

- (1) Approval. The proposal meets all requirements of this Chapter and other statutes, ordinances and regulations of the County as submitted and is approved. If the *site plan* is approved by the *TRC* the *applicant* may proceed with other requirements necessary to obtain a building permit.
- (2) Conditional Approval. The proposal exhibits only minor deficiencies with regard to this Chapter and other statutes, ordinances and regulations of the County and, after corrections have been made, can be approved. If the *site plan* is granted conditional approval by the *TRC* the *applicant* shall revise and resubmit the *site plan* to the *Zoning Administrator*. The *Zoning Administrator* shall review the revised *site plan* and, if it meets the approval conditions and is otherwise substantially unaltered, shall signify on the plan the change from conditional approval to approval. The *Zoning Administrator* has the right to resubmit the revised *site plan* to the *TRC* for complete review if deemed necessary. If the *site plan* is not revised within 60 days to meet the approval conditions, or the *applicant* notified the *Zoning Administrator* of unwillingness to revise the *site plan*, it shall be deemed denied.
- (3) Denial. The proposal cannot be approved as it exhibits deficiencies and/or is not in compliance with this Chapter or other statutes, ordinances and regulations of the County which make it completely ineligible for revision and resubmittal. If the *TRC* denies the *site plan*, reasons for the denial shall be stated in writing and the *site plan* may be revised and resubmitted.

C. Permit Validity. No permit shall be issued by the *TRC*; however, no permit for any *use* requiring a major *site plan* may be issued without proof of *TRC* review and approval.

**§200A-300. Reserved**

**§200A-301. Reserved**

**§200A-302. Reserved**

#### **Subpart B. Soil Erosion and Sedimentation Control Plan Review and Approval**

**§200A-303. Soil Erosion and Sedimentation Control Plan Review and Approval** (See §200A-224 (Erosion and Sedimentation Control Plans))

#### **Subpart C. Subdivision Review and Approval**

**§200A-304. General**

All *subdivision* applications, plans and *plats* shall contain all applicable information as required in this Subpart and shall adhere to the applicable review and approval process.

**§200A-305. Review for Minor, Special and Nonstandard Subdivisions**

A. Approval Authority. *Subdivision Administrator*.

B. Application.

1. Application. Each *applicant* shall submit an application to the *Subdivision Administrator*. Applications may be modified by the *Subdivision Administrator* as necessary, who may require the *applicant* to supply additional information. Development plans are required for *minor* or *phased minor subdivisions* where five (5) to ten (10) *lots* and new *right-of-way* are proposed. Development plans must be submitted to the *Subdivision Administrator* pursuant to §200A-78 (Minor Subdivisions). Where development plan review is not required the *applicant* shall submit a *final plat* in mylar form and a blue line copy of the *final plat* along with all application materials (see Article III (Subdivision Regulations)). The *final plat* must be prepared in conformance with the *final plat* requirements provided by the Planning Department, (§200A-311 (Final Plat Review)) and provisions of this Chapter.
2. Fees. Any application fee established by the Board of Commissioners shall be submitted with the application.

- C. Staff Review. The *Subdivision Administrator* shall review all *minor subdivisions*, *special subdivisions*, and *nonstandard subdivisions* and development plans (when applicable) in conformance with Article III (Subdivision Regulations). The *Subdivision Administrator* may refer any *minor subdivision*, *special subdivision*, or *nonstandard subdivision* for review by the Planning Board in accordance with this Chapter.

**§200A-306. Review for Major Residential Subdivisions and Conservation Subdivisions of Eleven (11) to Thirty-Four (34) Lots and any Commercial, Office Institutional, Industrial or Mixed-Use Subdivisions of Thirty-Four (34) or Fewer Lots**

- A. Approval Authority. Technical Review Committee (*TRC*).

B. Application.

1. Pre-application Conference. Each *applicant* shall meet with the *Subdivision Administrator* in a pre-application conference at least 15 days prior to the submission of any *subdivision* reviewed in accordance with this section. The purposes of the conference are to: (1) acquaint the *applicant* with the application process, (2) review the sketch of the proposed development, (3) allow for the free exchange of information between the *applicant* and the *Subdivision Administrator*, (4) explore how the *applicant* intends to design the development, and (5) identify contemplated density levels, areas proposed for preservation and existing nature features on the property to be subdivided. The *applicant* should be prepared to discuss the development plans for the entire *tract* and any adjacent property under the same ownership. Each *applicant* shall bring to the pre-application conference a site analysis sketch which shall:
  - a. Be prepared based on aerial photography, visual observations and an on-site inspection of the *tract* and which may be prepared (at the *applicant's* request) with the general guidance of Planning Staff or professionally (although neither is required);

- b. Be at a scale which is clearly legible and provides sufficient detail to describe the general location of proposed development and the stated features for discussion purposes; and
    - c. Identify (for the entire *tract*) the following features: streams, creeks, ponds, reservoirs, *floodplains*, *wetlands*, *steep slopes* (those greater than 60 percent), *unique natural areas*, rock outcroppings, farmland, pastureland and wooded/forested areas.
  2. Applications. Applications, including all application materials, master plan(s) (see §200A-309 (Master Plans)) and/or development plan(s) (see §200A-310 (Development Plans)) shall be submitted on or before the deadline date required by the Planning Department for review at the *TRC* meeting. In the opinion of the *Subdivision Administrator*, if an application is incomplete, the *Subdivision Administrator* may return the application to the *applicant* identifying the specific omissions, without invoking the review time requirement. The *applicant* shall have the automatic right to withdraw the application at any time until the *applicant* has concluded comments regarding the project before the *TRC*.
  3. Fees. Any review fee established by the Board of Commissioners shall be submitted with the application.
- C. Staff Review. The *Subdivision Administrator* shall preliminarily review the application and schedule the matter for consideration by the *TRC* and notify (in writing) the *applicant* of that time. Formal review of the *subdivision* shall not begin until the *Subdivision Administrator* has verified that the application is complete. Such verification should, when possible, be made within three (3) business days of its receipt.
- D. Formal Review. The *Subdivision Administrator* shall prepare a recommendation on the application and supply a copy of the recommendation to the *applicant* before review by the *TRC*. All members of the *TRC* shall sign off on the application for approval. Any approval or denial of the request must be in writing and be permanently filed in the office of the *TRC* as a public record. The *TRC* shall take action within 30 days of reviewing the application. The *Subdivision Administrator* shall notify the *applicant* (in writing) of the decision by the *TRC* and any conditions imposed on the development within ten (10) business days of the decision. The *TRC* may refer any *subdivision* reviewed in accordance with this section for review by the Planning Board in accordance with this Chapter. The *TRC* may take the following action when reviewing an application:
  1. Approval. The proposal meets all requirements of this Chapter and other statutes, ordinances and regulations of the County as submitted and is approved.
  2. Conditional Approval. The proposal exhibits only minor deficiencies with regard to County regulations and other statutes, and is approved subject to the completion of certain conditions. If the plan is approved with conditions the Planning Staff is given administrative responsibility to grant formal approval upon satisfaction of imposed conditions. The *Subdivision Administrator* has the right to resubmit any revised master plan and/or development plan and subdivision application to the *TRC* for complete review if deemed necessary. If the application is granted conditional approval by the *TRC*, then said conditions

must be met before a *final plat* can be approved, unless specified otherwise. If the master plan and/or development plan is not revised to meet the approval conditions, or the *applicant* notified the Planning Department of unwillingness to meet the conditions, it shall be deemed denied and a *final plat* cannot be approved.

3. Denial. The proposal cannot be approved as it exhibits deficiencies and/or is not in compliance with this Chapter or other statutes, ordinances and regulations of the County. If the *TRC* denies the application, reasons for the denial shall be provided (in writing) to the *applicant*.

**§200A-307. Review for Major Subdivisions and Conservation Subdivisions of Thirty-Five (35) to Two Hundred Ninety-Nine (299) Lots**

A. Approval Authority. Planning Board.

B. Application.

1. Pre-application Conference. Each *applicant* shall meet with the *Subdivision Administrator* in a pre-application conference at least 15 days prior to the submission of any *major subdivision* application of 35 to 299 lots. The purposes of the conference are to: (1) acquaint the *applicant* with the application process, (2) review the sketch of the proposed development, (3) allow for the free exchange of information between the *applicant* and the *Subdivision Administrator*, (4) explore how the *applicant* intends to design the development, and (5) identify contemplated density levels, areas proposed for preservation and existing nature features on the property to be subdivided. The *applicant* should be prepared to discuss the development plans for the entire *tract* and any adjacent property under the same ownership. Each *applicant* shall bring to the pre-application conference a site analysis sketch which shall:
  - a. Be prepared based on aerial photography, visual observations and an on-site inspection of the *tract* and which may be prepared (at the *applicant's* request) with the general guidance of Planning Staff or professionally (although neither is required);
  - b. Be at a scale which is clearly legible and provides sufficient detail to describe the general location of proposed development and the stated features for discussion purposes; and
  - c. Identify (for the entire *tract*) the following features: streams, creeks, ponds, reservoirs, *floodplains*, *wetlands*, *steep slopes* (those greater than 60 percent), *unique natural areas*, rock outcroppings, farmland, pastureland and wooded/forested areas.
2. Application. Applications, including all application materials, master plan(s) (see §200A-309 (Master Plans)) and/or development plan(s) (see §200A-310 (Development Plans)) shall be submitted on or before the date required by the Planning Department for review at the next Planning Board meeting. In the opinion of the *Subdivision Administrator* if an application is incomplete, the *Subdivision Administrator* may return the application to the *applicant* identifying the specific omissions, without invoking the review time requirement.

3. Fees. Any review fee established by the Board of Commissioners shall be submitted with the application.
- C. Staff Review. The *Subdivision Administrator* shall preliminarily review all application materials, master plan and/or development plan(s) and schedule the matter for consideration by the Planning Board and notify the *applicant* (in writing) of that time. The *Subdivision Administrator* shall schedule the matter for consideration by the *TRC* and notify (in writing) the *applicant* of that time. Formal review of the *subdivision* shall not begin until the *Subdivision Administrator* has verified that the application is complete. Such verification should, when possible, be made within three (3) business days of its receipt.
- D. Formal Review. The *Subdivision Administrator* shall prepare a recommendation on the application and supply a copy of this recommendation and the recommendation of the *TRC* to the *applicant* before review by the Planning Board. The Planning Board shall take action within 90 days from the date of its first consideration of the application. The *Subdivision Administrator* shall notify the *applicant* (in writing) of the decision by the Planning Board and any conditions imposed on the development within ten (10) business days of the decision. The *Planning Board* may refer any *subdivision* to the Board of Commissioners for review after giving due notice to the applicant. Reasons for such referral may include, but are not limited to, the size of the subdivision, location within the County, impact on the community, impact on infrastructure, or particular environmental features that make this subdivision substantially unique from other proposed subdivisions. The Planning Board may take the following action when reviewing an application:
1. Approval. The proposal meets all requirements of this Chapter and other statutes, ordinances and regulations of the County as submitted and is approved.
  2. Conditional Approval. The proposal exhibits only minor deficiencies with regard to County regulations and other statutes, and is approved subject to the completion of certain conditions. If the plan is approved with conditions the Planning Staff is given administrative responsibility to grant formal approval upon satisfaction of imposed conditions. The *Subdivision Administrator* has the right to resubmit the revised plan(s) to the Planning Board for complete review if deemed necessary. If the application is granted conditional approval by the Planning Board, then said conditions must be met before a *final plat* can be approved, unless specified otherwise. If the master plan and/or development plan are not revised to meet the approval conditions or the *applicant* notified the Planning Department of unwillingness to meet the conditions, it shall be deemed denied and a *final plat* cannot be approved.
  3. Denial. The proposal cannot be approved as it exhibits deficiencies and/or is not in compliance with this Chapter or other statutes, ordinances and regulations of the County.
- E. Public Notification. Public notification of the Planning Board meeting shall comply with the provisions outlined in §200A-337 (Legislative Process Standards) B(5) (Posted Notice), for posted notices. Planning Staff shall be responsible for all necessary public notifications.

**§200A-308. Review for Major Subdivisions and Conservation Subdivisions of Three Hundred (300) or More Lots**

A. Approval Authority. Board of Commissioners.

B. Approval Type. Map Amendment approval as a Conditional Zoning District.

C. Application.

(1) Pre-application Conference. Each *applicant* shall meet with the *Planning Director* in a pre-application conference at least 15 days prior to the submission of any application for a major subdivision of 300 or more lots and accompanying map amendment application. The purposes of the conference are to: (1) acquaint the *applicant* with the application process, (2) review the sketch of the proposed development, (3) allow for the free exchange of information between the *applicant* and the *Planning Director*, (4) explore how the *applicant* intends to design the development, and (5) identify contemplated density levels, areas proposed for preservation and existing nature features on the property to be subdivided. The *applicant* should be prepared to discuss the development plans for the entire *tract* and any adjacent property under the same ownership. Each *applicant* shall bring to the pre-application conference a site analysis sketch which shall:

- a. Be prepared based on aerial photography, visual observations and an on-site inspection of the *tract* and which may be prepared (at the *applicant's* request) with the general guidance of Planning Staff or professionally (although neither is required);
- b. Be at a scale which is clearly legible and provides sufficient detail to describe the general location of proposed development and the stated features for discussion purposes; and
- c. Identify (for the entire *tract*) the following features: streams, creeks, ponds, reservoirs, *floodplains*, *wetlands*, *steep slopes* (those greater than 60 percent), *unique natural areas*, rock outcroppings, farmland, pastureland and wooded/forested areas.

(2) Application. Applications, including all application materials (subdivision and map amendment), master plan(s) (see §200A-309 (Master Plans)) and/or development plan(s) (see §200A-310 (Development Plans)) shall be submitted on or before the date required by the Planning Department for review at the next Planning Board meeting. The map amendment application shall also include: (1) the name(s) and address(es) of the owner(s) of the property in question; (2) the location of the property; (3) the *PIN* as shown on the County tax listing; (4) a description/statement of the present and proposed district; (5) a description of the property in question sufficient to unequivocally describe and identify said property (such description may take the form of a property survey, a legal description or a legible copy of a County cadastral or composite tax map clearly annotated with district lines which follow political boundaries, geographical features or property lines); and where an *applicant* chooses to appoint an agent to speak on their behalf, (6) an agent form. In the opinion of the *Planning Director* if

an application is incomplete, the *Planning Director* may return the application to the *applicant* identifying the specific omissions, without invoking the review time requirement. The *Planning Director* may modify applications as necessary. Incomplete applications must be resubmitted on or before the date required by the Planning Department for review at the next Planning Board meeting.

- (3) Review Schedule. Applications for major subdivisions of 300 or more lots shall have a minimum 45 day processing period for review by the *Planning Director* before the first consideration by the Planning Board. Applications involving more than one (1) parcel not under common ownership by the *applicant* shall be forwarded to the Board of Commissioners at its first regularly scheduled monthly meeting. (The Board of Commissioners will review the application and determine if it should proceed or, due to the size of the area, number of parcels or number of property owners, if the scope of the application will require a *Small Area Zoning Study*. If the Board of Commissioners agrees that the application calls for a *Small Area Zoning Study*, a directive for such will be issued by the Commissioners and direction will be provided as to how to proceed with the amendment application).
  - (4) Withdrawal of Application. Each application for a major subdivision of 300 or more lots which is withdrawn by the *applicant* after the first newspaper notice appears, shall not be considered for a *map amendment* within the following six (6) months.
  - (5) Application Resubmittal. The Planning Board and the Board of Commissioners will not consider an application (by a property owner or owner's agent) when, within the previous 12 months, the *map amendment* request was denied by the Commissioners.
  - (6) Fees. Any review fee established by the Board of Commissioners shall be submitted with the application.
- D. Staff Review. The *Planning Director* shall: (1) process and review the subdivision application, master plan and/or development plan(s), and map amendment request; (2) present the application to the *TRC* for its comments and recommendations; (3) schedule the matter for consideration by the Planning Board and notify the *applicant* (in writing) of that time; (4) forward a copy to any review agency for information purposes or for comment; and (5) prepare a recommendation on the proposed amendment. Formal review of the major subdivision of 300 or more lots shall not begin until the *Planning Director* has verified that the application is complete. Such verification should, when possible, be made within three (3) business days of its receipt.
- E. Formal Review. The *Planning Director* shall prepare a recommendation on the application and supply a copy of the recommendation to the *applicant* before review by the Planning Board. Prior to amending the Official Zoning Map, the Commissioners shall consider the Planning Board's recommendation which must be in writing and must address consistency with the *Comprehensive Plan*. The Planning Board shall have 45 days after the first consideration of an application for a major subdivision of 300 or more lots to submit its written recommendation to the Commissioners. Failure of the Planning Board to submit a written recommendation within the 45 day period shall constitute a favorable recommendation, except that, if by agreement of the Planning Board and the

*applicant* that 45 days is insufficient due to the size of the area, the complexity of the request or similar circumstances, the Planning Board shall have 60 days to submit its written recommendations.

- F. Public Hearing. Prior to amending the *zoning map* the Commissioners shall hold a public hearing on the amendment in accordance with *NCGS* §153A-323, as amended (See §200A-337 (Legislative Process Standards)).
- G. Public Notification. Public notification of the Planning Board meeting shall comply with the provisions outlined in §200A-337 (Legislative Process Standards) B(5) (Posted Notice), for posted notices. Public notification of the Commissioners public hearing shall comply with the provisions of *NCGS* §153A-323 and §153A-343, as amended (See §200A-337 (Legislative Process Standards)). Planning Staff shall be responsible for all necessary public notifications.
- H. Amendment Validity. The amendment is effective immediately following the decision of the Commissioners. The Commissioners shall issue a written statement on all *map amendment* decisions (both adoptions and rejections) addressing reasonableness, consistency with the *Comprehensive Plan*, and public interests furthered. Subsequent development plans shall be reviewed and approved by the Board of Commissioners. However, the *Commissioners* may delegate this approval authority, on a project by project basis, to the *Planning Board* or *Subdivision Administrator* provided all conditions of approval are met and the development plan is consistent with the approved master plan. Development plans shall meet all requirements of this Chapter. *Final plats* shall be reviewed following the processes and procedures outlined in §200A-76 (Approval for Subdivision Plats) and §200A-311 (Final Plat Review).

**§200A-309. Master Plans**

- A. Plan Preparation. Master plans must be prepared in conformance with this subpart and master plan requirements provided by the Planning Department. A master plan is required during review of all *major subdivisions*. The *applicant* shall submit four (4) full-sized copies and one (1) reduced-sized copy of the master plan, at a scale appropriate to clearly depict the proposed project. Reduced size copies should be legible and reproducible. If a reduced size copy of the plan (no larger than 11 inches by 17 inches in size) cannot be provided, at least 30 large copies shall be submitted in its place. The master plan may consist of multiple sheets, if needed. *Applicants* proposing single section or *phased subdivisions* may submit a combined master plan and development plan (“master/development plan”) that shall be prepared in conformance with this subpart and the requirements of a development plan provided by the Planning Department and §200A-310 (Development Plans).
- B. Purpose of the Plan. The master plan is intended to provide general information about the proposed development to allow for an assessment of its impact on the orderly growth and development of the County, environmental quality, land values, natural features identified on the site analysis sketch and the County’s *roads* and governmental services.
- C. Review of the Plan. During review of the master plan for a *major subdivision* application, the reviewing agency shall take into consideration: (1) applicable recommendations of

the *Comprehensive Plan*, (2) the potential *use* of the land to be subdivided and (3) the impact of the *subdivision* and proposed *use* whether residential, commercial or industrial.

- D. Revisions to the Plan. If during the development of the project, the master plan is revised to affect any of the following: increase the number of *lots* to be created or units to be constructed; create a substantive change in the *subdivision* configuration, *road* layout, etc.; substantially change the *use* of any portion of the *tract*; develop or build in areas that were identified as features in the site analysis sketch (see Article III (Subdivision Regulations) and Article XI (Review Processes and Procedures) Subpart C (Subdivision Review and Approval)) and that were identified in the master plan as *open spaces* or *protected areas*, the *applicant* shall then submit a revised master plan for the reviewing agency to review in accordance with Article III (Subdivision Regulations) and the applicable review process as outlined in this Article XI (Review Process and Procedures) Subpart C (Subdivision Review and Approval).
- E. Land Disturbing and Improvement Activities. The *applicant* may only proceed with the establishment of *erosion* and *sedimentation* control measures, clearing and other *land-disturbing activities* and improvement activities associated with the project upon receipt of approval of the development plan (See §200A-310 (Development Plans)).
- F. Approval Validity. Master plan approval is valid for two (2) years and shall be annotated on the plan. If, at the completion of the two-year period, no development plan has been submitted, the *applicant* must reapply under the current applicable requirements.

**§200A-310. Development Plans**

- A. Plan Preparation. Development plans must be prepared in conformance with this subpart and development plan requirements provided by the Planning Department. Development plan(s) are required during review of all *major subdivisions*. The development plan may be submitted for the entire *subdivision* or any section thereof. The *applicant* shall submit four (4) full-sized copies and one (1) reduced-sized copy of the development plan, at a scale appropriate to clearly depict the proposed project. Reduced size copies should be legible and reproducible. If a reduced size copy of the plan (no larger than 11 inches by 17 inches in size) cannot be provided, at least 30 large copies shall be submitted in its place. The development plan may consist of multiple sheets, if needed.
- B. Purpose of the Plan. A development plan is a graphic representation or map of the *tract* of land to be developed indicating all proposed divisions of land, their *uses*, improvements and other information as may be required to fully disclose the *applicant's* intentions. The purpose of the plan is to provide general and specific information and is not intended to be a recordable document.
- C. Review of the Plan. Upon approval of the master plan and the development plan of the first section of a *subdivision* by the reviewing agency, if successive sections are submitted for review (and (1) each substantially conforms with the master plan, (2) no new *lots* are created, and (3) all technical requirements and development standards have been met) the *Subdivision Administrator* may approve the development plans for all *major subdivisions* for successive sections administratively. Under such review, the action deadlines for the reviewing agency shall be the same for the *Subdivision Administrator*.

- D. Land Disturbing and Improvement Activities. The *applicant* may, only upon receipt of approval of the development plan proceed with the establishment of *erosion* and *sedimentation* control measures, clearing and other *land-disturbing activities* and improvement activities associated with the project.
- E. Approval Validity. Development plan approval is valid for two (2) years and shall be annotated on the plan. The approving agency may, for just cause, grant up to two (2) one-year extensions for development plan approval. If, at the completion of the first one-year extension period, less than 50 percent of improvements are complete, the *applicant* must reapply under the current applicable requirements. If more than 50 percent of improvements are complete after the one-year extension period, the *applicant* may apply for a single additional one-year extension and thereafter must reapply under current applicable requirements.

**§200A-311. Final Plat Review**

A. Final Plat Review for Special, Minor and Nonstandard Subdivisions.

- (1) Approval Authority. *Subdivision Administrator*.
- (2) Purpose. A *final plat* must be prepared and approved pursuant to this subpart and *final plat* requirements provided by the Planning Department, whenever a *subdivision* of land occurs.
- (3) Staff Review. If the *subdivision* complies with the standards set forth herein the *Subdivision Administrator* shall provide approval in writing on the face of the *final plat* and shall retain a "blue line" copy for departmental records. Once the *plat* has been approved, the *final plat* must be recorded in a timely manner.

B. Final Plat Review for All Major Subdivisions.

- (1) Approval Authority. *Subdivision Administrator*.
- (2) Purpose. A *final plat* must be prepared and approved pursuant to this subpart and *final plat* requirements provided by the Planning Department, whenever a *subdivision* of land occurs.
- (3) Staff Review. The *Subdivision Administrator* shall review the *final plat* and determine its completeness, finding that the regulations of this Chapter that set forth specific standards have been met for *final plats*. The *Subdivision Administrator* shall review the *final plat* for conformance with all applicable standards and conformance to any associated master plans and development plans. The *final plat* may be approved administratively if the *plat* meets all requirements of the Chapter and satisfies all conditions imposed by the reviewing agency. Upon approval, and before any *lots* are transferred, the *applicant* shall record the *final plat* at the office of the Register of Deeds. Incidental changes to the *final plat*, which do not in any way affect the character of the development, may be submitted prior to, or after, recordation and may be approved for re-recordation by the *Subdivision Administrator*. No *lots* governed by this Chapter may be conveyed until a *final plat* is approved and recorded in the office of the Register of Deeds of Henderson County.