

- (2) Application, Formal Review, Public Hearing and Public Notification. An amendment to the text of this Chapter related to the *water supply watershed* shall adhere to the review and approval process for *Text Amendments* (see §200A-314 (Ordinance Amendments) subsection B (excluding (1) “Initiation”)). An amendment to the *watershed* map shall adhere to the review and approval process for *Map Amendments* (see §200A-314 (Ordinance Amendments) subsection C (excluding (1) “Initiation”)). The Commissioners may incorporate the minimum requirements of the North Carolina Environmental Management Commission (*NCEMC*) into this Chapter without undertaking the official amendment processes; this may include identifying the boundaries of *watershed* districts proposed by the *NCEMC* on the Watershed Protection Map and may include *text amendments* necessary to conform to the minimum requirements of the *NCEMC*.
- (3) Amendment Validity. The Commissioners may not adopt any amendment, supplement, change or modification that is less stringent than the minimum requirements imposed by the *NCEMC* without approval of said Commission. The amendment is effective immediately following the decision of the Commissioners. All amendments must be filed with the North Carolina Division of Environmental Management, North Carolina Division of Environmental Health and the North Carolina Division of Community Assistance.

Subpart E. Permit Approval Processes

§200A-315. General

All permit applications shall include, at minimum: (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 and/or statement of the present zoning district; (5) the appropriate level of *site plan*; and, where an *applicant* chooses to appoint an agent to speak on their behalf, (6) an agent form. Permit applications may run concurrently with *site plan* review, amendment requests or other applications for approvals required for the particular development. All permit applications shall adhere to the applicable review and approval process as outlined in this Article.

§200A-316. Category One (1) or Two (2) Communication Facility Permits

- A. Purpose. Category One (1), or Two (2) *Communication Facility Permits* are required for any construction, alteration or expansion of a communication facility of these categories.
- B. Permit Issuance. The *Communication Facilities Administrator* shall issue permits. No permit shall be issued until a communication facility *site plan* has been reviewed and approved by the *Communication Facilities Administrator*.
- C. Application.
 - (1) Pre-application Conference. Each *applicant* for a permit shall meet with the *Communication Facilities Administrator* in a pre-application conference prior to, or at the time of, the submittal of a request for approval of the communication facility. The purposes of this conference are to provide information to the

applicant regarding the review process and assist in the preparation of the application.

- (2) Application. Each application for a permit shall be submitted with a communication facility *site plan* to the *Communication Facilities Administrator*. The application shall be filed on a form provided by the *Communication Facilities Administrator*. The *applicant* shall be notified within 15 days if the application is deemed incomplete. A full description of deficiencies shall be identified for the applicant with the understanding that if these deficiencies are cured, the application will be deemed complete. Incomplete applications must be resubmitted within ten (10) business days or will not be processed until the following month. Applications may be modified by the *Communication Facilities Administrator* as necessary, who may require the *applicant* to supply additional information pertaining to the communication facility. Applications for a *Communication Facility Permit Two (2)* shall also include the following:
- a. Statement Regarding Accommodation of Additional Users. A statement which indicates the number of additional users the proposed facility will accommodate, as signed and sealed by an active, registered North Carolina Professional Engineer.
 - b. Statement Regarding Collocation. A written statement, by the *applicant*, which indicates willingness to allow future *collocations*, available at fair *market value*.
 - c. Evidence of Mailing of Notices of Intent. A document, submitted by the *applicant*, which shows that the *applicant* has sent required notices of intent to file an application for a *Communication Facility Permit Two (2)* to all owners of property immediately adjacent to the parcel containing the facility site and all owners of property within a 500 foot radius as measured from the facility site perimeter. *Mailed notices of intent* shall be mailed no fewer than ten (10) days and no more than 30 days prior to the date on which an application for a *Communication Facility Permit Three (3)* is filed. *Mailed notices of intent* shall include a: (1) vicinity map showing the proposed facility location; (2) sketch of the facility with dimensions which indicate the proposed tower type and height; and (3) statement from the *Communication Facilities Administrator* indicating the processes and procedures by which the communication facility may be permitted.
 - d. Evidence of Lack of Alternative Antenna Sites. A document, submitted by the *applicant*, which demonstrates that a reasonable effort has been made to collocate the proposed *antenna* on an existing communication facility/*alternative structure*, and that there are no feasible alternatives to constructing the proposed communication facility.
 - e. Evidence of Compliance with Regulations. Documentation, submitted by the *applicant*, which demonstrates compliance with all applicable state and federal statutes, ordinances and regulations which is satisfactory to the *Communication Facilities Administrator*.

- f. Easement Acquisition Documents. Statements of intent, submitted by the *applicant*, from adjacent property owners (where any portion of said property is within a distance of the tower height from the tower base) to grant an *easement* to the *applicant*.

(3) Review Schedule. None established.

(4) Fees. Any review fee established by the Commissioners shall be submitted with the application.

(5) Streamlined Collocation Process. Applications for collocation that meet the following requirements shall have a streamlined process/

- a. The collocation does not increase the overall height of the *communication tower* or wireless support structure to which the wireless facilities are attached;
- b. The collocation does not increase the ground space area approved in the *communication facility site plan* for equipment enclosures and ancillary facilities; and
- c. The wireless facilities in the proposed collocation comply with application regulations, restrictions, or conditions, if any applied to the initial wireless facilities placed on the *communication tower* or other wireless support structure.

Applications entitled to the streamlined process shall be reviewed for conformance with applicable building permit requirements, if any, but shall not otherwise be subject to zoning requirements, including design or placement requirements or public hearing review.

- D. Staff Review. The *Communication Facilities Administrator* shall process all applications for a permit and approve, approve conditionally or deny the approval of the application within 15 business days from the date the application is filed. If the permit application is denied, the *Communication Facilities Administrator* shall notify the *applicant* in writing stating the reasons for denial. Any denial shall be supported by substantial evidence and set forth reasons for denial with sufficient particularity that a reviewing authority may review the evidence supporting denial.
- E. Formal Review. None required.
- F. Permit Validity. Upon the issuance of a permit, the communication facility will be issued a Communication Facility Registration Number. The *applicant* shall have six (6) months from the date of issuance thereon to obtain a building permit or begin substantial construction work on the project. Failure to obtain a building permit or make substantial construction progress within six (6) months shall render the permit void. The *Communication Facilities Administrator* may grant a single extension of this time period of up to six (6) months upon submittal by the *applicant* of sufficient justification for the extension.

§200A-317. Category Three (3) Communication Facility Permits

- A. Purpose. Category Three (3) *Communication Facility Permits* are required for any construction, alteration or expansion of a communication facility of this category.
- B. Permit Issuance. The Zoning Board of Adjustment (*ZBA*) shall grant the permit and the *Communication Facilities Administrator* shall issue permits. No permit shall be issued until a communication facility *site plan* has been reviewed and approved by the *Communication Facilities Administrator*. No *Communication Facility Permit Three (3)* shall be issued without the approval of the *ZBA* in accordance with the requirements and procedures set forth in this subsection.
- C. Application.
 - (1) Pre-application Conference. Each *applicant* for a permit shall meet with the *Communication Facilities Administrator* in a pre-application conference prior to, or at the time of, the submittal of a request for approval of the communication facility. The purposes of this conference are to provide information to the *applicant* regarding the review process and assist in the preparation of the application.
 - (2) Application. Each application for a permit shall be submitted along with the appropriate fee(s), *site plan*, statements, evidences and *easement* acquisition documents to the *Communication Facilities Administrator*. Applications shall also include the following:
 - a. Statement Regarding Accommodation of Additional Users. A statement which indicates the number of additional users the proposed facility will accommodate, as signed and sealed by an active, registered North Carolina Professional Engineer.
 - b. Statement Regarding Collocation. A written statement, by the *applicant*, which indicates willingness to allow future *collocations*, available at fair *market value*.
 - c. Evidence of Mailing of Notices of Intent. A document, submitted by the *applicant*, which shows that the applicant has sent required notices of intent to file an application for a *Communication Facility Permit Three (3)* to all owners of property immediately adjacent to the parcel containing the facility site, and all owners of property within a 1,000 foot radius as measured from the facility site perimeter. *Mailed notices of intent* shall be mailed no fewer than ten (10) days and no more than 30 days prior to the date on which an application for a permit is filed. *Mailed notices of intent* shall include a: (1) vicinity map showing the proposed facility location; (2) sketch of the facility with dimensions which indicate the proposed tower type and height; and (3) statement from the *Communication Facilities Administrator* indicating the processes and procedures by which the communication facility may be permitted.
 - d. Evidence of Lack of Alternative Antenna Sites. A document, submitted by the *applicant*, which demonstrates that a reasonable effort has been made to collocate the proposed *antenna* on an existing communication

facility/*alternative structure*, and that there are no feasible alternatives to constructing the proposed communication facility.

- e. Evidence of Compliance with Regulations. Documentation, submitted by the *applicant*, which demonstrates compliance with all applicable state and federal statutes, ordinances and regulations which is satisfactory to the *Communication Facilities Administrator*.
- f. Easement Acquisition Documents. Statements of intent, submitted by the *applicant*, from adjacent property owners (where any portion of said property is within a distance of the tower height from the tower base) to grant an *easement* to the *applicant*.

Applications may be modified by the *Communication Facilities Administrator* as necessary, who may require the *applicant* to supply additional information pertaining to the communication facility.

- (3) Review Schedule. As per NCGS §62A-42, a written decision approving or denying the application shall be given within 30 days in the case of collocation and modification applications, and within 45 days in the case of other applications. This time shall be measured from the date the application is deemed complete.
 - (4) Fees. Any review fee established by the Commissioners shall be submitted with the application.
- D. Staff Review. The *Communication Facilities Administrator* shall process and review all applications for a permit and prepare a staff recommendation for the *ZBA* on the permit application. An application shall be deemed complete unless the *applicant* is notified in writing within 15 days of submissions of the application. Specific deficiencies in the application must be identified and if cured the resubmission must be deemed complete.
 - E. Formal Review. Prior to taking any action on a permit, the *ZBA* shall consider the *Communication Facilities Administrator's* recommendation on the permit application.
 - F. Public Hearing. Prior to considering a *communication facility permit* application the *ZBA* shall hold a public hearing on the application in accordance with §200A-338 (Quasi-Judicial Process Standards).
 - G. Public Notification. Public notification of such hearing shall comply with the provisions of §200A-338 (Quasi-Judicial Process Standards). The *Communication Facilities Administrator* shall be responsible for all necessary public notifications.
 - H. Quasi-judicial Proceeding. The concurring vote of a majority of the *ZBA* shall be necessary to grant the permit. As per NCGS §62A-42, a written decision approving or denying the application shall be given within 30 days in the case of collocation and modification applications, and within 45 days in the case of other applications. This time shall be measured from the date the application is deemed complete.
 - (1) Standards of Review. The *ZBA* shall not approve a permit unless it makes written findings that the regulations of this Chapter that set forth specific standards for the communication facility have been met. Any approval or denial of the request must

be in writing and be permanently filed with the office of the *ZBA* and with the *Communication Facilities Administrator* as a public record.

- a. Any decision denying an application must be supported by substantial evidence in the record before the authority and must set forth the reasons for the denial with sufficient particularity to allow a reviewing entity to review the evidence supporting the reasons for denial.
- b. An authority may deny an application to construct a new wireless support structure based upon an *applicant's* unwillingness to evaluate the reasonable feasibility of collocating new antennas and equipment on an existing structure within the *applicant's* search ring according to NCGS §62A-43

(2) Conditions. The *ZBA* shall, in granting a permit, prescribe that required *easement* documents be recorded and copies of said recorded *easements* be submitted to the *Communication Facilities Administrator*.

I. Permit Validity. Upon the approval of the *ZBA* and the submittal of recorded *easements*, the *Communication Facilities Administrator* may issue the permit and the required County Communication Facility Registration Number. The *applicant* shall have six (6) months from the date of issuance thereon to obtain a building permit or begin substantial construction work on the project. Failure to obtain a building permit or make substantial construction progress within six (6) months shall render the permit void. The *Communication Facilities Administrator* may grant a single extension of this time period of up to six (6) months upon submittal by the *applicant* of sufficient justification for the extension.

(1) Permit Revocation. The *Communication Facilities Administrator* and/or *ZBA* may revoke a permit for *violations* of any part of this Chapter. Failure to secure and record any of the required *easements* shall be grounds for revocation. If the *Communication Facilities Administrator* finds a communication facility to be in *violation*, he/she shall notify the *applicant* in writing, stating the specific *violations* and setting reasonable time limits for corrective actions and subsequent inspections. In the event that the *applicant* takes no action to correct *violations*, the *Communication Facilities Administrator* shall notify him/her, by certified mail, that the permit will be revoked at the close of ten (10) business days from the date of the written notice. Should the *applicant* correct the *violations* prior to the permit being revoked, he shall request that the *Communication Facilities Administrator* conduct an inspection. If the *Communication Facilities Administrator* finds that the communication facility is no longer in *violation*, he/she shall notify the *applicant* that the permit will continue to be valid. If the *violations* have not been remedied, the permit shall be revoked. Where use of a communication facility is discontinued, such notice of discontinuance shall be made in writing by the *applicant* and submitted to the *Communication Facilities Administrator*; further, where the *use* of the communication facility is discontinued for a 12 month period, such permit shall be revoked. Such revocation and the reasons for such shall be made in writing to the *applicant*.

- (2) Implications of Revoked Permit. Where a permit has been revoked:
- a. The operation of the communication facility shall be terminated, and the *use* may only be reinstated upon application as in the case of a new matter.
 - b. The *applicant* (facility owner/operator and/or site owner) shall not be allowed to *collocate* any additional communication facilities at that site, erect another communication facility or obtain any additional permits.
 - c. The facility owner/operator and/or site owner shall be jointly and severally responsible for the required removal of the communication facility within 180-days of receipt of written notification of *Communication Facility Permit Three* (3) revocation.

§200A-318. Manufactured Home Park (MHP) Construction Permits

- A. Purpose. *Manufactured Home Park (MHP) Construction Permits* are required for any construction, alteration or expansion of an *MHP*.
- B. Permit Issuance. The *MHP Administrator* shall issue the permit. No permit shall be issued until the *MHP Site Plan* has been reviewed and approved by the Technical Review Committee (*TRC*).
- C. Application.
- (1) Pre-application Conference. Each *applicant* for a permit shall meet with the *MHP Administrator* in a pre-application conference prior to, or at the time of, the submittal of a request for approval of the *MHP*. The purposes of this conference are to provide information to the *applicant* regarding the review process and assist in the preparation of the application.
 - (2) Application. Each application for a permit shall be submitted along with the appropriate fee(s) and *site plan*, to the *MHP Administrator*. Applications may be modified by the *MHP Administrator* as necessary, who may require the *applicant* to supply additional information pertaining to the *MHP*.
 - (3) Review Schedule. Applications shall be submitted on or before the date required by the Planning Department for review of the *MHP Site Plan* at the meeting of the *TRC*.
 - (4) Fees. Any review fee established by the Commissioners shall be submitted with the application.
- D. Staff Review. Provided the *MHP Site Plan* is approved by the *TRC*, the *MHP Administrator* shall approve the application, noting any site improvements that must be made prior to the issuance of an *MHP Completion of Improvements (COI) Permit* (see §200A-319 (*MHP COI Permits*)). Site improvements required prior to the issuance of a *COI* may include: *buffers, internal roads, vertical clearance on roads, driveways, parking, erosion and sedimentation controls, stormwater drainage, culverts, sewage disposal systems, water supply systems, fire protection, solid waste disposal areas, electrical hookup and/or MHP identification signs*.
- E. Formal Review. None required.

- F. Permit Validity. Upon the issuance of a permit, the *applicant* shall have two (2) years to complete construction of site improvements as stated in such permit for the *MHP* or *phase* thereof, except as otherwise noted below. The *MHP Administrator* may grant a single extension of this time period of up to six (6) months upon submittal by the *applicant* of sufficient justification for this extension.

§200A-319. Manufactured Home Park (MHP) Completion of Improvements (COI) Permits.

- A. Purpose. Completion of Improvements (COI) Permits are required for the leasing of spaces and/or the ability to obtain set-up and building permits for *manufactured/mobile homes* and other *structures* within a *Manufactured Home Park (MHP)*.
- B. Permit Issuance. The *MHP Administrator* shall issue the permit. No permit shall be issued until the *MHP Site Plan* (see §200A-297 (Manufactured Home Park Site Plan Review)) has been reviewed and approved by the Technical Review Committee (*TRC*) through the issuance of an *MHP* construction permit by the *MHP Administrator* (see §200A-318 (MHP Construction Permits)).
- C. Application
- (1) Pre-Application Conference. None required.
 - (2) Application. Each application for a permit shall be submitted, along with the appropriate fee(s) and *site plan*, to the *Manufactured Home Park Administrator*. Applications shall additionally include one (1) as-built drawing (at a scale of one (1) inch equals 100 feet) of the completed *MHP* or *phase* thereof. Applications may be modified by the *MHP Administrator* as necessary, who may require the *applicant* to supply additional information pertaining to the *MHP*. If the application is found to be incomplete, the *MHP Administrator* shall notify the *applicant* of any deficiencies.
 - (3) Review Schedule. Applications shall only be accepted when site improvements for the *MHP* or *phase* thereof are complete and the *applicant* has provided evidence that property addresses have been assigned to each *manufactured/mobile home* and any other *structures*.
 - (4) Fees. Any review fee established by the Commissioners shall be submitted with the application.
- D. Staff Review. The *MHP Administrator* shall process and review all applications for the permit after submitted. The *MHP Administrator* shall: (1) make an inspection of the *MHP* to ensure compliance with this Chapter; (2) verify that required site improvements as listed on the *MHP* construction permit (see §200A-318 (MHP Construction Permits)) have been made; and, if the inspection shows the *MHP* adheres to those standards outlined in the *MHP Site Plan* and contains all site improvements required by the *MHP* construction permit, and (3) approve the application.
- E. Formal Review. None required.
- F. Permit Validity. Upon the issuance of a permit, the *applicant* shall have the ability to lease spaces and/or the ability to obtain set-up and building permits for *manufactured/mobile homes* and other *buildings* within the *MHP*. The permit may be

reinstated if the *MHP applicant* applies to the *MHP Administrator* and the *MHP Administrator* finds that the *MHP* is in compliance with the requirements of this Chapter.

- (1) Permit Revocation. The *MHP Administrator* may revoke a permit for *violations* of any part of this Chapter, except for those regulated by the Health, Inspections or Solid Waste Departments. In these cases, the *MHP Administrator* shall work with the other departments regarding the revocation of a permit. If the *MHP Administrator* finds a *MHP* to be in *violation*, he shall notify the *applicant* in writing, stating the specific *violations* and setting reasonable time limits for corrective actions and subsequent inspections. In the event that the *applicant* takes no action to correct *violations*, the *MHP Administrator* shall notify him/her, by certified mail, that the permit for the *MHP* will be revoked at the close of ten (10) business days from the date of the written notice. Should the *applicant* correct the *violations* prior to the permit being revoked, he shall request that the *MHP Administrator* conduct an inspection. If the *MHP Administrator* finds that the *MHP* is no longer in *violation*, he/she shall notify the *applicant* that the permit will continue to be valid. If the *violations* have not been remedied, the permit shall be revoked. Such revocation and the reasons for such shall be made in writing to the *MHP applicant*.
- (2) Implications of Revoked Permit. Where a permit has been revoked, the *applicant* shall:
 - a. Not rent or lease any vacant spaces until the *violations* have been corrected and the permit is reinstated; and
 - b. Notify each renter/lessee of a space within the *MHP* within ten (10) days after receiving written notification that the permit has been revoked. The *applicant* shall provide the *MHP Administrator* with a signed statement from each renter/lessee indicating that notice from the *applicant* has been received. Any lease that is renewed after revocation of the permit shall be at the renter's/lessee's own risk.

§200A-320. Sign Permits

- A. Purpose. Sign Permits are required for the erection, movement, *addition* to or structural alteration of any *sign* not exempt by this Chapter.
- B. Permit Issuance. The *Zoning Administrator* shall issue the permit.
- C. Application.
 - (1) Pre-application Conference. None required.
 - (2) Application. Each application for a permit shall be filed on a form provided by the *Zoning Administrator*. Applications shall additionally include the following: (1) location of the *sign* on the *lot* in relation to the property lines and any existing or proposed *signs* or *structures*; (2) *sign* structural specifications; and (3) additional information needed to determine if the *sign* will be erected in conformance with this Chapter. Applications may be modified by the *Zoning Administrator* as necessary, who may require the *applicant* to supply additional information.
 - (3) Review Schedule. None established.

- (4) Fees. Any review fee established by the Commissioners shall be submitted with the application.
- D. Staff Review. The *Zoning Administrator* shall process and review all applications for a permit. If the application is found to be incomplete, the *Zoning Administrator* shall notify the *applicant* of any deficiencies. The *Zoning Administrator* shall approve, approve conditionally or deny the approval of the application.
- E. Permit Validity. Upon the issuance of a permit, the *applicant* shall have six (6) months from the date of issuance thereon to begin erecting the *sign*. Failure to make construction progress within six (6) months shall render the permit void. The *Zoning Administrator* may grant a single extension of this time period of up to six (6) months upon submittal by the *applicant* of sufficient justification for the extension.

§200A-321. Soil Erosion and Sedimentation Control Permits (See §200A-224 (Erosion and Sedimentation Control Plans))

§200A-322. Special Intensity Allocation (SIA)

- A. Purpose. Special Intensity Allocation (*SIA*) is permitted on up to ten (10) percent of the total acreage within the balance of a WP-*WS-II-BW* Colt Creek and Mills River, WP-*WS-III-BW* Lower Mills River or a WP-*WS-IV-PA* Upper French Broad River watershed overlay sub-district. Acreage approved as a special intensity allocation may be developed with up to 70 percent *built-upon area*.
- B. Allocation Issuance. Any request for an *SIA* shall be granted by the *Watershed Administrator* or the Board of Commissioners.
- C. Application.
- (1) Pre-application Conference. Each *applicant* for an *SIA* shall meet with the *Watershed Administrator* prior to, or at the time of, the submittal of an application. The purposes of this conference are to provide additional information regarding the review process and assist in the preparation of the application.
 - (2) Application. Each application for an *SIA* shall be submitted along with the appropriate fee(s) and *site plan* to the *Watershed Administrator*. Applications shall additionally show the following: minimized *built-upon surface area*, stormwater directed away from surface waters, and the incorporation of *best management practices* to minimize water quality impacts. Applications may be modified by the *Watershed Administrator* as necessary, who may require the *applicant* to supply additional information pertaining to the *SIA*.
 - (3) Review Schedule. None established.
 - (4) Fees. Any review fee established by the Commissioners shall be submitted with the application.
- D. Staff/Formal Review. The *Watershed Administrator* shall process all applications for an *SIA* after submitted. The *Watershed Administrator* shall refer *SIAs* (when appropriate) as determined below, to the Commissioners.
- (1) Categories and Approval of Special Intensity Allocation. Upon receipt of a formal application and review of a development plan for conformance with the terms of

this Chapter, the *Watershed Administrator* or the Commissioners, as appropriate, shall approve the *SIA*, provided that acreage is still available in the appropriate category below. Applications shall be made in one (1) of the following categories:

- a. Category 1: Applications for Commercial, Office, Institutional, Industrial or Multifamily Residential Development. These applications shall be reviewed and approved by the *Watershed Administrator*. No more than six (6) percent of acreage within the balance of the *watershed* outside the *critical area* may be allocated for this category.
- b. Category 2: Applications for Nonresidential Community Service Uses. Such *uses* include, but are not limited to: *schools, religious institutions, community centers, park facilities* and nonprofit agencies serving the immediate community. These applications shall be reviewed and approved by the *Watershed Administrator*. No more than two (2) percent of the acreage within the balance of the *watershed* outside the *critical area* may be allocated for this category.
- c. Category 3: Applications for *Nonresidential Development*. Applications for *nonresidential development* that come in after the allocations in the other categories are exhausted, shall be reviewed by the Commissioners following a recommendation by the *Watershed Administrator*. Allocations from this category shall not be drawn upon unless the application cannot be approved under Category 1 or 2 due to exhaustion of acreage allocations. No more than two (2) percent of the acreage within the balance of the *watershed* outside of the *critical area* may be allocated from this category. The Commissioners may set any criteria under which allocations for this category may be drawn.

- (2) Award of Special Intensity Allocation. *SIAs* shall be awarded in the order of applications received that are in compliance with all conditions of this Chapter. Project applications that are deemed to pose a threat to water quality and public health, safety and welfare shall not be awarded.
- E. Validity of Special Intensity Allocation. Upon the approval of an *SIA*, the *applicant* shall have six (6) months from the date of issuance thereon to obtain a building permit or begin substantial construction work on the project. Failure to obtain a building permit or make substantial construction progress within six (6) months shall render the *SIA* void. The approving authority (*Watershed Administrator* or the Commissioners) may grant a single extension of this time period of up to six (6) months upon submittal by the *applicant* of sufficient justification for the extension via written request. Expiration of time limits stated herein shall require reapplication for an *SIA* under the provisions of this Chapter. An *SIA* may not be transferred to another parcel of land.

§200A-323. Special Use Permits

- A. Purpose. *Special Use Permits* are required where individual consideration of location, design, configuration and/or operation of a *use* at a proposed site are necessary to ensure site appropriateness, compatibility with surrounding *uses* and the protection of the public health, safety and welfare. Development standards shall be used as the basis for

developing conditions for a permit; however, individualized conditions may also be imposed throughout the application process. Any *use* identified which requires a permit shall not be permitted without the approval of the Zoning Board of Adjustment (*ZBA*) in accordance with the requirements and procedures set forth in this subsection.

- B. Permit Issuance. The *ZBA* shall grant permits. The *Zoning Administrator* shall issue permits.
- C. Application.
- (1) Pre-application Conference. Each *applicant* for a permit shall meet with the *Zoning Administrator* in a pre-application conference no later than two (2) calendar weeks prior to the date the application is due. The purposes of this conference are to provide information to the *applicant* regarding the review process and assist in the preparation of the application.
 - (2) Application. Each application for a permit shall be submitted along with the appropriate fee(s) and *site plan*, to the *Zoning Administrator* on or before the first business day of the month. Applications may be modified by *Zoning Administrator* as necessary, who may require the *applicant* to supply additional information pertaining to the permit. Incomplete applications must be resubmitted on or before the first business day of the month or will not be processed until the following month.
 - (3) Review Schedule. Applications for a permit have a 60 day processing period for notification requirements and review by the *Zoning Administrator* and Technical Review Committee (*TRC*) prior to the public hearing.
 - (4) Fees. Any review fee established by the Board of Commissioners shall be submitted with the application.
- D. Staff Review. Code Enforcement Services Staff shall: (1) process and review all applications for a permit; (2) present the application to the *TRC* for its comments and recommendations; (3) forward the application on to the appropriate departments and agencies for their review; and (4) prepare a staff recommendation for the *ZBA* on the permit application.
- E. Formal Review. Prior to taking any action on a permit, the *ZBA* shall consider the *Zoning Administrator's* recommendation on the permit application.
- F. Public Hearing. Prior to considering a permit application the *ZBA* shall hold a public hearing on the application in accordance with §200A-338 (Quasi-Judicial Process Standards).
- G. Public Notification. Public notification of such hearing shall comply with the provisions of §200A-338 (Quasi-Judicial Process Standards). The *Zoning Administrator* shall be responsible for all necessary public notifications.
- H. Quasi-judicial Proceeding. The concurring vote of a **four-fifths (4/5) of the members of** the *ZBA* shall be necessary to grant the permit. Vacant seats and disqualified members are not counted in computing the simple majority. Any approval or denial of the request must be in writing and be permanently filed with the office of the *ZBA* and with the *Zoning Administrator* as a public record.

(1) Standards of Review. The *ZBA* shall not approve a permit unless it makes written findings that the regulations of this Chapter that set forth specific standards for the *use* have been met. The *ZBA* may consider the type of *use*, size of the *use*, size of the property and other relevant factors in evaluating the permit application. The *applicant* will not bear the burden of proving that all of the site standards (as listed below) have been met; however, the *applicant* will be required to produce evidence sufficient to rebut any evidence presented that the site standards would not be met or that a condition is necessary. The *applicant* may be required, in his/her rebuttal, to show that the proposed *use* will:

- a. Not materially endanger the public health, safety or welfare;
- b. Not substantially injure the value of property or improvements in the area; and
- c. Be in harmony with the surrounding area.

Additionally the *applicant* may be required, in his/her rebuttal, to show that the proposed *use* shall be located and developed in such a manner as to:

- a. Comply with all applicable local, state and federal statutes, ordinances and regulations;
- b. Be in accordance with the *Comprehensive Plan*, Long Range Transportation Plans and Comprehensive Transportation Plans of the County and/or Long Range Transportation Plans and Comprehensive Transportation Plans of any municipality of the County;
- c. Minimize the effects of noise, glare, dust, solar access and odor on those *persons* residing or working in the *neighborhood* of the proposed *use*; and
- d. Minimize the environmental impacts on the *neighborhood* including the following groundwater, surface water, *wetlands*, endangered/threatened species, archeological sites, historic preservation sites and *unique natural areas*.

Finally, the *applicant* may be required, in his/her rebuttal, to show that satisfactory provision/arrangement has been made (where applicable or required) concerning:

- a. Ingress and egress to property and proposed *structures* thereon (with particular reference to automotive/pedestrian safety/convenience and traffic flow/control);
- b. Off-street parking and loading areas;
- c. Utilities (with particular reference to locations, availability and compatibility);
- d. Buffering and landscaping (with particular reference to type, location and dimensions); and
- e. *Structures* (with particular reference to location, size and *use*).

- (2) Conditions. The *ZBA* may, in granting a permit, prescribe: (1) additional conditions; (2) additional safeguards; (3) a time limit within which the *use* shall be begun; and/or (4) a time limit within which a *use* shall be completed.
- I. Permit Validity. Upon the issuance of a permit a signed order detailing the conditions of the permit shall be submitted to the *Zoning Administrator*. The *Zoning Administrator* may then issue related permits.
 - (1) Permit Revocation. The *Zoning Administrator* and/or *ZBA* may revoke a permit if, at any time after the issuance of the permit, it is found that the conditions imposed on/agreements made with the *applicant* have not been or are not being fulfilled by the holder of the permit.
 - (2) Implications of Revoked Permit. Where a permit has been revoked the operation of such *use* shall be terminated and the *use* may only be reinstated upon application as in the case of a new matter.

§200A-324. Temporary Use Permits

- A. Purpose. *Temporary Use Permits* are required for (1) the erection of any *structure* for temporary purposes and (2) the expansion of or change in any *use* for temporary purposes.
- B. Permit Issuance. The *Zoning Administrator* shall issue permits. All permits shall be issued in conformity with the provisions of this Chapter, except where the *Zoning Administrator* receives a written order from (1) the Zoning Board of Adjustment (*ZBA*) in the form of an interpretation involving error, *special use* or *variance*; or (2) the Board of Commissioners in the form of the issuance of approval for a vested right. A *Temporary Use Permit* must be issued prior to the issuance of a building permit, which shall comply with the *Temporary Use Permit* and all conditions of approval attached thereto.
- C. Application.
 - (1) Pre-application Conference. None required.
 - (2) Application. Each application for a permit shall be filed on a form provided by the *Zoning Administrator*. Applications may be modified by the *Zoning Administrator* as necessary, who may require the *applicant* to supply additional information.
 - (3) Review Schedule. Applications for permits shall adhere to one (1) of two (2) review schedules based upon duration of the *temporary use*. The *Zoning Administrator* shall approve or deny a permit application: (1) within seven (7) business days for an application requesting duration of a *use* for no more than two (2) weeks; or (2) within 15 business days on all applications requesting duration of a *use* for more than two (2) weeks.
 - (4) Fees. Any review fee established by the Commissioners shall be submitted with the application.
- D. Staff Review. The *Zoning Administrator* shall process and review all applications for a permit. If the application is found to be incomplete, the *Zoning Administrator* shall notify the *applicant* of any deficiencies. Where the *Zoning Administrator* denies the permit, reasons for the denial shall be stated.

- E. Permit Validity. Upon the issuance of a permit, the *applicant* will be allowed the *temporary use* for the specified length of time on the specified dates. Permits shall not be issued for any duration to exceed two (2) years.

§200A-325. Water Supply Watershed Use Permits

- A. Purpose. Water Supply Watershed Use Permits are required for: (1) the erection, movement, additional or structural alteration of any *structure*, (2) the expansion of or change in any *use* and (3) the change of any land surface to an *impervious surface*.
- B. Permit Issuance. The *Watershed Administrator* shall issue permits.
- C. Application.
 - (1) Pre-application Conference. None required.
 - (2) Application. Each application for a permit shall be filed on a form provided by the *Watershed Administrator*. Applications may be modified by the *Watershed Administrator* as necessary, who may require the *applicant* to supply additional information.
 - (3) Review Schedule. None established.
 - (4) Fees. Any review fee established by the Board of Commissioners shall be submitted with the application.
- D. Staff Review. The *Watershed Administrator* shall process and review all applications for a permit. If the application is found to be incomplete, the *Watershed Administrator* shall notify the *applicant* of any deficiencies. The *Watershed Administrator* may consult with qualified personnel for assistance to determine if the application meets the requirements of this Chapter. The *Watershed Administrator*, for projects not involving some other form of review, shall approve, approve conditionally or deny the approval of the application. Where the *Watershed Administrator* denies the permit, reasons for the denial shall be stated.
- E. Permit Validity. Upon the issuance of a Water Supply Watershed Use Permit, the *applicant* shall have six (6) months from the date of issuance thereon to obtain a building permit. Failure to obtain a building permit within six (6) months shall render the *Water Supply Watershed Use Permit* void. The *Watershed Administrator* may grant a single extension of this time period of up to six (6) months upon submittal by the *applicant* of sufficient justification for the extension. A Water Supply Watershed Use Permit must be issued prior to the issuance of building permit, which shall comply with the Water Supply Watershed Use Permit and all conditions of approval attached thereto.
 - (1) Revocation of Water Supply Watershed Use Permits. *Violations* of the sections of this Chapter relating to *water supply watershed* protection may also constitute grounds for revocation of Water Supply Watershed Use Permits if such *violations* are not corrected within 30 days following notification of such *violations*. No such permit shall be reinstated until the *Watershed Administrator* finds that all provisions of this Chapter relating to *water supply watershed* protection have been met. Any revocation may be appealed to the Water Supply Watershed Review Board if filed within 30 days of the effective date of the revocation.

Following a hearing on the matter, the Water Supply Watershed Review Board may concur with the revocation or order the reinstatement of the permit.

- F. Appeals. Questions arising in connection with the enforcement of this Chapter shall be presented first to the *Watershed Administrator* and that such questions shall be presented to the Water Supply Watershed Review Board only on *appeal* from the *Watershed Administrator*.

§200A-326. Watershed Protection Compliance Permits

- A. Purpose. Watershed Protection Compliance Permits are required for the ability to obtain occupancy of a *structure* hereafter erected, altered or moved and/or prior to the change of *use* of any *structure* or land in the *watershed*. The *Watershed Administrator* shall issue a Watershed Protection Compliance Permit.
- B. Application.
- (1) Pre-Application Conference. No pre-application conference is required for a Watershed Protection Compliance Permit.
 - (2) Application. No formal application is required for a Watershed Protection Compliance Permit
 - (3) Review Schedule. Watershed protection compliance permit applications (where the water supply watershed use permit allowed for the erection, alteration or movement of a *structure*) will be approved or denied within ten (10) days of the erection, alteration or movement of said *structure* (upon the inspection by the *Watershed Administrator*). *Watershed* protection compliance permit applications (where the *water supply watershed use* permit allowed for a change of *use*) will be approved or denied before the commencement of the *use*.
 - (4) Fees. Any review fee established by the Board of Commissioners shall be submitted with the application.
- C. Staff Review. The *Watershed Administrator* shall process and review all applications for a Watershed Protection Compliance Permit (via the water supply watershed use permit process above). The *Watershed Administrator* shall issue a Watershed Protection Compliance Permit certifying that all requirements of this Chapter have been met. If the Watershed Protection Compliance Permit is denied, the *Watershed Administrator* shall notify the *applicant* in writing stating the reasons for denial.
- D. Permit Validity. Upon the issuance of a Watershed Protection Compliance Permit, the *applicant* shall have the ability to occupy and/or change the *use* of a *structure*. No *structure* which has been erected, moved or altered may be occupied until the *Watershed Administrator* has approved and issued a Watershed Protection Compliance Permit.
- (1) Permit Revocation. *Violations* of the sections of this Chapter relating to *water supply watershed* protection may also constitute grounds for revocation of permits if such *violations* are not corrected within 30 days following notification of such *violations*. No such permit shall be reinstated until the *Watershed Administrator* finds that all provisions of this Chapter relating to *water supply watershed* protection have been met. Any revocation may be *appealed* to the Water Supply Watershed Review Board if filed within 30 days of the effective date of the

revocation. Following a hearing on the matter, the Water Supply Watershed Review Board may concur with the revocation or order the reinstatement of the permit.

§200A-327. Zoning Permits

- A. Purpose. *Zoning Permits* are required for (1) the erection, movement, *addition* to or structural alteration of any *structure* and (2) the expansion of or change in any *use*.
- B. Permit Issuance. The *Zoning Administrator* shall issue permits. No *Zoning Permit* shall be issued until the appropriate *site plan* has been reviewed and approved by the appropriate staff or reviewing agency. All permits shall be issued in conformity with the provisions of this Chapter, except where the *Zoning Administrator* receives a written order from (1) the Zoning Board of Adjustment (*ZBA*) in the form of an interpretation involving error, *special use* or *variance*; or (2) the Board of Commissioners in the form of the issuance of approval for a vested right.
- C. Application.
 - (1) Pre-application Conference. None required.
 - (2) Application. Each application for a permit shall be filed on a form provided by the *Zoning Administrator*. Applications may be modified by the *Zoning Administrator* as necessary, who may require the *applicant* to supply additional information.
 - (3) Review Schedule. None established.
 - (4) Fees. Any review fee established by the Commissioners shall be submitted with the application.
- D. Staff Review. The *Zoning Administrator* shall process and review all applications for a permit. If the application is found to be incomplete, the *Zoning Administrator* shall notify the *applicant* of any deficiencies. The *Zoning Administrator*, for projects not involving some other form of review, shall approve, approve conditionally or deny the approval of the application. Where the *Zoning Administrator* denies the permit, reasons for the denial shall be stated. A *zoning permit* must be issued prior to the issuance of a building permit, which shall comply with the *zoning permit* and all conditions of approval attached thereto.
- E. Permit Validity. Upon the issuance of a permit, the *applicant* shall have six (6) months from the date of issuance thereon to obtain a building permit or begin substantial construction work on the project. Failure to obtain a building permit or make substantial construction progress within six (6) months shall render the permit void. The *Zoning Administrator* may grant a single extension of this time period of up to six (6) months upon submittal by the *applicant* of sufficient justification for the extension.

§200A-328. Reserved

§200A-329. Reserved

§200A-330. Reserved