

**AMENDMENT REGARDING ADOPTING NORTH CAROLINA GENERAL STATUTE  
160D LAND USE REGULATIONS FOR CONSISTENCY WITH STATE LAW**

*Whereas*, the Granville County Board of Commissioners found it necessary to adopt the Granville County Land Development Code on July 12, 1999, to provide for the orderly, planned, and efficient growth of Granville County; and,

*Whereas*, the need to amend and/or change this same code from time to time exist to provide for its efficient administration and enforcement or to address changing conditions of the growth and development of the County; and,

*Whereas*, the Granville County Planning Board held a public hearing on the proposed amendment on March 18, 2021, and after a study of evidence presented, made a favorable recommendation on the adoption of the proposed amendment on March 25, 2021; and,

*Whereas*, a notice of public hearing has been given as provided in North Carolina General Statute 153A-323 and the Granville County Land Development Code for a Text Amendment and a public hearing was held by the Board of Commissioners on April 19, 2021, at which, evidence was presented at the public hearing.

*Whereas*, the Granville County Board of Commissioners hereby adopts the following Plan Consistency Statement:

**GRANVILLE COUNTY BOARD OF COMMISSIONERS' PLAN CONSISTENCY  
STATEMENT:**

The State of North Carolina has passed major Planning enabling legislation creating a new Chapter 160D applicable to Land Use regulations. The State has mandated that local governments adopt land use regulations consistent with Chapter 160D on, or before, July 1, 2021. These amendments are consistent with state law as prescribed by Chapter 160D of the North Carolina General Statutes. Further, these amendments continue the goals of the Granville County Comprehensive Plan to “preserve opportunities for future industrial and employment uses; encourage commercial and mixed use development; clarify the character of development desired in different residential areas; and, preserve [the] rural character on Granville’s green edges.”

***NOW THEREFORE, BE IT ORDAINED BY THE GRANVILLE COUNTY BOARD  
OF COMMISSIONERS THAT:***

**SECTION 1.** Amend the Granville County Land Development Code (LDC) (**bold** denotes added language and ~~strike-through~~ denotes deleted language):

Sec. 32-4. - Exemptions.

- (d) *Planned unit developments.* All planned unit developments shall continue under the regulations, plans and standards approved in their adoption resolution. If changes are to be made to approved PUDs, it shall be done pursuant to the granting of a **major special conditional** use permit; and every effort shall be made to comply with the regulations of this chapter.

Sec. 32-141. - Generally.

All land uses or structures shall be permitted in districts only as indicated in this division. No use prohibited in a district shall be permitted under any circumstances. The following symbols are used in table 03.110:

- (4) **MinS** ~~C~~ indicates a use permitted only if a **minor special conditional** use is approved per section 32-1083. The use must conform to the locational, design or other conditions of section 32-191. Not all properties may meet these requirements, thus limiting the sites upon which the use may be built. **Minor Special Conditional** uses shall be processed by the board of adjustment.
- (5) **MajS** indicates a use permitted only if a **major** special use is approved per section 32-1082. The use must conform to the locational, design or other conditions of section 32-191. Not all properties may meet these requirements, thus limiting the sites upon which the use may be built. Special uses shall be processed by the board of commissioners.

Sec. 32-142. - Use table.

According to land use, table 03.110A lists the type of permission in each district, parking requirements, loading bay requirements, and permitted sign types. Table 03.110B lists the specific parking requirements and table 03.110C lists specific loading requirements for several specific uses listed in table 03.110A. Limited, ~~conditional~~ **minor** and **major** special uses standards are contained in the tables and section 32-191 of this article. Should a use not be identified in table 03.110 or article XIX, refer to section 32-1138. See article IV for district, lot, bulk and other standards.

TABLE 03.110A  
GENERAL USE TABLE

|                           | Permitted Land Use |       |      |          |    |    |     |     |         |                 |             |  |
|---------------------------|--------------------|-------|------|----------|----|----|-----|-----|---------|-----------------|-------------|--|
| Land Use                  | AR-80              | AR-40 | R-25 | MHP<br>D | HB | NB | I-1 | I-2 | O/<br>I | Pa<br>rki<br>ng | Loadi<br>ng | Other  |
| <i>Agricultural</i>       |                    |       |      |          |    |    |     |     |         |                 |             |  |
| Boarding Stables          | Y                  | Y     | Y    | Y        | N  | N  | N   | N   | N       |                 |             |  |
| Bona Fide Farms           | Y                  | Y     | Y    | Y        | Y  | Y  | Y   | Y   | Y       | na.             | na.         |  |
| Farmsteads                | Y                  | Y     | Y    | N        | N  | N  | N   | N   | N       | 3/<br>du<br>.   | none        |  |
| <i>Residential</i>        |                    |       |      |          |    |    |     |     |         |                 |             |  |
| Single-Family<br>Detached | Y                  | Y     | Y    | Y        | N  | N  | N   | N   | N       | 3/<br>du<br>.   | none        |  |
| Mobile Home,<br>pre 1976  | L                  | L     | N    | L        | N  | N  | N   | N   | N       | 2/<br>du<br>.   | none        | Only<br>facilit<br>ies<br>existi<br>ng as<br>of<br>March 16,<br>1998;<br>see<br>sectio<br>n 32-<br>193 |

|   |             |             |             |             |   |   |   |   |   |   |      |                               |
|---|-------------|-------------|-------------|-------------|---|---|---|---|---|---|------|-------------------------------|
| Manufactured Home, <del>post 1976</del> | L           | L           | L           | L           | N | N | N | N | N | 2/<br>du<br>·                                   | none | see<br>sectio<br>n 32-<br>194 |
| Planned Unit Development                | <b>MajS</b> | <b>MajS</b> | <b>MajS</b> | <b>MajS</b> | N | N | N | N | N | 2.<br>25<br>/d<br>u.                            | none | see<br>sectio<br>n 32-<br>195 |
| Manufactured Home Park                  | N           | N           | N           | L           | N | N | N | N | N | 2.<br>25<br>/d<br>u.                            | none | see<br>sectio<br>n 32-<br>196 |
| Group Home                              | Y           | Y           | Y           | Y           | N | N | N | N | N | 3.<br>0/<br>du<br>·                             | none |                               |
| <i>Home Uses</i>                        |             |             |             |             |   |   |   |   |   |   |      |                               |
| Cottage Industry                        | L           | L           | L           | L           | N | N | N | N | N | se<br>e<br>ta<br>bl<br>e<br>03<br>.1<br>10<br>B | none | see<br>sectio<br>n 32-<br>197 |
| Family Child Care Home                  | L           | L           | L           | L           | N | N | N | N | N | se<br>e<br>ta<br>bl<br>e<br>03<br>.1<br>10<br>B | none | see<br>sectio<br>n 32-<br>199 |

|                      |   |   |   |   |   |   |   |   |   |                    |              |                    |
|----------------------|---|---|---|---|---|---|---|---|---|--------------------|--------------|--------------------|
| Home Businesses      | L | L | L | L | N | N | N | N | N | see table 03.110 B | none         | see section 32-198 |
| Home Occupation      | L | L | L | L | N | N | N | N | N | see table 03.110 B | none         | see section 32-200 |
| <i>Institutional</i> |   |   |   |   |   |   |   |   |   |                    |              |                    |
| Assembly and Worship | Y | Y | Y | Y | Y | N | N | N | Y | 1/3 seats          | 1/40,000 sf. |                    |
| Child Care Centers   | Y | Y | Y | Y | Y | Y | N | N | Y | see table 03.110 B | 1/60,000 sf. |                    |
| College              | L | L | L | N | Y | L | N | N | Y | 1/2 students       | 1/40,000 sf. |                    |

|                               |             |             |   |   |             |   |   |   |   |   |                             |                              |
|-------------------------------|-------------|-------------|---|---|-------------|---|---|---|---|---|-----------------------------|------------------------------|
| Institutional                 | Y           | Y           | Y | Y | Y           | Y | N | N | Y | see<br>table<br>e<br>03<br>.1<br>10<br>B  | 1/60,<br>000<br>sf.         |                              |
| Institutional,<br>Residential | L           | L           | L | L | Y           | Y | N | Y | L | see<br>table<br>e<br>03<br>.1<br>10<br>B  | 1/25,<br>000<br>sf.         | see<br>section<br>32-<br>201 |
| Protective Care               | <b>MajS</b> | <b>MajS</b> | N | N | <b>MajS</b> | N | Y | N | L | 1/<br>2<br>ro<br>o<br>ms  | 2 sf.                       | see<br>section<br>32-<br>202 |
| Public Service                | L           | L           | L | Y | Y           | Y | Y | Y | L | 1/<br>e<br>m<br>pl<br>oy<br>ee<br>and<br>1<br>sto<br>re<br>d<br>ve<br>hi<br>cle | 1 per<br>loadi<br>ng<br>bay | see<br>section<br>32-<br>203 |

|                                   |             |             |   |   |   |   |   |   |   |                    |                   |                    |
|-----------------------------------|-------------|-------------|---|---|---|---|---|---|---|--------------------|-------------------|--------------------|
| Utilities, Local                  | L           | L           | L | Y | L | Y | Y | Y | L | 1/1,000 sf.        | 1/2,000 sf.       | see section 32-204 |
| <i>Commercial</i>                 |             |             |   |   |   |   |   |   |   |                    |                   |                    |
| Agricultural Support and Services | L           | L           | N | N | Y | Y | Y | Y | N | 1/250 sf.          | 1.5/bay           | see section 32-205 |
| Bed and Breakfast/Country Inn     | L           | L           | L | N | Y | Y | N | N | N | 1/room plus 2      | none              | see section 32-206 |
| Cattle Merchant Wholesalers       | <b>MajS</b> | <b>MajS</b> | N | N | Y | Y | Y | Y | N | 1/250 sf.          | 1.5/bay           | see section 32-236 |
| Commercial Lodging                | N           | N           | N | N | Y | Y | N | Y | N | see table 03.110 B | 2/40,000 sf.      |                    |
| Commercial Retail                 | N           | N           | N | N | Y | Y | L | L | N | see table 03.110   | see table 03.110C | see section 32-207 |

|                          |           |           |   |   |           |   |   |   |   |                               |              |                    |
|--------------------------|-----------|-----------|---|---|-----------|---|---|---|---|-------------------------------|--------------|--------------------|
|                          |           |           |   |   |           |   |   |   |   | B                             |              |                    |
| Drive-in Facility        | N         | N         | N | N | Y         | Y | N | Y | N | see table 03.110 B            | 1/25,000     |                    |
| Heavy Retail and Service | N         | N         | N | N | MinS<br>€ | N | L | L | N | see table 03.110 B            | 1.5 per bay  | see section 32-208 |
| Hospitals                | N         | N         | N | N | Y         | Y | N | N | Y | 1/bed                         | 1/33,000 sf. |                    |
| Kennels                  | MinS<br>€ | MinS<br>€ | N | N | Y         | Y | Y | Y | N | 1/333 sf. plus 1 per 3 stalls | 1/40 stalls  | see section 32-209 |
| Light Automobile Service | N         | N         | N | N | Y         | Y | Y | Y | N | see table                     | 1/20,000 sf. |                    |



|                                      |   |   |   |   |   |   |   |   |   |  |                     |                           |
|--------------------------------------|---|---|---|---|---|---|---|---|---|--|---------------------|---------------------------|
|                                      |   |   |   |   |   |   |   |   |   | 03<br>.1<br>10<br>B                              |                     |                           |
| Alcohol, Sales or<br>With Restaurant | N | N | N | N | Y | L | Y | Y | N | 12<br>/1,<br>00<br>0<br>sf.<br>of<br>G<br>F<br>A | na                  | see<br>section 32-<br>210 |
| Office                               | N | N | N | N | Y | Y | Y | Y | Y | se<br>e<br>ta<br>bl<br>e<br>03<br>.1<br>10<br>B  | 1/33,<br>000<br>sf. |                           |
| Restaurant                           | N | N | N | N | Y | Y | Y | Y | Y | 12<br>/1,<br>00<br>0<br>sf.<br>of<br>G<br>F<br>A | na                  |                           |
| Services                             | N | N | N | N | Y | Y | Y | Y | N | se<br>e<br>ta<br>bl<br>e<br>03<br>.1<br>10       | 1/33,<br>000<br>sf. |                           |

|                                     |            |            |   |   |   |   |   |   |   |   |              |                    |
|-------------------------------------|------------|------------|---|---|---|---|---|---|---|---|--------------|--------------------|
|                                     |            |            |   |   |   |   |   |   |   | B   |              |                    |
| Shopping Center                     | N          | N          | N | N | Y | N | N | N | N | 1/200 sf.                                     | 1/25,000 sf. |                    |
| Vehicular Sales, Rental and Service | N          | N          | N | N | L | N | N | N | N | 1/15 cars on lot                              | 2/30,000 sf. | see section 32-211 |
| <i>Recreation and Amusement</i>     |            |            |   |   |   |   |   |   |   |   |              |                    |
| Campgrounds                         | Min\$<br>€ | Min\$<br>€ | N | N | N | N | N | N | N | 1 space per travel trailer and 3/50 at office | 1            |                    |
| Commercial Amusement, Indoor        | N          | N          | N | N | Y | L | N | Y | N | see table 03.110 B                            | 1            | see section 32-212 |

|                               |           |           |           |           |   |   |   |   |   |                    |                    |                    |
|-------------------------------|-----------|-----------|-----------|-----------|---|---|---|---|---|--------------------|--------------------|--------------------|
| Commercial Amusement, Outdoor | N         | N         | N         | N         | L | L | N | Y | N | see table 03.110 B | none               | see section 32-213 |
| Horse Shows                   | MinS<br>€ | MinS<br>€ | MinS<br>€ | MinS<br>€ | Y | Y | Y | Y | N | see section 32-235 | see table 03.110 C | see section 32-235 |
| Indoor Recreation             | L         | L         | L         | L         | Y | Y | N | N | N | see table 03.110 B | 1                  | see section 32-214 |
| Outdoor Recreation            | L         | L         | L         | L         | Y | Y | N | N | N | see table 03.110 B | 1                  | see section 32-215 |

|   |             |             |   |   |                   |              |             |             |   |  |                             |                              |
|---|-------------|-------------|---|---|-------------------|--------------|-------------|-------------|---|--|-----------------------------|------------------------------|
| Riding<br>Stables/Riding<br>Academy         | L           | L           | L | L | Y                 | Y            | Y           | Y           | N | see<br>section<br>32-<br>192   | see<br>table<br>03.11<br>0C | see<br>section<br>32-<br>192 |
| <i>Industrial Uses</i>                      |             |             |   |   |                   |              |             |             |   |  |                             |                              |
| Convenience<br>Centers                      | N           | <b>MajS</b> | N | N | <b>MinS<br/>€</b> | <b>MinS€</b> | L           | L           | N | 1<br>pe<br>re<br>m<br>pl<br>oy<br>ee<br>on<br>lar<br>ge<br>st<br>shi<br>ft | none                        | See<br>section<br>32-<br>237 |
| Disposal                                    | <b>MajS</b> | <b>MajS</b> | N | N | N                 | N            | <b>MajS</b> | <b>MajS</b> | N | 1/<br>ve<br>hi<br>cle  | 1/veh<br>icle               | see<br>section<br>32-<br>216 |
| Ethanol/Biodiesel<br>Production<br>Facility | N           | N           | N | N | N                 | N            | N           | L           | N | see<br>table<br>03.<br>110<br>B  |                             | see<br>section<br>32-<br>232 |

|  |      |      |   |   |   |   |       |      |   |   |  |                               |
|--|------|------|---|---|---|---|-------|------|---|---|--|-------------------------------|
| Extraction   | N    | N    | N | N | N | N | MajS  | MajS | N | 1/<br>ve<br>hi<br>cle<br>and<br>ac<br>ces<br>s<br>or<br>y | 1/veh<br>icle                          | see<br>sectio<br>n 32-<br>217 |
| Ground-Mounted<br>Solar Power<br>Energy System<br>"Solar Farm" | N    | N    | N | N | N | N | MinSE | L    | N |   |  | see<br>sectio<br>n 32-<br>233 |
| Heavy Industry   | N    | N    | N | N | N | N | N     | Y    | N | se<br>e<br>ta<br>bl<br>e<br>03<br>.1<br>10<br>B           | 1/15,<br>000<br>sf. or<br>1.25/<br>bay |                               |
| Light Industry   | N    | N    | N | N | N | N | Y     | Y    | N | 1/<br>50<br>0<br>and<br>1/<br>ve<br>hi<br>cle             | 1/20,<br>000<br>sf. or<br>1/bay        |                               |
| Recycling and/or<br>Storage                                    | MajS | MajS | N | N | N | N | N     | Y    | N | 2/<br>1,<br>00<br>0<br>sf.                                | 1.25/<br>bay                           | see<br>sectio<br>n 32-<br>218 |

|                                  |             |             |   |   |                   |   |             |             |   |  |                      |                                  |
|----------------------------------|-------------|-------------|---|---|-------------------|---|-------------|-------------|---|--|----------------------|----------------------------------|
| Utilities,<br>Community/Regional | <b>MajS</b> | <b>MajS</b> | N | N | N                 | N | <b>MajS</b> | <b>MajS</b> | N | 1/<br>1,<br>00<br>0<br>sf.                       | 1<br>vehic<br>le     | see<br>sectio<br>n 32-<br>219    |
| Warehousing                      | N           | N           | N | N | <b>MinS<br/>€</b> | N | Y           | Y           | N | 1/<br>2,<br>00<br>0<br>sf.                       | 1.5/b<br>ay          | see<br>sectio<br>n 32-<br>220    |
| <i>Special Uses</i>              |             |             |   |   |                   |   |             |             |   |  |                      |                                  |
| Adult<br>Establishments          | N           | N           | N | N | N                 | N | N           | <b>MajS</b> | N | se<br>e<br>se<br>cti<br>on<br>03<br>.3<br>53     | None                 | see<br>sectio<br>n<br>03.35<br>3 |
| Designated Group<br>Development  | N           | N           | N | N | L                 | L | L           | L           | L | 1/<br>20<br>0<br>sf.                             | 1/25,<br>000<br>sf.  | see<br>sectio<br>n 32-<br>329    |
| Electronic gaming<br>operation   | N           | N           | N | N | N                 | N | N           | <b>MajS</b> | N | Se<br>e<br>se<br>cti<br>on<br>32<br>-<br>23<br>4 |                      | See<br>sectio<br>n 32-<br>234    |
| General Aviation<br>Airports     | N           | N           | N | N | N                 | N | N           | <b>MajS</b> | N | sp<br>eci<br>al<br>stu<br>dy                     | speci<br>al<br>study | see<br>sectio<br>n 32-<br>221    |

|  |             |             |             |             |             |             |             |             |             |                |           |                       |
|--|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|----------------|-----------|-----------------------|
| Private Landing Strips   | N           | <b>MajS</b> | N           | N           | N           | N           | N           | <b>MajS</b> | N           | no ne          | none      | see section 32-221(c) |
| Wireless Support Structures and/or Substantial Modification of Wireless Support Structures | <b>MajS</b> | <b>MajS</b> | <b>MajS</b> | <b>MajS</b> | <b>MajS</b> | <b>MajS</b> | <b>MajS</b> | <b>MajS</b> | <b>MajS</b> | see article IX | none      | see article IX        |
| Wireless Collocations and/or Eligible Facilities Requests                                  | L           | L           | L           | L           | L           | L           | L           | L           | L           | See article IX | none      | See article IX        |
| <i>Temporary Uses</i>  |             |             |             |             |             |             |             |             |             |                |           |                       |
| Commercial Temporary Outdoor Sales   | Y           | Y           | N           | N           | Y           | Y           | Y           | Y           | Y           | site review    | none      |                       |
| Concrete/Asphalt Batch Plant   | N           | N           | N           | N           | N           | N           | L           | L           | N           | special study  | 1/vehicle | see section 32-227    |
| Contractor's Office  | <b>MajS</b> | <b>MajS</b> | N           | N           | L           | L           | L           | L           | N           | 1/200 sf.      | none      | see section 32-228    |
| Dog Agility Competition  | L           | L           | L           | L           | L           | L           | L           | L           | L           | 1/3 attendee   | none      | See section 32-238    |

|  |                  |                  |                  |                  |   |   |   |   |   |                                 |               |                               |
|--|------------------|------------------|------------------|------------------|---|---|---|---|---|---------------------------------|---------------|-------------------------------|
| Farmstand                                      | Y                | Y                | N                | N                | Y | Y | Y | Y | N | 8<br>sp<br>ac<br>es             | none          |                               |
| Mobile Homes as<br>Office and/or<br>Exhibition | L                | L                | L                | L                | L | L | Y | Y | L | 1/<br>ve<br>hi<br>cle           | none          | see<br>sectio<br>n 32-<br>229 |
| Hardship Mobile<br>Home                        | <b>MinS</b><br>€ | <b>MinS</b><br>€ | <b>MinS</b><br>€ | <b>MinS</b><br>€ | N | N | N | N | N | 1/<br>du                        | none          | see<br>sectio<br>n 32-<br>230 |
| Public-Interest<br>Event                       | L                | L                | L                | L                | L | L | L | L | L | 1/<br>3<br>att<br>en<br>de<br>e | 1/veh<br>icle | see<br>sectio<br>n 32-<br>231 |
| Special Event                                  | L                | L                | L                | L                | L | L | L | L | L | 1/<br>3<br>att<br>en<br>de<br>e | 1/veh<br>icle | see<br>sectio<br>n 32-<br>232 |
| Temporary<br>Miscellaneous<br>Sales            | L                | L                | L                | L                | L | L | L | L | L | 1/<br>ve<br>hi<br>cle           | none          | see<br>sectio<br>n 32-<br>233 |

Sec. 32-162. - Accessory uses, residential.

- (3) Accessory residential ethanol/biodiesel fuel production for private use must meet the following standards as a **minor special conditional use permit**:



- (4) An application for a proposed wind energy facility (small system) located at a residence must meet the following standards as an accessory use requiring a **minor special conditional** use permit:

f. *Application.*

1. A **minor special conditional** use permit application for the proposed wind energy facility shall additionally include:

(7) *Temporary health care structures (as defined in G.S. 160D-915).*

a. *Standards.* Use shall comply with all development standards as established by G.S. 160D-915.

b. *Permit Revocation.* Local government may revoke permit following the revocation process in G.S. 160D-915.

Sec. 32-163. - Accessory uses, nonresidential.

Nonresidential uses may have a variety of accessory uses within the principal structure or in separate structures. Food trucks are nonresidential accessory uses and must meet the requirements of section 32-163(9).

- (1) Accessory industrial uses shall be permitted only in the I-1 or I-2 districts and are prohibited elsewhere. Generally, an accessory use shall be essential to or traditionally conducted in association with the principal use which is a permitted, limited, ~~conditional~~ **minor or major** special use. Also, residences for watchmen and caretakers shall be permitted as accessory to industrial or institutional uses. Uses not permitted in the district shall be prohibited, except where the uses constitute less than 15 percent of the total floor area of its principal use.

- (6) A wind energy facility (small or large system) shall be allowed as a nonresidential accessory use requiring a **minor special conditional** use permit in all commercial or industrial zoning classifications subject to the following standards:

f. *Application.*

1. A **minor special conditional** use permit application for the proposed wind energy facility shall additionally include:

DIVISION 4. - LIMITED, ~~CONDITIONAL~~ **MINOR AND MAJOR** SPECIAL USES

Sec. 32-191. - Scope.

This division describes the standards governing individual limited, ~~conditional~~ **minor** and **major** special uses, including:

- (1) Common standards for buffering, location, bulk and scale;
- (2) Standards of an environmental nature that apply to open space uses; and
- (3) Standards not easily incorporated into table 03.110A.

Section 32-192 describes the different categories used in table 03.110A. Sections 32-192—32-233 describe individual limited, ~~conditional~~ **minor** or **major** special uses, or standards that vary from district to district, that could not be summarized in table 03.110A. All limited, ~~conditional~~ **minor** or **major** special uses shall complete a site plan review process so that the standards of this division are met. If the use is to be contained in a subdivision, the lots for such uses shall be so designated.

~~Sec. 32-193.— Mobile homes, pre-1976.~~

~~A mobile home may be relocated from another lot in the county, provided it was legally established within the county on or before March 16, 1998. Legally established shall mean pre-1976 mobile homes that were issued a certificate of completion for a manufactured mobile home permit, certificate of completion for an electrical permit for electrical service, or the mobile home was listed as personal property within the county tax administration department on or before March 16, 1998. No such units located outside the county on July 12, 1999, may be relocated to a lot in the county. In addition, mobile homes shall be required to meet the following requirements:—~~

- ~~(1) Exterior finishes shall be in good repair and shall be residential appearance, including but not limited to weatherboard such as conventional vinyl or metal siding, wood siding, shingles, shakes or similar material, but excluding ribbed or corrugated tin or plastic panels.—~~
- ~~(2) A continuous uniform foundation enclosure, unpierced except for required ventilation and access, shall be installed. The enclosure may consist of brick, stone or concrete block, wood, vinyl paneling, or metal fabricated for this purpose. Any wood framing for foundation skirting shall be constructed with treated lumber.—~~
- ~~(3) Permanent or precast steps shall be constructed or placed at all exterior doors as necessary in compliance with all provisions of state residential building code, G.S. 143-143.15, section 4.8.2.—~~
- ~~(4) The towing hitch shall either be removed or permanently screened with shrubbery or with the extension of materials specified in subsection (2) of this section.—~~
- ~~(5) All areas not used for parking, the mobile home, or required porches, decks or steps shall be suitably landscaped or graded to prevent soil erosion or to remove surface water without damage to street rights of way and surrounding properties.—~~
- ~~(6) All standards of this section must be met prior to final inspection by the county inspection department.—~~

~~Sec. 32-194. - Manufactured homes, post-1976.~~

- (a) All ~~post-1976~~ manufactured homes located in AR-80, AR-40, and MHPD zoning districts shall be required to meet: ~~subsections A-F in section 03.311.~~
- (1) Exterior finishes shall be in good repair and shall be residential appearance, including but not limited to weatherboard such as conventional vinyl or metal siding, wood siding, shingles, shakes or similar material, but excluding ribbed or corrugated tin or plastic panels.**
  - (2) A continuous uniform foundation enclosure, unpierced except for required ventilation and access, shall be installed. The enclosure may consist of brick, stone or concrete block, wood, vinyl paneling, or metal fabricated for this purpose. Any wood framing for foundation skirting shall be constructed with treated lumber.**
  - (3) Permanent or precast steps shall be constructed or placed at all exterior doors as necessary in compliance with all provisions of state residential building code, G.S. 143-143.15, section 4.8.2.**
  - (4) The towing hitch shall either be removed or permanently screened with shrubbery or with the extension of materials specified in subsection (2) of this section.**
  - (5) All areas not used for parking, the mobile home, or required porches, decks or steps shall be suitably landscaped or graded to prevent soil erosion or to remove surface water without damage to street rights-of-way and surrounding properties.**
  - (6) Stairs, porches, entrance platforms, ramps, and other means of entrance and exit to and from the manufactured home shall be installed or constructed in accordance with the standards set by the North Carolina Building Code, free standing or attached firmly to the primary structure and anchored securely to the ground.**
  - (7) All standards of this section must be met prior to final inspection by the county inspection department.**
- (b) All ~~post-1976~~ manufactured homes located in a R-25 zoning district shall be required to meet the following requirements:
- (1) The manufactured home has a length not exceeding four times its width, with the length measured along the longest axis and the width measured at the narrowest part of the axis.
  - (2) The manufactured home has a minimum of 960 square feet of enclosed and heated living area per dwelling area.
  - (3) The pitch of the roof of the manufactured home has a minimum vertical rise of two feet for each 12 feet of the horizontal run and the roof is finished with a type of shingle that is commonly used in standard residential construction.
  - (4) The exterior siding consist predominantly of vinyl or aluminum horizontal siding (whose reflectivity does not exceed that of gloss white paint), wood, hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction.

- (5) ~~The manufactured home is set up in accordance with the standards set by the North Carolina Department of Insurance.~~ Screening of the foundation area shall be by a continuous, permanent masonry foundation or masonry curtain wall, which is in accordance with the North Carolina Building Code, unbroken except for required ventilation and access, and which is installed under the perimeter of the manufactured home.
- (6) Stairs, porches, entrance platforms, ramps, and other means of entrance and exit to and from the manufactured home shall be installed or constructed in accordance with the standards set by the North Carolina Building Code, free standing or attached firmly to the primary structure and anchored securely to the ground.
- (7) The moving hitch, wheels and axles, and transporting lights have been removed.
- (8) **All standards of this section must be met prior to final inspection by the county inspection department.**

Sec. 32-196. - Manufactured home park or subdivision.

(a) Mobile home units shall all meet the following:

- (1) All mobile homes shall have skirting completely enclosing the perimeter of the trailer in materials compatible with the exterior of the unit or shall be enclosed by other building materials and in a manner approved by the county building inspector. Every mobile home shall have a 24-inch by 36-inch access door to crawl space under the trailer.
- (2) No living compartment or structure other than a Florida room, or other prefabricated structure specifically designed for mobile home use or extension shall be added to any mobile home.
- (3) No more than one mobile home or trailer, whether occupied or not, shall be parked on any one mobile home space.
- (4) No mobile home park shall permit a recreation vehicle as defined by this chapter to locate within its boundaries for periods greater than 48 hours if used for any dwelling purposes whatsoever.
- (5) ~~Mobile homes shall bear the label of certification which complies with the National Mobile Home Construction and Safety Standard adopted by the U.S. Department of Housing and Urban Development.~~
- (56) All mobile homes shall have two complete sets of steps made of precast concrete, concrete blocks with mortar, metal or wood steps as approved by the county building inspector.

Sec. 32-208. - Heavy retail and service.

- (a) Establishments that temporarily store vehicles, or permanently store utility trailers and/or utility buildings shall meet the following standards:
- (1) A minimum of one acre shall be required for the entire business unless the lot is a lot of record as defined elsewhere in this chapter. The storage yard area shall not be greater than 40,000 square feet and shall be surrounded by a visually impermeable fence at least six feet in height on all sides, regardless of other adjacent districts or regulations within this chapter. At the board of adjustment's discretion, the impermeability of portions of this fence may be waived if the yard is already encompassed by natural growth or barriers which sufficiently screen the area. All structures, including fencing, shall meet the setback requirements.
  - (2) A vehicular storage facility shall not store vehicles for a period greater than 30 days unless requested or ordered by a law enforcement agency.
  - (3) In the HB district, no salvaging of parts of any kind shall be associated with temporary vehicular and/or permanent utility trailer or utility building storage facilities. Proof of salvaging of vehicles, utility buildings and/or utility trailers under the provisions of the **minor special conditional** use permit shall be grounds for immediate revocation of the **minor special conditional** use permit, as well as any other legal remedies the county may choose to enjoin.

Sec. 32-213. - Commercial amusement, outdoor.

Commercial amusement uses shall meet the following:

- (1) The use shall have only one lot line facing residential.
- (2) Closing hours shall be limited to 10:00 p.m. and lighting turned off within one-half hour after closing. Facilities seeking to remain open after this time must apply for and receive approval of a **minor special conditional** use permit.
- (3) The land development administrator shall review the facility and may prohibit landscaping or design that is unnatural or a problem for residential neighbors in terms of the materials or other design features.

Sec. 32-219. - Utilities, community/regional.

- (2) Natural gas fuel power generation, including switching stations and power substations constructed for the purpose of connection to the power transmission lines shall meet all of the following:
  - a. Provide a setback of 100 feet from all exterior property lines and road rights-of-way, including retaining all natural vegetation of trees of at least five feet or more in height and all natural undergrowth with the setback area stated; or if not existing on portions of the property, the placement of new trees of not less than three feet in height and one foot shrubs based on a landscaping plan determined necessary by the land

development administrator to provide a natural buffer within the required setback area. The board of commissioners under the **major** special use permit authority may require a greater buffer or natural vegetation requirement than stated, if deemed necessary.

- b. All structures proposed above the maximum height stated in table 04.100B, Bulk Standards, for that zoning district shall be documented by the applicant to the board of commissioners justifying the additional height and approved by the board of commissioners upon a finding of fact that issuing the **major** special use permit is the minimum necessary to serve the use and provide the least adverse visual effects of the structure through careful design, siting, landscaping screening and innovative camouflaging techniques. The maximum additional height that may be granted by the board is 100 feet.

Sec. 32-236. - Cattle merchant wholesalers (1997 NAICS 422520).

Cattle merchant wholesalers (1997 NAICS 422520) may be located in the AR-80 and AR-40 districts on nonarterial roads if the following conditions are met and the applicant obtains a **major** special use permit pursuant to section 32-1101 of this chapter:

Sec. 32-262. - District performance standards.

- (d) The maximum height of buildings or structures is as shown in Table 04.100A; provided, however, that church spires, belfries, cupolas, domes not intended for human occupancy, electrical transmission towers, recreational ball field light stanchions, flagpoles, grain elevators, ~~amateur ham radio and citizen band antenna towers~~, and similar structures that are not capable of being occupied by humans, and public fire observation towers can be built to a maximum height of 80 feet. **Amateur ham radio and citizen band antenna towers not capable of being occupied by humans can be built to a maximum height of 90 feet.** The height limitations set forth in the preceding sentences for the specific buildings or structures listed above may only be exceeded if an applicant applies for, is granted, and complies with the terms of a **minor special conditional** use permit in accordance with the provisions of this chapter applicable to ~~minor special conditional~~ use permits.

Sec. 32-263. - Lot standards for PUDs

- (b) Access to a primarily residential PUD may be allowed through a neighborhood business zoning district provided such access is approved as a component of a **major** special use permit.

Sec. 32-265. - Planned unit development plan notation regarding Voluntary Agricultural District designation.

A planned unit development **major** special use site plan shall designate the existence of any Voluntary Agricultural District located within one mile of the proposed planned unit development. The designation shall be a note on the plan that states: "There is land located within one mile of this planned unit development that is designated a Voluntary Agricultural District. The current tax map number of the property designated a Voluntary Agricultural District is \_\_\_\_\_."

Sec. 32-311. - Statutory authorization.

The legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; ~~Parts 3 and 4 of Article 18 of Chapter 153A;~~ **Article 7, 9, 11 of Chapter 160D**; and ~~Part 121,~~ Article 6 of Chapter 153A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

Sec. 32-315. - Flood damage prevention definitions.

Unless specifically defined below, words or phrases used in this division shall be interpreted so as to give them the meaning they have in common usage and to give this division its most reasonable application.

*Development* means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials. **Unless the context clearly indicates otherwise, the term means: (a) The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure; (b) excavation, grading, filling, clearing, or alteration of land; (c) the subdivision of land as defined in N.C.G.S. 160D-802; or (d) the initiation or substantial change in the use of land or the intensity of use of land. This definition does not alter the scope of regulatory authority granted by the Articles of this Chapter (N.C.G.S. 160D).**

*Manufactured home or mobile home* means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle-," **and includes a structure as defined in G.S. 143-145(7).**

Sec. 32-353. - Establishment of watershed areas.

State Law reference— Authority to establish county service districts, G.S. **160D-926** ~~153A-300 et seq.~~; authority to create watershed improvement programs, G.S. **160D-926** 153A-440.1.

Sec. 32-391. - Authority.

The county board of commissioners is authorized to adopt this division pursuant to North Carolina law, including but not limited to Article 14, Section 5 of the Constitution of North Carolina; G.S. ch. 143-214.7 and rules promulgated by the Environmental Management Commission "the commission" thereunder; **North Carolina General Statute** Chapter 143-215.6A; ~~Chapter 153A-454~~; and, ~~Chapter 153A, Article 18 (Parts 1, 2 and 3)~~ **North Carolina General Statute Chapter 160D-925**.

Sec. 32-497. - Table of permitted signs.

- (a) Districts in which particular signs are permitted as a use by right, and no permit is required, are indicated by an X.
- (b) Districts in which particular signs are permitted upon procurement of a permit are indicated by a P.
- (c) Districts in which particular signs are permitted as a **minor special conditional** use upon approval of the board of adjustment are indicated by a **MinS C**.
- (d) Districts in which particular signs are prohibited are indicated by an N.
- (e) Districts in which particular signs are limited uses are indicated by "L." Limited signs require the issuance of a zoning permit.

TABLE 07.105  
PERMITTED SIGNS

|           | Zoning Districts |       |      |      |    |    |     |
|-----------|------------------|-------|------|------|----|----|-----|
| Sign Type | AR-80            | AR-40 | R-25 | MHPD | HB | NB | I-1 |



|  |   |   |   |   |   |   |   |
|--|---|---|---|---|---|---|---|
| Nameplates and identification signs        | X | X | X | X | X | X | X |
| Real Estate Signs                          | X | X | X | X | X | X | X |
| Church or Public Bulletin Boards           | X | X | X | X | X | X | X |
| Governmental and Utility Signs             | X | X | X | X | X | X | X |
| Government Mandated Signs                  | X | X | X | X | X | X | X |
| Construction Site Placards                 | X | X | X | X | X | X | X |
| Window Signs                               | X | X | X | X | X | X | X |
| Directional Signs                          | X | X | X | X | X | X | X |
| Agricultural Signs                         | X | X | X | X | X | X | X |
| Residential Entrance and Exit Sign (small) | X | X | X | X | N | N | N |
| Residential Entrance and Exit Sign (large) | P | P | P | P | N | N | N |

|   |                  |                  |   |   |                  |                  |                  |
|---|------------------|------------------|---|---|------------------|------------------|------------------|
| Freestanding On-Site Identification Sign                      | N                | N                | N | N | P                | P                | P                |
| Wall Mounted Sign   | N                | N                | N | N | P                | P                | P                |
| Portable Signs  | N                | N                | N | N | P                | P                | P                |
| Outdoor Advertising Signs (Billboards)                        | <b>MinS</b><br>€ | <b>MinS</b><br>€ | N | N | <b>MinS</b><br>€ | <b>MinS</b><br>€ | <b>MinS</b><br>€ |
| Nonresidential Entrance and Exit Sign                         | N                | N                | N | N | P                | P                | P                |
| Institutional Land Use Signs in Residential Zoning Districts: |                  |                  |   |   |                  |                  |                  |
| Free-standing On-site Identification Sign                     | L                | L                | L | L | N/A<br>*         | N/A<br>*         | N/A<br>*         |
| Wall Mounted Sign   | L                | L                | L | L | N/A<br>*         | N/A<br>*         | N/A<br>*         |
| Off-Premises Directional                                      | L                | L                | L | L | L                | L                | L                |

\* Commercial and industrial zoning district sign standards apply for institutional land use

free-standing on-site identification signs and wall mounted signs.

|   |   |
|---|---|
| X | Permitted as a use by right; no permit is required. |
|---|---|

|           |   |   |
|-----------|---|---|
| P         | = | Permitted upon procurement of a permit.   |
| MinS<br>€ | = | Permitted as a <b>minor special conditional</b> use upon approval of the board of adjustment. |
| N         | = | Prohibited.   |

Sec. 32-521. - Required.

**(d) Any required removal of a nonconforming outdoor advertising sign by the local government shall follow the provisions of GS 160D-912.**

Sec. 32-552. - Authority.

This article is adopted under the authority granted by **North Carolina General Statute Chapter 160D-904 and North Carolina General Statute Chapter 63, Article 4** ~~G.S. ch. 63, art. 4~~ which statutes are adopted herein by reference as if a part hereof to the extent said statutes are not inconsistent with the terms of this article.

Sec. 32-559. - Airport height permits.

(d) *Variances:*

- (1) Any person desiring to erect any structure, or increase the height of any structure, or otherwise use his property, in violation of regulations set forth in this article, may apply to the board of adjustment for a variance from the regulations herein. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest or create a hazard to air navigation, but do substantial justice and be in accordance with the spirit of this article and **North Carolina General Statute Chapter 160D-705 and North Carolina General Statute Chapter 63, Article 4** ~~G.S. Ch. 63, art. 4~~.

Sec. 32-563. - Judicial review.

Any person aggrieved by any decision of the board of adjustment, or any taxpayer, or any officer, department, board or bureau of the county may present to the superior court a verified

petition requesting a review of the decision of the board of adjustment as set forth in **North Carolina General Statute Chapter 160D-1401 and North Carolina General Statute 63, Article 4 G.S. ch. 63, art. 4.**

Sec. 32-564. - Enforcement and remedies.

Each violation of this article or G.S. ch. 63, art. 4, or of any regulations, order or ruling promulgated or made pursuant to this article or G.S. ch. 63, art. 4, shall constitute a class 3 misdemeanor, and each day a violation continues to exist shall constitute a separate offense. In addition, the county may institute in any court of competent jurisdiction, an action to prevent, restrain, correct or abate any violation of this article or G.S. ch. 63, art. 4, or of any order or ruling made in connection with the administration or the enforcement thereof and the court shall adjudge to the plaintiff such relief, by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order fully to effectuate the purposes of this article and of G.S. ch. 63, art. 4 and orders and rulings made pursuant thereto. **For further reference, see North Carolina General Statute Chapter 160D-404.**

Sec. 32-566. - Purpose and legislative intent.

The Telecommunications Act of 1996 and **North Carolina General Statute Chapter 160D, Article 9, Part 3 G.S. 153A-349.51A** affirms the county's authority concerning the placement, construction and modification of wireless facilities and wireless support structures. The county board of commissioners finds that wireless facilities and wireless support structures may pose vulnerability to the health, safety, public welfare and environment of the county and its inhabitants. The county also recognizes that facilitating the development of wireless service technology can be an economic development asset to the county and of significant benefit to the county and its residents. In order to insure that the placement, construction or modification of wireless facilities and wireless support structures are consistent with the county's land development and land use policies, the county is adopting a single, comprehensive, wireless facilities and wireless support structures application and permit process. Further, the deployment of wireless infrastructure is critical to ensuring first responders can provide for the health and safety of all residents of North Carolina and that, consistent with Section 6409 of the Federal Middle Class Tax Relief and Job Creation Act of 2012, 47 U.S.C. § 1455(a), which creates a national wireless emergency communications network for use by first responders that in large measure will be dependent on facilities placed on existing wireless communications support structures. The intent of this article is to:

Sec. 32-568. - Severability.

- (b) Any **major** special use permit or antenna collocation permit issued under this article shall be comprehensive and not severable. If part of a permit is deemed or ruled to be invalid or unenforceable in any material respect, by a competent authority, or is overturned by a competent authority, the permit shall be void in total, upon determination by the county board.

Sec. 32-571. - Definitions.

***Applicable codes*** means the North Carolina State Building Code and any other uniform building, fire, electrical, plumbing, or mechanical codes adopted by aa recognized national code organization together with State or local amendments to those codes enacted solely to address imminent threats of destruction of property or injury to persons.

***Application*** means a ~~formal~~ request submitted by an applicant to the local government for a permit to collocate wireless facilities or to approve the installation, modification, or replacement of a utility pole, city utility pole, or a wireless support structure to the county to construct or modify a wireless support structure or a wireless facility.

***Building permit*** means an official administrative authorization issued by the local government ~~county~~ prior to beginning construction consistent with the provisions of G.S. 160D-1110 ~~153A-357~~.

***City right-of-way*** means a right-of-way owned, leased, or operated by a city, including any public street or alley that is not a part of the State highway system.

***City utility pole*** means a pole owned by a city in the city right-of-way that provides lighting, traffic control, or a similar function.

***Collocation*** means the placement, ~~or~~ installation, maintenance, modification, operation, or replacement of wireless facilities on, under, within, or on the surface of the earth adjacent to existing structures, including utility poles, city utility poles ~~electrical transmission towers~~, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes. **The term does not include the installation of new utility poles, city utility poles, or wireless support structures.**

***Communications facility*** means the set of equipment and network components, including wires and cables and associated facilities used by a communications service provider to provide communications service.

***Communications service*** means cable service as defined in 47 U.S.C. 522(6), information service as defined in 47 U.S.C. 153(24), telecommunications service as defined in 47 U.S.C. 153(53), or wireless services.

***Land development regulation*** means any ordinance enacted pursuant to North Carolina General Statute Chapter 160D G.S. ch. 153A, art. 18, pt. 3B.

***Major*** ~~Special use permit~~ means the official document or permit by which an applicant is allowed to construct and use wireless support structures as granted or issued by the county.

***Micro wireless facility*** means a small wireless facility that is no larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, no longer than 11 inches.

***Small wireless facility*** means a wireless facility that meets the following qualifications: 1) Each antenna is located inside an enclosure of no more than 6 cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements, if enclosed, could fit within an enclosure of no more than 6 cubic feet. 2) All other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet. For the purposes of this sub-subdivision, the following types of ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cut-off switches, vertical cable runs for the connection of power and other services, or other support structures.

***Substantial modification*** means the mounting of a proposed wireless facility on a wireless support structure that substantially changes the physical dimensions of the support structure. A mounting is presumed to be a substantial modification if it meets any one or more of the criteria listed below. The burden is on the local government to demonstrate that a mounting that does not meet the listed criteria constitutes a substantial change to the physical dimensions of the wireless support structure.

- (1) Increasing the existing vertical height of the structure by the greater of:
  - a. More than ten percent, or
  - b. The height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet.
- (2) Except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable, adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure the greater of:
  - a. More than 20 feet, or
  - b. More than the width of the wireless support structure at the level of the appurtenance.
- c. (3) Increasing the square footage of the existing equipment compound by more than 2,500 square feet.

***Utility pole*** means a structure that is designed for and used to carry lines, cables, or wires, **lighting facilities, or small wireless facilities** for telephone, cable television, or electricity, or to provide lighting, or wireless services.

***Wireless facility*** means ~~the set of equipment and network components, exclusive of the underlying wireless support structure or tower, including antennas, transmitters, receivers, receivers base stations, power supplies, cabling, and associated equipment necessary to provide wireless data and wireless telecommunications services to a discrete geographic area~~ **equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (i) equipment associated with wireless communications and (ii) radio transceivers, antennas, wires, coaxial or fiber-optic cable, regular and backup**

power supplies, and comparable equipment, regardless of technological configuration. The term does not include any of the following:

- a. The structure or improvements on, under, within, or adjacent to which the equipment is collocated.
- b. Wireline backhaul facilities.
- c. Coaxial or fiber-optic cable that is between wireless structures or utility poles or city utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.

***Wireless infrastructure provider*** means any person with a certificate to provide telecommunications service in the State who builds or installs wireless communication transmission equipment, wireless facilities, or wireless support structures for small wireless facilities but that does not provide wireless services.

***Wireless provider*** means a wireless infrastructure provider or a wireless services provider.

***Wireless services*** means any services, using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public using wireless facilities.

***Wireless services provider*** means a person who provides wireless services.

***Wireless support structure*** means a new or existing structure, such as a monopole, lattice tower, or guyed tower that is designed to support or capable of supporting wireless facilities. A utility pole **or a city utility pole** is not a wireless support structure.

Sec. 32-572. - New wireless support structures.

- (c) All new wireless support structures shall be subject to approval of a **major** special use permit.
- (d) **In the event the County receives an application for a qualified Small Wireless Facility as that term is defined by NC Statutes 160D-931 or 47 CFR §1.6002, the County shall process and adjudicate such application in accordance with applicable state and/or federal law, including but not limited to Orders and Rule makings of the Federal Communications Commission.**

Sec. 32-575. - Collocations and eligible facilities requests of wireless support structures.

- (a) A **major** special use permit is not required for a wireless support structure collocation or eligible facilities requests of wireless support structures if the work does not constitute a substantial modification of a wireless support structure.

Sec. 32-577. - General wireless support structure permit submittal requirements for broadcast facilities.

All applications for the construction or installation of a new wireless support structure for broadcast facilities shall be accompanied by a report containing the information hereinafter set forth. All documentation shall be submitted by persons so qualified. Such qualifications shall be included with the materials. Where this section calls for professional certification, such certification shall be by a qualified state-licensed professional engineer. In addition to the submittal requirements of any subsection below, each applicant for an antenna attachment, collocation, or new wireless support structure shall submit a completed application form and required application fees as part of its submittal package.

All new broadcast towers shall meet the following requirements:

- (1) Subject to approval of **major** special use permit.

Sec. 32-578. - Overall policy and desired goals for **major** special use permits for wireless support structures.

In order to ensure that the placement, construction, and modification of new wireless support structures protects the county's health, safety, public welfare, environmental features and other aspects of the quality of life specifically listed elsewhere in this article, the county board hereby adopts an overall policy with respect to a **major** special use permit for new wireless support structures for the express purpose of achieving the following goals:

- (1) Implementing an application process for person(s) seeking a **major** special use permit for a wireless support structure;
- (2) Establishing a policy for examining an application for and issuing a **major** special use permit for wireless support structure that is both fair and consistent;
- (3) Establishing reasonable timeframes for granting or not granting a **major** special use permit for a wireless support structure, or recertifying or not recertifying, or revoking the **major** special use permit granted under this article;
- (4) Requiring and encouraging, wherever possible, the sharing and/or collocation of wireless support structure among service providers;
- (5) Requiring the placement, height and quantity of wireless support structure in such a manner as to minimize adverse aesthetic impacts to the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such wireless support structure.

Sec. 32-579. – **Major** Special use permit applications for any wireless support structure requirements.

No person shall be permitted to site, place, build, construct or modify, or prepare any site for the placement or use of, wireless support structure as of the effective date of this article without having first obtained a **major** special use permit for a wireless support structure.

Notwithstanding anything to the contrary in this section, no **major** special use permit shall be



required for those exceptions noted in the definition of wireless support structures. All applicants for a **major** special use permit and or any modification of such facility shall comply with the requirements set forth in this section.

(3) Wireless support structure requiring a **major** special use permit shall not be installed or constructed until the site plan is reviewed and approved by the board, and the **major** special use permit has been issued.

(4) An application for a **major** special use permit for a wireless support structure shall be signed on behalf of the applicant by the person preparing the same and with knowledge of the contents and representations made therein and attesting to the truth and completeness of the information.

(19) The applicant shall include a statement in writing:

a. That the applicant's proposed wireless support structures shall be maintained in a safe manner, and in compliance with all conditions of the **major** special use permit, without exception, unless specifically granted relief by the board in writing, as well as all applicable and permissible local codes, ordinances, and regulations, including any and all applicable county, state and federal laws, rules, and regulations.

(20) The board is the officially designated agency or body of the community to whom applications for a **major** special use permit for a wireless support structure must be made, and that is authorized to review, analyze, evaluate and make decisions with respect to granting or not granting, recertifying or not recertifying, or revoking **major** special use permits for wireless support structures. The board may approve any site listed as a lower preference in section 32-572 provided that the board finds that the proposed site is in the best interest of the health, safety and welfare of the county and its inhabitants. The board may, at its discretion, request other official agencies of the county to evaluate and make recommendations to the board with respect to the granting or not granting, recertifying or not recertifying or revoking **major** special use permits for wireless support structures.

(21) The county may conditionally approve a **major** special use permit for wireless support structure on the provision of documentation prior to the issuance of a building permit establishing the existence of one or more parties, including the owner of the wireless support structure who intend to locate wireless facilities on the wireless support structure. The county shall not deny an initial land use or zoning permit based on such documentation. The county may condition a permit on a requirement to construct facilities within a reasonable period of time, which shall be no less than 24 months.

(23) A person who holds a **major** special use permit for a wireless support structure shall construct, operate, maintain, repair, provide for removal of, modify or restore the permitted wireless support structure in strict compliance with all current applicable technical, safety and

safety-related codes adopted by the county, state or United States, including, but not limited to, the most recent editions of the National Electrical Safety Code and the National Electrical Code, as well as accepted and responsible workmanlike industry practices and recommended practices of the National Association of Tower Erectors. The codes referred to are codes that include, but are not limited to, construction, building, electrical, fire, safety, health and land use codes. In the event of a conflict between or among any of the preceding the more stringent shall apply.

(24) A holder of a **major** special use permit granted under this article shall obtain, at its own expense, all permits and licenses required by applicable law, rule, regulation or code, and must maintain the same, in full force and effect, for as long as required by the county or other governmental entity or agency having jurisdiction over the applicant.

(25) The holder of a **major** special use permit shall notify the county of any intended modification of a wireless support structure and shall apply to the county to modify, relocate or rebuild a wireless support structure.

Sec. 32-580.1. - Exceptions from a **major** special use permit for wireless support structures.

All wireless support structures existing on or before the effective date of this article shall be allowed to continue as they presently exist, provided, however, that any modification to existing wireless support structures must comply with this article.

Sec. 32-580.2. - Extent and parameters of **major** special use permit for wireless support structures.

The extent and parameters of a **major** special use permit for wireless support structures shall be as follows:

- (1) Such **major** special use permit shall be nonexclusive;
- (2) Such **major** special use permit may, following a hearing upon due prior notice to the applicant, be revoked, canceled, or terminated for a violation of the conditions and provisions of the **major** special use permit for a wireless support structure or for a material violation of this article after prior written notice to the applicant and the holder of the **major** special use permit.

Sec. 32-580.3. - Application fee.

At the time that a person submits an application for a **major** special use permit for a new wireless support structure, such person shall pay a nonrefundable application fee to the county. If

the application is for an antenna collocation permit for collocating on an existing wireless support structure or other structure, where no increase in height of the wireless support structure or other structure is required, the nonrefundable fee shall be the amount approved by the board of commissioners under planning fee schedule for the county budget for that current year.

Sec. 32-580.4. - Reservation of authority to inspect wireless support structures.

In order to verify that the holder of a **major** special use permit and/or antenna collocation permit for wireless support structures and any and all lessees, renters and/or licensees of wireless support structures, place and construct such facilities, including wireless support structures and antennas, in accordance with all applicable technical, safety, fire, building, and zoning codes, laws, ordinances and regulations and other applicable requirements, the county may inspect all facets of said permit holder's, renter's, lessee's, or licensee's placement, construction, modification and maintenance of such facilities, including, but not limited to, towers, antennas and building or other structures constructed or located on the permitted site. The county shall set fees, payable to Granville County.

Sec. 32-580.6. – **Enforcement Remedies Fines.**

(a) In the event of a violation of this article or any **major** special use permit or antenna collocation permit issued pursuant to this article, the board may impose and collect, and the holder of the **major** special use permit or antenna collocation permit on wireless support structures shall pay to the county, fines or penalties as set forth in **Section 32-1183 and 32-1184 of this Chapter not inconsistent with any enforcement remedy allowed pursuant to North Carolina General Statute Chapter 160D below.**

~~(b) — A violation of this article is hereby declared to be an offense, punishable by a fine not exceeding \$350.00 or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than \$350.00 nor more than \$700.00 or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than \$700.00 nor more than \$1,000.00 or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this article or of such ordinance or regulation shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violations shall constitute a separate additional violation.~~

~~(c) — Notwithstanding anything in this article, the holder of the special use permit or antenna collocation permit on wireless support structures may not use the payment of fines, liquidated damages or other penalties, to evade or avoid compliance with this article or any section of this article. An attempt to do so shall subject the holder of the special use permit or antenna collocation permit to termination and revocation of the special use permit or antenna collocation permit. The county may also seek injunctive relief to prevent the continued violation of this article, without limiting other remedies available to the county.~~

Sec. 32-580.7. - Default and/or revocation.

(a) If wireless support structures are repaired, rebuilt, placed, moved, relocated, modified or maintained in a way that is inconsistent or not in compliance with the provisions of this article or of the **major** special use permit or antenna collocation permit, then the board or ordinance administrator shall notify the holder of the **major** special use permit or antenna collocation permit in writing of such violation. Such notice shall specify the nature of the violation or noncompliance and that the violations must be corrected within seven days of the date of the postmark of the notice, or of the date of personal service of the notice, whichever is earlier. Notwithstanding anything to the contrary in this subsection or any other section of this article, if the violation causes, creates or presents an imminent danger or threat to the health or safety of lives or property, the board may, at its sole discretion, order the violation remedied within 24 hours.

(b) If within the period set forth in subsection (a) above, the wireless facility and/or wireless support structures are not brought into compliance with the provisions of this article, or of the **major** special use permit or antenna collocation permit, or substantial steps are not taken in order to bring the affected wireless facility and/or wireless support structures into compliance, then the board or ordinance administrator may revoke such **major** special use permit or antenna collocation permit for wireless facility and/or wireless support structures, and shall notify the holder of the **major** special use permit within 48 hours of such action.

Sec. 32-580.8. - Removal of wireless facility and/or wireless support structures.

(a) Under the following circumstances, the board or ordinance administrator may determine that the health, safety, and welfare interests of the county warrant and require the removal of wireless facility and/or wireless support structures:

(3) A wireless facility and/or wireless support structures that have been located, constructed, or modified without first obtaining, or in a manner not authorized by, the required **major** special use permit or antenna collocation permit, or any other necessary authorization.

(b) If the board or ordinance administrator makes such a determination as noted in subsection (a) of this section, the board or ordinance administrator shall notify the holder of the **major** special use permit or antenna collocation permit for the wireless facility and/or wireless support structure within 48 hours that said wireless facility and/or wireless support structure are to be removed, the board or ordinance administrator may approve an interim temporary use agreement/permit, such as to enable the sale of the wireless facility and/or wireless support structure.

(c) The holder of the **major** special use permit or antenna collocation permit, or its successors or assigns, shall dismantle and remove such wireless facility and/or wireless support structure, and all associated structures and facilities, from the site and restore the site as close to its original condition as is possible, such restoration being limited only by physical or commercial impracticability, within 90 days of receipt of written notice from the board or ordinance administrator. However, if the owner of the property upon which the wireless facility and/or wireless support structure are located wishes to retain any access roadway to the wireless facility and/or wireless support structure, the owner may do so with the approval of the board.

(d) If the wireless facility and/or wireless support structure are not removed or substantial progress has not been made to remove the wireless facility and/or wireless support structure within 90 days after the permit holder has received notice, then the board or ordinance administrator may order officials or representatives of the county to remove the wireless facility and/or wireless support structure at the sole expense of the owner or **major** special use permit or antenna collocation permit holder.

(f) Notwithstanding anything in this section to the contrary, the board or ordinance administrator in the case of an antenna collocation permit may approve a temporary use permit/agreement for the wireless facility and/or wireless support structure, for no more than 90 days, during which time a suitable plan for removal, conversion, or relocation of the affected wireless facility and/or wireless support structure shall be developed by the holder of the **major** special use permit or antenna collocation permit, subject to the approval of the board or ordinance administrator in the case of an antenna collocation permit, and an agreement to such plan shall be executed by the holder of the **major** special use permit or antenna collocation permit and the county. If such a plan is not developed, approved and executed within the 90-day time-period, then the county may take possession of and dispose of the affected wireless facility and/or wireless support structure in the manner provided in this section.

Sec. 32-580.10. - Adherence to state and/or federal rules and regulations.

(a) To the extent that the holder of a **major** special use permit or antenna collocation permit for a wireless facility and/or wireless support structure has not received relief, or is otherwise exempt, from appropriate state and/or federal agency rules or regulations, then the holder of such

a **major** special use permit or antenna collocation permit shall adhere to, and comply with, all applicable rules, regulations, standards, and provisions of any state or federal agency, including, but not limited to, the FAA and the FCC. Specifically included in this requirement are any rules and regulations regarding height, lighting, security, electrical and RF emission standards.

(b) To the extent that applicable rules, regulations, standards, and provisions of any state or federal agency, including but not limited to, the FAA and the FCC, and specifically including any rules and regulations regarding height, lighting, and security are changed and/or are modified during the duration of the **major** special use permit or antenna collocation permit for a wireless facility and/or wireless support structure, then the holder of such a **major** special use permit shall conform the permitted wireless facility and/or wireless support structure to the applicable changed and/or modified rule, regulation, standard, or provision within a maximum of 24 months of the effective date of the applicable changed and/or modified rule, regulation, standard, or provision, or sooner as may be required by the issuing entity.

#### Sec. 32-580.13. - Authority.

The provisions of this article are adopted by the county board of commissioners under the authority granted by the General Assembly of the State of North Carolina, in **North Carolina General Statute 160D-932** ~~G.S. ch. 153A, art. 18.~~ From and after the effective date hereof, this article shall apply to every lot, tract, parcel of land within the county, exclusive of the jurisdictions of any incorporated municipality and their extraterritorial planning jurisdictions or the state department of human resources referred to as Camp Butner set forth in G.S. 122C-401, as amended.

#### Sec. 32-582. - Applicability.

(a) All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions are created for the purpose of sale or building development (whether immediate or future) and includes all division of land involving the dedication of a new street or change in existing streets; however, the following is not included within this definition and is not subject to any regulations enacted pursuant to G.S. **160D-802** ~~153A-330~~:

#### Sec. 32-581. - Purpose.

The purpose of this article is to ~~provide for the orderly growth and development of the county; for coordination of transportation networks and utilities within proposed~~

subdivisions with existing or planned streets and highways and with other public facilities; and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions that substantially promote public health, safety, and the general welfare.

- (1) ~~Ensure that new subdivision developments will have a safe potable water supply and an adequate sewage disposal system.~~
- (2) ~~Ensure proper design and adequate construction of roads, drainage facilities and utilities.~~
- (3) ~~Assure quality in the design of land developments in the county and the equitable allocation of costs involved between those who shall benefit financially from the development and the taxpaying public as a whole.~~
- (4) ~~Provide assurance to the county resident who purchases property within subdivisions that site improvements have been made in accordance with the requirements of this chapter, thereby protecting the long term value of the property.~~
- (5) ~~Prevent the pollution of air, streams and watersheds; protect the water table; and encourage the rational and efficient utilization and management of natural resources throughout the county in order to preserve the integrity, stability and beauty of the community and the value of the land.~~

#### Sec. 32-951. - Responsibility.

The responsibility for major actions required by this chapter is set forth in this article. The following codes are used in table 20.110 to indicate responsibility. A group may have more than one responsibility, such as typically holding a hearing in addition to taking any action. Furthermore, regardless of the appeal notation, all decisions are appealable to the courts in accordance with state law.

|   |   |   |
|---|---|---|
| R | = | The body makes recommendations to the decision-makers.                      |
| H | = | The body must hold a <b>legislative</b> <del>public</del> hearing.          |
| D | = | The body makes the final decision.  |
| A | = | The body hears an appeal to the decision.                                   |
| Q | = | The body must hold an <b>evidentiary</b> <del>quasi-judicial</del> hearing. |

TABLE 20.110  
PROCEDURAL RESPONSIBILITIES

|                                      |                               |                       |                     |                                |
|--------------------------------------|-------------------------------|-----------------------|---------------------|--------------------------------|
|                                      |                               | Administrative Boards |                     |                                |
| Type of Action                       | County Board of Commissioners | Planning Board        | Board of Adjustment | Land Development Administrator |
| <i>Discretionary</i>                 |                               |                       |                     |                                |
| <b>Minor Special Conditional Use</b> |                               |                       | DQ                  | R                              |
| <b>Major Special Use</b>             | DQ                            |                       |                     | R                              |

Sec. 32-971. - Powers, duties.

The board of commissioners shall have the following powers and duties under this chapter:

- (1) Any power or duty provided by table 20.110.
- (2) To appoint members of the planning board.
- (3) To appoint members of the board of adjustment.
- (4) To establish vested right for **major** special uses.
- (5) Any other power or duty provided for by state law.

Sec. 32-991. - Planning board.

- ~~(1) To review, hear, consider and make recommendations to approve or disapprove applications for zoning map and text amendments as indicated in table 20.110.~~
- ~~(2) To hear, review, consider and approve preliminary plats for major subdivisions, and hear review and consider appeals for final plats for major and minor subdivisions.~~
- ~~(3) To initiate, prepare or cause to be prepared a zoning or land development ordinance or amendments and make recommendations to the board of commissioners as the planning board deems appropriate.~~



- ~~(4) To prepare or cause to be prepared the comprehensive plan, or any element or portion, and recommend its adoption and to determine objectives to be sought in the development of the county.~~
- ~~(5) To initiate, review, hear, consider and make recommendations to approve or disapprove amendments to the comprehensive plan.~~
- ~~(6) To develop and recommend policies, ordinances, administrative procedures and other means for carrying out plans in a coordinated and efficient manner.~~
- ~~(7) To advise the board of commissioners concerning the use and amendment of means for carrying out plans.~~
- ~~(8) To make studies of the county's resources, possibilities, and needs and to report its findings and recommendations, with reference thereto, from time to time, to the board of commissioners.~~
- ~~(9) To review and make recommendations to the governing body upon the extent, location and design of all public structures and facilities; on the acquisition of all public properties; on the opening, abandonment, widening, extension, narrowing or other change to streets and other public ways; and on the construction, extension, expansion or abandonment of utilities, whether publicly or privately owned. However, in the absence of a recommendation from the board after the expiration of 30 days from the date on which the question has been submitted in writing to the board, the governing body may, if it deems wise, take final action.~~
- ~~(10) To consult with the Granville Economic Development Director, the Granville County Economic Development Advisory Board, and with the Granville Soil and Conservation District on issues of concern. The planning board may also coordinate planning activities with adjoining jurisdictions.~~
- ~~(11) To promote public interest in an understanding of its recommendations, and to that end, it may publish and distribute copies of its recommendations and may employ other means of publicity and education as it may deem necessary.~~
- ~~(12) To attend planning conferences or meetings of planning institutes or hearings upon pending planning legislation, and the county may pay, from within the planning board's budget, the reasonable travel expenses incidental to such attendance.~~
- ~~(13) To hear, review, consider, and approve watershed development proposals.~~

- (1) Prepare, review, maintain, monitor, and periodically update and recommend to the governing board a comprehensive plan, and such other plans as deemed appropriate, and conduct ongoing related research, data collection, mapping, and analysis.**
- (2) Facilitate and coordinate citizen engagement and participation in the planning process.**

- (3) **Develop and recommend policies, ordinances, development regulations, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.**
- (4) **Advise the governing board concerning the implementation of plans, including, but not limited to, review and comment on all zoning text and map amendments as required by NCGS 160D-604.**
- (5) **Exercise any functions in the administration and enforcement of various means for carrying out plans that the governing board may direct.**
- (6) **Perform any other related duties that the governing board may direct.**

(d) *Officers, quorum and rules of procedure.*

(4) All members shall have voting power on all matters of business. However, ~~if a member shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. For purposes of this section, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships. who is a party at interest to matters under consideration by the board shall declare such interest prior to a vote of the board on the question and shall abstain from voting on the question. After declaration of interest, this provision shall not prohibit such members from participation in discussions of the board on such matters prior to the vote.~~

Sec. 32-992. - Board of adjustment.

(a) *Powers and duties.* The board of adjustment shall have the following powers and duties:

(1) *Administrative review.* To hear and decide any appeal from and review any order, requirement, decision or determination made by the land development administrator, as indicated in table 20.110.

(2) *Variances.* To authorize upon appeal, in specific cases, such variances from the terms of this chapter which will not be contrary to the public interest. Where owing to special conditions a literal enforcement of the provisions of this chapter would result in unnecessary hardship, a variance from the terms of this chapter may be granted by the board of adjustment.

(3) *~~Minor special Conditional~~ uses.* To hear and decide requests for **minor special conditional** use permits allowed by this chapter.

(c) *Officers, quorum, rules of procedure.* The board of adjustment shall adopt rules governing its organization and for all proceedings before it. Such rules shall provide and require the following in addition to such other rules and regulations the board shall adopt:

(1) The board shall elect a chairman, vice-chairman, and a secretary on an annual basis.

(2) The secretary shall keep detailed minutes of the proceedings. The minutes shall contain relevant facts and testimony of each appeal, the vote of each member on each appeal, abstention from voting, and attendance. The minutes shall contain the signature of the secretary and the chairman.

(3) No appeal may be heard unless a quorum is present. A quorum shall consist of six members in attendance.

(4) The notice shall be given to all parties having interest in an appeal.

(5) Any interested party may appear in person, by agent or by attorney, to offer evidence and testimony relative to an appeal.

**(6) A member of any board exercising quasi-judicial functions pursuant to this Chapter shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. For purposes of this section, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.**

Sec. 32-1011. - Land development administrator.

(8) To receive applications for appeals, variances, ~~conditional use permits~~, and **major and minor** special use permits.

**Sec. 32-1012. – Administrative Staff Conflicts of Interest.**

**Administrative Staff. - No staff member shall make a final decision on an administrative decision required by this Chapter if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance.**

**No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this Chapter unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with a local government to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the local government, as determined by the local government.**

**Sec. 32-1032. - Procedure and administration.**

**TABLE 21.010A.  
ZONING PROCEDURES AND ADMINISTRATION**

|  | <b>Major Special Land Use</b> |  | <b>Minor Special Conditional Uses, Zoning Variances, Appeal</b> |  | <b>Amendments to Zoning Ordinance, Zoning Map, or Watershed Map</b> |  | <b>Amendments to Zoning Map (Conditional Zoning District)</b> |  | <b>Major Watershed Variances</b> |  | <b>Minor Variances</b> |
|--|-------------------------------|--|---|--|---|--|---|--|----------------------------------|--|------------------------|
| <b>Types</b>                           | <b>Days</b>                   | <b>Agency</b>                            | <b>Days</b>   | <b>Agency</b>                            | <b>Days</b>   | <b>Agency</b>                            | <b>Days</b>   | <b>Agency</b>                            | <b>Days</b>                      | <b>Agency</b>                            | <b>Days</b>            |
| <b>Application Completeness Review</b> | <b>1•</b>                     | <b>Land Development Administrator</b>    | <b>1•</b>   | <b>Land Development Administrator</b>    | <b>1•</b>   | <b>Land Development Administrator</b>    | <b>1•</b>   | <b>Land Development Administrator</b>    | <b>1•</b>                        | <b>Land Development Administrator</b>    | <b>1•</b>              |
| <b>Fee</b>                             |                               | <b>Charged per Planning Fee Schedule</b> |   | <b>Charged per Planning Fee Schedule</b> |   | <b>Charged per Planning Fee Schedule</b> |   | <b>Charged per Planning Fee Schedule</b> |                                  | <b>Charged per Planning Fee Schedule</b> |                        |
| <b>Application Review</b>              | <b>30</b>                     | <b>Land Development Administrator</b>    | <b>15•</b>  | <b>Land Development Administrator</b>    | <b>15•</b>  | <b>Land Development Administrator</b>    | <b>30</b>   | <b>Land Development Administrator</b>    | <b>15</b>                        | <b>Land Development Administrator</b>    | <b>15</b>              |

|  |                 |                           |             |                                      |                      |                           |             |                           |           |   |             |
|--|-----------------|---------------------------|-------------|--------------------------------------|----------------------|---------------------------|-------------|---------------------------|-----------|---|-------------|
| Notice   | •10<br>—<br>25* |                           |             |                                      | 10—<br>25*           |                           | 10—<br>25*  |                           | 10—<br>25 |   |             |
| <del>Legislative Public</del><br>Hearing                   |                 |                           |             |                                      |                      | Planning Board            |             | Planning Board            |           |   |             |
| Recommendation   |                 |                           |             | Land<br>Development<br>Administrator | <b>30 or<br/>45•</b> | Planning Board            | 45          | Planning Board            |           | Board of<br>Adjustment                    |             |
| Notice   | •10<br>—<br>25* |                           | •10—<br>25* |                                      | •10—<br>25*          |                           | •10—<br>25* |                           |           |   | •10—<br>25* |
| <b>Evidentiary</b><br><del>Quasi-Judicial</del><br>Hearing | •               | Board of<br>Commissioners | •           | Board of<br>Adjustment               | •                    |                           |             |                           |           | Board of<br>Adjustment                    | •           |
| <del>Legislative Public</del><br>Hearing                   |                 |                           |             |                                      |                      | Board of<br>Commissioners |             | Board of<br>Commissioners |           |   |             |
| Decision   | **              | Board of<br>Commissioners | **          | Board of<br>Adjustment               | 45•                  | Board of<br>Commissioners | 45•         | Board of<br>Commissioners | 45        | Environmental<br>Management<br>Commission | •           |
| Appeal to Courts   |                 |                           |             |                                      |                      |                           |             |                           |           |   |             |

Sec. 32-1056. - Preliminary plat.

(4) *Planning board action.*

- b. If the planning board does not render a decision within 75 days after the preliminary plat is considered by the planning board, the applicant may appeal **pursuant to NCGS 160D-1403** ~~to the board of commissioners~~ for a decision on the preliminary plat. **A decision to approve, approve conditionally, or disapprove a preliminary plat made by the Planning Board may be appealed pursuant to NCGS 160D-1403.**

- (6) *Time limits for preliminary plats.* Following approval of a preliminary major subdivision, a final major subdivision plat may be obtained within two years. Failure to gain final plat approval within this time period shall cause the preliminary plat approval to expire and application for new preliminary plat approval under the current requirements of this chapter shall be required. If the subdivision is to be developed in phases, final major subdivision plat approval must be obtained for the first phase within

two years from the date of preliminary approval. The remaining phases of the subdivision must obtain final plat approval within five years of the preliminary approval. **For a multi-phase development defined in NCGS 160D-108 (d) (4), the subdivision must obtain final plat approval within seven years of the preliminary approval.** Roads shown on recorded phases must be taken over by the North Carolina Department of Transportation prior to the next phase receiving final plat approval. A vested right for a major preliminary subdivision may be changed or revoked as authorized by G.S. ~~453A-344.1~~ **160D-108** as it may be from time to time amended.

Sec. 32-1057. - Final plat.

- (3) *Appeals.* If the land development administrator does not render a decision within 45 days after the final plat is received, the applicant may appeal **pursuant to NCGS 160D-1403** ~~to the board of adjustment~~ for a decision on the final plat. A decision by the land development administrator to **approve or** disapprove a major subdivision plat may also be appealed **pursuant to NCGS 160D-1403** ~~to the board of adjustment~~.

Sec. 32-1060. - Penalty.

Any person who, being the owner or agent of the owner of any land **located** within the **planning and development** ~~subdivision~~ regulation jurisdiction of the county, **thereafter subdivides land in violation of the subdivision regulation or** transfers or sells land by reference to, **exhibition of, or any other use of** a plat showing a subdivision of land before **the** ~~such~~ plat has been properly approved under this chapter and recorded in the office of the register of deeds of the county, shall be guilty of a **Class 1** misdemeanor. 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 such penalty** ~~penalties~~. The county, ~~through its county attorney or other official designated by the board of commissioners,~~ may **bring an action of injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the subdivision regulation** ~~enjoin such illegal transfer or sale by action for injunction.~~ **In addition to other remedies, the county may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act or conduct.**

Sec. 32-1081. - Procedures for amendments to this chapter, the zoning map or watershed map.

- (c) *Planning board review and recommendation.* The planning board shall have 45 days (**unless Board of Commissioners acts on amendment without the Planning Board report**) within which to submit its recommendation. The planning board's report shall be submitted in writing to the county manager and to the petitioner. **If no written report is received from the Planning Board within 30 days of referral of the amendment to the Planning Board, the Board of Commissioners may act on the amendment without the planning board report. The Board of Commissioners is not bound by the recommendations, if any, of the Planning Board.**

- (d) *Board of commissioners ~~legislative public~~ hearing.* A **legislative public** hearing shall be held by the board of commissioners in accordance with division 6 of this article.

Sec. 32-1082. - Procedures for **major** special use permits.

**Major** Special uses are land uses which in some circumstances may be compatible with and desirable in the districts in which they are designed as special uses, but they may also have characteristics which could have detrimental effects on adjacent properties if not properly designed and controlled. The following procedure shall be utilized for the review of **major** special land use permits:

- (1) *Submission of application to land development administrator.* Applications for **major** special use permits shall be received by the land development administrator 30 working days prior to the next regularly scheduled meeting of the board of commissioners.
- (2) *Transmittal of application to board of commissioners.* The land development administrator shall transmit ~~the~~ **all applications, reports, and written materials relevant to the matter being considered** to the board of commissioners. **The administrative materials may be distributed to the members of the board prior to the hearing if at the same time they are distributed to the board a copy is also provided to the applicant and to the landowner if that person is not the applicant. The administrative materials shall become a part of the hearing record. The administrative materials may be provided in written or electronic form. Objections to inclusion or exclusion of administrative materials may be made before or during the hearing. Rulings on unresolved objections shall be made by the board at the hearing. The board of commissioners shall determine contested facts and make its decision within a reasonable time.**
- (3) *Board of commissioners' ~~evidentiary quasi-judicial~~ hearing.* The board of commissioners shall hold an **evidentiary quasi-judicial** hearing in accordance with division 6.
- (4) *Decision by board of commissioners.* Decisions by the board of commissioners shall be made by majority vote in accordance with applicable law governing quasi-judicial decisions and in accordance with division 6 of this article. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority. **The board shall determine contested facts and make its decision within a reasonable time.** In addition, the following provisions shall apply:
  - a. Any **major** special use granted by the board of commissioners shall expire at the same time as its accompanying vested right is scheduled to expire unless a building permit has been obtained by such time, in which case the **major** special use shall run with the land, along with all the conditions set forth upon it, indefinitely or until changed by due process.
  - b. When a petition for a **major** special use is denied by the board of commissioners, a period of 12 months must elapse before another petition for the same change previously involved may be submitted.

- c. An application for a rehearing may be made in the same manner as an application for an original hearing. Evidence in support of the application shall initially be limited to what is necessary to enable the board of commissioners to determine whether there has been a substantial change in the facts, evidence or conditions in the case. The board of commissioners shall deny the application for rehearing if, from the record, it finds that there has been no substantial change in facts, evidence or conditions. If the board of commissioners finds a change has occurred, it shall thereupon treat the request in the same manner as a new application.

Sec. 32-1083. - Procedures for zoning variances, **minor special conditional** use permits, appeals.

- (a) *Filing.* The application shall be filed with the land development administrator 15 working days prior to the date of review by the board of adjustment. **The land development administrator shall transmit all applications, reports, and written materials relevant to the matter being considered to the board. The administrative materials may be distributed to the members of the board prior to the hearing if at the same time they are distributed to the board a copy is also provided to the applicant and to the landowner if that person is not the applicant. The administrative materials shall become a part of the hearing record. The administrative materials may be provided in written or electronic form. Objections to inclusion or exclusion of administrative materials may be made before or during the hearing. Rulings on unresolved objections shall be made by the board at the hearing.**
- (c) *Evidentiary Quasi-judicial decisions.* Variances, **minor special conditional** use permits, and appeals shall be decided by the board of adjustment following **an evidentiary quasi-judicial** hearing in accordance with the requirements of G.S. **160D-406 160A-388** and division 6 of this article and shall be subject to the following specific requirements:
  - (1) Except for variances, all **evidentiary quasi-judicial** decisions **or to determine an appeal made in the nature of certiorari** shall be by a majority of the board.
  - (3) Appeals. The board of adjustment shall hear and decide appeals of decisions of administrative officials charged with enforcement of the land development code and may hear appeals arising out of any other ordinance that regulates land use or development unless such ordinance specifies to the contrary, pursuant to the following:
    - a. Any person who has standing under G.S. **160D-1402 160A-393(d)** or the county may appeal a decision to the board of adjustment. An appeal is taken by filing a notice of appeal with the **secretary to the board of adjustment** ~~clerk to the board of commissioners~~. The notice of appeal shall state the grounds for the appeal.
    - b. The official who made the decision shall give written notice to the owner of the property that is the subject of the decision and to the party who sought the decision, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail.
    - c. The owner or other party shall have 30 days from receipt of the written notice **of the determination** within which to file an appeal. Any other person with standing to appeal shall have 30 days from receipt from any source of actual or constructive



notice of the ~~decision~~ **determination** within which to file an appeal. **In absence of evidence to the contrary, notice pursuant to G.S. 160D-403(b) given by first class mail shall be deemed received on the third business day following deposit of notice for mailing with the United States Postal Service.**

- e. The **land development administrator** ~~official who made the decision~~ shall transmit to the board all **applications, reports, and written materials relevant to the matter being considered.** The administrative materials may be distributed to the members of the board prior to the hearing if at the same time they are distributed to the board a copy is also provided to the applicant and to the landowner if that person is not the applicant. The administrative materials shall become a part of the hearing record. The administrative materials may be provided in written or electronic form. **Objections to inclusion or exclusion of administrative materials may be made before or during the hearing. Rulings on unresolved objections shall be made by the board at the hearing.** ~~documents and exhibits constituting the record upon which the action appealed from is taken. The official shall also provide a copy of the record to the appellant and to the owner of the property that is subject of the appeal if the appellant is not the owner.~~
  - f. An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from **and accrual of any fines assessed** unless the official who made the decision certifies to the board of adjustment after notice of appeal has been filed that because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of the **development regulation ordinance**. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the board of adjustment shall meet to hear the appeal within 15 days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting a **development approval permit** or otherwise affirming that a proposed use of property is consistent with the **development regulation ordinance** shall not stay the further review of an application for **development approvals permits or permissions** to use such property; in these situations the appellant **or local government** may request and the board may grant a stay of a final decision of **development approval permit** applications, **including** ~~or~~ building permits affected by the issue being appealed.
  - i. When hearing an appeal pursuant to G.S. **160D-947 (e)** ~~160A-400.9(e)~~ or any other appeal in the nature of certiorari, the hearing shall be based on the record below and the scope of review shall be as provided in G.S. **160D-1402 (j)** ~~160A-393(k)~~.
- (4) **Minor special Conditional** use permits. The board of adjustment shall hear and decide **minor special conditional** use permits in accordance with standards and procedures specified in the ordinance. Reasonable and appropriate conditions may be imposed upon these permits.
- (5) Variances. When unnecessary hardships would result from carrying out the strict letter of the land development code, the board of adjustment shall vary any of the provisions of

the ordinance upon a showing that all of the standards set out in G.S. **160D-705 (d)** ~~160A-388(d)~~, as adopted in section 32-1103 of the chapter, have been met. No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided the conditions are reasonably related to the variance. Any other ordinance that regulates land use or development may provide for variances consistent with the provisions of this subsection.

Sec. 32-1085. - Obtaining a vested right.

- (a) *Authorized.* As authorized under G.S. **160D-108** ~~153A-344.1~~, an applicant may obtain the right to undertake and complete the development and use of property under the terms and conditions of an approved site-specific or phased development plan. Only approved **major** special uses, **minor special conditional** uses, permitted uses and approved phased developments may be granted a vested right under this section. Variances, all zoning of lands, and subdivisions are not in this category but are handled in a different manner.
- (b) *Vested rights for **major** special uses and **minor special conditional** uses.*
  - (1) If the land use requested by the applicant requires a **major** special use permit or a **minor special conditional** use permit, the appropriate board granting such approval shall, if granted, determine at that **evidentiary public** hearing date a specific vested right time period for that use, as outlined in this subsection. Furthermore, it shall be irreversibly assumed by the county that all such applicants requesting a **major** special use or **minor special conditional** use permit are also concurrently requesting a vested right.
  - (2) All **minor special conditional** uses and **major** special uses, if approved, shall begin and expire along with the vested right granted to each unless a building permit is issued prior to the expiration of the vested right, in which case, the **major or minor** special land use shall be good indefinitely or until changed by due process.
  - (3) If a particular use necessitates several steps required by this chapter in order to obtain final approval, a vested right shall not be granted until the final decision regarding such requirements has been made.
  - (4) A site-specific (~~or phased development plan, if applicable~~) must accompany each land use application involving a **major** special use or **minor special conditional** use. Site-specific development plans, if approved, shall be granted an automatic maximum vested right time period of two years unless the applicant convinces the appropriate board otherwise; but in no case shall the vested right exceed five years. **Site specific vesting** ~~Phased development~~ plans, if approved, shall be granted a vested right time period of not less than two years but not more than five years, at the discretion of the appropriate board.
- (c) *Vested rights for permitted uses.* If the land use requested by the applicant is a permitted use, the applicant has two ways of acquiring a vested right:
  - (1) **Local development approval shall expire one year after issuance unless work has substantially commenced. Expiration of a local development approval does not affect the duration of a vested right established as a site specific vesting plan, a**

**multiphase development plan, a development agreement, or vested rights established under common law;** ~~The applicant shall present a site-specific or a phased development plan, as described in this section, to the planning board prior to receiving a building permit; or~~

- (2) The building permit, if issued, shall constitute a vested right time period as prescribed by G.S. **160D-1111** ~~153A-344(b)~~.
- (d) *Site-specific development plan.* If less than five acres, all **major** special uses, **minor special conditional** uses and permitted uses discussed in this section applying for a vested right shall have site-specific development plans prepared by a registered land surveyor, engineer, architect or landscape architect in accordance with appendix 7 to this chapter. **Any hearing shall be per G.S. 160D-108(3)(d).**
- (e) *Phased development plan.* A phased development plan for an industrial/office park, a shopping center, a PUD (planned urban development), **multi-phase development** or a similar large-scale land use (which may be eligible as a permitted, **minor special conditional** or **major** special use) may be granted a vested right by the final board of authority in a ~~public~~ hearing **per G.S. 160D-108(3)(d)** under the following conditions:
  - (1) The land use must encompass at least five acres or more to be eligible for a phased development plan. Furthermore, a minimum of two phases must be included in the plan with approximate start-up times (the time at which a building permit should be obtained) stated for each phase. The final deciding board may regard any phase of the plan as codependent upon another and therefore deem one or more to be void without the other. No phase shall be vested beyond time limits established elsewhere in this section.
  - (3) The vesting freezes the land development regulations in effect at the time of approval. The final board of authority shall retain the future right to impose or change some of the details of any phased development plan (or site-specific plan), but only to a general degree as would normally occur in moving from a preliminary to final plan, and as provided for elsewhere in this chapter and in G.S. **160D-108** ~~153A-344.1(e)~~. If some changes are required in the applicant's plan by a board during the approval process, final approval of either site-specific or phased development plans may be postponed conditional upon the applicant's making such changes and having them approved by the county planning department at a later date.
- (h) *Expiration.* All building permits for all vested construction must be in place prior to the expiration of the vested right in order for the vested right to be valid. If all required building permits are not in place prior to the expiration of a vested right, the entire process as described in this section must be repeated in order to regain a vested right for that use. The exception to this rule is a use for which no building permit is required; however, a zoning permit shall be required. These time limits include all phases of a phased development plan **and multi-phase developments** as well. Prior to the expiration of a vested right, appeals to the final board of decision of that vested right for time extensions may be made in a ~~public~~ hearing **pursuant to G.S. 160D-108(3)(d)** by the applicant if so desired, though the planning department may require a new plan and shall require another fee at such time.
- (i) *Limitations to vested rights.*

- (1) A vested right, once established as provided for in this section, precludes any zoning action by a ~~county~~ **local government** ~~that which~~ would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property as set forth in ~~the an approved vested right, site specific development plan or an approved phased development plan, except as set out in G.S. 153A-344.1 as amended from time to time.~~ **except:**

a. The written consent of the affected landowner.

b. Upon findings by ordinance after notice and an evidentiary hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the approved vested right.

c. The extent to which the affected landowner receives compensation for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consulting fees incurred after approval by the local government, together with interest as is provided in G.S. 160D-106. Compensation shall not include any diminution in the value of the property that is caused by such action.

d. Findings made, after notice and an evidentiary hearing, that the landowner or the landowner's representative intentionally supplied inaccurate information or made material misrepresentations that made a difference in the approval by the local government of the vested right.

e. The enactment or promulgation of a State or federal law or regulation that precludes development as contemplated in the approved site specific vesting plan or the phased development plan, in which case the local government may modify the affected provisions, upon a finding by ordinance that the change in State or federal law has a fundamental effect on the plan, after notice and an evidentiary hearing.

- (2) The establishment of a vested right shall not preclude the application of overlay zoning **or other development regulation that which** imposes additional requirements but does not affect the allowable type or intensity of use, or ordinances or regulations ~~that which~~ are general in nature and are applicable to all property subject to **development land-use** regulation by a county, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes. Otherwise applicable new regulations shall become effective with respect to property ~~that which~~ is subject to a **vested right established under this section** ~~site specific development plan or a phased development plan~~ upon the expiration or termination of the ~~vested~~ **vested** rights period provided for in this section.
- (3) Notwithstanding any provision of this section, the establishment of a vested right **under this section** shall not preclude, change or impair the authority of a **local government** ~~county~~ to adopt and enforce **development regulation** ~~zoning ordinance~~ provisions governing nonconforming situations or uses.

**(j) Miscellaneous Provisions. - A vested right obtained under this section is not a personal right but shall attach to and run with the applicable property. After approval of a vested**

right under this section, all successors to the original landowner shall be entitled to exercise such rights. Nothing in this section shall preclude judicial determination, based on common law principles or other statutory provisions, that a vested right exists in a particular case or that a compensable taking has occurred. Except as expressly provided in this section, nothing in this section shall be construed to alter the existing common law.

(k) **Permit Choice.** - If an application made in accordance with local regulation is submitted for a development approval required pursuant to this Chapter and a development regulation changes between the time the application was submitted and a decision is made, the applicant may choose which version of the development regulation will apply to the application. If the development permit applicant chooses the version of the rule or ordinance applicable at the time of the permit application, the development permit applicant shall not be required to await the outcome of the amendment to the rule, map, or ordinance prior to acting on the development permit. This section applies to all development approvals issued by the State and by local governments. The duration of vested rights created by development approvals is as set forth in this section.

#### **Sec. 32-1086. – Moratoria**

(a) **Authority.** - As provided in this section, local governments may adopt temporary moratoria on any development approval required by law, except for the purpose of developing and adopting new or amended plans or development regulations governing residential uses. The duration of any moratorium shall be reasonable in light of the specific conditions that warrant imposition of the moratorium and may not exceed the period of time necessary to correct, modify, or resolve such conditions.

(b) **Hearing Required.** - Except in cases of imminent and substantial threat to public health or safety, before adopting a development regulation imposing a development moratorium with a duration of 60 days or any shorter period, the governing board shall hold a legislative hearing and shall publish a notice of the hearing in a newspaper having general circulation in the area not less than seven days before the date set for the hearing. A development moratorium with a duration of 61 days or longer, and any extension of a moratorium so that the total duration is 61 days or longer, is subject to the notice and hearing requirements of G.S. 160D-601.

(c) **Exempt Projects.** - Absent an imminent threat to public health or safety, a development moratorium adopted pursuant to this section shall not apply to any project for which a valid building permit issued pursuant to G.S. 160D-1108 is outstanding, to any project for which a special use permit application has been accepted as complete, to development set forth in a site-specific or phased vesting plan approved pursuant to G.S. 160D-108.1, to development for which substantial expenditures have already been made in good-faith reliance on a prior valid development approval, or to preliminary or final subdivision plats that have been accepted for review by the local government prior to the

call for a hearing to adopt the moratorium. Any preliminary subdivision plat accepted for review by the local government prior to the call for a hearing, if subsequently approved, shall be allowed to proceed to final plat approval without being subject to the moratorium. Notwithstanding the foregoing, if a complete application for a development approval has been submitted prior to the effective date of a moratorium, G.S. 160D-108(b) shall be applicable when permit processing resumes.

**(d) Required Statements. - Any development regulation establishing a development moratorium must include, at the time of adoption, each of the following:**

**(1) A statement of the problems or conditions necessitating the moratorium and what courses of action, alternative to a moratorium, were considered by the local government and why those alternative courses of action were not deemed adequate.**

**(2) A statement of the development approvals subject to the moratorium and how a moratorium on those approvals will address the problems or conditions leading to imposition of the moratorium.**

**(3) A date for termination of the moratorium and a statement setting forth why that duration is reasonably necessary to address the problems or conditions leading to imposition of the moratorium.**

**(4) A statement of the actions, and the schedule for those actions, proposed to be taken by the local government during the duration of the moratorium to address the problems or conditions leading to imposition of the moratorium.**

**(e) Limit on Renewal or Extension. - No moratorium may be subsequently renewed or extended for any additional period unless the local government shall have taken all reasonable and feasible steps proposed to be taken in its ordinance establishing the moratorium to address the problems or conditions leading to imposition of the moratorium and unless new facts and conditions warrant an extension. Any ordinance renewing or extending a development moratorium must include, at the time of adoption, the findings set forth in subdivisions (1) through (4) of subsection (d) of this section, including what new facts or conditions warrant the extension.**

**(f) Expedited Judicial Review. - Any person aggrieved by the imposition of a moratorium on development approvals required by law may apply to the General Court of Justice for an order enjoining the enforcement of the moratorium. Actions brought pursuant to this section shall be scheduled for expedited hearing, and subsequent proceedings in those actions shall be accorded priority by the trial and appellate courts. In such actions, the local government shall have the burden of showing compliance with the procedural requirements of this subsection.**

Sec. 32-1101. - Standards for **major** special land use permits.

The following are standards for **major** special land use permits:

Sec. 32-1102. - Standards for **minor special conditional** use permits.

The following are standards for **minor special conditional** use permits:

Sec. 32-1103. - Standards for zoning and watershed variances.

- (b) When unnecessary hardships would result from carrying out the strict letter of ~~this the~~ **chapter ordinance**, the board of adjustment shall vary any of the provisions of the chapter upon a showing of all of the following:
  - (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. **A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.**

Sec. 32-1105. - Additional conditions imposed by reviewing bodies.

- (2) The board of adjustment may impose conditions when approving **minor special conditional** use permits which will assure that the use and its proposed location will be harmonious and with the spirit and intent of this chapter. **Conditions and safeguards imposed under this subsection shall not include requirements for which the local government does not have authority under statute to regulate nor requirements for which the courts have held to be unenforceable if imposed directly by the local government.**
- (3) If the board of commissioners approves the **major** special use permit, it may impose any additional reasonable conditions and safeguards as may be necessary to:
  - a. Ensure that the criteria for the granting of such a permit will be complied with.
  - b. Reduce or minimize any potentially injurious effect of the use on adjoining properties; the character of the neighborhood; or the health, safety, morals or general welfare of the community.

Where appropriate, such conditions may include requirements that street and utility rights-of-way be dedicated to the public and that provision be made of recreational space and facilities. **Conditions and safeguards imposed under this subsection shall not include requirements for which the local government does not have authority**

**under statute to regulate nor requirements for which the courts have held to be unenforceable if imposed directly by the local government.**

Sec. 32-1134. - Zoning permit invalid if work not commenced or completed.

Any zoning permit issued shall become invalid unless the work authorized by it shall have been commenced within **one year** ~~six months~~ of its date of issue or if the work authorized by it is suspended or abandoned for a period of one year or if such work is not completed within three years of the date of the issuance of the zoning permit. Application may be made to the land development administrator for a new zoning permit to replace any permit which shall become invalid under this section.

Sec. 32-1138. – **Determinations** ~~Interpretations~~.

- (a) When a provision of this chapter is unclear or when a proposed use is not listed in table 03.110, the land development administrator shall provide a written **determination** ~~interpretation~~.
- (c) The land development administrator shall evaluate a request for an **determination** ~~interpretation~~ in light of the comprehensive plan, this chapter, and/or the zoning map, whichever is appropriate.

Sec. 32-1161. – **Legislative** ~~Public~~ hearings.

Zoning text, zoning map and watershed map amendments require a **legislative** ~~public~~ hearing before the planning board and the board of commissioners.

Sec. 32-1162. - Notice of **legislative** ~~public~~ hearings.

- (b) *Newspaper notice.* A notice of such **legislative** ~~public~~ hearing shall be published once a week for two consecutive weeks in a newspaper of general circulation in the county. This notice shall be published the first time not less than ten days and not more than 25 days prior to the date established for such **legislative** ~~public~~ hearing.
- (c) *Posted notice.* When a zoning map amendment is proposed, the county shall prominently post a notice of the ~~public~~ hearing on the site proposed for **the map amendment rezoning** or on an adjacent public street or highway right-of-way. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the county shall post sufficient notices to provide reasonable notice to interested persons.
- (d) *Mailed notice.* For zoning map amendments, the owner of that parcel of land ~~as shown on the county tax listing~~, and the owners of all parcels of land abutting that parcel of land ~~as shown on the county tax listing~~ contained within or partially within a radius of 2,500 feet of that parcel of land, shall be mailed a notice of the **hearing on a proposed zoning map**



~~amendment use action~~ by first-class mail at the last addresses listed for such owners on the county tax abstracts. **For the purposes of this section, properties are “abutting” even if separated by a street, railroad, or other transportation corridor. This notice must be deposited in the mail at least 10 but not more than 25 days prior to the date of the hearing.** The first-class mail notice is not required if the zoning map amendment **proposes to change the zoning designation of** ~~directly affects~~ more than 50 properties, owned by a ~~total of~~ at least 50 different property owners. In this instance, notice shall be provided by publishing a notice of the hearings once a week for two successive calendar weeks in a newspaper of general circulation in the county. The notice shall not be less than one-half of a newspaper page in size and shall be published the first time not less than ten days, or more than 25 days, before the date **scheduled** ~~fixed~~ for the hearing. In computing such period, the day of publication is not to be included, but the day of the hearing shall be included. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper which publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified by first-class mail as described in this paragraph (d). If the adoption or modification ~~of the ordinance~~ would result in changes to telecommunication towers or windmills or the zoning map or would change or affect the permitted uses of land located five miles or less from the perimeter boundary of a military base, the county shall provide written notice of the proposed changes by certified mail, return receipt requested, to the commander of the military base or the commander's designee not less than ten days nor more than 25 days before the date fixed for the ~~public~~ hearing. If the military provides comments or analysis regarding the compatibility of the proposed **development regulation ordinance** ~~ordinance~~ or amendment with military operations at the base, the planning board shall take the comments and analysis into consideration before making a recommendation on the proposed adoption or modification of the ordinance and the board of commissioners shall take the comments and analysis into consideration before making a final determination on the ordinance. In the case of a **major** special use permit application or **minor special use conditional** ~~conditional~~ use permit application, the commanding officer of the military base shall be notified by the county by certified mail, return receipt requested, if the proposed **major** special use permit application or **minor special conditional** ~~conditional~~ use permit application is for property located within one mile of the military base not less than ten days nor more than 25 days before the date fixed for the public hearing.

(e) *Zoning map amendment application by other than owner of property.* Except for a **government county** ~~county~~-initiated zoning map amendment, when an application is filed to request a zoning map amendment and that application is not made by the **landowner or authorized agent** ~~owner of the parcel of land to which the amendment would apply~~, the applicant shall certify to the board of commissioners that the owner of the parcel of land as shown on the county tax listing has received actual notice of the proposed amendment and a copy of the notice of ~~public~~ hearing. The person or persons required to provide notice shall certify to the board of commissioners that **actual proper** ~~proper~~ notice has been provided ~~in fact~~, and such certificate shall be deemed conclusive in the absence of fraud. Actual notice ~~of the proposed amendment and a copy of the notice of public hearing required by this subsection~~ shall be **provided** by any manner permitted under G.S. 1A-1, Rule 4(j). If notice cannot with due diligence be achieved by personal delivery, ~~registered or~~ certified mail, or by a designated delivery service authorized pursuant to 26 U.S.C. § 7502(f)(2), notice may be given by publication consistent with G.S. 1A-1, Rule 4(jl). ~~This subsection applies~~

~~only to an application to request a zoning map amendment where the application is not made by the owner of the parcel of land to which the amendment would apply. This subsection does not apply to a county-initiated zoning map amendment.~~

Sec. 32-1163. - Conduct of **legislative** ~~public~~ hearing.

All **legislative** ~~public~~ hearings required by law or deemed advisable by the board of adjustment, the planning board, and the board of commissioners shall be organized by a special order, adopted by a majority vote, setting forth the subject, date, place, and time of the hearing as well as any rules regarding the length of time allotted to each speaker and designating representatives to speak for large groups. At the appointed time, the chair shall call the hearing to order and preside over it. When the allotted time expires, the chair shall declare the hearing ended and the board shall resume the regular order of business.

Sec. 32-1164. – **Evidentiary** ~~Quasi-judicial~~ hearings.

The following require an **evidentiary** ~~quasi-judicial~~ hearing by the specified body (see also table 20.110):

- (1) **Major** ~~Special~~ land uses require an **evidentiary** ~~quasi-judicial~~ hearing before the board of commissioners.
- (2) **Minor special Conditional** land uses require an **evidentiary** ~~quasi-judicial~~ hearing before the board of adjustment.
- (3) Zoning variances and **administrative** ~~zoning~~ appeals require an **evidentiary** ~~quasi-judicial~~ hearing before the board of adjustment.

Sec. 32-1165. - Notice of **evidentiary** ~~quasi-judicial~~ hearings.

Notice of **evidentiary** ~~quasi-judicial~~ hearings shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by the land development code. In the absence of evidence to the contrary, the county may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least ten days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the county shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way. **The board may continue an evidentiary hearing that has been convened without further advertisement. If an evidentiary hearing is set for a given date and a quorum of the board is not then present, the hearing shall be continued until the next regular board meeting without further advertisement.**

Sec. 32-1166. - Conduct of **evidentiary** ~~quasi-judicial~~ hearings.

*Conduct of the hearing.*

- (1) *Appearances.* Any party **who would have standing to appeal the decision under G.S. 160D-1402(c)** may appear in person, by appropriate agent, or by attorney at the hearing. **Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the board.** Agents may not engage in the unauthorized practice of law. See North Carolina State Bar, Authorized Practice Advisory Opinion 2006-1 (determining "that it is the unauthorized practice of law for someone other than a licensed attorney to appear in a representative capacity to advocate the legal position of another person, firm, or corporation that is a party to the proceeding" at a quasi-judicial hearing). North Carolina State Bar 2007 Formal Ethics Opinion 3 requires that the attorney to the board of adjustment advise the board of the contents and implications of Authorized Practice Advisory Opinion 2006-1. **Objections regarding jurisdictional and evidentiary issues, including, but not limited to, the timeliness of an appeal or the standing of a party, may be made to the board. The board chair shall rule on any objections, and the chair's rulings may be appealed to the full board. These rulings are also subject to judicial review pursuant to G.S. 160D-1402. Objections based on jurisdictional issues may be raised for the first time on judicial review.**
- (3) *Evidentiary matters.* Witnesses may be called and factual evidence may be submitted. The board may view the premises before the hearing, but the facts indicated by such inspection shall be disclosed at the **evidentiary** ~~public~~ hearing and made a part of the record. All witnesses before the board shall be placed under oath, and the opposing party may cross-examine them. The chairman may require opponents of an application who are aligned in interest to designate one of their numbers who himself or herself has standing to cross-examine the applicant and the applicant's witnesses. The chairman shall determine if opponents are aligned in interest and may conduct such examinations of said opponents as may be necessary to determine if said opponents are aligned in interest.
- (4) *Decisions and judicial review.*
  - a. The board shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the board's determination of contested facts and their application to the applicable standards **and be approved by the board.** The written decision shall be signed by the chair or other duly authorized member of the board. A quasi-judicial decision is effective upon filing the written decision with the clerk to the board or such other office or official as the ~~development regulation ordinance~~ specifies. The decision of the board shall be delivered **within a reasonable time** by personal delivery, electronic mail, or by first-class mail to the applicant, **landowner** ~~property owner~~, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The person required to provide notice shall certify **to the local government** that proper notice has been made **and the certificate shall be deemed conclusive in the absence of fraud.**

- b. Every quasi-judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to G.S. **160D-1402** ~~160A-393~~. **Appeals shall be filed within the times specified in G.S. 160D-1405(d).** ~~A petition for review shall be filed with the clerk of superior court by the later of 30 days after the decision is effective or after a written copy thereof is given in accordance with subdivision a. of this subsection. When first class mail is used to deliver notice, three days shall be added to the time to file the petition.~~
- (5) *Oaths.* The chair of the board, or any member acting as the chair, and the clerk to the board are authorized to administer oaths to witnesses in any matter coming before the board. Any person who, while under oath during a proceeding before the board **determining a quasi-judicial matter**, willfully swears falsely is guilty of a class 1 misdemeanor.
- (6) *Subpoenas.* The board **making a quasi-judicial decision under this Chapter** ~~of adjustment~~ through the chair, or in the chair's absence anyone acting as chair, may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, **the applicant, the local government, and any person** ~~persons~~ with standing under G.S. **160D-1402(c)** ~~160A-393(d)~~ may make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be **immediately** appealed to the full board ~~of adjustment~~. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the board ~~of adjustment~~ or the party seeking the subpoena may apply to the general court of justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.
- (7) *Conflicts of interest.* A member of any other board exercising quasi-judicial functions pursuant to this **Chapter** ~~article~~ shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a **board** member's participation **at or prior to the hearing or vote on that matter** and that member does not recuse himself or herself, the remaining members **of the board** shall by majority vote rule on the objection. **For purposes of this section, a close familial relationship means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.**

Sec. 32-1181. – Administrator **and Deputy(ies)**.

- (a) The land development administrator is charged with the enforcement of the provision of this chapter. If the land development administrator **or land development administrator deputy** finds that any of the provisions of this chapter are being violated, he/**she** shall notify in writing

the person(s) responsible for such violations **by written determination**, indicating the nature of the violation and ordering the actions(s) necessary to correct it. He/she shall also take any other action authorized by this chapter to ensure compliance with or to prevent violation of its provisions.

- (b) In the event the land development administrator finds that any provision of the **minor special conditional** use **permit** or **major** special use permit, variance approval, or any condition imposed by the board of adjustment, planning board, or board of commissioners is being violated, the permit shall thereupon immediately become void and of no effect. No zoning permits for further construction or certificate of occupancy/compliance under the permit shall be issued, and the use of all completed structures shall immediately cease and not thereafter be used for any proposed use other than a use-by right as permitted by the zone in which the property is located.

Sec. 32-1182. - Enforcement of regulations.

- (a) *Investigations.* On receiving a complaint or other information suggesting a violation of this chapter, the land development administrator **or deputy** shall investigate the situation and determine whether a violation exist.
- (b) *Initial **determination** notice of violation.* On determination that a violation of this chapter exists, the land development administrator **or deputy** shall:
  - (1) Give the responsible person(s) written notice of the violation, either in person or by certified mail, return receipt requested;
  - (2) The notice shall describe the nature of the violation, state the actions necessary to correct the violation; and
  - (3) Request the alleged violator to meet with the land development administrator **or deputy** within a specified time to discuss the violation and how it may be corrected.The land development administrator **or deputy** may provide the alleged violator additional written notices of violation as needed.
- (c) *Final **determination** notice of violation; correction order.* The land development administrator's **or deputy's** final written notice of violation (which may be the initial notice) shall:
  - (1) Order the correction of the violation;
  - (2) Specify a reasonable time period within which the violation must be corrected;
  - (3) State which of the remedies and penalties authorized in section 32.1183 the land development administrator may pursue if the violation is not corrected within the specified time limit; and
  - (4) State that the correction order may be appealed to the board of adjustment.
  - (5) This notice shall be delivered as provided in subsection (b)(1), above.
- (d) *Appeal to the board of adjustment.* Any person aggrieved by the land development administrator's **or deputy's** determination of a violation or correction order may appeal that

determination or order to the board of adjustments in accordance with the provisions of section 32-1184 within thirty (30) days after the date written **determination** notice of violation or correction order is delivered to the appellant as provided in subsection (b)(1), above. As provided in G.S. § **160D-405 (f)** ~~153A-345(b)~~, an appeal shall stay all proceedings in furtherance of the action appealed from, unless the land development administrator certifies to the board of adjustments, after notice of appeal has been filed with him, that because of facts stated in the certificate a stay would, in the land development administrator's opinion, cause imminent peril to life or property or that because the violation ~~charged~~ is transitory in nature a stay would seriously interfere with enforcement of the **development regulation ordinance**. In that case proceedings may not be stayed except by restraining order, which may be granted by the board of adjustment or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown. **If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the board shall meet to hear the appeal within 15 days after such a request is filed.**

- (e) *Extension of time limit to correct violations.* The recipient of a correction order, or the owners of the property on which the violation occurs, may submit to the land development administrator a written request for extension of the order's specified time limit for correction of the violation. On determining that the request includes enough information to show that the violation cannot be corrected within the specified time limit for reasons beyond the control of the person requesting the extension, the land development administrator may extend the time limit as reasonably necessary to allow timely correction of the violation.
- (f) *Enforcement action after time limit to correct violation.* Following the time limit for correction of the violation, including any stay or extension thereof, the land development administrator **or deputy** shall determine whether the violation has been corrected. If the violation has been corrected, the land development administrator **or deputy** shall take no further action against the alleged violator. If the violation has not been corrected, the land development administrator **or deputy** may act to impose one or more of the remedies and penalties specified in the correction order.
- (g) ~~*Emergency enforcement without notice.* If delay in correcting a violation would seriously threaten the effective enforcement of this ordinance or pose a danger to the public health, safety, or welfare, the land development administrator may seek immediate enforcement without prior written notice through any of the remedies authorized in section 32-1183 or 32-1184.~~ **Stop Work Orders.** Whenever any work or activity subject to regulation pursuant to this Chapter or other applicable local development regulation or any State law delegated to the local government for enforcement purposes in lieu of the State is undertaken in substantial violation of any State or local law, or in a manner that endangers life or property, staff may order the specific part of the work or activity that is in violation or presents such a hazard to be immediately stopped. The order shall be in writing, directed to the person doing the work or activity, and shall state the specific work or activity to be stopped, the reasons therefor, and the conditions under which the work or activity may be resumed. A copy of the order shall be delivered to the holder of the development approval and to the owner of the property involved (if that person is not the holder of the development approval) by personal delivery, electronic delivery, or first-class mail. The person or persons delivering the stop work order shall certify to the

local government that the order was delivered and that certificate shall be deemed conclusive in the absence of fraud. Except as provided by G.S. 160D-1112 and G.S. 160D-1208, a stop work order may be appealed pursuant to G.S. 160D-405. No further work or activity shall take place in violation of a stop work order pending a ruling on the appeal. Violation of a stop work order shall constitute a Class 1 misdemeanor.

Sec. 32-1281. - Definitions.

- (12) The term "comprehensive plan" means the comprehensive plan of the county. It includes all maps, charts and explanatory materials adopted on **October 15, 2018** ~~July 12, 1999~~ and subsequent amendments.

Sec. 32-1302. - Agricultural uses.

- (a) (1) *Bona fide farms purposes* (NAICS 111, 112, part and 11142). Bona fide farm uses include crop production and animal production, and agritourism defined by N.C.G.S. **160D-903** ~~153A-340~~. Following shall constitute sufficient evidence for classification as a bona fide farm:

Sec. 32-1309. - Special uses.

- (b) *Event center* means a venue which hosts weddings, receptions, birthday parties, fundraising events for non-profits, family or class reunions, and church gatherings and is situated upon a parcel of land upon which bona fide farming activities are taking place (not including agritourism as defined by N.C.G.S. **160D-903** ~~153A-340~~).

Sec. 32-1331. - Definitions.

*Administrative decision* means decisions made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in this Chapter or local government development regulations. These are sometimes referred to as ministerial decisions or administrative determinations.

*Administrative hearing* means a proceeding to gather facts needed to make an administrative decision.

***Comprehensive plan*** means a comprehensive plan that has been officially adopted by the governing board pursuant to G.S. 160D-501.

***Conditional zoning*** means a legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.

***County*** means the County of Granville, North Carolina.

***Decision-making board*** means a governing board, planning board, board of adjustment, historic district board, or other board assigned to make quasi-judicial decisions under this Chapter.

***Determination*** means a written, final, and binding order, requirement, or determination regarding an administrative decision.

***Developer*** ~~means the owner, representative or applicant who proposes to construct, build, use or subdivide property~~ **means a person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.**

***Development*** ~~means any action covered by section 32-3 unless the context clearly indicates otherwise, the term means any of the following:~~

- a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
- b. The excavation, grading, filling, clearing, or alteration of land.
- c. The subdivision of land as defined in G.S. 160D-802.
- d. The initiation or substantial change in the use of land or the intensity of use of land.

**This definition does not alter the scope of regulatory authority granted by this Chapter.**

***Development approval*** means an administrative or quasi-judicial approval made pursuant to this Chapter that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances, and certificates of appropriateness. The term also includes all other regulatory approvals required by regulations adopted pursuant to this Chapter, including plat approvals, permits issued, development agreements entered into, and building permits issued.

***Development regulation*** means a unified development ordinance, zoning regulation, subdivision regulation, erosion and sedimentation control regulation, floodplain or flood damage prevention regulation, mountain ridge protection regulation, stormwater control regulation, wireless telecommunication facility regulation, historic preservation or landmark



**regulation, housing code, State Building Code enforcement, or any other regulation adopted pursuant to this Chapter, or a local act or charter that regulates land use or development.**

**Dwelling** means ~~a building or portion of a building used as a place of residence, containing sleeping, cooking and sanitary facilities, excluding commercial lodging facilities.~~ **any building, structure, manufactured home, or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. For the purposes of Article 12 of Chapter 160D of the North Carolina General Statutes, the term does not include any manufactured home, mobile home, or recreational vehicle, if used solely for a seasonal vacation purpose.**

***Evidentiary hearing*** means a hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision required by a development regulation adopted under this Chapter.

***Governing board*** means the board of county commissioners.

***Landowner*** means the same as "Owner." holder of the title in fee simple. Absent evidence to the contrary, a local government may rely on the county tax records to determine who is a landowner. The landowner may authorize a person holding a valid option, lease, or contract to purchase to act as his or her agent or representative for the purpose of making applications for development approvals.

***Legislative decision*** means the adoption, amendment, or repeal of a regulation under this Chapter or an applicable local act. The term also includes the decision to approve, amend, or rescind a development agreement consistent with the provisions of Article 10 of G.S. 160D.

***Legislative hearing*** means a hearing to solicit public comment on a proposed legislative decision.

***Local act*** means as defined in G.S. 160A-1(5).

***Local government*** means a city or county.

***Major special use permit*** means a permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards. The term includes permits previously referred to as a special use permit.

***Manufactured home*** means a **structure as defined by G.S. 143-145(7)** ~~residential dwelling unit transportable in one or more sections, built on a chassis that is designed to be towed to a site with removable wheels or on a frame that is capable of being lifted into its final location. Units are delivered ready for occupancy except for minor and incidental unpacking and assembly operations, including but not limited to mounting on a temporary or permanent foundations, connection of sections, and connection to utilities. Travel trailers and campers shall not be considered manufactured homes.~~

***Minor special use permit*** means a permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and

discretion be exercised as well as compliance with specific standards. The term includes permits previously referred to as a conditional use permit.

***Multiphase development*** means a development containing 100 acres or more that (i) is submitted for site plan approval for construction to occur in more than one phase and (ii) is subject to a master development plan with committed elements, including a requirement to offer land for public use as a condition of its master development plan approval.

~~*Owner* means any person having legal title to or sufficient proprietary interest in the land sought to be subdivided under this chapter the same as “Landowner.”~~

***Person*** means an individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, the State of North Carolina and its agencies and political subdivisions, or other legal entity.

***Planning board*** means any board or commission established pursuant to G.S. 160D-301.

***Property*** means all real property subject to land-use regulation by a local government. The term includes any improvements or structures customarily regarded as a part of real property.

***Quasi-judicial decision*** means a decision involving the finding of facts regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations. Decisions on the approval of subdivision plats and site plans are quasi-judicial in nature if the regulation authorizes a decision-making board to approve or deny the application based not only upon whether the application complies with the specific requirements set forth in the regulation, but also on whether the application complies with one or more generally stated standards requiring a discretionary decision on the findings to be made by the decision-making board.

~~***Rezoning*** means an amendment to the zoning map.~~

***Site plan*** means a ~~plan or drawing showing the location of buildings, parking or other elements that is used for the issuing of approvals other than subdivision plans or land developments. Site plans cover a single land use issue. The drawings shall show sufficient detail to enable the land development administrator to determine whether the standard requiring a site plan has been met.~~ scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review. A site plan approval based solely upon application of objective standards is an administrative decision and a site plan approval based in whole or in part upon the application of standards involving judgment and discretion is a quasi-judicial decision. A site plan may also be approved as part of a conditional zoning decision.

*Subdivision* means **the division of land for the purpose of sale or development as specified in G.S. 160D-802.** ÷

~~(1) — All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions are created for the purpose of sale or building development (whether immediate or future) and includes all division of land involving the dedication of a new street or change in existing streets; however, the following is not included within this definition and is not subject to any regulations enacted pursuant to North Carolina General Statute 153A-330:—~~

~~a. — The combination or recombination of portions of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the county as shown in its subdivision regulations.—~~

~~b. — The division of land into parcels greater than ten acres if no street right of way dedication is involved.—~~

~~c. — The public acquisition by purchase of strips of land for widening or opening streets or for public transportation system corridors.—~~

~~d. — The division of a tract in single ownership the entire area of which is no greater than two acres into not more than three lots, if no street right of way dedication is involved and if the resultant lots are equal to or exceed the standards of the county as shown by its subdivision regulations.—~~

~~e. — The division of land for use as gravesites.—~~

~~f. — Other exemptions as specified in Article X of this chapter.—~~

~~(2) — A county may provide for expedited review of specified classes of subdivisions.—~~

*Subdivision regulation* means a subdivision regulation authorized by Article 8 of G.S. 160D.

*Vested right* means the right to undertake and complete the development and use of property under the terms and conditions of an approval secured as specified in G.S. 160D-108 or under common law.

*Zoning map amendment or rezoning* means an amendment to a zoning regulation for the purpose of changing the zoning district that is applied to a specified property or properties. The term also includes (i) the initial application of zoning when land is added to the territorial jurisdiction of a local government that has previously adopted zoning regulations and (ii) the application of an overlay zoning district or a conditional zoning district. The term does not include (i) the initial adoption of a zoning map by a local government, (ii) the repeal of a zoning map and readoption of a new zoning map for the entire planning and development regulation jurisdiction, or (iii) updating the zoning map to incorporate amendments to the names of zoning districts made by zoning text amendments where there are no changes in the boundaries of the zoning district or land uses permitted in the district.

*Zoning regulation* means a zoning regulation authorized by Article 7 of G.S. 160D.

**SECTION 2.** Should any provision of this Ordinance amendment be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall have no effect to the validity of the Granville County, North Carolina Land Development Code as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**SECTION 3.** This Ordinance shall take effect and be in force upon the date and time of adoption.

**SECTION 4.** This Ordinance duly adopted by the Board of Commissioners of the County of Granville, North Carolina, this the 19<sup>th</sup> day of April, 2021.

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Sue Hinman, Chair  
Board of Commissioners of Granville County, North  
Carolina

Attest:

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Debra Weary, Clerk to the Board of Commissioners of Granville County, North Carolina

