

CHAPTER 11: DEVELOPMENT REVIEW PROCESS

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CHAPTER 11: DEVELOPMENT REVIEW PROCESS

Section 11.1 Purpose and Applicability

11.1.1 Purpose

The purpose of this Chapter is to establish an orderly process to develop land within the Town of Granite Quarry. 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, and the Town Board of Aldermen. Approved plans shall be the guiding documents for final approval and permitting.

11.1.2 Applicability

The development review process applies to all new developments within the Town of Granite Quarry except for existing individual lots for single-family detached residential and two-family residential (duplex) development. The provisions of this Chapter shall be applicable to all Minor and Major Subdivisions, Minor and Major Site Plans, Conditional Use Site Plans, and Vested Rights Site Plans. The Administrator or designee may waive the required development review process only in the following cases when he determines that the submission of a development plan in accordance with this Chapter would serve no useful purpose:

- Accessory structures (non-residential)
- Any enlargement of a principal building by less than 20 percent of its existing size provided such enlargement will not result in proposed or required parking or landscaping improvements
- A change in principal use where such change would not result in a change in lot coverage, parking, or other site characteristics

11.1.3 Major, Minor, & Exemption Subdivisions Defined

A. A Major Subdivision is defined as a subdivision where any one or more of the following conditions exist:

- Dedication of public right-of-way or other public tracts; or,
- The entire tract to be subdivided is greater than ten (10) acres; or,
- The resultant subdivision will produce more than five (5) lots.

B. A Minor Subdivision is defined as a subdivision where all of the following conditions exist:

- No public right-of-way dedication; and,
- The entire tract to be subdivided is ten (10) acres or less in size; and,
- The resultant subdivision will produce five (5) or fewer lots.

The Minor Subdivision procedure (Administrative Approval) may not be used a second time within three (3) years on any property less than 1,500 feet from 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 preliminary or final plat approval. Furthermore, the Minor Subdivision procedure (Administrative Approval) may not be used within three (3) years on any property less than 1,500 feet from the original property boundaries by any subsequent owner, individual having an option on, or individual having any legal interest in the original subdivision at the time the subdivision received preliminary or final plat approval. If these conditions exist within the three (3) year time period, then the Major Subdivision procedure (Planning Board Approval) shall be followed.

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- C. 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. The Administrator shall affix the following certificate to the exemption plat:

“This division of land does not meet the definition of a subdivision as set forth by North Carolina General Statute 160A-376 and is not subject to the development review process of the Town of Granite Quarry. The minimum lot requirements for the subject zoning district have been met.

Subdivision Administrator

Date”

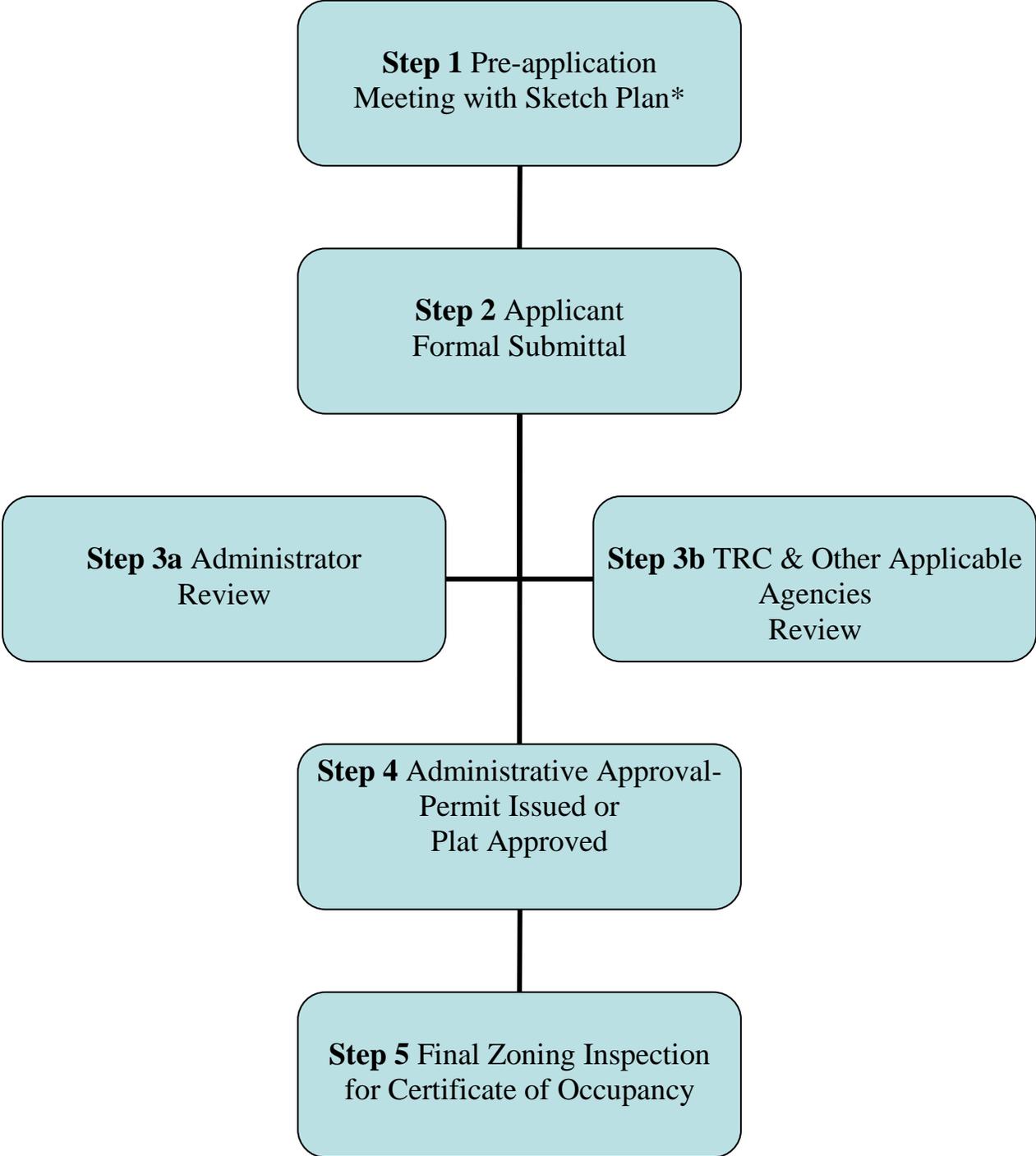
11.1.4 Major & Minor Site Plans Defined

- A. A Minor Site Plan shall be submitted for any multi-family residential or non-residential building or addition of less than 2,500 square feet and less than one (1) acre of disturbed land area. This does not include single-family detached or two-family residential uses.
- B. A Major Site Plan shall be submitted for any multi-family residential or non-residential building or addition of greater than 2,500 square feet or more than one (1) acre of disturbed land area. This does not include single-family detached or two-family residential uses.

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Section 11.2 Administrative Approval

Administrative approval shall apply to Minor Site Plans, Minor Subdivisions, and Engineering Drawings & Final Plats for Major Subdivisions. The steps in the boxes below correspond with a detailed description of each step of the process on the following pages.



*Step 1 is not necessary for Engineering Drawings & Final Plats.

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Step 1. Pre-Application Meeting with Sketch Plan

- A. The applicant shall schedule a pre-application meeting with the Administrator. The pre-application meeting is a non-binding and informal review of a development proposal intended to provide information to the applicant on the procedures and policies of the Town of Granite Quarry and does not confer upon the applicant any development rights. The applicant shall bring a Sketch Plan of the proposed development to the meeting that meets the requirements set forth in Section 4.2.
- B. The Administrator shall review the Sketch Plan for general compliance with the requirements of this Ordinance and any other applicable requirements. The Administrator shall advise the developer or his authorized agent of the regulations pertaining to the proposed development and the procedures to be followed.
- C. One (1) copy of the Sketch Plan shall be retained as a part of the record of the Administrator with one (1) copy being returned to the developer or his authorized agent along with any comments made by the Administrator concerning the proposed development.

Step 2. Applicant Formal Submittal

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

Step 3a & b. Administrator and TRC Review

- A. 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.
- B. 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.
- C. The Administrator may also circulate the development plan to the relevant governmental agencies and officials may include, but need not be limited to those listed below.
- D. The reviewing government agencies and officials may include, but need not be limited to the following:

Technical Review Committee

Administrator (Planning Staff)
Maintenance Supervisor
Police Department
Fire Department
Town Engineer

Others

Town Manager
Town Attorney
Utilities Providers
Rowan County Health Department
Rowan-Salisbury School System
Metropolitan Planning Organization
Metropolitan Transit Commission
NCDOT
NC DENR
US Army Corps of Engineers

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Step 4. Administrative Approval-Permit Issued or Final Plat Approved

If the plan is found to meet all of the applicable regulations of this Ordinance, then the Administrator shall issue a Zoning Permit for Site Plans or approve a Final Plat for Subdivisions.

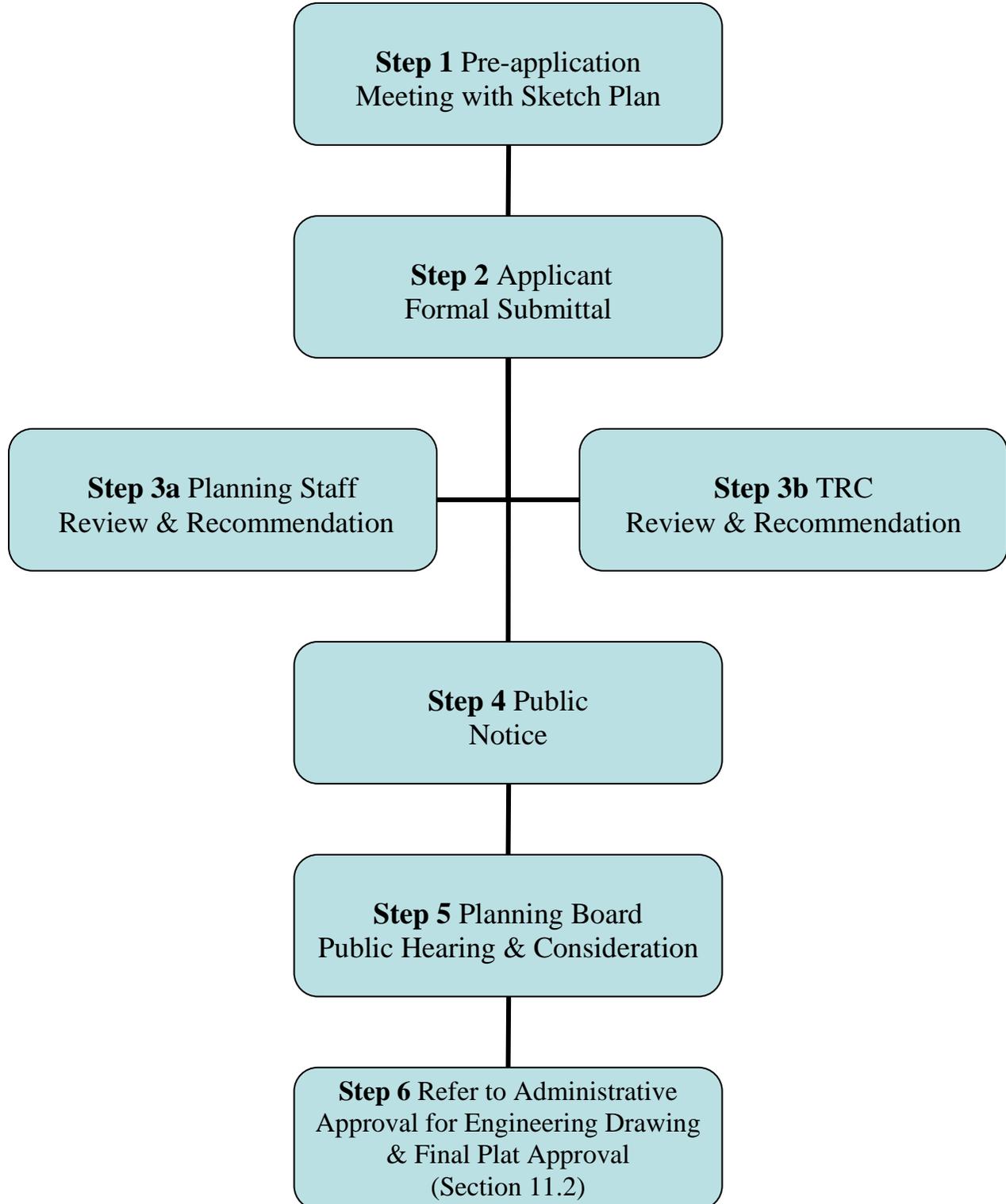
Step 5. Zoning Inspections and Certificates of Occupancy

- A. For Major Site Plans, an as-built survey shall be submitted by the developer to the Administrator and Town Engineer upon completion of the building foundation to ensure that setbacks and building orientation match the approved site plan. If the survey shows that the placement of the building is incorrect, then the Administrator shall issue a stop-work order and all construction shall be halted until the problem is remedied.
- B. For all developments, excluding single-family residential uses, prior the issuance of a Certificate of Occupancy by Rowan County Building Inspections, the Administrator or his designee shall conduct a final zoning inspection to ensure that the approved plan has been followed and all required improvements have been installed to Town standards. If all required improvements have been completed, then the Administrator shall issue a Certificate of Compliance, and the Rowan County Building Inspections Department may issue a Certificate of Occupancy.

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Section 11.3 Planning Board Approval

Planning Board approval shall apply to Major Site Plans and Major Subdivisions (Preliminary Plat). The steps in the boxes below correspond with a detailed description of each step of the process on the following pages.



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Step 1. Pre-Application Meeting with Sketch Plan

- A. The applicant shall schedule a pre-application meeting with the Administrator. The pre-application meeting is a non-binding and informal review of a development proposal intended to provide information to the applicant on the procedures and policies of the Town of Granite Quarry and does not confer upon the applicant any development rights. The applicant shall bring a Sketch Plan of the proposed development to the meeting that meets the requirements set forth in Chapter 12.
- B. The Administrator shall review the Sketch Plan for general compliance with the requirements of this Ordinance and any other applicable requirements. The Administrator shall advise the developer or his authorized agent of the regulations pertaining to the proposed development and the procedures to be followed.
- C. One (1) copy of the Sketch Plan shall be retained as a part of the record of the Administrator with one (1) copy being returned to the Developer or his authorized agent along with any comments made by the Administrator concerning the proposed development.

Step 2. Application for Review

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

Step 3a & b. Administrator & TRC Review

- A. The Administrator and Technical Review Committee (TRC) shall review the plan or plat, in accordance with the requirements of this Ordinance and any other applicable requirements.
- B. 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.
- C. The Administrator may also circulate the development plan to the relevant governmental agencies and officials may include, but need not be limited to those listed below.
- D. The reviewing government agencies and officials may include, but need not be limited to the following:

Technical Review Committee
 Administrator (Planning Staff)
 Maintenance Supervisor
 Police Department
 Fire Department
 Town Engineer

Others
 Town Manager
 Town Attorney
 Utilities Providers
 Rowan County Health Department
 Rowan-Salisbury School System
 Metropolitan Planning Organization
 Metropolitan Transit Commission
 NCDOT
 NC DENR
 US Army Corps of Engineers

Step 4. Public Notice

The Planning Board shall conduct a public hearing for approval of Major Site Plans and Major Subdivisions. Notice of the public hearing shall be given as follows:

- A. A notice shall be published in a newspaper having general circulation in the town not less than 10 days or more than 25 days prior to the date established for the Public Hearing.
- 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.

Step 5. Public Hearing & Consideration by the Planning Board

- A. The Planning Board shall conduct a public hearing for approval of Major Site Plans and Major Subdivisions.
- B. After the public hearing, the Planning Board shall have up to 60 days to defer, approve, or deny the plan or plat. Alternatively, the Planning 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 plan or deferral of its consideration.
- C. Following denial by the Planning Board, the applicant may file a new application and associated fee. Unless the Planning Board explicitly states conditions that must be met prior to the resubmission of an application, the applicant shall not submit a new application for the same property within one (1) year of the date of denial by the Planning Board unless the application is significantly different from the previously denied application. All applications shall be resubmitted for full review unless the application is resubmitted to address conditions set forth by the Planning Board for reapplication.

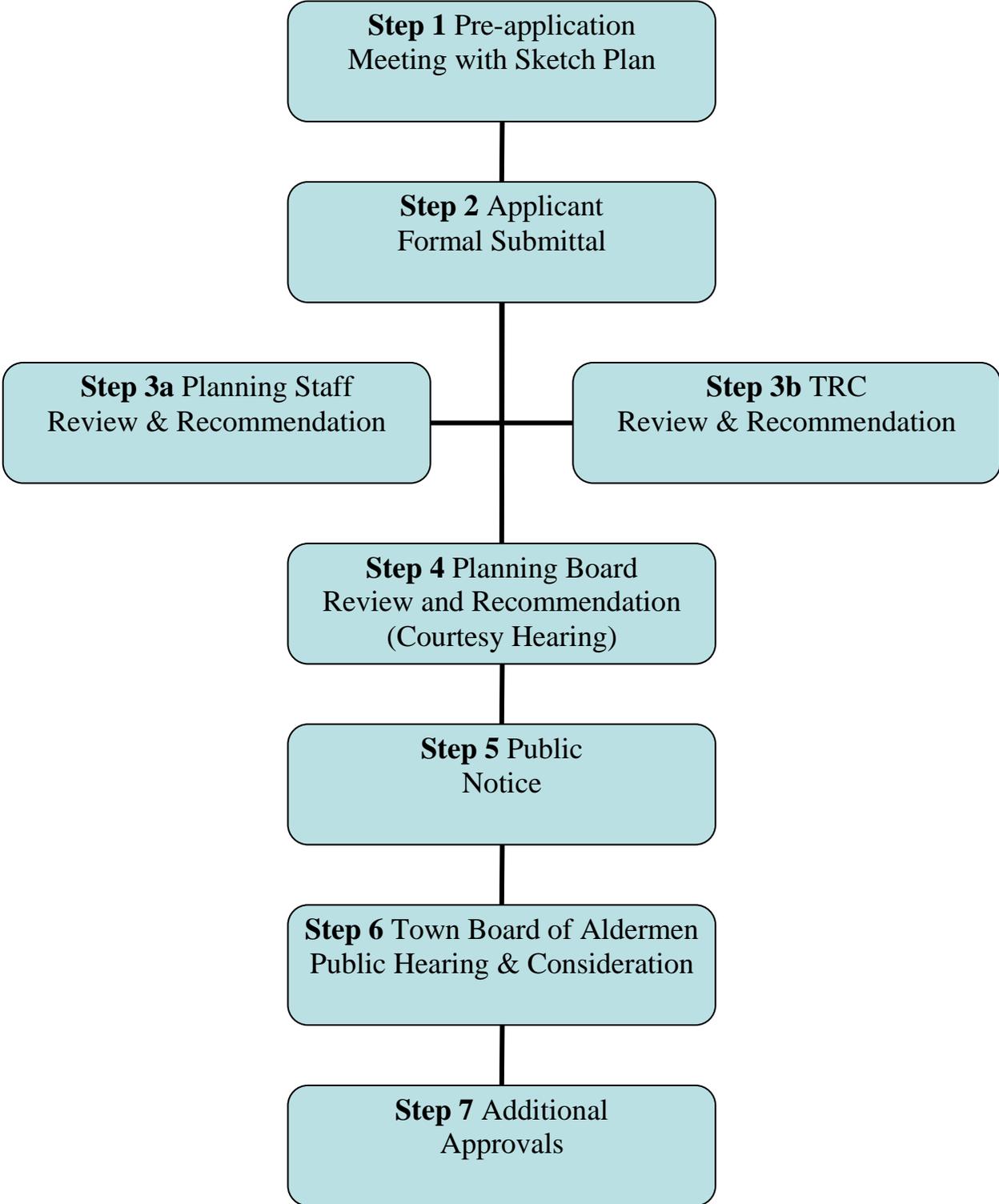
Step 6. Administrative Approval

Any required Engineering Drawings shall be approved administratively and shall follow the Administrative Approval process. For Major Subdivisions, Final Plats shall be approved administratively following Engineering Drawing approval. Step 1 of the Administrative Approval process may be skipped for Engineering Drawings and Major Subdivision Final Plats.

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Section 11.4 Town Board Approval

Town Board approval shall apply to Standard Rezoning (map amendments), Conditional Use District Rezoning (map amendments), Text Amendments, Vested Rights. The steps in the boxes below correspond with a detailed description of each step of the process on the following pages.



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Step 1. Pre-Application Meeting with Sketch Plan (if applicable)

- A. The applicant shall schedule a pre-application meeting with the Administrator. The pre-application meeting is a non-binding and informal review of a development proposal intended to provide information to the applicant on the procedures and policies of the Town of Granite Quarry and does not confer upon the applicant any development rights. For Conditional Use District Rezonings, and Vested Rights applications, the applicant shall bring a Sketch Plan of the proposed development to the meeting that meets the requirements set forth in Chapter 12.
- B. If a Sketch Plan is required, the Administrator shall review the Sketch Plan for general compliance with the requirements of this Ordinance and any other applicable ordinance. The Administrator shall advise the developer or his authorized agent of the regulations pertaining to the proposed subdivision and the procedures to be followed in the preparation and submission of the preliminary and final plats.
- C. One (1) copy of the Sketch Plan shall be retained as a part of the record of the Administrator with one (1) copy being returned to the Developer or his authorized agent along with any comments made by the Administrator concerning the proposed development.

Step 2. Application for Review

- A. The applicant shall submit an application, fee, and development plan (if applicable).
- B. Applications for Conditional Use District Rezonings and Vested Rights requests shall be submitted with a site-specific plan.
- C. Applications for all Rezonings and Text Amendments shall include a statement regarding the consistency of the request with adopted Town plans and policies and the surrounding area.
- D. Applications for Conditional Use District Rezonings shall also include a statement regarding the reasonableness of the request.

Step 3a & b Administrator & TRC Review

- A. The Administrator and Technical Review Committee (TRC) shall review the request in accordance with the requirements of this Ordinance and any other applicable ordinance.
- B. The TRC shall provide comments to the Administrator regarding the design of the development (if applicable). It shall be the responsibility of the Administrator to address those comments wherever possible.
- C. The Administrator may also circulate the development plan (if applicable) to the relevant governmental agencies and officials may include, but need not be limited to those listed below.
- D. The reviewing government agencies and officials may include, but need not be limited to the following:

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Technical Review Committee

Administrator (Planning Staff)
Maintenance Supervisor
Police Department
Fire Department
Town Engineer

Others

Town Manager
Town Attorney
Utilities Providers
Rowan County Health Department
Rowan-Salisbury School System
Metropolitan Planning Organization
Metropolitan Transit Commission
NCDOT
NC DENR
US Army Corps of Engineers

Step 4. Planning Board Review & Recommendation (Courtesy Hearing)

- A. Following a complete review by the Planning Staff and TRC, the Zoning Administrator shall schedule the application for review by the Planning Board at the next regularly scheduled meeting.
- B. The Planning Board shall have up to 30 days from the date of referral by the Zoning Administrator to recommend approval, approval with conditions, or denial of the request to the Town Board of Aldermen.
- C. For all Rezoning and Text Amendment requests, the Planning Board shall include with its recommendation a written statement regarding the consistency of the request with adopted Town plans and policies and the surrounding area.
- D. For Conditional Use District Rezoning requests, the Planning Board shall include with its recommendation a written statement regarding the reasonableness of the request.

Step 5. 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 Rezoning (map amendments) noted 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 Rezoning (map amendment) directly affects more than 50 properties owned by a total of at least 50 different property owners. Instead the Town may elect to use expanded published notice as noted above in (A) except that letters shall be sent to those property owners whose addresses are not within the general circulation area of the newspaper.
- C. For all Rezoning (map amendments), the Town shall conspicuously post a notice of public hearing at the site proposed for rezoning at least 10 days prior to the public hearing. When multiple parcels are included within a proposed map amendment, a posting on each

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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.

Step 6. Town Board of Aldermen Public Hearing & Consideration

- A. For Conditional Use District Rezoning and Vested Rights requests, quasi-judicial public hearings shall be held.
- B. After the public hearing, the Town Board of Aldermen 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.
- C. Following denial by the Town Board, the applicant may file a new application and associated fee. Unless the Town Board explicitly states conditions that must be met prior to the resubmission of an application, the applicant shall not submit a new application for the same property within one (1) year of the date of denial by the Town Board unless the application is significantly different from the previously denied application. All applications shall be resubmitted for full review unless the application is resubmitted to address conditions set forth by the Town Board of Aldermen for reapplication.

Step 7. Additional Approvals

Approval of a Conditional Use District Rezoning (map amendments) or Vested Rights request by the Town Board of Aldermen does not constitute final approval of the development plan. Development plans reviewed at the Town Board level are intended to be illustrative and still may be subject to the Administrative or Planning Board approval process depending on the size and type of development that is proposed.

Section 11.5 Board of Adjustment Approval

The zoning Board of Adjustment shall have the following power to review and decide upon the following in accordance with the procedures set forth in Section 15.5:

- A. Appeals (Administrative Review)-To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Administrator in the enforcement of this ordinance.
- B. Conditional Use Permits- To hear and decide on Conditional Use Permits to the terms of this ordinance upon which the zoning Board of Adjustment is required to pass under this ordinance.
- C. Variances- To authorize upon appeal in specific cases such variances from the terms of the ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the ordinance will, in an individual case, result in **practical difficulty** or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

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Section 11.6 Engineering Drawing Procedures

11.6.1 Applicability and Process

The Engineering Drawings for Minor Site Plans, Major Site Plans, Conditional Use Permit Plans, Major Subdivisions, Vested Rights, Conditional Use District Rezoning and other site-specific plans shall be submitted in accordance with this Section. Upon determination by the Administrator or his designee that an application is complete, the Engineering Drawings shall follow the Administrative Approval process outlined in Section 11.2. Engineering Drawings shall constitute the complete submittal requirements for Minor Site Plans or Minor Subdivisions (if required) prior to the issuance of a Zoning Permit or Final Plat approval.

11.6.2 Submittal Requirements

Engineering Drawings shall be drawn to the specifications in Section 12.4 for Subdivisions or 12.6 for Site Plans.

Section 11.7 Subdivision Procedures

11.7.1 General Provisions

11.7.1.1 School Site Reservation

If the Town Board of Aldermen and the Rowan-Salisbury School System have jointly determined the specific location and size of any school sites to be reserved, Planning Staff shall immediately notify the Board of Education in writing whenever a sketch plan for a subdivision is submitted which includes all or part of a school site to be reserved. The school system shall promptly decide whether it still wishes the site to be reserved. If the school system does wish to reserve the site, the subdivision shall not be approved without such reservation. The school system shall then have 18 months beginning on the date of final approval of the subdivision within which to acquire the site by purchase or by initiating condemnation proceedings. If the school system has not purchased or begun proceedings to condemn the site within 18 months, the developer may treat the land as freed of the reservation.

11.7.1.2 Plat Approval General Procedures

- A. 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 Zoning 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 Zoning Administrator. Such shall not be required of any subdivision of land which, by definition herein, is exempt from the terms of this Ordinance.
- B. 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.

11.7.1.3 Issuance of Zoning Permits and Conveyance of Subdivision Lots

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- A. No zoning permit shall be issued by the Town of Granite Quarry 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 Register of Deeds Office and where applicable, an improvements permit has been issued by the Rowan 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 Aldermen, 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.

11.7.1.4 Subdivision Exceptions

- A. The Town Board of Aldermen may authorize exceptions for Subdivisions from any portion of this Ordinance when, in its opinion, undue hardship may result from their strict compliance. The Planning Board shall review the subdivision, hold a courtesy hearing, and make a recommendation to the Town Board of Aldermen to approve, approve with changes, or deny the Preliminary Plat for subdivisions with exceptions. In granting an exception, the Town Board of Aldermen shall hold a public hearing and make the findings required herein, taking into account the nature of the proposed Subdivision, the existing use of land in the vicinity, the number of persons to reside or work in the proposed Subdivision and the probable effect of the proposed Subdivision upon traffic conditions in the vicinity. Planning Board recommendations and Town Board decisions shall be based on:
 - 1. If there are special circumstances or conditions affecting said property such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his land; and
 - 2. If the relief is necessary for the preservation and enjoyment of a substantial property right of the petitioner; and
 - 3. If the circumstances giving rise to the need for the relief are peculiar to the subdivision and are not generally characteristic of other subdivisions in the jurisdiction of this Ordinance; and
 - 4. If the granting of the relief will not be detrimental to the public health, safety and welfare or injurious to other property in the area in which said property is situated.
- B. Every decision of the Town Board of Aldermen pertaining to the granting of Subdivision exceptions shall be subject to review by the Superior Court Division of the General Courts of Justice of the State of North Carolina by proceedings in the nature of certiorari.

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Any petition for review by the Superior Court shall be duly verified and filed with the Clerk of Superior Court within 30 days after the decision or recommendation of the TRC or Town Board of Aldermen is filed in the Office of the Administrator, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the Zoning Administrator at the time of the Planning Board's hearing of the case, whichever is later.

11.7.2 Pre-Application Meeting & Sketch Plan

The applicant shall schedule a pre-application meeting with Planning Staff to review a Sketch Plan of the proposed subdivision. The Planning Staff will determine if the subdivision constitutes a Major or Minor Subdivision, in accordance with the definitions in Appendix A, and advise the applicant of all applicable Town regulations and policies, application procedures, and fees.

11.7.3 Minor Subdivisions

- A. A minor subdivision is defined as a subdivision where all of the following conditions exist:
- No public right-of-way dedication; and,
 - The entire tract to be subdivided is ten (10) acres or less in size; and,
 - The resultant subdivision will produce five (5) or fewer lots.
- B. Minor Subdivisions follow the Administrative Approval process. For all minor subdivisions, a Preliminary Plat shall not be required. Engineering Drawings may be required prior to the approval of a Final Plat depending on the circumstances of the Subdivision.

11.7.4 Major Subdivisions

- A. A Major Subdivision is defined as a subdivision where any one or more of the following conditions exist:
- Dedication of public right-of-way or other public tracts; or,
 - The entire tract to be subdivided is greater than ten (10) acres; or,
 - The resultant subdivision will produce more than five (5) lots.
- B. Major Subdivisions follow the Planning Board Approval process. Following the Sketch Plan review by the Administrator, the applicant shall submit a Preliminary Plat. The Preliminary Plat shall be reviewed by Planning Staff and the TRC for completeness, compliance with this Ordinance, and soundness of design. The Preliminary Plat shall then be reviewed by the Planning Board following a public hearing. Following Planning Board approval, Engineering Drawings may be submitted for review in accordance with Section 12.4. Final Plats may be approved after Engineering Drawing approval. Final Plats shall substantially match the Preliminary Plat and Engineering Drawings.

11.7.4.1 Approval of Preliminary Plat

- 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.
- D. A Final Plat shall be recorded at the Rowan County Register of Deeds within 30 days of receiving final approval from the Subdivision Administrator, otherwise such plat shall become null and void.

11.7.4.2 Engineering Drawing Submittal

Following approval of the Preliminary Plat, Engineering Drawings shall be submitted and reviewed in accordance with Section 11.2. 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 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.

11.7.4.3 Improvement Installation and Guarantees

Upon approval of the Preliminary Plat and Engineering Drawings, the developer may proceed with the installation of or arrangement for required improvements in accordance with the approved Preliminary Plat and the requirements of this Ordinance. Prior to approval of a final plat, the developer shall have installed the improvements specified in this Ordinance or guaranteed their installation as provided herein.

- A. **Agreement and Security Required:** In lieu of requiring the completion, installation and dedication of all improvements prior to final plat approval, the Town of Granite Quarry may enter into an agreement with the developer whereby the developer shall agree to complete all required improvements. Once said agreement is signed by both parties and the security required herein is provided, the final plat may be approved by the Granite Quarry Town Board of Aldermen Commissioners, if all other requirements of this Ordinance are met. To secure this agreement, the developer shall provide to the Town Board of Aldermen either one, or a combination of the following guarantees shown. The amount of such guarantee shall be equal to 1.25 times the cost of installing all required improvements, as determined by the Town Engineer. All such guarantees shall be subject to the approval of the Town Board of Aldermen and shall be made payable to the Town of Granite Quarry.
- B. **Surety Performance Bond(s):** The developer shall obtain one or more performance bond(s) from a surety bonding company authorized to do business in North Carolina. The duration of the bond(s) shall be until such time as the improvements are accepted by the Town Board of Aldermen.

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C. Cash or Equivalent Security: The developer shall deposit cash, an irrevocable letter of credit, or other instrument readily convertible into cash at face value, either with the Town or in escrow with a financial institution designated as an official depository of the Town of Granite Quarry.

If cash or other instrument is deposited in escrow with a financial institution as herein provided, the developer shall then file with the Town Board of Aldermen an agreement between the financial institution and himself guaranteeing the following:

- That said escrow account shall be held in trust until released by the Town Board of Aldermen and may not be used or pledged by the developer in any other matter during the term of the escrow; and
- That in case of a failure on the part of the developer to complete said improvements, the financial institution shall, upon notification by the Town Board of Aldermen and submission of the Town Engineer's estimate of the amount needed to complete the improvements by the Town Board of Aldermen to the financial institution immediately either pay to the Town the funds estimated to complete the improvements, up to the full balance of the escrow account, or deliver to the Town any other instruments fully endorsed or otherwise made payable in full to the Town.

D. Default: Upon default, meaning failure on the part of the developer to complete the required improvements in a timely manner as spelled out in the performance bond or escrow agreement, then the surety, or the financial institution holding the escrow account, shall, if requested by the Town Board of Aldermen, pay all or any portion of the bond or escrow fund to the Town of Granite Quarry up to the amount needed to complete the improvements based on the Town Engineer's estimate. Upon payment, the Town Board of Aldermen, in its discretion, may expend such portion of said funds as it deems necessary to complete all or any portion of the required improvements. The Town shall return to the bonding firm any funds not spent in completing the improvements. Should the amount of funds needed to complete the installation of all required improvements exceed the amount in the bond or escrow account, the developer shall nonetheless be responsible for providing the funds to cover such costs. The developer shall at all times bear the financial burden for the installation of all required improvements.

E. Release of Guarantee Security: The Town Board of Aldermen may authorize the Administrator to release a portion of any security posted as the improvements are completed and approved by the County. Such funds shall then be released within ten (10) days after the corresponding improvements have been so approved.

11.7.4.4 Maintenance Guarantee

A. The developer shall guarantee the improvements against defects in workmanship and materials for a period of one (1) year from the date of acceptance of such improvements. In exceptional situations, where undue hardship would otherwise result and the shorter term would not be inconsistent with the purposes of this Ordinance, the Town Manager may approve a shorter-term maintenance guarantee. The maintenance guarantee shall be secured by a surety bond or cash escrow in an amount reflecting five (5) percent of the

cost of the completed improvements.

- B. The applicant shall construct and pay for all costs of temporary improvements required by the Town Manager and Maintenance Supervisor and shall maintain said temporary improvements for the period specified by the Town Manager.
- C. Thirty (30) days prior to the expiration of the maintenance guarantee instrument, if any defects in workmanship and/or materials are not repaired to the satisfaction of the Town Manager and Maintenance Supervisor, the subdivider shall be required to make all necessary repairs immediately.

Section 11.8 Site Plan Procedures

11.8.1 Pre-Application Meeting & Sketch Plan

The applicant shall schedule a pre-application meeting with the Zoning Administrator to review a Sketch Plan of the proposed site plan. The Zoning Administrator will determine if the plan constitutes a Minor or Major Site Plan, in accordance with the definitions in Appendix A, and advise the applicant of all applicable Town regulations and policies, application procedures, and fees.

11.8.2 Minor Site Plans

Minor Site Plans follow the Administrative Approval Process as outlined in Section 11.4. Minor Site Plans shall be submitted as part of a full set of Engineering Drawings (if applicable). Engineering Drawing approval is required prior to the issuance of a Zoning Permit. See Section 12.7 for Engineering Drawing requirements.

11.8.3 Major Site Plans

Major Site Plans follow the Planning Board Approval Process as outlined in Section 11.5. The Major Site Plan shall be reviewed by the Zoning Administrator and the Technical Review Committee for completeness, compliance with this Ordinance, and soundness of design. Following Planning Board approval, Engineering Drawings may be submitted and reviewed in accordance with Section 12.6. Engineering Drawing approval is required prior to the issuance of a Zoning Permit.

11.8.4 Effect of Approval

Following approval of a Minor or Major Site Plan and any applicable Engineering Drawings, the Administrator shall issue a Zoning Permit for the project.

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Section 11.9 Rezoning Procedures

Rezoning (zoning map amendments) shall follow the Town Board approval process as outlined in Section 11.4 and meet the requirements of Chapter 14.

11.9.1 Standard Rezonings

For Standard Rezonings, a site-specific plan is not required. Approval of a Standard Rezoning shall result in an official amendment to the Town of Granite Quarry Zoning Map. Any development of the property shall be reviewed and approved in accordance with the appropriate procedure depending on the type of development proposed.

11.9.2 Conditional Use District Rezonings

For Conditional Use District Rezonings, a site-specific plan meeting the requirements for a Major Site Plan or Major Subdivision, whichever is applicable, is required. Approval of a Conditional Use Rezoning shall result in official amendment to the Town of Granite Quarry Zoning Map. Engineering Drawings matching the site-specific plan be reviewed administratively prior to the approval of any Zoning Permit or Final Plat.

Section 11.10 Vested Rights Procedures

Pursuant to NCGS 160A-385.1 and notwithstanding any other provision of this Ordinance or amendment thereto, a landowner may apply for a site-specific development plan approval which shall entitle said landowner to develop property in accordance with said site-specific plan. To apply for vested right, an applicant shall first submit to the Zoning Administrator a site-specific plan. The plan shall be submitted in accordance with the requirements for a Major Site Plan or Major Subdivision, whichever is applicable. Once the Administrator deems the site-specific plan to be complete, it shall follow the Town Board approval process as outlined in Section 11.4.

11.10.1 Approval Criteria

- A. In approving an application for vested rights of a site-specific plan, the Town Board of Aldermen may attach fair and reasonable conditions. The petitioner shall be given reasonable opportunity to consider and respond to any additional requirements prior to approval or denial by the Town Board of Aldermen. The Town Board of Aldermen may not require the landowner to waive his vested right as a condition of developmental approval.
- B. The burden of proof of producing evidence to support these findings (and to overcome any challenges that approval of the site-specific plan would be contrary to one or more of these findings shall rest entirely with the landowner.
- C. If the use or development for which the site-specific development plan is submitted is a conditional use, the Town Board of Aldermen may approve the site-specific development plan contemporaneously with the approval of the Conditional Use Permit. In no case, however, may a site-specific development plan be approved for a use or development which requires the issuance of a conditional use permit without the conditional use permit having first been issued.

11.10.2 Effect of Approval

- A. The Town Board of Aldermen may approve a vesting period of between two (2) years and five (5) years from the date of approval where it is found that due to:
- sizing and phasing of the development; or
 - level of investment; or
 - need for the development; or
 - economic cycles; or
 - market conditions; or
 - building permits for all phases of the development cannot be secured within two (2) years
- B. A vested right shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the site-specific development plan as provided for in this Section. Failure to abide by the terms and conditions placed upon such approval will result in the forfeiture of the vested right previously accorded.
- C. A vested right, once established as herein provided, shall preclude any zoning action by the Town which would change, alter, impair, prevent, diminish or otherwise delay the development or use of the property as set forth in the approved site-specific development except under the following conditions:
1. The affected landowner provides written consent to the Town of his desire to terminate the vested right; or
 2. The Town determines, after having advertised and held a public hearing, that natural or man-made hazards exist on or in the immediate vicinity of the property which pose a serious threat to the public health, safety and welfare if the project were to proceed as indicated in the site-specific development plan; or
 3. Compensation is made by the Town to the landowner for all costs, expenses, and other losses incurred including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and any other consultant's fees incurred after approval together with interest thereon at the legal rate until paid; or
 4. The Town determines, after having advertised and held a public hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the Town of the site-specific development plan; or
 5. Upon the enactment or promulgation of a State or Federal law or regulations which precludes development as contemplated in the site-specific development plan. In such case the Town may (after having advertised and conducted a public hearing) modify the affected provisions upon a finding that the change in State or Federal law has a fundamental effect on the plan.
- D. Once a vested right is granted to a particular site-specific plan, nothing in this section shall preclude the Town from conducting subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided such reviews and approvals

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are not inconsistent with the original approval.

11.10.3 Revocation or Expiration of a Vested Right

- A. The vested right resulting from the approval of a site-specific plan may be revoked by the Town Board of Aldermen. In addition, a revocation may occur if the Town Board of Aldermen determines that the landowner has failed to comply with the terms and conditions of the approval or with any other applicable portion of the Zoning Ordinance. The vested right shall otherwise expire at the end of the approval period established by the Town Board of Aldermen.
- B. A building permit issued by the Rowan County Building Inspector pursuant to NCGS 160A-417 may not be revoked because of the running of time on a piece of property for which a site-specific development plan has been approved and the vested right period has not otherwise expired.
- C. The establishment of a vested right on a piece of property for a site-specific plan shall not preclude the Town from establishing and enforcing on the property any additional regulations (adopted during the time the vested right was in effect) which are general in nature and applicable to all property subject to the regulations of this Ordinance.