/meeting. 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 Town shall post sufficient notices to provide reasonable notice to interested persons.

7.14-3 Special notice requirements for telecommunications towers/structures. For any public hearing for special use applications for telecommunication towers 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 Ordinance.

## **7.15 DEVELOPMENT AGREEMENTS**

### **7.15-1 Authorization and Applicability**

- (A.) The North Carolina General Statutes authorize the use of Development Agreements for the development of land in accordance with the criteria and procedures established in sections Article 10 of N.C.G.S. 160D.

- (B.) In addition to any *Development Agreement* proposed for an eligible project, a *Development Agreement*, established pursuant to Sub-section 7.15-3 of this Ordinance, shall be required as part of all applications for the following:
- (1.) Traditional Neighborhood Development Overlay (TNDO) District, Main Street (MS) District, and Mixed Use (MU-1 and MU-2) District and apply to all new development projects within the TNDO, MS, MU-1, and MU-2 Districts.
  - (2.) *Major Subdivisions* in any district where new street infrastructure will be developed.

#### 7.15-2 Content of Development Agreement

- (A.) The development agreement shall contain a legal description of the property subject to the agreement and the names of its legal and equitable property owners.
- (B.) The development agreement shall establish the period of time for completion of the development and construction of the project subject to the agreement.
- (C.) A description of public facilities that will serve the development, including providers and a schedule of construction dates of new public facilities, if applicable. If the Town of Wilson's Mills is to provide the public facilities, the development agreement shall that provide the delivery date of such facilities will be tied to successful performance by the developer in implementing the proposed development. Performance shall be defined by completion percentages or other performance standards. The development agreement shall cite all terms and conditions applicable to the development of the land subject to the agreement including standards and/or specifications that differ from the provisions of this Ordinance.
- (D.) The development agreement shall provide that the delivery date of such public facilities will be tied to successful performance by the developer in implementing the proposed development.
- (E.) The development agreement shall provide a description of any reservation or dedication of land for public purposes and any provisions agreed to by the developer that exceed existing laws related to the protection of environmentally sensitive property.
- (F.) A description of any provisions of the preservation and restoration of historic structures.

#### 7.15-3 Procedures for Entering into Development Agreements

- (A.) The development agreement shall be drafted in a format as directed by the Planning, Zoning & Subdivision Administrator. The development agreement shall then be presented to the *Planning Board* for a formal recommendation at a regularly scheduled meeting. Said meeting shall be held prior to notification for a public hearing by the Council.
- (B.) The development agreement and the *Planning Board* recommendation shall be published for public inspection and notification shall be made in accordance with the provisions of G.S. 160D-602.

- (C.) The notice for the public hearing must specify the location of the property subject to the development agreement, the development uses proposed on the property, and must specify a place where a copy of the proposed development agreement can be obtained.
- (D.) The development agreement shall be presented at a Public Hearing allowing an opportunity for the public to comment on the proposed development agreement. The information presented at the Public Hearing shall be considered by the Council in formulating its decision on the approval of an ordinance authorizing approval of said agreement.
- (E.) Upon finding that said agreement is in the best interest of the Town of Wilson's Mills, the Council may by adoption of an ordinance adopting the development agreement and authorizing its execution by the Mayor, approve such agreement to be administered in full force and effect by the *Planning, Zoning & Subdivision Administrator*.
- (F.) The development agreement shall be recorded in the office of the Register of Deeds of the county in which the subject property is located within fourteen (14) days of execution and prior to the issuance of any development permits authorizing development activities to commence.

7.15-4 Administration of Development Agreements and Termination for Material Breach

- (A.) The development agreement shall run with the land obligating the parties to the agreement to any and all stipulations therein and may only be amended in accordance with the laws of North Carolina governing such agreements as stipulated in Section 7.15-1 herein.
- (B.) The *Planning, Zoning & Subdivision Administrator* shall conduct a periodic review at least every 12 months, at which time the developer is required to demonstrate good faith compliance with the terms of the development agreement. If, as a result of a periodic review, the *Planning, Zoning & Subdivision Administrator* finds and determines that the developer has committed a material breach of the terms or conditions of the agreement, the *Planning, Zoning & Subdivision Administrator* shall serve notice in writing, within a reasonable time after the periodic review, upon the developer setting forth with reasonable particularity the nature of the breach and the evidence supporting the finding and determination, and providing the developer a reasonable time in which to cure the material breach.
- (C.) If the developer fails to cure the material breach within the time given, then the Town of Wilson's Mills may unilaterally terminate or modify the development agreement. In accordance with G.S. 160D-1001 the notice of termination or modification may be appealed to the Board of Adjustment in the manner provided by G.S. 160D-405).

(D.) A development agreement adopted pursuant to this Section shall not exempt the property owner or developer from compliance with the State Building Code or State or local housing codes that are not part of this Ordinance.