

CHAPTER 11:

DEVELOPMENT REVIEW PROCESS AND APPROVALS

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CHAPTER 11: DEVELOPMENT REVIEW PROCESS AND APPROVALS

Section 11.1 Purpose & Applicability

11.1.1 Purpose

The purpose of this Chapter is to establish an orderly process to develop land within the Town of Angier. It is also the intent of this Chapter to provide a clear and comprehensive development process that is fair and equitable to all interests including the petitioners, affected neighbors, Town staff, related agencies, the Planning Board, the Board of Adjustment, and the Town Board of Commissioners. Approved plans shall be the guiding documents for final approval and permitting.

11.1.2 Applicability

- A. The development review process applies to all new developments and alterations of existing development within the Town of Angier.

- B. The Administrator or designee may waive the required development review for a change in principal use, where such change would not result in a change in lot coverage, parking, or other exterior site characteristics. The development review may also be waived if the Administrator determines that the submission of a development plan in accordance with this Chapter would serve no useful purpose.

- C. The Town Board of Commissioners shall set, and from time to time amend, fees applicable to one (1) or more of applications and processes outlined in this Chapter. Said fees shall be part of the Town fee schedule, available at the Town Hall, and are necessary for the processing, administrative costs, and advertising of applications (if applicable).

- D. The following chart indicates the appropriate approval authority for each development type:

Development Type	Development Approval Process				
	Technical Review Committee	Administrative	Planning Board	Town Board	Board of Adjustment
Land Use Permit (single-family & two family residential)		X (plot plan, no site plan)			
Site Plan	X	X			
Partial Site Plan	X	X			
Exempt Subdivision		X			
Minor Subdivision	X	X			
Major Subdivision-Preliminary Plat	X	X	X		
Major Subdivision-Engineering Drawings	X	X			
Major Subdivision-Final Plat	X	X			
Building Design		X	X		

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Alternatives					
Landscaping Design Alternatives		X	X		
Vested Rights Request		X		X	
Appeals					X
Special Use Permits					X
Variances					X
Administrative Variances		X			
Map Amendment (rezoning)		(Recommendation)		X	
Conditional Zoning Map Amendment		(Recommendation)		X	

Section 11.2 Town Board

To effectively carry out the purpose and intent of this Ordinance, the Angier Town Board shall have the authority to implement the Town of Angier Unified Development Ordinance, Land Use Plan, and any other adopted plans, as amended, including but not limited to the powers and duties set forth by in this Chapter, other provisions included in this UDO, as well as those duties vested by the North Carolina General Assembly.

11.2.1 Submittal Procedure

- A. The applicant shall submit an application, fee, and plan, as required by this Ordinance. When required, the application shall be reviewed by the Planning Board prior to being considered by the Town Board of Commissioners.

- B. Applications for Zoning Map Amendments (standard or conditional rezonings) shall include a statement regarding the consistency of the request with adopted Town plans and policies and the surrounding area and a statement regarding the reasonableness of the request.

11.2.2 Public Notice

- A. A notice shall be published in a newspaper having general circulation in the Town once a week for two (2) consecutive weeks provided that the first notice is published not less than 10 days nor more than 25 days prior to the date established for the public hearing. The expanded published notice option for Map Amendments (rezonings) outlined in (B) below shall consist of a notice not less than one-half (1/2) of the newspaper page in size.

- B. A notice of the public hearing shall also be sent by first class mail by the Zoning Administrator or designee to the affected property and to all contiguous property owners. The first class mail notice shall not be required if a Map Amendment (rezoning) directly affects more than 50 properties owned by a total of at least 50 different property owners. In such case, an expanded published notice option may be utilized, as outlined in (A) above, except for those property owners whose addresses are not within the general circulation area of the newspaper.

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- C. The Town shall conspicuously post a notice of public hearing at the subject property at least 10 days prior to the public hearing. When multiple parcels are included for a request, a posting on each individual parcel is not required, but the Town shall post sufficient notices to provide reasonable notice to interested persons. The notice shall be removed only after the public hearing has been held.

11.2.3 Town Board of Commissioners Public Hearing & Consideration

- A. For Vested Rights requests a quasi-judicial public hearing shall be held.
- B. After the public hearing, the Town Board of Commissioners shall have up to 60 days to refer back to the Planning Board, approve, approve with conditions, or deny the request. Alternatively, the Town Board may suspend the review period and request additional information of the applicant, other governmental agencies, or interested/affected parties in order to aid in the review of the request or deferral of its consideration.

11.2.4 Additional Approvals as Required

Approval of a Conditional Zoning Map Amendments, Vested Rights request, by the Town Board of Commissioners does not constitute final approval of the development plan. Development plans reviewed at the Town Board level still may be subject to the Administrative or other approval process depending on the size and type of development that is proposed, as outlined herein.

Section 11.3 Planning Board

11.3.1 Establishment

The Town of Angier Planning Board is hereby re-established in accordance with GS 160A-361.

Section 11.4 Board of Adjustment

11.4.1 Establishment

The Town of Angier Board of Adjustment is hereby re-established in accordance with GS 160A-388.

Section 11.5 Administrative & Staff Duties

11.5.1 Establishment

The Administrative approval process shall apply to Land Use Permits requiring Minor Subdivisions, Administrative Variances, and other applications, as outlined in Section 11.1 of this Chapter. The Administrator shall also be known as the titles included herein, for the purposes of this Ordinance. Specifically, the Administrator shall have the authority to necessary to carry out the powers and duties of the following titles:

- A. Zoning Administrator

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- B. Subdivision Administrator
- C. Flood Plain Administrator
- D. Water Supply Watershed Administrator
- E. Zoning Enforcement Officer

11.5.2 Administration of Planning & Zoning Authority

The Administrator shall have the authority to delegate his or her duties to qualified Staff as the Administrator feels is necessary and appropriate to carry out the powers and duties of the Administrator and to otherwise enforce the provisions of this Ordinance.

Section 11.6 Technical Review Committee

11.6.1 Establishment

The Technical Review Committee (TRC) shall hereby be considered to be under the direction of the Administrator.

11.6.2 Membership, Terms, & Vacancies

Membership of the Technical Review Committee (TRC) shall be as follows:

Technical Review Committee

Administrator (Planning Staff)
Town Engineer
Public Works Department
Fire Marshal
Police Department
Building Inspector

Others

Town Manager
Town Attorney
NCDOT
NC DENR
Parks and Recreation Department
Utilities Providers
Health Department
Board of Education
Capital Area Metropolitan Planning Organization
US Army Corps of Engineers
Other agencies as needed

11.6.3 General Procedures

A. Formal Application Submittal

The applicant shall submit the applicable application, fee, and the Site Plan, Preliminary Plat, Engineering Drawings, or Final Plat that meets the requirements of Chapter 12 and other required materials.

B. Administrator and TRC Review

1. The Administrator and Technical Review Committee (TRC) shall review the plan, plat, or drawings in accordance with the requirements of this Ordinance and any other applicable requirements.
2. The TRC shall provide comments to the Administrator regarding the design of the development. It shall be the responsibility of the Administrator to address those comments wherever possible. The reviewing government agencies and officials may

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include, but need not be limited to the following:

- C. After the effective date of this Ordinance, no subdivision plat of land within the jurisdiction of this Ordinance shall be filed or recorded unless it has first been submitted to the Administrator and approved by the proper body as set forth in this Ordinance, and until this approval is entered in writing on the face of the plat by the Technical Review Committee. Such shall not be required of any subdivision of land which, by definition herein, is exempt from the terms of this Ordinance.

Section 11.7 Land Use Permits

11.7.1 Land Use Permit Required

- A. No building or land shall hereafter be used and no structure or sign or part thereof shall be erected, moved, or altered except in conformity with the regulations herein specified for the district in which it is located, except as hereinafter provided in this Ordinance.
- B. No land shall be used or occupied and no building hereafter erected, structurally altered, or moved or its used changed, except in conformity with the provisions of this Ordinance or except after written order from the Board of Adjustment.
- C. A Building Permit shall not be issued by the Building Inspector unless a Land Use Permit has been issued by the Town of Angier.
- D. The issuance of a valid Land Use Permit shall confer with it the right to undertake and complete the development and/or use of property under the terms and conditions of such Permit provided that such action as authorized by the Permit is commenced within six (6) months of issuance and provided that all other permits are obtained. Otherwise the Permit shall be void.

11.7.2 Land Use Permit Not Required

Notwithstanding any other provisions of this Ordinance, no Land Use Permit is necessary for the following uses, but shall not include utility structures:

- A. Street construction or repair
- B. Electric power, telephone, telegraph, cable television, gas, water, and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way
- C. Specific signs exempted in Chapter 10 of this Ordinance.
- D. Mailboxes, newspaper boxes, walls, birdhouses, flag poles, pump covers, and doghouses.
- E. Interior alterations and renovations which do not alter the footprint, elevation, height, or use of an otherwise conforming use and/or structure.

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11.7.3 Application Procedures

- A. For single-family and two-family residential structures, a plot plan and the following information shall be submitted to the Administrator with the Land Use Permit application and fee:
1. The shape and dimensions of the lot on which the proposed building or use is to be erected or conducted;
 2. The location of said lot with respect to adjacent rights-of-way;
 3. The shape, dimensions, and location of all buildings, existing and proposed, on the said lot;
 4. The nature of the proposed use of the building or land, including the extent and location of the use, on the said lot;
 5. The location and dimensions off-street parking and driveways;
 6. The proposed impervious area including all buildings, driveways, sidewalks, and patios;
 7. Building elevations of the front facade; and
 8. Any other information which the Administrator may deem necessary for consideration in enforcing the provisions of this Ordinance.
- B. For all other developments requiring a Land Use Permit, a Site Plan shall be submitted in accordance with the development plan requirements of Chapter 12 and follow the approval process as outlined in this Chapter prior to Land Use Permit issuance by the Administrator. Any development project requiring a Special Use Permit, shall follow the Board of Adjustment approval process outlined in the Chapter prior to Land Use Permit issuance by the Administrator.

11.7.4 Conditions of Approval

Land Use Permits issued on the basis of an application and plan approved by the Administrator authorize only the use, arrangement, and construction set forth in such approved applications and plans. Use, arrangement, or construction that differ from that authorized shall be deemed a violation of this Ordinance and shall be punishable as indicated under Chapter 15 of this Ordinance.

11.7.5 Expiration of Land Use Permit

Unless otherwise specified in this Ordinance, any Land Use Permit issued shall become invalid unless the work authorized by it shall have been commenced within six (6) months from its date of issuance, or if the work authorized by it is suspended or abandoned for a period of 12 months.

11.7.6 Final Zoning Inspection

The Administrator shall conduct a final zoning inspection of any new or expanded use or structure (except single-family and two-family residential uses) prior to the issuance of a Certificate of Occupancy by the Building Inspector. During the final zoning inspection, the Administrator shall ensure that all minimum requirements and conditions of approval have been met and that the project matches the approved site plan.

11.7.7 Certificate of Occupancy Required

No structure hereafter erected, moved, structurally altered, or changed in use shall be used or occupied until a Certificate of Occupancy has been issued by the Building Inspector.

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Section 11.8 Site Plan Review

- A. Site Plan review and approval shall be conducted by the Technical Review Committee (TRC) under the direction of the Administrator. In cases where a Special Use Permit is required, said permit shall have been obtained prior to application for site plan approval.
- B. The Administrator may waive the requirement for TRC site plan approval on Revised Site Plan Review, Existing Site Plan Review, and Site Plan Review for existing uses with minor expansions of less than 25 percent (25%) of the size of the existing structure. In such cases, administrative approval shall still be required.

Section 11.9 Subdivision Review

- A. The Register of Deeds shall not file or record a plat of a subdivision of land located within the jurisdiction of this Ordinance that has not been first approved in accordance with these provisions.

11.9.1 Issuance of Land Use Permits and Conveyance of Subdivision Lots

- A. No Land Use Permit shall be issued by the Town of Angier for the construction of any building on any lot within a proposed subdivision until a Final Plat of said subdivision has been approved in a manner as prescribed by this Ordinance and recorded at the County Register of Deeds Office and, where applicable, an improvements permit has been issued by the county Health Department.
- B. After the effective date of this Ordinance, it shall be illegal for any person being the owner or agent of the owner of any land located within the territorial jurisdiction of this Ordinance, to subdivide his land in violation of this Ordinance or to transfer or sell land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under the terms of this Ordinance.
- C. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The Town Board of Commissioners, through its attorney or other official so designated, may enjoin an illegal subdivision, transfer or sale of land by action for injunction. Further, violators of this Ordinance shall be subject, upon conviction, to fine and/or imprisonment as provided by NCGS 14-4. Civil penalties may be issued in accordance with Chapter 13.

11.9.2 Preliminary Plat Validity

- A. Preliminary Plat approval shall be valid for two (2) years unless a greater time period is granted through a Vested Rights request. If Final Plat approval has not been obtained within said two (2) year period, Preliminary Plat approval shall become void. A new Preliminary Plat shall be required to be submitted and such plat shall be in conformity with all current and applicable standards this Ordinance.

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- B. Notwithstanding, the developer may submit a request to the Planning Board for a time extension for up to one (1) year for Final Plat submittal. Said request must be submitted to the Administrator prior to the original plat expiration date. No more than one (1) such extension may be granted per subdivision.
- C. The developer may submit a Final Plat for only a portion of the subdivision given Preliminary Plat approval. Said submission shall extend the expiration date for the remaining portion(s) of the subdivision for an additional two (2) years past the date of said Final Plat approval.

11.9.3 Engineering Drawing Submittal

Following approval of the Preliminary Plat, Engineering Drawings meeting the requirements of Chapter 12 may be submitted and reviewed. The Preliminary Plat may be altered by no more than 10 percent of the total subdivision area due to issues discovered during the Engineering Drawing process. If changes to more than 10 percent (10%) of the total subdivision area result, a new Preliminary Plat shall be submitted and reviewed. Also, the total number of lots or units may be decreased but not increased.

11.9.4 Minor & Exemption

- A. In no case shall utilization of the Minor Subdivision process allow for the number of new lots created as combined with the number of lots in the initial minor subdivision exceed the maximum number of lots permitted by the minor subdivision process. No other requirements set forth by the Major Subdivision process shall be circumvented by attempting to use the Minor Subdivision process. The Minor Subdivision procedure (Administrative Approval) may not be used a second time within three (3) years within the original property boundaries or on any property adjacent to the original property boundaries by anyone who owned, had an option on, or any legal interest in the original subdivision at the time the subdivision received Final Plat approval, if the total number of lots would constitute a Major Subdivision.
- B. If the Administrator determines that a division of land does not meet the definition of a subdivision as set forth by NCGS 160A-376 (see Appendix A Definitions), then the division shall be considered a subdivision exemption and shall not be subject to the development review process.