

## ARTICLE IV

### PERMITS AND FINAL PLAT APPROVAL

#### PART I. PERMIT REQUIREMENTS

##### **Section 15-46 Permits Required.**

(a) Subject to Section 15-271 (Sign Permits) and subsection (e) of this section, the use made of property may not be substantially changed (see Section 15-152), substantial clearing, grading or excavation may not be commenced, and buildings or other substantial structures may not be constructed, erected, moved, or substantially altered except in accordance with and pursuant to one of the following permits: **(AMENDED 10/22/91)**

- (1) A zoning permit issued by the administrator;
- (2) A special use permit issued by the board of adjustment;
- (3) A conditional use permit issued by the Board of Aldermen.

(b) Zoning permits, special use permits, conditional use permits, and sign permits are issued under this chapter in respect to plans submitted by the applicant that demonstrate compliance with the ordinance provisions contained herein. Such plans as are finally approved are incorporated into any permit issued in reliance thereon, and except as otherwise provided in Section 15-64, all development shall occur strictly in accordance with such approved plans. **(AMENDED 1/10/81)**

(c) Physical improvements to land to be subdivided may not be commenced except in accordance with a conditional use permit issued by the Board of Aldermen (for major subdivisions containing more than twelve lots and all subdivisions in watershed districts) or a special use permit issued by the board of adjustment (for major subdivisions outside the watershed districts containing between five and twelve lots) or after final plat approval by the planning director for minor subdivisions (see Part II of this article). **(AMENDED 12/15/87)**

(d) A zoning permit, conditional use permit, special use permit, or sign permit shall be issued in the name of the applicant (except that applications submitted by an agent shall be issued in the name of the principal), shall identify the property involved and the proposed use, shall incorporate by reference the plans submitted, and shall contain any special conditions or requirements lawfully imposed by the permit-issuing authority. All such permits issued with respect to tracts of land in excess of one acre (except sign permits and zoning permits for single-family residential uses and duplexes) shall be recorded in the Orange County Registry after execution by the record owner as provided in Section 15-63. **(AMENDED 5/26/81)**

(e) Notwithstanding the provisions of subsection (a) of this section, no permit under this chapter shall be required for the substantial alteration of a building or structure located within a

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B-1(c), B-1(g) or B-2 zoning district if such alteration does not change the exterior of such building or structure in any substantial way. (AMENDED 10/22/91)

**Section 15-47 No Occupancy, Use, or Sale of Lots Until Requirements Fulfilled.**

Issuance of a conditional use, special use, or zoning permit authorizes the recipient to commence the activity resulting in a change in use of the land or, (subject to obtaining a building permit), to commence work designed to construct, erect, move, or substantially alter buildings or other substantial structures or to make necessary improvements to a subdivision. However, except as provided in Sections 15-53, 15-60, and 15-61, the intended use may not be commenced, no building may be occupied, and in the case of subdivisions, no lots may be sold until all of the requirements of this chapter and all additional requirements imposed pursuant to the issuance of a zoning permit, conditional use, or special use permit have been complied with.

**Section 15-48 Who May Submit Permit Applications.**

(a) Applications for zoning, special use, conditional use, or sign permits or minor subdivision plat approval will be accepted only from persons having the legal authority to take action in accordance with the permit or the minor subdivision plat approval. By way of illustration, in general this means that applications should be made by the owners or lessees of property, or their agents, or persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this chapter, or the agents of such persons (who may make application in the name of such owners, lessees, or contract vendors).

(b) The administrator may require an applicant to submit evidence of his authority to submit the application in accordance with subsection (a) whenever there appears to be a reasonable basis for questioning this authority.

**Section 15-48.1 Concept Plan Review Procedures Prior to Submitting Applications**  
**(Amended 10/24/06.)**

(a) Prior to submitting an application for a special or conditional use permit, the applicant shall comply with the requirements of this section.

(b) The applicant shall attend a regularly scheduled Development Review meeting and discuss the proposed project with staff in attendance at such meeting. This requirement shall not apply to a developer of a proposed major subdivision who has met with the planning staff under the provisions of Subsection 15-50(d) following an “on-site walkabout”.

(c) Following compliance with the provisions of subsection (b), the applicant shall attend a Joint Advisory Board meeting comprising at least the following boards: Planning Board, Appearance Commission, Transportation Advisory Board, Environmental Advisory Board, and Economic Sustainability Commission. The planning staff may notify the Recreation and Parks

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Commission and the Northern Transition Area Advisory Committee when issues relevant to those boards are raised by a proposed development and members of those boards may attend.

- (1) No quorum requirements shall apply to the Joint Advisory Board.
- (2) The applicant shall present to the Joint Advisory Board sufficient information about the proposed development to enable the board to have a general understanding of the nature and extent of the development. If the development is a major subdivision, then a “conceptual preliminary plan” prepared in accordance with the provisions of Section 15-50 shall suffice. If the development is not a major subdivision, then the information submitted shall include at least the following:
  - a. A sketch site plan showing the location and size (including floor area) of proposed buildings, parking areas, and driveway entrances;
  - b. Proposed residential densities and types of residential units (in terms of number of bedrooms);
  - c. Illustrations of building elevations.
  - d. Other information deemed necessary by the staff to demonstrate to the Joint Advisory Board the concept of the proposed development.

(d) Following the presentation of the concept plan to the Joint Advisory Board, the members of that board may present such feedback to the developer as they deem appropriate. In addition, following the Joint Advisory Board meeting, the component advisory boards may meet separately and make recommendations to the developer.

(e) When the development application comes back before the advisory boards for a recommendation prior to the public hearing on such application, the applicant shall provide a written response to all advisory board comments, and each advisory board that has reviewed the concept plan and made comments on it shall review those comments and may ask the developer to explain how those comments have been addressed or why they have not been addressed.

**Section 15-49 Applications To Be Complete.**

(a) All applications for zoning, special use, conditional use, or sign permits must be complete before the permit-issuing authority is required to consider the application.

(b) Subject to subsections (c) and (c1), an application is complete when it contains all of the information that is necessary for the permit-issuing authority to decide whether or not the development, if completed as proposed, will comply with all of the requirements of this chapter. **(AMENDED 11/23/10).**

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(c) In this chapter, detailed or technical design requirements and construction specifications relating to various types of improvements (streets, sidewalks, etc.) are set forth in one or more of the appendices of this chapter. It is not necessary that the application contain the type of detailed construction drawings that would be necessary to determine compliance with these appendices, so long as (subject to subsection (c1)) the plans provide sufficient information to allow the permit-issuing authority to evaluate the application in the light of the substantive requirements set forth in this text of this chapter. However, whenever this chapter requires a certain element of a development to be constructed in accordance with the detailed requirements set forth in one or more of these appendices, or whenever it reasonably appears to the administrator that such construction drawings are necessary to demonstrate that construction details will comply with plans submitted and approved as part of the permit-issuing process, then no construction work on such element may be commenced until detailed construction drawings have been submitted to and approved by the administrator. A detailed description of the construction plan submittal and review requirements is provided in Article IV, Part III. Failure to observe this requirement may result in permit revocation, denial of final subdivision plat approval, or other penalty as provided in Article VII. **(AMENDED 06/06/89; 11/23/10)**

(c1) Permit applications for commercial projects (meaning those where at least twenty percent of the proposed floor area is devoted to non-residential uses) in the commercial zoning districts need not contain all of the detailed information necessary for the permit issuing authority to determine that the development, if constructed in accordance with the application and plans, will comply with the drainage and stormwater management requirements set forth in Sections 15-262 and 15-263 of this chapter, so long as:

- (1) The application contains sufficient information to explain how the development will address drainage and stormwater management issues, and it appears reasonably likely to the permit issuing authority that the proposed drainage and stormwater management systems will function in such a manner that the development will comply with Sections 15-262 and 15-263; and
- (2) Before construction plans are approved, such plans must demonstrate that all the requirements of Sections 15-262 and 15-263 and related appendices will be satisfied. **(AMENDED 11/23/10)**

(d) The presumption established by this chapter is that all of the information set forth in Appendix A is necessary to satisfy the requirements of this section. However, it is recognized that each development is unique, and therefore the permit-issuing authority may allow less information or require more information to be submitted according to the needs of the particular case. For applications submitted to the Board of Aldermen or board of adjustment, the applicant may rely in the first instance on the recommendations of the administrator as to whether more or less information than that set forth in Appendix A should be submitted.

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(e) The administrator shall make every effort to develop application forms, instructional sheets, checklists, or other techniques or devices to assist applicants in understanding the application requirements and the form and type of information that must be submitted. In classes of cases where a minimal amount of information is necessary to enable the administrator to determine compliance with this chapter, such as applications for zoning permits to construct single-family houses or duplexes, or applications for sign permits, the administrator shall develop standard forms that will expedite the submission of the necessary plans and other required information.