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APPENDIX A - LAND DEVELOPMENT ORDINANCE HANDBOOK

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1. GENERAL PROVISIONS

1.1. PURPOSE AND INTENT

- A. The purpose of Appendix A - Land Development Ordinance Handbook (referred to throughout as “LDO Handbook”, “The Handbook”, or “Handbook”) to identify procedures for filing and processing applications for development approval within the Town of Rolesville, in accordance with the required standards of the Land Development Ordinance (LDO) of the Town of Rolesville. This handbook is a tool for staff of the Town of Rolesville and is designed to allow users to determine the steps involved to obtain development approval.

1.2. GENERAL PROCEDURES

- A. No development of land, building, or structure is permitted unless all applicable approvals are issued in accordance with this handbook and the standards of the LDO. Development approvals from the town are required for all development, unless otherwise exempted, to ensure compliance with the LDO, Comprehensive Plan, other town plans and adopted codes, plans, standards, and applicable laws. This handbook describes procedural elements for development approval processes.

1.3. APPROVALS REQUIRED

- A. Except as specifically exempted by North Carolina General Statutes or other applicable laws, the use of property may not be substantially changed nor may any clearing, grading, or excavation be commenced and buildings or other structures may not be constructed, erected, moved or substantially altered except in accordance with and pursuant to the standards of the Town of Rolesville’s Land Development Ordinance and the process requirements of this handbook.
- B. All development shall comply with such approved plans and specifications, as well as the provisions of the LDO except where otherwise modified (i.e. through a variance, design alternative or similar approval by the town). Approvals, as identified in Section 1.4 below, authorize specified activities; however, the intended use may not be

established, no building may be occupied, and in the case of subdivisions no lots may be sold until all of the requirements of this LDO and any other (additional) requirements imposed pursuant to approval have been met.

1.4. CATEGORIES OF DEVELOPMENT APPROVALS – LEGISLATIVE, EVIDENTIARY, ADMINISTRATIVE

- A. **Legislative Development Approvals.** Legislative approvals require approval by the Town of Rolesville Board of Commissioners (“BOC”). A public meeting is required, but the procedural requirements of an evidentiary hearing do not apply.
- B. **Evidentiary Development Approval.** Evidentiary (quasi-judicial) approvals involve the application of a discretionary standard of the LDO to an application. These approvals require a public hearing and procedural due process requirements apply. Evidentiary approvals shall comply with the provisions of N.C. Gen. Stat. § 160D-406.
- C. **Administrative Approval.** A public hearing is not required for administrative approvals; however, administrative approvals may require input from the Technical Review Committee (“TRC”).

1.5. AUTHORIZING USE

- A. Subject to TRC comments, the LDO Administrator may authorize the use or the occupancy of buildings prior to development completion only if:
 - 1. The applicant provides security satisfactory to the Planning Director that is sufficient to ensure that all approval requirements will be fulfilled by a specified date not to exceed twelve (12) months as determined by the Planning Director; and
 - 2. The security shall be sufficient to ensure compliance and be approved by the Town Attorney prior to the Planning Director authorizing the intended use or occupancy.
- B. The authorization identified in this section is limited to the following:
 - 1. The authorized use or occupancy is consistent with an approved phasing plan;
 - 2. Through a temporary certificate of occupancy (permitted when, because of weather conditions or other factors beyond the control of the applicant, exclusive of financial hardship, it would be unreasonable to require the applicant to comply with all of the requirements of this LDO prior to commencing the intended use of the property or occupying any buildings);

3. When the Town Council imposes additional requirements pursuant to special use permits or the applicant proposes to install amenities beyond those required by this LDO; or
4. When the developer is selling only undeveloped lots after final plat approval and acceptance of surety or improvements.

1.6. APPLICATION REQUIREMENTS

- A. Requests for any development process defined in this handbook shall be made on applications provided by the Planning Department. The term application is understood to include all materials identified in the submittal requirements including application, instructions, plans, studies, and analysis, filing fees, and any additional information required in the review and processing of a specific project.
- B. Applications shall only be accepted from a landowner, a lessee or person holding an option or contract to purchase or lease land, or an authorized agent of the landowner. Easement holders may also apply for approval for such development as authorized by the easement. Development approvals made pursuant to this handbook and the LDO attach to and run with the land.

1.7. PROCESSING OF APPLICATIONS

- A. Once an application is deemed complete consistent with Section 1.12 by the Planning Department, the Land Development Administrator (LDA) and/or their designee shall review the application and forward the application to all required review bodies.

1.8. CONTINUANCE

- A. The applicant and LDA may mutually agree for a continuance or extension of any time limit provided for in this handbook.
- B. If the LDA receives a written request less than seven (7) days prior to a public hearing in which the application is scheduled to be heard, the applicant is not entitled to an automatic continuance. The hearing body shall consider the request and may grant approval of a continuance upon demonstration of good cause (by the applicant).
- C. If an applicant receives a continuance, the applicant shall reimburse the town for all advertising costs associated with the public hearing.

1.9. WITHDRAWALS

- A. An applicant may withdraw an application at any time. A written notice shall be provided to the LDA for a withdrawal.
- B. If the LDA receives notice of the applicant's written withdrawal statement following public notice, the applicant shall be precluded from re-filing the same or substantially same application for the subject property for a period of six (6) months. Fees and costs will not be refunded or credit applied to any subsequent applications.

1.10. DENIALS

- A. If an application requiring a public hearing is denied, an application proposing substantially the same development on all or part of the same land shall not be submitted within six (6) months after the date of denial unless the decision-making body waives this time limit in accordance with subsection 2 below. Only one request for a waiver of this time limit may be submitted during the period.
- B. The owner of land that is the subject of an application that was denied as set out in subsection 1 above, or the owner's authorized agent, may submit a written request for waiver of the time limit established in subsection 1 above, along with a fee to defray the cost of processing the request, to the LDA, who shall transmit the request to the decision-making body. The decision-making body may grant a waiver of the time limit based on one or more of the following:
 - 1. There is a substantial change in circumstances relevant to the issues or facts considered during review of the application that might reasonably affect the application of the relevant review standards to the development proposed in the application;
 - 2. New or additional information is available that was not available at the time of review that might reasonably affect the application of the relevant review standards to the development proposed in the application; or
 - 3. The new application proposed to be submitted is not substantially the same as the prior application.

1.11. PRE-APPLICATION MEETINGS

- A. The purpose of a pre-application meeting is to provide an opportunity for the applicant to meet with town staff to learn about the submittal requirements, procedures, and standards applicable to a particular development application.
- B. The pre-application meeting also provides an opportunity for staff to become familiar with the proposed project and offer preliminary comments about the scope of the proposed development, as it relates to the standards of the LDO.
- C. Comments and information provided during the pre-application meeting is deemed to be advisory in nature and not binding upon the staff.
- D. The pre-application meeting is not required but is encouraged.

1.12. COMPLETENESS REVIEWS

- A. Applications shall include all required items before being deemed as complete by the LDA.
- B. A complete application shall contain, at minimum all information and materials as required for submittal of the particular type of application; Provide the number of copies required for application submittal; Is signed by the person with the authority to file the application; Is legible and printed to scale (as may be required by staff); Includes information in sufficient detail to evaluate whether or not the application complies with the applicable review standards of the LDO; and the appropriate fee is submitted for the particular type of application.
- C. Additional information may be required by any other regional, state, or federal entity.
- D. Completeness review of an application is intended to determine whether preliminary information required for submission is sufficient to allow further technical review and is not a decision as to whether the application complies with the provisions and standards of the LDO.
- E. The LDA may process an application without all required information at the risk of the applicant that the decision-making body may require the information prior to acting on the application. A written statement by the applicant shall be provided to the LDA acknowledging this risk.
- F. Although the town has primary responsibility for regulation of land development within the town's jurisdiction, there exist a number of aspects of development that

may be subject to regulation by regional, state, or federal entities. Approval by the town does not waive any other entity's requirements.

- G. If any application is deemed incomplete, the LDA shall specify to the applicant what information is still required. The applicant may resubmit the application with the required information or may appeal the LDA's decision to the Board of Adjustment.

1.13. FORMAL REVIEWS

- A. After staff deems an application complete, the application shall be considered as officially submitted. Staff shall begin formal review of the application.
- B. The application shall be distributed to all appropriate review bodies within the town, consistent with the requirements of the specific process.
- C. Each appropriate review body shall review and comment on the application. If any deficiencies exist, planning staff shall contact the applicant and inform them of said deficiencies. The applicant shall be provided opportunity to discuss any deficiencies and resubmit any required information in the form of a resubmittal.
- D. Upon receiving all required information, the appropriate review body shall deem the application complete through formal review. The application shall be forwarded to the appropriate review body for consideration. If the application is administrative, it shall be approved by the appropriate staff.

1.14. CONDITIONS OF APPROVAL

- A. Conditions of approval shall comply with the following:
 - 1. Conditions of approval are limited to a conditional rezoning and evidentiary processes;
 - 2. Conditions of approval shall be limited to conditions necessary to ensure compliance with the LDO, or to prevent or mitigate adverse effects from the proposed development on neighboring land; and
 - 3. Any condition of approval shall be set forth in any official notice of decision or permit approval.

1.15. DEVELOPMENT PROCESSES SUMMARY TABLE

- A. Table 1.15 provides a summary of the development processes included in this handbook.

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TABLE 1.15 – DEVELOPMENT PROCESSES SUMMARY TABLE							
REVIEW PROCESS	SECTION						
		LDA	TRC	BOA	PB	BOC	
LEGISLATIVE PROCESSES							
Annexation	2.1	R				D	
Development Agreement	2.2	R			RR	D	
Rezoning (Zoning Map Amendment)	2.3	R	R		RR	D	
Text Amendment	2.4	R			RR	D	
EVIDENTIARY							
Appeals	3.1	R		D			
Special Use Permit	3.2	R	R			D	
Variance	3.3	R		D			
Vested Rights Certificate/Determination	3.4	R				D	
Major Subdivision Preliminary Plat	3.5	R	R			D	
OTHER PROCESSES							
Certificate of Occupancy/Compliance	4.1	D					
Construction Drawings	4.2	D	RR				
Minor Subdivision Final Plat	4.3	D					
Major Subdivision Final Plat	4.4	D					

TABLE 1.15 – DEVELOPMENT PROCESSES SUMMARY TABLE (CONT)							
REVIEW PROCESS	SECTION						
		LDA	TRC	BOA	PB	BOC	
Site Plan (without design alternatives, variances, conditional zoning, or development agreement)	4.5	D	RR				
Sketch Plan	4.6	D					
Zoning Permit	4.7	D					
KEY: R = REVIEW, RR = REVIEW AND RECOMMEND, D = FINAL DECISION, A = APPEAL LDA = LAND DEVELOPMENT ADMINISTRATOR TRC = TECHNICAL REVIEW COMMITTEE BOA = BOARD OF ADJUSTMENT PB = PLANNING BOARD BOC = BOARD OF COMMISSIONERS							

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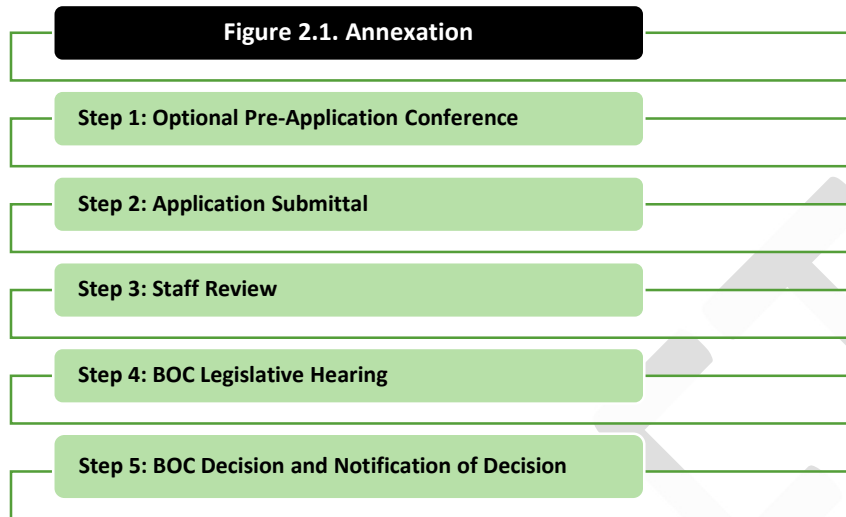
2. LEGISLATIVE PROCESSES

Legislative Processes
Annexation
Development Agreement
Rezoning (Zoning Map Amendment)
Text Amendments

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2.1. ANNEXATION



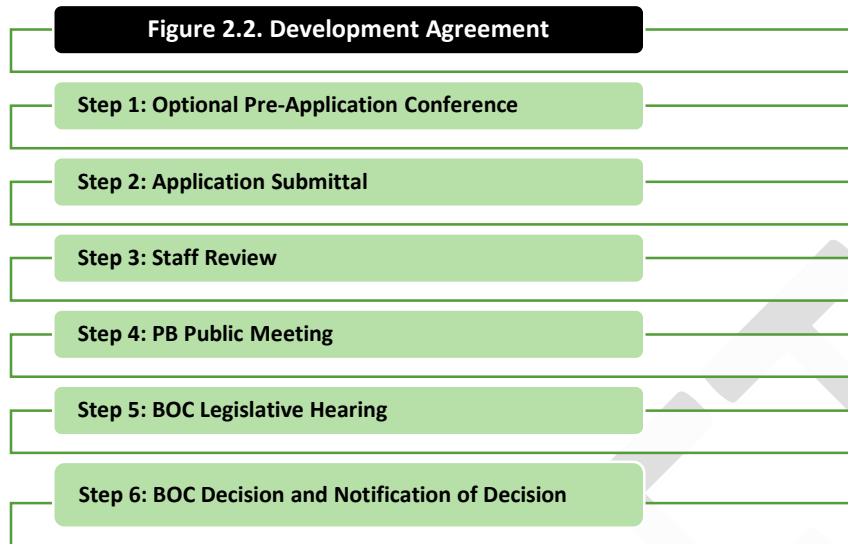
- A. **Purpose.** The purpose of an annexation request is to annex or incorporate lands into the Town of Rolesville in accordance with N.C. Gen. Stat. § 160D-202. The annexation process in this handbook pertains only to annexation by petition, or voluntary annexations.
- B. **Application.**
1. The owner of property, or one having financial or close interest in the property with the written consent of the owner, may institute an annexation request.
 2. Annexations shall be reviewed and approved in a public hearing by the BOC and meet all applicable common application procedures.
 3. If the annexation request submitted to the Planning Department does not conform to all applicable regulations, the applicant shall resubmit the plans to the Planning Department for redistribution and review.
- C. **Review Process.**
1. The application shall be reviewed for consistency with the regulations of the LDO and any other relevant town ordinances and adopted plans.
 2. A staff report (if applicable) and application shall be provided to the BOC in their public hearing review.
 3. The BOC shall direct the clerk to schedule a hearing.

D. Board of Commissioners Public Hearing.

1. The BOC will review the proposed request under legislative discretion.
2. The BOC shall vote for approval of the annexation request or vote to deny the request.
3. If annexed, the area, owners and occupants are subject to the same debts, laws, ordinances, and regulations as other areas of the town.

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2.2. DEVELOPMENT AGREEMENT



A. Purpose.

1. The purpose of a development agreement, consistent with N.C. Gen. Stat. § 160D, Article 10, is to allow a process for the establishment and review of large-scale, multi-phased development projects with an expected build out date of several years.
2. Development agreements are intended to provide the town and developers of land regulatory certainty and a schedule of development.
3. This certainty and schedule allows developers and the town to coordinate public facilities to serve the development.

B. Application.

1. A development agreement shall be submitted on a form as designated by the town and include the appropriate filing fee.
2. The application shall be reviewed in a public meeting by the PB and a public hearing by the BOC and meet all applicable common application procedures.

C. Review Process.

1. Development agreements shall occur through a public hearing process and shall be reviewed by the LDA for consistency with the regulations of the LDO and any other relevant town ordinances and adopted plans.

2. A staff report by the Planning Department shall be provided to the PB and BOC.

D. Planning Board Public Meeting.

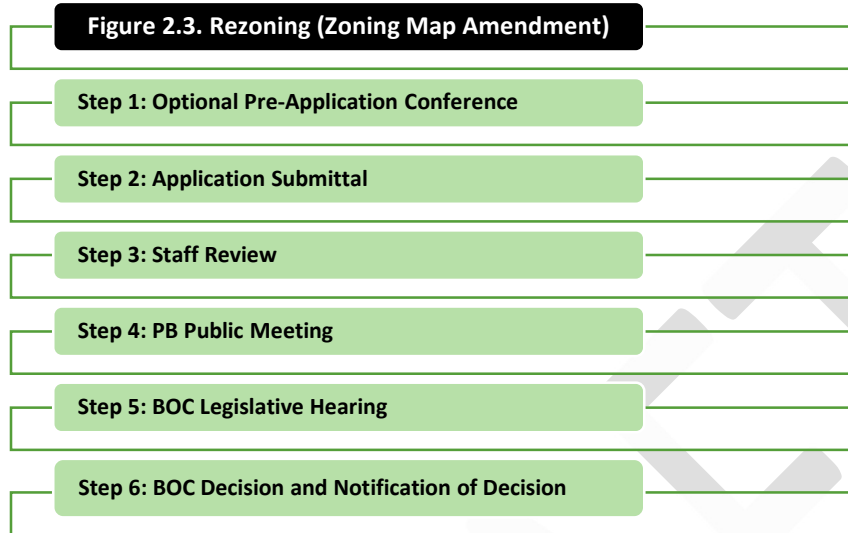
1. The PB will review the proposed request.
2. The PB shall vote to recommend approval of the request to BOC or vote to recommend denial of the request to BOC and provide a consistency statement.

E. BOC Public Hearing.

1. The BOC will review the proposed request under legislative discretion, taking into consideration all relevant comments from town staff.
2. The BOC shall vote for approval of the request or vote to deny the request.
3. The BOC may add additional requirements or modify proposed language with consent of the applicant.
4. The BOC may approve the development agreement as requested, adopt a revised amendment, or deny the amendment.
5. The BOC shall provide a brief statement describing whether the action is consistent or inconsistent with approved plans.

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2.3. REZONING (ZONING MAP AMENDMENT)



A. **Purpose.** Rezoning allows an applicant to modify the zoning of a property and amend the zoning map. This process may allow an applicant to revise the zoning map to change the zoning district classification applicable to a particular parcel, portion of a parcel, or group of parcels. There are two (2) types of rezoning authorized by this LDO: General Rezoning and Conditional Rezoning.

1. **General Rezoning.** A general rezoning reclassifies land to a base zoning district and subjects future development in the district to all the development regulations applicable to that zoning district.
2. **Conditional Rezoning.** A conditional rezoning reclassifies land to a conditional zoning district that is parallel to a base zoning district. Consistent with the definition provided in N.C. Gen. Stat. § 160D-102, this rezoning is defined as a legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment. This type of rezoning subjects future development in the district to the same development regulations applicable to the parallel base district except as modified by conditions. A conditional rezoning shall comply with the below standards:
 - a. Are proposed and/or agreed upon by the owner(s) of the land;

- b. Incorporate any proposed modifications to use, intensity, or development standards applicable in the parallel base district; and
- c. Are limited to conditions that address conformance of the allowable development and use of the rezoning site with town regulations and adopted plans, and impacts reasonably expected to be generated by the allowable development or use of the site.
- d. A site plan may be approved as part of a conditional zoning. If it is incorporated as a condition in conditional zoning, it is part of that legislative decision. If it is required and approved as part of an administrative or evidentiary decision, it is a development approval.
- e. Conditions and site-specific standards imposed in a conditional district shall be limited to those that address the conformance of the development and use of the site to town ordinances, or the impacts reasonably expected to be generated by the development or use of the site.

B. Application.

1. A rezoning application shall be submitted on a form as designated by the town and include the appropriate filing fee.
2. If the request is a conditional rezoning, the application may propose conditions in the form of text, site plans, and maps.
3. An application for a general rezoning may be amended to a conditional rezoning application before the public hearing.

C. Review Process.

1. Rezoning applications shall occur through a public hearing process and shall be reviewed by the LDA and TRC for consistency with the regulations of the LDO and any other relevant town ordinances and adopted plans.
2. A staff report by the Planning Department shall be provided to the PB and BOC.

D. Planning Board Public Meeting.

1. The PB will review the proposed request.
2. The PB shall make a recommendation that addresses whether the proposed rezoning application is consistent with the Comprehensive Plan.

3. The PB shall vote to recommend approval of the request to BOC or vote to recommend denial of the request to BOC and provide a consistency statement.

E. BOC Public Hearing.

1. The BOC will review the proposed request under legislative discretion, taking into consideration all relevant comments from town staff, TRC, and the PB.
2. The BOC shall vote on a decision which shall either approve the application, approve the application for rezoning request to a more restrictive district (with the applicant's consent), or deny the application.
3. If a conditional rezoning, the BOC may add additional conditions or modify proposed language with consent of the applicant.
4. A brief statement describing whether the action is consistent or inconsistent with approved plans.
5. Following the decision, the rezoning shall be recorded in accordance with state law.
6. If approved, the rezoning application shall reclassify the zoning of the site to the approved zoning district.

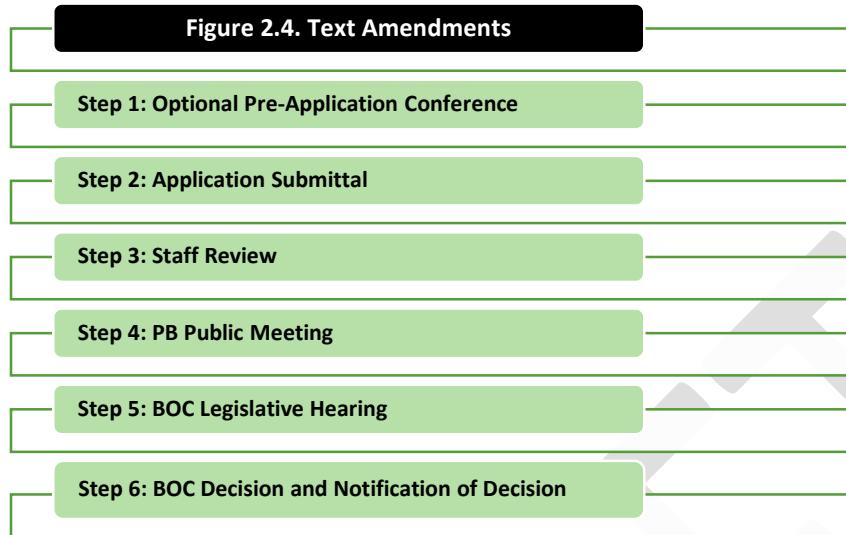
F. Rezoning Review Standards. The BOC may consider as applicable the following review standards for a rezoning:

1. Is the application consistent with the Comprehensive Plan and other applicable adopted town plans;
2. Is it in conflict with any provision of the LDO or the Town Code of Ordinances;
3. Does the application correct any errors in the existing zoning present at the time it was adopted;
4. Does it allow uses that are compatible with existing and allowed uses on surrounding land;
5. Would it ensure efficient development within the town, including the capacity and safety of the street network, public facilities, and other similar considerations;
6. Would it result in a logical and orderly development pattern; and
7. Would it result in adverse impacts on water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

8. If a conditional rezoning, the BOC may also consider if the conditional rezoning addresses the impacts reasonably expected to be generated by the development or use of the site, can reasonably be implemented and enforced for the subject property, and if it will mitigate specific issues that would likely result if the subject property were zoned to accommodate all the uses and the minimum standards of the corresponding general zoning district.

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2.4. TEXT AMENDMENTS



A. Purpose.

1. The text amendment process allows for changes to be made to the text of the LDO and include the appropriate filing fee.
2. This process may allow for the town, BOC, or any person owning land in the town or having a financial or other interest in land in the town to amend the text of the LDO.

B. Application.

1. The application shall be submitted on a form as designated by the town.
2. The application shall be reviewed by the PB and approved in a public hearing by the BOC and meet all applicable common application procedures.

C. Review Process.

1. Text amendment applications shall occur through a public hearing process and shall be reviewed by the LDA for consistency with the regulations of the LDO, comprehensive plan, and any other relevant town ordinances and adopted plans.
2. A staff report by the Planning Department shall be provided to the PB and BOC.

D. Planning Board Public Meeting.

1. The PB shall consider the text amendment request and make a recommendation on the application to the BOC.
2. The PB shall vote to recommend approval of the request to BOC or vote to recommend denial of the request to BOC and provide a consistency statement.

E. BOC Public Hearing.

1. The BOC will review the proposed request under legislative discretion, taking into consideration all relevant comments from town staff and the PB.
2. The BOC shall vote for approval of the request or vote to deny the request.
3. The BOC may add additional requirement or modify proposed language with consent of the applicant.
4. The BOC may approve the development agreement as requested, adopt a revised amendment, or deny the amendment.
5. A brief statement describing whether the action is consistent or inconsistent with approved plans.

F. Text Amendment Review Standards.

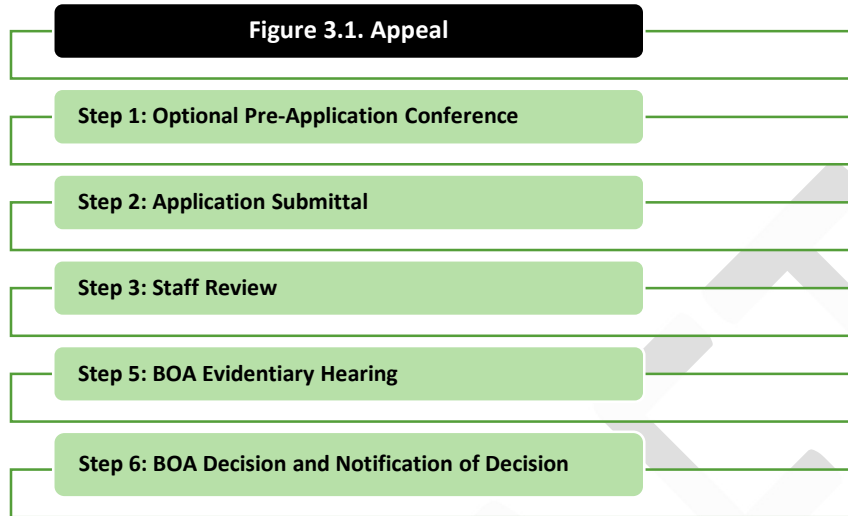
1. Whether the proposed amendment is consistent with the comprehensive plan and other applicable adopted town plans;
2. Whether the proposed amendment is in conflict with any standard of the LDO, Comprehensive Plan, and/or the town Code;
3. Whether there are changed conditions that require a text amendment;
4. Whether the proposed amendment addresses a demonstrated need within the community;
5. Whether the proposed amendment is consistent with the purpose and intent of the zoning districts of the LDO, would improve compatibility among uses, ensure efficient development within the town, and addresses a standard that is inadequate for development in the LDO; and
6. Whether the proposed amendment would negatively affect health, safety, and welfare of the town.

3. EVIDENTIARY PROCESSES

Evidentiary Processes
Appeal
Special Use Permit
Variance/Design Alternative
Vested Rights Certificate/Determination
Major Subdivision Preliminary Plat

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3.1. APPEAL



A. Purpose.

1. The purpose of the appeal process is to allow any party that is aggrieved by a decision made by the LDA, Planning Department staff, Engineering staff, or other town staff in administering the regulations of the LDO.
2. The appeal may be made within thirty (30) days after any decision is rendered by town staff. The appeal shall be made to the Board of Adjustment.
3. This process is only to appeal administrative decisions.
4. Any decisions made by a Board relative to the LDO are to be made in accordance with state law.

B. Application.

1. An appeal shall be submitted on a form designated by the Planning Department and include the appropriate filing fee.
2. Clearly cite the provision of the LDO in question, the decision, interpretation, and which town staff the decision was rendered by.
3. Include proof the applicant is a party aggrieved by the decision.
4. Identify facts and materials in support of the appeal.
5. Provide summary of the decision provided by town staff.
6. Clearly state relief that the applicant seeks.

C. Review Process.

1. An appeal shall be reviewed by the LDA to ensure the appeal contains sufficient information to render a decision (see above).
2. The LDA shall forward the application to the town staff whose decision is being appealed.
3. The LDA shall form a report which summarizes the appeal.
4. The report and application shall be forwarded to the BOA.

D. BOA Public Hearing. The BOA shall:

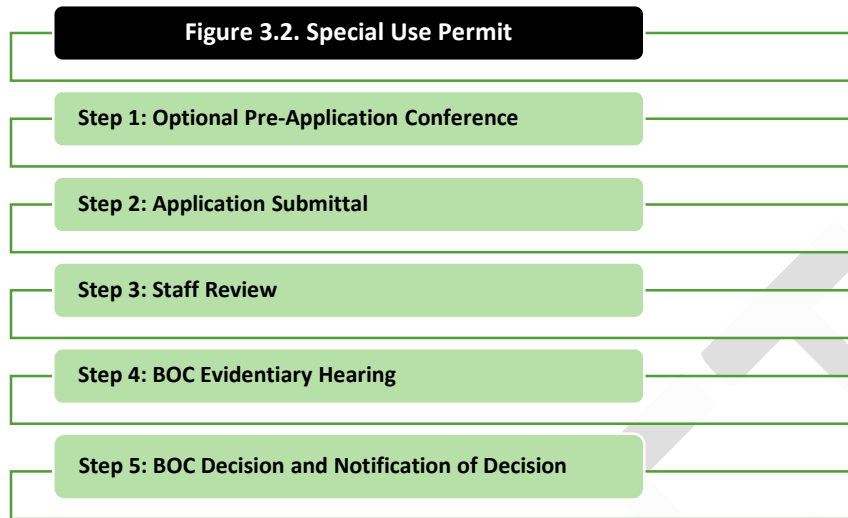
1. Review the proposed request under evidentiary discretion.
2. Render a decision which affirms the decision being appealed, modifies the decision being appealed, or reverses the decision being appealed.
3. In making its decision, the BOA shall have all the powers of the official who made the decision and shall make any order, requirement, decision, or determination that ought to be made.

E. Appeal Review Standards. The BOA shall modify or reverse the decision rendered only if it finds, based upon competent, material, and substantial evidence in the record, that

1. Has been a clear and demonstrable error by the town;
2. Abuse of discretion; and/or
3. Denial of procedural due process in the application of the facts in the record to the applicable standards of the LDO, or as otherwise provided by state law.

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3.2. SPECIAL USE PERMIT



A. Purpose.

1. A use designated as a special use in a particular zoning district is a use that may be appropriate in the district, but because of its nature, extent, and external effects, requires special consideration by the town.
2. Special consideration shall be given to location, design, and methods of operation before it can be deemed appropriate in the district and compatible with its surroundings.
3. Special Use Permits shall be approved upon the presentation of competent, material, and substantial evidence.
4. The applicant must provide written consent to any conditions placed on the approval.
5. The purpose of this section is to establish a mechanism to review special uses to ensure they are appropriate as and where proposed.

B. Application.

1. A special use request shall be submitted on a form designated by the Planning Department and include the appropriate filing fee.
2. The request shall also include a development plan illustrating the proposed development, meeting all requirements of the application form.

C. Review Process.

1. Special use permits shall occur through a public hearing process and shall be reviewed by the LDA and TRC for consistency with the regulations of the LDO and any other relevant town ordinances and adopted plans.
2. A staff report (if applicable) by the Planning Department shall be provided to the BOC.

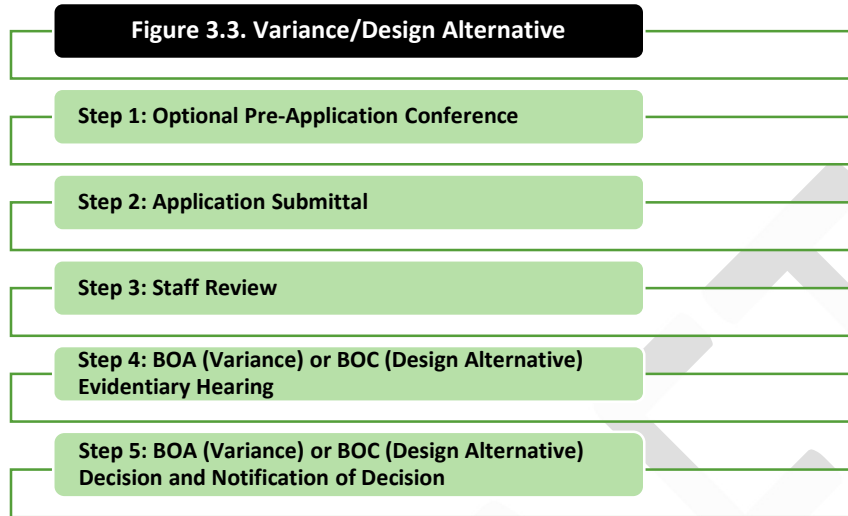
D. BOC Public Hearing

1. The BOC will review the proposed request under evidentiary discretion, taking into consideration all relevant comments.
2. The BOC shall vote for approval of the request or vote to deny the request.
3. The BOC may add additional requirements or modify proposed language with consent of the applicant.
4. A brief statement describing whether the action is consistent or inconsistent with approved plans.

E. Special Use Permit Review Standards.

1. The proposed special use will be in general conformance with the comprehensive plan and other relevant town plans;
2. Demonstrated measures will be taken to provide ingress, egress, minimize traffic hazards, and minimize traffic congestion on the public roads;
3. The proposed use will not be dangerous or offensive by reason of vibration, noise, odor, dust, smoke, or gas;
4. The establishment of the proposed special use will not inhibit the orderly development of adjacent and surrounding property for uses permitted within the particular zoning district;
5. The proposed special use will not endanger the public health, safety, or general welfare; and
6. The proposed use complies with all applicable provisions of the LDO.

3.3. VARIANCE/DESIGN ALTERNATIVE



A. Purpose.

1. The purpose of a zoning variance (or design alternative in the TC district, where explicitly permitted in the LDO) is to allow certain deviations from specified standards of the LDO, when the landowner demonstrates that, owing to special conditions beyond the control of a landowner (or where permitted explicitly in the LDO) a literal application of the standards of the LDO would result in undue and unique hardship. Variances shall comply with N.C. Gen. Stat. § Section 160D-705(d).
2. The special conditions may include but are not limited to topographical considerations, shape of lot, and similar conditions that are beyond the control of a landowner. Where the LDO permits an applicant to request a design alternative, the applicant shall demonstrate compliance with the particular review standards for the design alternative in the LDO.

B. Application.

1. A variance or design alternative request shall be submitted on a form designated by the Planning Department and include the appropriate filing fee.

2. The variance or design alternative request shall include a detailed narrative explaining the unique circumstances in which a variance or design alternative is requested.
3. The request shall also include any and all standards of the LDO in which a variance or design alternative is sought.

C. Review Process.

1. Requests shall occur through a public hearing process and shall be reviewed by the LDA .
2. A staff report (if applicable) by the Planning Department shall be provided to the BOA for variances or to the BOC for a design alternative.

D. BOA Public Hearing.

1. The BOA will review the proposed request under evidentiary discretion, taking into consideration all relevant comments and in compliance with N.C. Gen. Stat. § Section 160D-705(d).
2. The BOA shall vote for approval of the request or vote to deny the request.
3. The BOA may add additional requirement or modify proposed language with consent of the applicant.
4. A brief statement describing whether the action is consistent or inconsistent with approved plans will be voted on by the BOA.
5. If approved, the variance shall run with the land.

E. BOC Public Hearing.

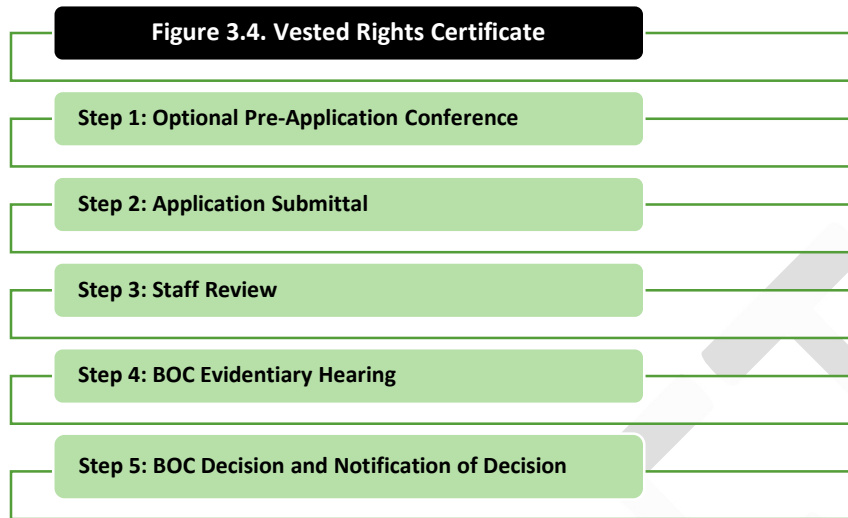
1. The BOC will review proposed design alternative requests in the TC district under evidentiary discretion, taking into consideration all relevant comments. The BOC shall review the design alternative in compliance with N.C. Gen. Stat. § Section 160D-705(d) and additional review standards required in the LDO for the particular design alternative.
2. The BOC shall vote for approval of the request or vote to deny the request.
3. The BOC may add additional requirement or modify proposed language with consent of the applicant.
4. A brief statement describing whether the action is consistent or inconsistent with approved plans will be voted on by the BOC.
5. If approved, a design alternative shall run with the land.

F. **Review Standards.** Variances and design alternatives shall use the same review standards (see below), except that additional review standards may be required for design alternatives and are included where the design alternative is permitted in the LDO. Review standards include:

1. Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. The hardship results from conditions that are peculiar to the property, such as location, size, or topography.
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.
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship.
4. The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.

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3.4. VESTED RIGHTS CERTIFICATE/DETERMINATION



A. Purpose. Nothing in the LDO nor LDO handbook is intended to repeal, supersede, annul, impair, or interfere with any vested rights under applicable laws, so long as the vested rights remain in effect. In accordance with N.C. Gen. Stat. § 160D-108.1, a landowner may establish a vested right that shall entitle the landowner to develop land in accordance with an approved site-specific development plan.

B. Application.

1. The application shall be submitted on a form as designated by the town and include the appropriate filing fee.
2. The applicant for a vested rights certificate/determination shall provide the LDA with a completed application and copies of any documents on which the applicant is relying to establish vested rights.
3. The application shall be reviewed by the LDA and approved in a public hearing by the BOC and meet all applicable common application procedures.

C. Review Process.

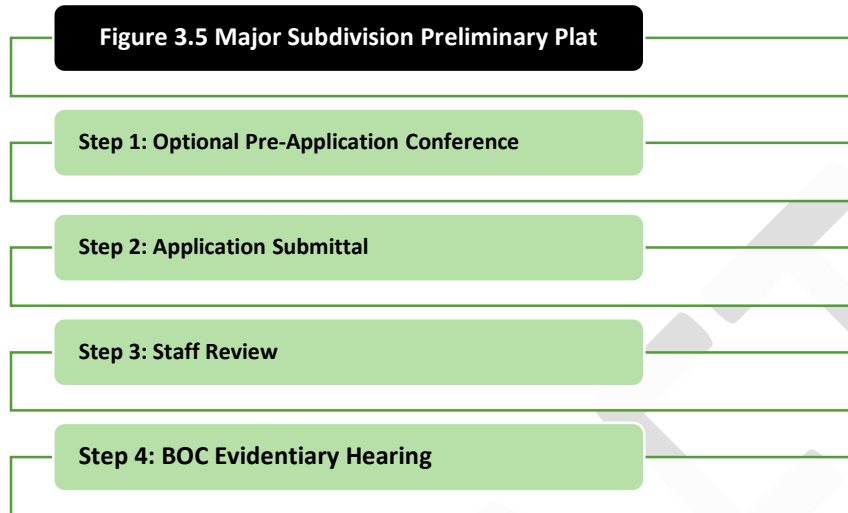
- a. Vested rights applications shall occur through a public hearing process and shall be reviewed by the LDA for consistency with the regulations of the LDO, comprehensive plan, and any other relevant town ordinances and adopted plans.
- b. A staff report (if applicable) by the Planning Department shall be provided to the BOC.

D. BOC Public Hearing.

- a. The BOC will review the proposed request under evidentiary proceedings, taking into consideration all relevant comments from town staff and the applicant.
- b. Upon evidence submitted and review of the application, if the BOC finds that there is sufficient evidence to establish vested rights, it shall issue a certificate to the applicant recognizing vested rights for the project. The certificate shall set forth all terms and conditions required for the continuance of the vested rights being recognized.
- c. The BOC shall vote for approval of the request or vote to deny the request.
- d. The BOC may add additional requirement or modify proposed language with consent of the applicant.

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3.5. MAJOR SUBDIVISION PRELIMINARY PLAT



A. Purpose.

1. The purpose of this process is to establish procedures for the development and subdivision of land within the territorial jurisdiction of the Town of Rolesville that constitutes a major subdivision.
2. All subdivisions shall be considered major subdivisions except those defined as minor subdivisions.
3. Subdivision review, filing, and recording shall be in accordance with N.C. Gen. Stat. § 160D-803 and 804.

B. Preliminary Plat Application.

1. A request shall be submitted on a form designated by the Planning Department and include the appropriate filing fee.
2. The Technical Review Committee (TRC) will then review the preliminary plat, note any deficiencies, make technical recommendations, and decide whether the plat meets all specifications and is ready for consideration by the Board of Commissioners.
3. Should the plat in any manner not meet all the requirements of the LDO, or should any other significant contingencies exist within the proposed

development, the LDA will not forward said plat to the Board of Commissioners.

4. The preliminary plat shall include all information required in N.C. Gen. Stat. § 47-30.

C. Preliminary Plat Review Process.

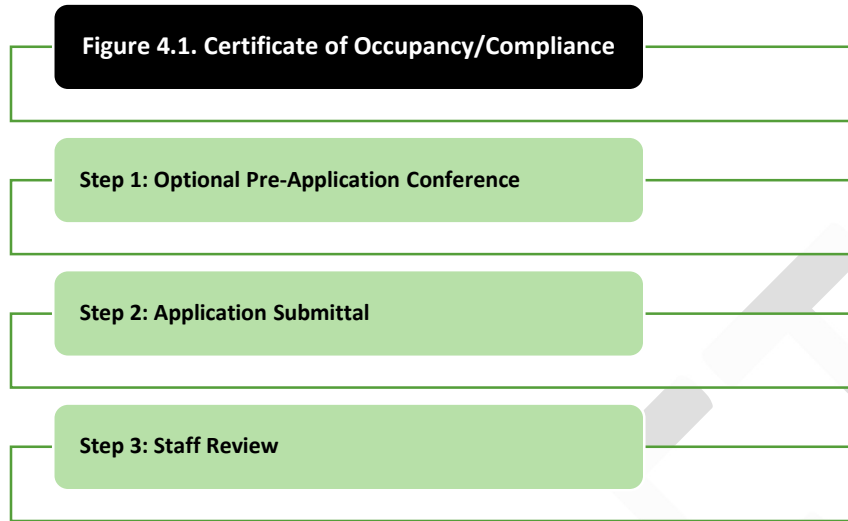
1. The Board of Commissioners shall review the preliminary plat on or before its next regularly scheduled meeting which follows at least seven (7) days after the LDA receives the preliminary plat and comments from the Technical Review Committee (TRC).
2. The Board of Commissioners shall hold a public hearing, and in writing, approve or deny with reasons within forty (40) days of its first consideration of the plat.
3. If the preliminary plat is disapproved, the subdivider may make the recommended changes and submit a revised preliminary plat.
4. If the Board of Commissioners of the Town of Rolesville disapproves the preliminary plat, the reasons for such disapproval shall be specified in writing. One copy of the plat and the reasons shall be retained by the Board of Commissioners of the Town of Rolesville and one copy shall be returned to the subdivider.
5. If the Board of Commissioners of the Town of Rolesville approves the preliminary plat, such approval shall be noted on the plat. A digital copy of the plat shall be retained by the Board of Commissioners of the Town of Rolesville.

4. OTHER PROCESSES

Other Processes
Certificate of Occupancy/Compliance
Construction Drawings
Minor Subdivision Final Plat
Major Subdivision Final Plat
Site Plan
Sketch Plan
Zoning Permit

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4.1. CERTIFICATE OF OCCUPANCY/COMPLIANCE



A. Purpose.

1. The purpose of a certificate of compliance is to ensure that any building or land that is erected, changed, converted, altered, or enlarged is not used or occupied, or connected to or provided with utilities, unless it complies with the requirements of the LDO.
2. No land shall be used or occupied, and no building or structure erected or altered shall be used or changed in use until a Certificate of Occupancy/Compliance has been issued by the LDA.
3. The LDA may issue a certificate of compliance that is valid for up to six (6) months to allow for partial occupancy of a structure or land in order to complete construction or alteration, or to allow for utilities to be connected to an unoccupied structure for rent or sale.

B. Application.

1. A request shall be submitted on a form designated by the Planning Department and include the appropriate filing fee.
2. The certificate shall be applied for concurrently with the application for a zoning permit.

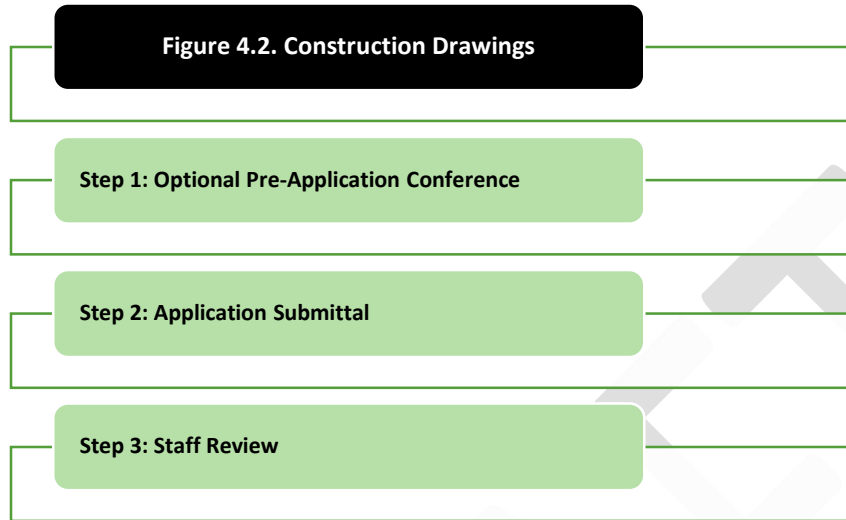
C. Review Process.

1. The LDA will review the proposed request for compliance with the LDO.

2. The LDA shall approve the application as submitted, approve the application subject to conditions of approval, or deny the application as submitted.
3. The certificate of compliance shall remain valid unless the building or land for which the certificate was issued is in violation of the LDO.
4. A record of all such certificates shall be kept on file and open to the public subject to State law.

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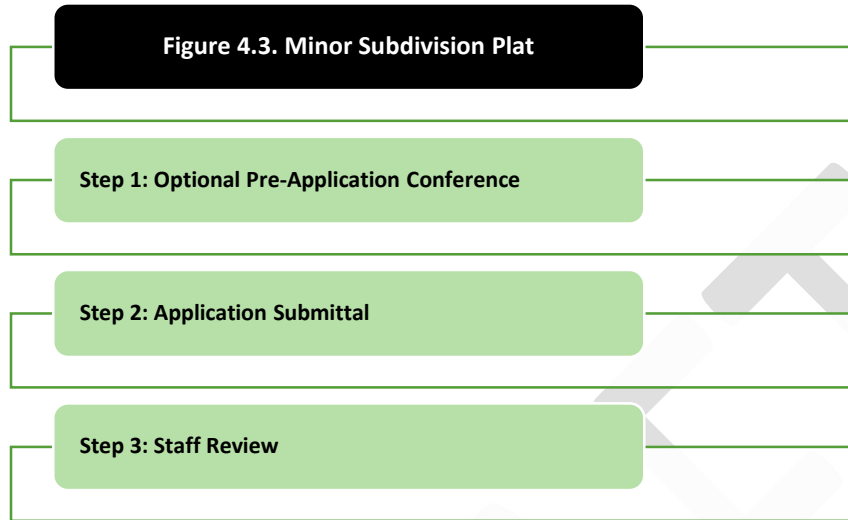
4.2. CONSTRUCTION DRAWINGS



- A. **Purpose.** Construction drawings can be submitted after approval of a site plan. Review and approval of a construction plan is required for all development.
- B. **Application.**
 - 1. A request shall be submitted on a form designated by the Planning Department and include the appropriate filing fee.
- C. **Review Process.**
 - 1. The LDA and TRC will review the proposed request for compliance with the LDO.
 - 2. The LDA shall approve the application as submitted, approve the application subject to conditions of approval, or deny the application as submitted.
 - 3. A record of all construction plans shall be kept on file and open to the public, subject to State law.

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4.3. MINOR SUBDIVISION FINAL PLAT



A. Purpose.

1. The purpose of this process is to establish procedures for the development and subdivision of land within the planning and development regulation jurisdiction of the Town of Rolesville that does not constitute a major subdivision.
2. Pursuant to N.C. Gen. Stat. § 160D-804, a final plat shall be prepared, approved, and recorded pursuant to the provisions of the LDO whenever any subdivision of land takes place.
3. Pursuant to N.C. Gen. Stat. § 160D-803, no final plat of a subdivision within the jurisdiction of the Town of Rolesville shall be recorded by the Register of Deeds of Wake County until it has been approved by the town as provided herein.
4. A minor subdivision is defined as one involving no new public or private streets or roads, or right-of-way dedication, no easements, no utility extension, where the entire tract to be subdivided is five (5) acres or less in size, and where four (4) or fewer lots result after the subdivision is completed.

B. Application.

1. A request shall be submitted on a form designated by the Planning Department and include the appropriate filing fee.

C. Review Process.

1. The LDA will review the proposed request for compliance with the LDO.
2. The LDA shall approve the application as submitted, approve the application subject to conditions of approval, or deny the application as submitted.
3. If the application is approved, the applicant shall submit a final plat in accordance with all standards of the LDO. The final plat shall be prepared by a Professional Land Surveyor currently licensed and registered in the State of North Carolina by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. The final plat shall conform to the provisions for plats, subdivisions, and mapping requirements set forth in N.C. Gen. Stat. § 47-30 and the Standards of Practice for Land Surveying in North Carolina.
4. One mylar copy of the plat and one digital copy shall be submitted. Material and drawing medium for the original shall be accordance with the Standards of Practice for Land Surveying in North Carolina, where applicable, and the requirements of the Wake County Register of Deeds.
5. The final plat shall be of a size suitable for recording with the Wake County Register of Deeds and shall be at a scale of not less than one (1) inch equals two-hundred (200) feet. Maps may be placed on more than one (1) sheet with appropriate match lines.
6. Submission of the final plat shall be accompanied by a filing fee in accordance with the town's fees schedule.
7. The following signed certificate shall appear on all copies of the final plat:
 - a. Certificate of Ownership and Dedication. I hereby certify that I am the owner of the property shown and describe hereon, which is located in the subdivision jurisdiction of the Town of Rolesville and that I hereby adopt this plan of subdivision with my free consent and establish minimum building setback lines as noted.

Owner

Date

- b. Certificate of Survey and Accuracy In accordance with N.C. Gen. Stat. § 47-30
8. The LDA shall review the final plat shall and shall approve, conditionally approve with modifications to bring the plat into compliance, or disapprove the final plat with reasons within forty-five (45) days of receiving the plat.
 9. During their review of the final plat the LDA may appoint an engineer or surveyor to confirm the accuracy of the final plat with the permission of the Town Manager. If substantial errors are found, the costs shall be charged to the subdivider and the plat shall not be recommended for approval until such errors have been corrected.
 10. If the LDA recommends approval of the final plat, they shall retain all copies of the plat and its written recommendations.
 11. If the LDA recommends disapproval of the final plat, they shall instruct the subdivider concerning resubmission of a revised plat and the subdivider may make such changes as will bring the plat into compliance with the provisions of the LDO and resubmit same for reconsideration by the LDA, or appeal the decision to the Board of Commissioners of the Town of Rolesville.
 12. Failure of the LDA to make a written recommendation within forty-five (45) days after their first review shall constitute grounds for the subdivider to apply to the Board of Commissioners of the Town of Rolesville for approval.
 13. If the LDA approves the final plat, such approval shall be shown on each copy of the plat by the following signed certificate:

"Certificate of Approval for Recording

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of the Town of Rolesville, North Carolina and that this plat has been approved by the LDA of the Town of Rolesville for recording in the Office of the Register of Deeds of Wake County.

Date

LDA, Town of Rolesville
Rolesville, North Carolina"

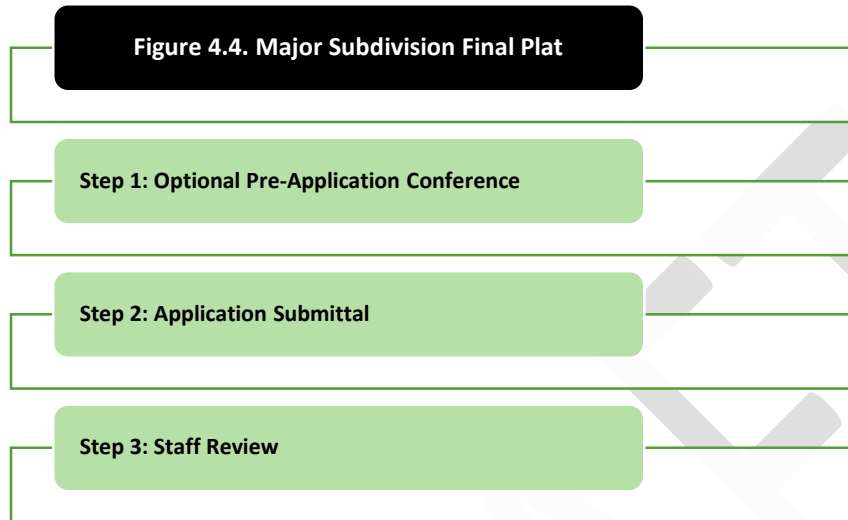
“I, _____, Review Officer of the Town of Rolesville, Wake County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Officer Date”

14. If the final plat is disapproved by the LDA of the Town of Rolesville the reasons for such disapproval shall be stated in writing, specifying the provisions of the LDO with which the final plat does not comply.
15. If the final plat is disapproved, the subdivider may make such changes as will bring the final plat into compliance and resubmit same for reconsideration by the LDA or an appeal can be filed to the Board of Adjustment.
16. If the final plat is approved by the LDA of the Town of Rolesville, the original tracing and one (1) print of the plat shall be retained by the subdivider, and one (1) digital copy shall be returned to the LDA for their records. The subdivider shall file the approved final plat with the Register of Deeds of Wake County within sixty (60) days of the LDA of the Town of Rolesville approval; otherwise such approval shall be null and void.

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4.4. MAJOR SUBDIVISION FINAL PLAT



A. Purpose.

1. The purpose of this process is to establish procedures for the development and subdivision of land within the territorial jurisdiction of the Town of Rolesville that constitutes a major subdivision. A major subdivision final plat can be submitted after approval of a major subdivision preliminary plat and construction drawings.
2. Pursuant to N.C. Gen. Stat. § 160D-804, a final plat shall be prepared, approved, and recorded pursuant to the provisions of the LDO whenever any subdivision of land takes place.
3. Pursuant to N.C. Gen. Stat. § 160D-803, no final plat of a subdivision within the jurisdiction of the Town of Rolesville shall be recorded by the Register of Deeds of Wake County until it has been approved by the town herein.

B. Application.

1. A request shall be submitted on a form designated by the Planning Department and include the appropriate filing fee.

2. Prior to approval of a final plat, the subdivider shall have installed the improvements specified in the LDO or guaranteed their installation as provided herein.
3. No final plat will be accepted for review by the LDA unless accompanied by written notice by the Town Clerk acknowledging compliance with the improvement and guarantee standards of the LDO.
4. The final plat shall constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at that time; such portion shall conform to all requirements of the LDO.
5. The final plat shall include all information required in N.C. Gen. Stat. § 47-30.

C. Review Process.

1. The final plat for the first stage of the subdivision shall be submitted not more than eighteen (18) months after the date on which the preliminary plat was approved; otherwise such approval shall be null and void, unless a written extension of this limit is granted by the Board of Commissioners of the Town of Rolesville on or before the eighteen (18) month anniversary of the approval.
2. The final plat shall be prepared by a Professional Land Surveyor currently licensed and registered in the State of North Carolina by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. The final plat shall conform to the provisions for plats, subdivisions, and mapping requirements set forth in N.C. Gen. Stat. § 47-30 and the Standards of Practice for Land Surveying in North Carolina.
3. One (1) mylar copy and one (1) digital copy of the final plat shall be submitted. Material and drawing medium for the original shall be in accordance with the Standards of Practice for Land Surveying in North Carolina, where applicable, and the requirements of the Wake County Register of Deeds.
4. The final plat shall be of a size suitable for recording with the Wake County Register of Deeds and shall be at a scale of not less than one (1) inch equals two-hundred (200) feet. Maps may be placed on more than one (1) sheet with appropriate match lines.
5. Submission of the final plat shall be accompanied by a filing fee in accordance with the town's fee schedule.

6. The final plat shall meet the requirements of N.C. Gen. Stat. § 47-30.
7. The following signed certificate shall appear on all copies of the final plat:
 - a. Certificate of Ownership and Dedication. I hereby certify that I am the owner of the property shown and describe hereon, which is located in the subdivision jurisdiction of the Town of Rolesville and that I hereby adopt this plan of subdivision with my free consent and establish minimum building setback lines as noted.

Owner

Date

- b. Certificate of Survey and Accuracy In accordance with N.C. Gen. Stat. § 47-30
8. The LDA shall review the final plat shall and shall approve, conditionally approve with modifications to bring the plat into compliance, or disapprove the final plat with reasons within forty-five (45) days of receiving the plat.
9. During their review of the final plat the LDA may appoint an engineer or surveyor to confirm the accuracy of the final plat with the permission of the Town Manager. If substantial errors are found, the costs shall be charged to the subdivider and the plat shall not be recommended for approval until such errors have been corrected.
10. If the LDA recommends approval of the final plat, they shall retain all copies of the plat and its written recommendations.
11. If the LDA recommends disapproval of the final plat, they shall instruct the subdivider concerning resubmission of a revised plat and the subdivider may make such changes as will bring the plat into compliance with the provisions of the LDO and resubmit same for reconsideration by the LDA, or appeal the decision to the Board of Commissioners of the Town of Rolesville.
12. Failure of the LDA to make a written recommendation within forty-five (45) days after their first review shall constitute grounds for the subdivider to apply to the Board of Commissioners of the Town of Rolesville for approval.
13. If the LDA approves the final plat, such approval shall be shown on each copy of the plat by the following signed certificate:

"Certificate of Approval for Recording

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of the Town of Rolesville, North Carolina and that this plat has been approved by the LDA of the Town of Rolesville for recording in the Office of the Register of Deeds of Wake County.

Date

LDA, Town of Rolesville
Rolesville, North Carolina"

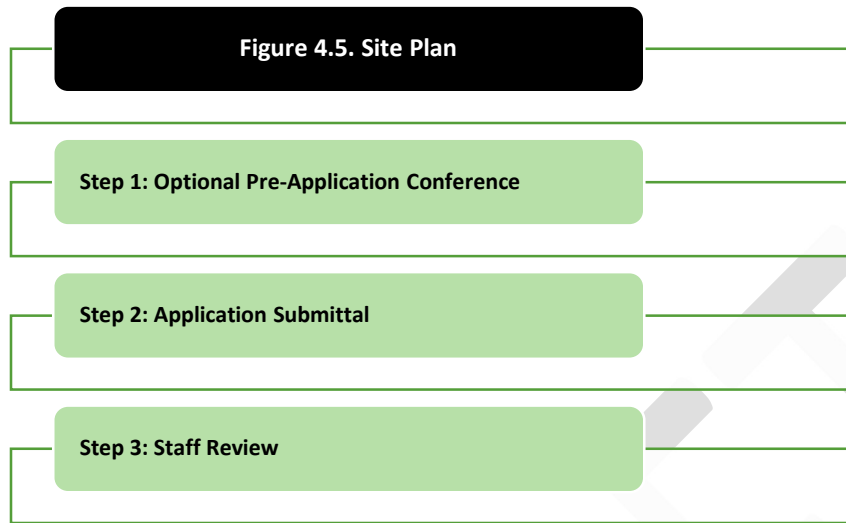
"I, _____, Review Officer of the Town of Rolesville, Wake County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Officer Date"

14. If the final plat is disapproved by the LDA of the Town of Rolesville the reasons for such disapproval shall be stated in writing, specifying the provisions of the LDO with which the final plat does not comply.
15. If the final plat is disapproved, the subdivider may make such changes as will bring the final plat into compliance and resubmit same for reconsideration by the LDA or an appeal can be filed to the Board of Adjustment.
16. If the final plat is approved by the LDA of the Town of Rolesville, the original tracing and one (1) print of the plat shall be retained by the subdivider, and one (1) digital copy shall be returned to the LDA for their records. The subdivider shall file the approved final plat with the Register of Deeds of Wake County within sixty (60) days of the LDA of the Town of Rolesville approval; otherwise such approval shall be null and void.

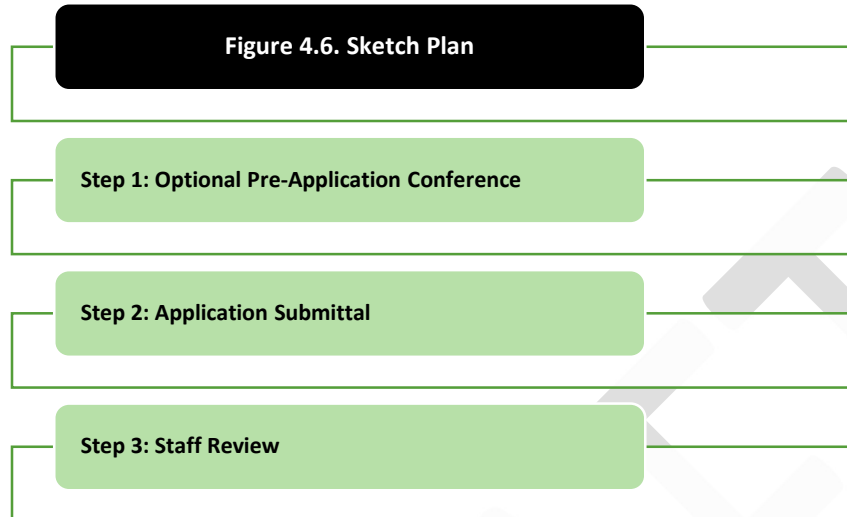
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4.5. SITE PLAN



- A. **Purpose.** Site plan review is intended to ensure that the layout and general design of proposed development is compatible with surrounding uses and complies with all applicable standards in the LDO and all other applicable town regulations. Site plans can be submitted after approval of a preliminary plat. Review and approval of a site plan is required for all development except:
1. Alterations of an existing structure limited to the interior of the structure that do not involve an increase in floor area, an increase in the density or intensity of use, or a change in parking requirements.
- B. **Application.**
1. A request shall be submitted on a form designated by the Planning Department and include the appropriate filing fee.
- C. **Review Process.**
1. The LDA will review the proposed request for compliance with the LDO.
 2. The LDA, may, in writing, exempt the applicant from meeting any plan requirement which is clearly inapplicable to the proposed use.
 3. The LDA shall approve the application as submitted, approve the application subject to conditions of approval, or deny the application as submitted.
 4. A record of all site plans shall be kept on file and open to the public, subject to State law.

4.6. SKETCH PLAN



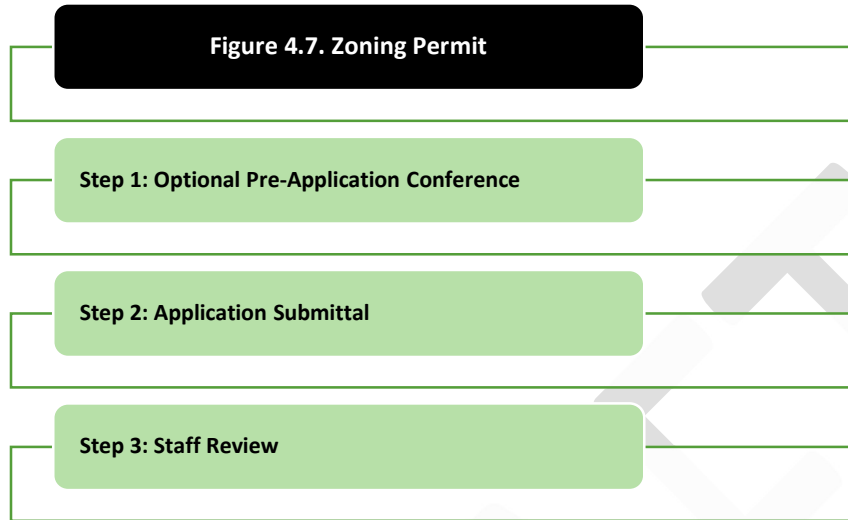
- A. **Purpose.** A sketch plan review is intended to provide a conceptual illustration of development on a site. Sketch plans are not intended to be a site plan, but provide a proof of concept of development on a particular site.
- B. **Application.**
1. A request shall be submitted on a form designated by the Planning Department.
 2. Sketch plans shall provide, at minimum:
 - a. A vicinity map of the site, showing the boundaries of the site.
 - b. Total acreage/square footage of the site.
 - c. Estimated square footage of proposed development on the site.
 - d. Estimated square footage of proposed impervious surfaces on the site.
 - e. Existing and proposed uses of the land.
 - f. Existing zoning classification.
 - g. Existing and proposed building layout, street layout, right-of-way width, lot layout, and size of lots (where applicable).
 - h. Name, address, and contact information for owner/applicant.
 - i. Any other information required on the form designed by the Planning Department.

C. Review Process.

1. The LDA will review the proposed request for compliance with the LDO.
2. The LDA, may, in writing, exempt the applicant from meeting any plan requirement which is clearly inapplicable to the proposed use.
3. The LDA shall approve the application as submitted, approve the application subject to conditions of approval, or deny the application as submitted.
4. A record of all zoning permits shall be kept on file and open to the public, subject to State law.

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4.7. ZONING PERMIT



A. Purpose.

1. No building or structure or any part thereof shall be erected, extended, enlarged, or structurally altered or moved until a zoning permit has been issued by the LDA.
2. No change in use shall be approved until a zoning permit has been issued by the LDA.

B. Application.

1. A fee in accordance with the town's fee schedule shall be charged for the issuance of each zoning permit.
2. The following items shall be included with any application, if applicable:
 - a. Name of applicant, address, and PIN.
 - b. The actual shape and dimensions of the lot to be built upon or used and total acreage in the lot.
 - c. The location of the proposed structure or use on the lot.
 - d. The exact location and size of existing structures and uses, including the square footage of each building.
 - e. The existing and intended use of each structure or part of structure.

- f. The number of dwelling units the building is designed to accommodate, if applicable.
 - g. The height and number of stories of the structure.
 - h. The location and design of any off-street parking and/or loading, town easements, and impervious surfaces.
 - i. The location and dimensions of driveways. Driveway approval procedures as required by the North Carolina Department of Transportation shall be initiated.
 - j. Date of plan preparation.
 - k. Location and descriptions of landscaping, buffering, and signs.
 - l. Clearly marked distance between structures existing and proposed.
 - m. Survey with stamp and signature by registered surveyor.
 - n. Such other LDO as may be necessary for determining whether the provisions of the LDO are being met.
3. If the proposed application includes a grouping of more than one (1) principal building or use on the same lot, the following application items shall also include:
- a. A vicinity map showing the relationship of the proposed development to the surrounding area.
 - b. North arrow and declination.
 - c. Detailed layouts for all utilities, right-of-way, and roads and other improvements.
 - d. Railroads, bridges, culverts, storm drains, wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or stream beds, and any other similar features affecting the site.
 - e. A copy of any proposed deed restrictions or similar covenants.
 - f. For projects over an acre in size, or if otherwise required by the LDA, a topographic map showing vertical contours every two (2) feet.
 - g. The names, addresses, and telephone numbers of owners, mortgagees, professional surveyors, land planners, architects, landscape architects, and professional engineers responsible for the development.

4. Mobile home parks or mobile homes on single lots shall include the following particular items for any zoning permit:
 - a. Location of drives, walks, driveways, walkways, street lighting, water and sewer systems, mobile home plots;
 - b. Location and size of service buildings and areas, recreation buildings and areas;
 - c. Location and type of screening fences or hedges and storage area;
 - d. Location and number of parking spaces;
 - e. Location and description of any other structure or improvement of the land; and
 - f. Topographic features.

C. Review Process.

1. The LDA will review the proposed request for compliance with the LDO.
2. The LDA, may, in writing, exempt the applicant from meeting any plan requirement which is clearly inapplicable to the proposed use.
3. The LDA shall approve the application as submitted, approve the application subject to conditions of approval, or deny the application as submitted.
4. Any permit issued shall become invalid unless the work authorized by it shall have been commenced within six (6) months of its date of issue, or if the work authorized by it is suspended or abandoned for a period in excess of one (1) year.
5. A record of all zoning permits shall be kept on file and open to the public, subject to State law.

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