

ARTICLE 7

PERMITS AND PROCEDURES

7.1 Permit and/or Approval Required

7.1-1 Approval Required. No person shall undertake any activity subject to this Ordinance without first obtaining approval from the Town. Upon approval of the activity by the Town, a permit shall be issued for the approved activity. Certain permits are issued by agencies other than the Town of Stallings, as noted below; all other permits are issued by the Town. In any case where an application is made to operate more than one use on a property, the *Development Administrator* shall determine which use or uses shall be the principal use or uses and the type of permit that is required; zoning compliance permit, Special Use Permit, or Use Listed with Additional Standards.

The permits and/or approvals required are:

- (A.) ***Zoning permits*** (also known as *Zoning Compliance Permit*) are issued by the Town of Stallings for all new use (See Table 8.1, Sections 1-3), building and/or development projects, which also applies to the following:
 - (1.) Special Event/Temporary Structures where required by Article 15 of this Ordinance
 - (2.) Signage (size, type, location, etc.) as required by Article 17 of this Ordinance
 - (3.) Site Development Plan/Preliminary Plat Approval
 - (a.) Zoning compliance (land use, density, open space, connectivity, tree preservation, parking, flood, watershed, etc.)
 - (b.) Public works compliance (utilities, street designs, stormwater, etc.)
 - (c.) Public safety compliance (fire lanes, hydrants, etc.)
 - (d.) Access compliance (driveway, street intersections, etc.)
 - (4.) Construction Plans
 - (a.) A grading plan shall be provided for review and approval in accordance with the procedures of this Ordinance to demonstrate both positive drainage characteristics and smooth grade transitions to avoid abrupt “v” ditches, swales and other disruptions to the landscape, particularly between dwellings. The use of crawl-space construction techniques and professional landscape design is required to meeting this characteristic of site development.
 - (b.) Infrastructure Plans (streets, water & sewer)
 - (c.) Driveway Permit – NCDOT or Town (based upon responsible maintenance department)
 - (d.) Stormwater Plans (BMP)
 - (e.) Floodplain Development and Certification Permit
 - (f.) Grading Permit - Issued by the North Carolina Department of Environment and Natural Resources (a.k.a. “NCDENR” or “DENR”) following issuance of *Zoning*

permit by the Town of Stallings.

(5.) Subdivision ***Final Plat*** Approval

(B.) ***Building Permit***—Union County Building Inspections Department issues building permits following issuance of *Zoning permit* by the Town of Stallings.

(C.) ***Certificate of Occupancy*** (a.k.a. “CO”) - Union County Building Inspections Department issues upon final building inspections and site plan compliance approval by the Town.

7.1-2 **Fees**. The Town Council shall establish a Schedule of Fees, Charges and Expenses, and a collection procedure, for approvals and permits to be issued by the Town. No approval, permit, certificate, variance, etc. shall be processed and/or issued unless or until such charges have been paid in full.

7.2 Periodic Inspections

The *Development Administrator*, or his/her designee, shall have the right, upon presentation of proper credentials to enter on any premises within the Town's jurisdiction at any reasonable hour for the purposes of inspection, determination of plan compliance, or other enforcement action.

7.3 Permit Expiration

7.3-1 **Expiration of Zoning Permits and Approvals**. Permits and approvals, other than those identified in section 7.3-2 below, shall expire as set forth in the process for each permit and/or approval based upon permit and approval type detailed in Sections 7.5 through 7.13 of this Article.

7.3-2 **Building Permit Expiration**. The Union County Building Inspections Department may void a building permit for a project within the Town jurisdiction if the authorized work has not begun within one-hundred and eighty (180) days after issuance of the permit, or work was commenced but was discontinued for a period of twelve (12) months.

7.4 Certificates Issued by Union County

The Town of Stallings in conjunction with the Union County Building Inspections Department issues certificates of occupancy, temporary certificates of occupancy, and certificates of floor elevation/flood proofing upon completion or partial completion of a building project.

7.5 Zoning permits (Zoning Compliance Permit)

7.5-1 **Purpose**. A *Zoning Compliance Permit (zoning permit)* is required for the construction or development of any new use within the planning and regulation jurisdiction of the Town of Stallings. In addition to new uses, a *zoning permit* shall also be required for expansions of existing uses, as well as for changes of use. The expedited procedure set forth immediately below shall be followed to obtain a Zoning Compliance Permit for the construction of single-family and duplex residential

structures and expansions of uses and changes of use that do not require permits and/or approvals other than:

- (1.) Use permit,
- (2.) Driveway access permit, and/or
- (3.) Building permit.

7.5-2 Plan submittal.

- (A.) Filing of application. An application for a *zoning permit* may be filed by the owner of the property or by an Officer duly authorized to execute on behalf of the owner, specifically authorized by the owner to file such application. Where an agent files the application, the agent shall provide documentation that the owner of the property has authorized the filing of the application. The application for a *zoning permit* shall be filed with the *Development Administrator* on a form provided by the *Development Administrator*.
- (B.) Information required. Each application for a *zoning permit* shall contain the information required on the application form, including applicable *Site Development Plan* and *Construction Plan* as determined in Section 7.7 of this Article, showing the dimensions of the proposed use or uses and its location on the property or site. Other information necessary to show that the use or structure complies with the standards set forth in this Ordinance shall also be provided.

7.5-3 Staff review. The *Development Administrator* shall review the application and determine whether it is complete within ten (10) working days of its submittal, including the fulfillment of applicable fees duly paid. If the application is found to be incomplete, the *Development Administrator* shall notify the applicant of any deficiencies. No further steps shall be taken to process the application until the applicant corrects the deficiencies. The review of complete applications may vary depending upon the applicability of technical plans and specifications as outlined in this Article. In any event the *Development Administrator* shall issue a *zoning permit* only upon finding that the proposed development, use or structure satisfies the requirements set forth in this Ordinance.

7.5-4 Permit validity. Upon the approval of a *zoning permit*, the applicant shall have twelve (12) months to obtain the required building permit(s) if any. Failure to obtain requisite building permit(s) within this time shall render the *zoning permit* void. The *Development 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. Upon issuance of a building permit(s), the *zoning permit* shall remain valid as long as a valid building permit exists for the project. Any unapproved change, as determined by the *Development Administrator* in the approved plans shall render the *zoning permit* invalid and in violation of this Ordinance.

Violations of this Ordinance are subject to the remedies and penalties pursuant to Article 23 of this Ordinance.

7.6 **Special Events/Temporary Structures Zoning Permit**

7.6-1 Purpose. To insure that proposed special events and temporary structures comply with the requirements of Article 15 and any other applicable standards and specifications of this Ordinance, no use that is classified as a special event requiring a permit, and/or no structure that is classified as a temporary structure and permitted as such in the zoning district in which it is located shall be placed or established on the property without first receiving a special event/temporary structure *zoning permit* from the *Development Administrator*.

7.6-2 Plan submittal.

(A.) Filing of application. An application for a special event/temporary structure *zoning permit* may be filed by the owner of the property or by an agent specifically authorized by the owner to file such application. Where an agent, files the application, the agent shall provide the *Development Administrator* with documentation that the owner of the property has authorized the filing of the application. The application for a special event/temporary structure *zoning permit* shall be filed with the *Development Administrator* on a form provided by the *Development Administrator*.

(B.) Information required. Each application for special event/temporary structure *zoning permit* shall contain the information required on the application form. The application shall be accompanied by a *Sketch Plan* showing the boundaries of the property, the use of adjacent properties, the location of the special event or structure on the property, access and parking provisions, restroom facilities, and other information sufficient to show that the special event or structure complies with the standards set forth in Article 15 and any other applicable standards and specifications of this Ordinance. Persons seeking issuance of a special event/temporary structure *zoning permit* for an event shall file an application with a minimum of five (5) days prior to the proposed event date, unless this time frame is reduced in writing by the *Development Administrator*.

7.6-3 Staff review. The *Development Administrator* shall review the application and determine whether it provides the information required. The *Development Administrator* shall issue a special event/temporary structure *zoning permit* only upon finding that the proposed special event or temporary structure satisfies the requirements set forth in Article 15 and any other applicable standards and specifications of this Ordinance.

7.6-4 Permit validity. The special event/temporary structure *zoning permit* shall be valid only for the date(s) stated on the permit.

7.6-5 Public emergencies. In the event of a natural disaster, catastrophic event or public emergency the *Development Administrator* or her/his designee may waive any special event/temporary structure permit procedures and authorize the placement of temporary structures and other facilities that are deemed necessary or desirable in conjunction with the management of the emergency in accordance with Section 1.15.

7.7 Site Development and Construction Plan Approval(s)

7.7-1 Major Site Development and Construction Plans.

- (A.) Purpose. The site development and construction plan review process is required for development projects located within the Town of Stallings in order to prepare for expected impacts upon public services and facilities. This review process is established to assure that adequate services and facilities can be provided for these developments and to assure that they do not negatively impact the area in which they are proposed to be located or the Town as a whole. Proposed developments involving new construction, additions, renovations, and changes of use which fall into one or more of the following categories are subject to the major site development plan review process:
- (1.) New construction and changes of use.
 - (a.) Commercial buildings, structures, or developments with a gross floor area of more than one thousand (1,000) square feet;
 - (b.) Office or institutional buildings, structures, or developments with a gross floor area of more than two thousand and four hundred (2,400) square feet;
 - (c.) Any residential development containing more than 4 individual units; and/or
 - (d.) Any development where public streets are extended.
 - (2.) Additions to existing buildings increasing gross floor area by fifty (50%) percent or more of the above threshold for new construction for that land use, or additions with a gross floor area of twenty-five (25%) percent of the above threshold for new construction for that land use if the resulting total gross floor area, when combined with the existing floor area, would result in a gross floor area meeting or exceeding the above threshold for new construction for that land use if the structure did not previously meet the above threshold.
 - (3.) In the case of residential development, additions of four (4) or more dwelling units on one (1) parcel of land.
 - (4.) Properties located within one thousand and five hundred (1,500) feet of each other, under the same ownership and/or developed by the same developer over a period of three (3) years or less shall be considered to be one development and reviewed as such.
- (B.) Exemptions. Projects within the Town of Stallings involving new construction, additions, renovations, and changes of use which do not meet the minimum size requirements of the *Major Site Development Plan* review processes as set forth in Sub-section 7.7-1(A) above shall be reviewed as *Minor Site Development Plans* in accordance with the provisions of Sub- section 7.7-2 of this Article.
- (C.) Pre-application procedure. All applicants for major site development plan review are required to schedule a predevelopment conference with the *Development Administrator* prior to the preparation of development plans. This conference allows the applicant and *Development Administrator* an opportunity to discuss the review process, the requirements for completing the review schedule, contact persons for services and permits, and information regarding *Site Development Plans* and development requirements.
- (D.) Site Development Plan submittal.

(1.) Application required. An application shall be required for all major site development plan review requests. This application shall contain pertinent information regarding the proposed project and shall be accompanied by a *Site Development Plan*. The *Site Development Plan* **shall** contain the following:

- (a.) Property boundaries with dimensions
- (b.) PIN for property
- (c.) Location of adjacent streets, right of ways, and utility easements
- (d.) Dimensioned footprint and setbacks of the existing and proposed structures with gross floor area indicated
- (e.) Dimensions of existing and proposed impervious surfaces
- (f.) Location and number of parking spaces
- (g.) Location and size of buffer and landscape areas
- (h.) Location of existing and proposed driveways and/or streets
- (i.) Location of all flood zones
- (j.) Location of adjoining properties and both the existing zoning designation and use of these properties
- (k.) Names and addresses of adjoining property owners
- (l.) Number of stories and overall height of all existing and proposed structures
- (m.) Location of proposed stormwater facilities
- (n.) Location of existing and proposed dumpster and recycling containers
- (o.) Generalized depiction or description of natural features on and immediately adjoining the site, including streams and other water bodies, steep slopes, areas covered by tree canopy, etc., and
- (p.) Other information determined by the *Development Administrator* as necessary to evaluate the request.

(2.) Preparation by professional. *Site Development Plans* for developments requiring major site development plan review shall be prepared by a registered architect, engineer, landscape architect, or land surveyor licensed in the State of North Carolina for the work in which he is trained and licensed to perform.

(E.) Staff review.

(1.) Planning Department staff review. Plans for development requiring major site development plan review shall be reviewed by the *Development Administrator* for compliance with the requirements of this Article and standards and specifications of this Ordinance and the Technical Standards & Specifications Manual.

(2.) Submittal of plans to Development Administrator. The *Development Administrator* review the *Site Development Plans* for compliance with the applicable requirements of this Ordinance and other applicable Ordinances and laws, to which their respective jurisdiction applies. This review shall be made by the *Development*

Administrator and by any other agencies or officials as requested by the *Development Administrator*.

(F.) Permit validity. Approval of *Site Development Plans* and *zoning permit* for developments requiring major site development plan review shall be valid for twenty-four (24) months from the date of approval. Failure to submit construction plans, initiate construction, or otherwise begin the permitted use, within this time shall render the site development plan approval void. The *Development 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.

(G.) Site Construction Plans.

(1.) Site Construction Plan required. A complete and comprehensive set of Site Construction Plans shall be required for all major site development plan review requests. This submittal shall contain pertinent information regarding the proposed project and shall be accompanied by the approved *Site Development Plan* per 7.7-1(E.) herein above illustrating any and all deviations from the approved Site Development Plan. The *Site Construction Plan* **shall** contain the following:

- (a.) Property boundaries with dimensions
- (b.) Location of adjacent streets/roads including existing right-of-way and/or easement(s)
- (c.) Location and design of proposed streets including cross-sections in accordance with the Stallings Technical Standards & Specifications Manual, centerline profile(s), and the proposed right-of-way
- (d.) Location of existing and proposed utilities, including easements associated with both
- (e.) A grading plan showing existing and proposed contours demonstrating both positive drainage characteristics and smooth grade transitions to avoid abrupt “v” ditches, swales and other disruptions to the landscape, particularly between buildings where open space enhancements for use by persons actively utilizing the landscape and/or yard area. The use of crawl-space construction techniques in detached residential structures and professional landscape design is required to meet this characteristic of site development.
- (f.) Location of existing and proposed stormwater detention, retention, collection, and conveyance facilities
- (g.) Dimensions of existing and proposed impervious surfaces
- (h.) Location of existing structures and either proposed structures or proposed building envelopes
- (i.) Location and number of existing and proposed parking spaces, including loading spaces, maneuvering areas, and fire lane(s)

- (j.) Location and size of buffer and landscape areas
- (k.) Location of existing and proposed driveways and/or streets
- (l.) Location of all flood zones
- (m.) Location of adjoining properties and both the current zoning designation and use of these properties
- (n.) Names and addresses of adjoining property owners
- (o.) Number of stories and overall height of all existing and proposed structures
- (p.) Location of existing and proposed dumpster and recycling container area(s)
- (q.) Generalized depiction or description of natural features on and immediately adjoining the site, including streams and other water bodies, steep slopes, areas covered by tree canopy, etc., and
- (r.) Other information determined by the *Development Administrator* as necessary to evaluate the request.

- (2.) Preparation by professional. *Construction Plans* for developments requiring major site development plan review shall be prepared by a registered architect, engineer, landscape architect, or land surveyor licensed in the State of North Carolina for the work in which the professional is trained and licensed to perform.

7.7-2 Minor site development plan review process.

- (A.) Purpose. The minor site development plan review process is required for development projects within the Town of Stallings involving new construction, additions, renovations, and changes of use which do not meet the minimum size requirements of the major site development plan review processes as set forth in Sub-section 7.7-1(A.) but do fall into one or more of the following categories:
 - (1.) All new developments not meeting the threshold for major site development plan review, except residential projects containing not more than one dwelling unit;
 - (2.) Additions with a gross floor area of one hundred (100) square feet or more (excluding single-family and duplex residential units);
 - (3.) Additions that displace existing parking;
 - (4.) Additions that generate the need for more parking;
 - (5.) Renovations which exceed fifty (50%) percent of the assessed value of the building, as determined by the County Tax Assessor;
 - (6.) Changes of use, where parking requirements are greater than those of the previous use;
 - (7.) Properties located within one thousand and five hundred (1,500) feet of each other, under the same ownership and/or developed by the same developer over a period of three (3) years or less shall be considered to be a single development and reviewed as such.
 - (8.) All new additions of outdoor storage and expansions of existing outdoor storage.
- (Amended May 12, 2025)*

(B.) Plan submittal.

- (1.) Application required. An application shall be required for all minor site development plan review requests. This application shall contain pertinent information regarding the proposed project and shall be accompanied by a conceptual *Site Development Plan*. The conceptual *Site Development Plan* **shall** contain the following:
 - (a.) Property boundaries with dimensions
 - (b.) PIN for property
 - (c.) Location of adjacent streets and utility easements
 - (d.) Dimensioned footprint and setbacks of the proposed structures with gross floor area indicated
 - (e.) Dimensions of proposed increase in impervious surfaces
 - (f.) Location and number of proposed parking spaces
 - (g.) Location and size of proposed buffer and landscape areas
 - (h.) Location of existing and proposed driveways and/or streets
 - (i.) Location of all flood zones
 - (j.) Location of adjoining properties and both the existing zoning designation and use of these properties
 - (k.) Names and addresses of adjoining property owners
 - (l.) Number of stories and overall height of all proposed structures
 - (m.) Location of proposed stormwater facilities
 - (n.) Location of proposed dumpster and recycling containers
 - (o.) Generalized depiction or description of natural features on and immediately adjoining the site, including streams and other water bodies, steep slopes, areas covered by tree canopy, etc.
 - (p.) Other information determined by the *Development Administrator* as necessary to evaluate the request.
 - (q.) The application and conceptual *Site Development Plan* shall be submitted to the *Development Administrator*.
- (2.) Preparation by professional. *Site Development Plans* for developments requiring minor site development plan review shall be prepared by a registered architect, engineer, landscape architect, or professional land surveyor licensed in the State of North Carolina for the work in which the professional is trained and licensed to perform.

(C.) Staff review.

(1.) Planning Department staff review.

Plans for development requiring minor site development plan review shall be reviewed by the *Development Administrator* for compliance with the requirements of this Article and standards and specifications of this Ordinance and the Technical Standards & Specifications Manual.

(2.) Submittal of plans to *Development Administrator*.

The *Development Administrator* review the *Site Development Plans* for compliance with the applicable requirements of this Ordinance and other applicable Ordinances and laws, to which their respective jurisdiction applies. This review shall be made by the *Development Administrator* and by any other agencies or officials as requested by the *Development Administrator*.

(D.) Permit validity. Approval of the *Site Development Plan* for projects requiring minor site development plan review shall be valid for twelve (12) months from the date of approval. Failure to initiate construction, or otherwise begin the permitted use, within this time shall render the *Site Development Plan* approval null and void. The *Development 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.

7.8 Special use approvals

7.8-1 Purpose. Special uses are established to provide for the location of those uses which are generally compatible with other land uses permitted in a zoning district but which, because of their unique characteristics or potential impacts on the surrounding *Neighborhood* and the Town of Stallings as a whole, require individual consideration of their location, design, configuration, and/or operation at the particular location proposed. Such individual consideration may also identify cause(s) for the imposition of individualized conditions in order to ensure that the use is appropriate at a particular location and to ensure protection of the public health, safety, and welfare. Any use identified in Section 10.2 of this Ordinance as a special use in a zoning district shall not be permitted without the approval of the Town Council in accordance with the requirements and procedures set forth in this Section 7.8.

7.8-2 Pre-application conference procedure. Every applicant for a special use *zoning permit* is required to meet with the *Development Administrator* in a pre- application conference prior to the submittal of a request for approval of a special use. The purposes of this conference are to provide additional information regarding the review process and assistance in the preparation of the application.

7.8-3 Plan submittal.

(A.) Filing of application. An application for a special use *zoning permit* may be filed by the owner of the property or by an agent specifically authorized by the owner to file such application. Where an agent files the application, the agent shall provide documentation that the owner of the property has authorized the filing of the

application. The application for a special use *zoning permit* shall be filed with the *Development Administrator* on a form provided by the *Development Administrator*.

- (B.) Information required. Each application for a special use *zoning permit* shall contain all information identified as required by the *Development Administrator*. The application shall be accompanied by an electronic file copy plus at least two (2) paper copies of a *Site Development Plan* containing all information required by Section 7.7 of this Ordinance for filing(s) on the subject property.
- (C.) Development Administrator review. Following submittal of the application and *Site Development Plans* for the special use, they shall be reviewed by the *Development Administrator* for compliance with the requirements of Section 7.8 of this Ordinance.
- (D.) Submittal of plans to Development Administrator. This review shall be made by the *Development Administrator* and by any other agencies or officials as requested by the *Development Administrator*. The *Development Administrator* shall review the *Site Development Plans* for compliance with the applicable requirements of this Ordinance and other applicable Ordinances and laws, to which their respective departmental role applies.

7.8-4 Formal review.

- (A.) Upon receipt of a notice from the *Development Administrator* of the applicant requesting a public hearing on the application and *Site Development Plan* for a special use *zoning permit*, a public hearing shall be scheduled. A public hearing before the Stallings Town Council shall be held for all special use *zoning permit* applications.
- (B.) Action by the Stallings Town Council.
 - (1.) The Stallings Town Council shall consider the request within 35 days of receiving information regarding the special use *zoning permit* application from the *Development Administrator*.
 - (2.) The Stallings Town Council, after conducting the quasi judicial public hearing, may:
 - (a.) deny approval;
 - (b.) continue the application pending submittal of additional information; or (c.) approve the proposed special use *zoning permit*.
 - (3.) The decision on the special use *zoning permit* application shall be by a simple majority vote of those members of the Stallings Town Council present at the meeting at which the action is taken.
 - (4.) The minutes of the Stallings Town Council shall state if the proposed special use meets or does not meet each of the conditions set forth in Section 7.8-5.(D), the standards set forth in Article 10 of this Ordinance for the proposed special use, and all other requirements set forth by this Ordinance for the proposed special use.
- (C.) Findings and Conditions. In granting the *zoning permit*, the Council shall find there to be competent, material, and substantial evidence in the record to support these

conclusions and the Town Council must find that all the below listed facts exist or the application shall be denied.

- (1.) That the use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
- (2.) That the use or development complies with all required regulations and standards of this Ordinance and with all other applicable regulations;
- (3.) That the use or development is located, designed, and proposed to be operated so as not to substantially injure the value of adjoining or abutting property, or that the use or development is a public necessity; and
- (4.) That the use or development will be in harmony with the area in which it is to be located and conforms to the general plans for the land use and development of Town of Stallings and its environs.

(D.) Additional Conditions. In granting the special use *zoning permit*, the Town Council may designate only those conditions, in addition and in connection therewith, as will, in its opinion, assure that the use in its proposed location will be harmonious with the area in which it is proposed to be located, with the spirit of this Ordinance and clearly in keeping with the public welfare. All such additional conditions shall be entered into the minutes of the meeting, at which the special use *zoning permit* is granted, on the special use *zoning permit* itself, and on the approved plans. All specific conditions shall run with the land and shall be binding on the original applicants, their heirs, successors, and assigns. The special use *zoning permit*, as approved, shall be recorded by the *Development Administrator* with the Register of Deeds for the county in which the subject property is located the same as a deed restriction. The *zoning permit* recipient shall be responsible for paying the recording fee. No *building permit* shall be issued for the subject property until the recording is made.

- 7.8-5 Transfer of approval. A special use approval is not transferable from one property to another, but is transferred to a subsequent owner of the property to which applied.
- 7.8-6 Resubmission of denied applications. No application for approval of a special use shall be filed with, or accepted by, the *Development Administrator* that is identical or substantially similar to an application that has been denied by the Stallings Town Council within twelve (12) months of the final action by the Town Council denying the request. This waiting period may be waived in an individual case, for good cause shown, by the affirmative vote of a majority of the members of Town Council.
- 7.8-7 Public notification. Notice of public hearings or public meetings required under this section for special use approvals shall be provided in accordance with the requirements established by the North Carolina General Statutes for public hearing notification. The owner of the subject parcel of land as shown on the county tax listing, and the owners of all parcels of land within five hundred (500') feet of that parcel of land as shown on the county tax listing, shall be mailed a notice of a public hearing on the proposed amendment by first class mail at the last addresses listed for such owners on the county tax abstracts. In addition, the *Development*

Administrator shall prepare a public notice as described herein below which indicates the official receipt of an application and *Site Development Plan* for a special use *zoning permit* approval. This will serve to encourage public involvement in development projects in Stallings. Per G.S. § 160D-46, the notice shall be posted prominently on the site that is the subject of the hearing or on an adjacent street or highway right of way, in a conspicuous place at Town Hall, on the Town's website, or a combination of these two, at least ten (10) days prior to the date on which the application is to be considered. This notice for publication shall include the following:

- (A.) Brief description of the special use project proposed;
- (B.) The time, date, and place at which the request will be considered; and
- (C.) Contact information for staff receiving comments concerning the proposed special use. (*Amended September 23, 2019*)

7.8-8 Project phasing. If a project approved as a special use is to be developed in phases, a master plan for the entire development site must be approved by the Stallings Town Council at the same time and in the same manner the special use *zoning permit* application is considered.

- (A.) Final plans for phases of the special use may be submitted in stages and shall be approved by the *Development Administrator* provided that the following requirements are met:
 - (1.) All stages shall be shown with precise boundaries on the master plan and shall be numbered in the expected order of development;
 - (2.) Each phase must be able to exist independently of subsequent phases by meeting all applicable laws and regulations as if the phase were a separate project;
 - (3.) All the data required for the project as a whole shall be given for each stage shown on the plan;
 - (4.) A proportionate share of the open space, common facilities, amenities, play areas, etc. shall be included in each stage of the development, except that centralized common facilities shall be guaranteed by bond or other irrevocable financial instrument valid for the duration of the project implementation period;
 - (5.) The phasing shall be consistent with the traffic circulation, drainage, and utilities plan for the entire master plan for the special use; and
 - (6.) Each phase of the special use must comply with any and all conditions attached to the approval of the special use *zoning permit* by the Stallings Town Council.

7.8-9 Variances. In issuing special use *zoning permits*, the Stallings Town Council may prescribe dimensional requirements (height, setback, etc.) that are different from the requirements of the corresponding general zoning classification, and may prescribe development and design standards that are different from those set out in Article 9; provided, that any request for a modification to a dimensional requirement or development and design standard that is less restrictive than would be applicable for the underlying general zoning classification must be specifically described in any notices required for the public hearing on the special use *zoning permit* application,

and must be set out separately in any Ordinance issuing said special use *zoning permit*, together with an explanation of the reason for the modification. Except as modified pursuant to this paragraph, all standards and requirements applicable to the underlying general zoning district must be met. Variances to the standards established by any special use permit shall not be allowed, per Article 6 of this Ordinance.

- 7.8-10 Appeals. An appeal from the decision of the Stallings Town Council regarding a special use application and *Site Development Plan* may be made by an aggrieved party and shall be made to the Superior Court of the county in which the subject property is located in the nature of certiorari. Any such petition to the Superior Court shall be filed with the court no later than thirty (30) days after a written copy of the decision of the Town Council is received by the applicant.
- 7.8-11 Permit validity. Approvals of a special use *zoning permit* application and *Site Development Plan* shall be valid for twelve (12) months from the date of approval by the Stallings Town Council. Failure to initiate construction, or otherwise begin the permitted use, within this time shall render the special use approval null and void. The *Development Administrator* may grant a single extension of this time period of up to six (6) months upon submittal by the application of sufficient justification for the extension. Permits for the phased development of a special use project shall remain valid for the time approved by the Stallings Town Council as part of the special use approval of the master plan for the special use.
- 7.8-12 Failure to Comply with Plans or Conditions. In the event of failure to comply with the plans approved by the Town Council or with any other conditions imposed upon the special use *zoning permit*, the *zoning permit* shall thereupon immediately become void and of no effect. No building permits for further construction or certificates of occupancy under this special use *zoning permit* shall be issued. If a failure to comply with conditions in a special use *zoning permit* occurs after occupancy, the owner, lessee, or other responsible person shall be notified in writing of the violation. No earlier than five (5) days after the receipt of the written notice, the body issuing the special use *zoning permit* may issue a finding of fact that a violation of the requirements of this Ordinance exists. If such finding of fact is made, it shall be unlawful for any person, firm, or corporation to continue the special use until the responsible party makes the necessary corrections and the Town Council conducts a public hearing and finds that the violation no longer exists.

7.9 Uses Listed with Additional Standards

- 7.9-1 Purpose. Uses listed with additional standards are uses permitted by right, provided that the additional standards set forth in Section 10.1 of this Ordinance are met. The additional standards are intended to ensure that the uses fit the intent of the zoning districts within which they are permitted, and that the uses are compatible with other development permitted within the zoning districts. Review and approval of these uses are the authority of the *Development Administrator*, who has no discretion to modify the additional standards.
- 7.9-2 Plan submittal.

- (A.) Filing of application. An application for a *zoning permit* for a use with additional standards may be filed by the owner of the property or by an agent specifically authorized by the owner to file such application. Where an agent files the application, the agent shall provide documentation that the owner of the property has authorized the filing of the application. The application for a *zoning permit* for a use with additional standards shall be filed with the *Development Administrator* on a form provided by the *Development Administrator*.
- (B.) Information required. Each application for a *zoning permit* for a use with additional standards shall contain all information required by the *Development Administrator*. The application shall be accompanied by a *Site Development Plan* meeting the requirements for *Site Development Plans* as established by Section 7.7 of this Ordinance.

7.9-3 Staff review. Notwithstanding the procedures applicable in Section 7.7 of this Ordinance, the *Development Administrator* shall review the proposed use and determine if the additional standards for that use have been met. If the additional standards have been met, the use shall be approved provided all other applicable standards and procedures have been met. Failure to meet all the additional standards shall result in denial of a *zoning permit* for the proposed use. The *Development Administrator* shall approve or deny the proposed use with additional standards or request more information, if needed, within ten (10) working days of submittal. If the application is found to be incomplete, the *Development Administrator* shall notify the applicant of any deficiencies. No further steps will be taken to process the application until the applicant corrects the deficiencies. The *Development Administrator* shall approve the use only upon finding that the proposed use satisfies all applicable requirements set forth in this Ordinance.

7.9-4 Permit validity. The *zoning permit* for a use with additional standards shall be valid for twelve (12) months from the date of its issuance. Failure to initiate construction or otherwise begin the permitted use within this time shall render the *zoning permit* void. The *Development 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.

7.10 Sign permits

7.10-1 Purpose. In order to regulate the provision of sign standards and sign restrictions within the planning and regulation jurisdiction of the Town of Stallings, it shall be unlawful to erect or maintain any sign or sign structure without first obtaining a sign *zoning permit*.

7.10-2 Application submittal.

(A.) Filing of application.

- (1.) An application for a sign *zoning permit* may be filed by the owner of the property or signed by an agent specifically authorized by the owner to file such application. The application for a sign *zoning permit* shall be filed with the Town of Stallings *Planning Department* on a form provided by the *Development Administrator*.

(2.) Sign contractor's license. No person shall engage in the business of erecting or maintaining signs in the Town of Stallings unless said person has been issued a sign contractor's license which has not expired at the time said work is done. This requirement shall exclude those persons who construct and erect a principal use identification sign when that sign is used at that person's place of business, provided all construction and installation is properly permitted and inspected for compliance with the applicable building codes of the Town of Stallings and other sections of this Ordinance.

(B.) Information required. Each application for a sign *zoning permit* shall be accompanied by complete information as required by the *Development Administrator* and shall include, without being limited to, a *Site Development Plan* and elevation drawings of the proposed sign, a drawing of the building facade indicating the proposed location of the sign (if the sign is to be attached to a building), height, dimensions, square footage of the proposed sign, and any other data as the *Development Administrator* may determine to be necessary for review of the application.

7.10-3 Staff review. Provided the application for a sign *zoning permit* is complete, the *Development Administrator* shall review the application and determine whether it is complete within ten (10) working days of its submittal. If the application is incomplete, the *Development Administrator* shall notify the applicant of any deficiencies. No further steps shall be taken to process the application until the applicant corrects the deficiencies. The *Development Administrator* shall issue a sign *zoning permit* only upon finding that the proposed sign or sign structure satisfies the requirements of Article 17.

7.10-4 Permit validity. Upon issuance of a sign *zoning permit*, the applicant will have six (6) months to commence work on the approved signage, after which the *zoning permit* shall automatically become null and void. The *Development Administrator* may grant a single sixty (60) day extension of time within which operations must be started or resumed. All requests for such extensions and approval thereof shall be in writing. Signs included in a Site Development Plan application and approval are subject to Permit Validity of Section 7.7 of this Article.

7.11 Subdivision Plat Approval

7.11-1 Major Subdivisions.

(A.) Purpose. The Major Subdivision review process is required for those divisions of land meeting the definition of "Subdivision, Major" appearing in Article 3 of this Ordinance. Review and approval of the Preliminary Plat by the Development Administrator is required under the Major Subdivision review process, with review and approval of the Final Plat made by the Development Administrator. (*Amended May 14, 2018*)

(B.) Pre-application procedure.

(1.) Conference. It is required that every applicant for a *Major Subdivision* meet with the *Development Administrator* in a conference prior to the submittal of a *Subdivision Plat*. The purpose of this conference is to provide clarification and

assistance in the preparation and submission of *Plats* for approval.

- (2.) *Sketch Plan*. A *Sketch Plan* shall be submitted to the *Development Administrator* prior to or at the pre-application conference. Upon submittal of the *Sketch Plan*, the *Development Administrator* shall conduct an initial review to determine whether the proposed *Subdivision* is a *Major Subdivision*.

(C.) *Application and Preliminary Plat/Site Development Plan* submittal.

- (1.) *Preliminary Plat(s) required*. A Preliminary Plat and *Site Development Plan* for a proposed *Major Subdivision* shall be prepared by a registered architect, engineer, landscape architect, and/or land surveyor licensed in the State of North Carolina for the work in which the professional is trained and licensed to perform; and shall be prepared in accordance with the standards set forth by the *Planning Department* and applicable state standards.
- (2.) *Filing of application*. A complete application containing all information as required by the Town of Stallings shall be submitted, along with applicable fees, to the *Development Administrator*.

(D.) *Preliminary Plat/Site Development Plan for Major Subdivisions* submittal requirements.

- (1.) *Application required*. An application shall be required for all *Preliminary Plat/Site Development Plan* for *Major Subdivisions* review requests. This application shall contain pertinent information regarding the proposed project and shall be accompanied by a *Preliminary Plat/Site Development Plan* for *Major Subdivisions*. The *Preliminary Plat/Site Development Plan* for *Major Subdivisions* **shall** contain the following:
 - (a.) Property boundaries with dimensions;
 - (b.) PIN for property;
 - (c.) Location of adjacent streets, right of ways, and utility easements;
 - (d.) Dimensioned footprint and setbacks of the existing structures;
 - (e.) Location and size of buffer and landscape areas;
 - (f.) Location of existing and proposed streets;
 - (g.) Location of all flood zones;
 - (h.) Location of adjoining properties and both the existing zoning designation and use of these properties;
 - (i.) Names and addresses of adjoining property owners;
 - (j.) Location of proposed stormwater facilities;
 - (k.) Generalized depiction or description of natural features on and immediately adjoining the site, including streams and other water bodies, steep slopes, areas covered by tree canopy, etc.; and
 - (l.) Other information determined by the *Development Administrator* as necessary to evaluate the request.

(E.) Staff review.

(1.) Planning Department staff review.

Plans for *Preliminary Plat/Site Development Plan* for *Major Subdivisions* review shall be reviewed by the *Development Administrator* for compliance with the requirements of this Article.

(2.) Submittal of plans to *Development Administrator*.

This review shall be made by the *Development Administrator* and by any other agencies or officials as requested by the *Development Administrator*. The *Development Administrator* shall review the *Preliminary Plat/Site Development Plan for Major Subdivisions* for compliance with the applicable requirements of this Ordinance and other applicable Ordinances and laws, to which their respective departmental role applies.

(F.) Permit validity. Approval of the *Preliminary Plat/Site Development Plan* for *Major Subdivisions* shall be valid for twenty-four (24) months from the date of approval by the *Development Administrator* of the Town of Stallings. The *Final Plat* for the *Major Subdivision* shall be presented for approval prior to the end of the twenty-four (24) month period. Phased *Subdivisions* shall be exempt from this time limit as set forth in Section 7.11-1 (I.) (2.) of this Ordinance. (Amended May 14, 2018)

(G.) Site Construction Plans.

(1.) Site Construction Plan required. A complete and comprehensive set of Site Construction Plans shall be required for all *Preliminary Plat/Site Development Plan* for *Major Subdivisions* review requests. This submittal shall contain pertinent information regarding the proposed project listed below and shall be accompanied by the approved *Preliminary Plat/Site Development Plan* for *Major Subdivisions* per 7.11-1 (E.) herein above illustrating any and all deviations from the approved *Preliminary Plat/Site Development Plan* for *Major Subdivisions*. The *Site Construction Plans* shall contain the following:

- (a.) Property boundaries with dimensions
- (b.) Location of adjacent streets/roads including existing right-of-way and/or easement(s)
- (c.) Location and design of proposed streets including cross-sections in accordance with the Stallings Technical Standards & Specifications Manual, centerline profile(s), and the proposed right-of-way
- (d.) Location of existing and proposed utilities, including easements associated with both
- (e.) A grading plan showing existing and proposed contours demonstrating both positive drainage characteristics and smooth grade transitions to avoid abrupt “v” ditches, swales and other disruptions to the landscape, particularly between dwellings. The use of crawl-space construction techniques in detached residential structures and professional landscape design is required to meet

this characteristic of site development.

- (f.) Location of existing and proposed stormwater detention, retention, collection, and conveyance facilities
 - (g.) Dimensions of existing and proposed impervious surfaces
 - (h.) Location of existing structures and either proposed structures or proposed building envelopes
 - (i.) Location and number of existing and proposed parking spaces, including loading spaces, maneuvering areas, and fire lane(s)
 - (j.) Location and size of buffer and landscape areas
 - (k.) Location of existing and proposed driveways and/or streets
 - (l.) Location of all flood zones
 - (m.) Location of adjoining properties and both the current zoning designation and use of these properties
 - (n.) Names and addresses of adjoining property owners
 - (o.) Number of stories and overall height of all existing and proposed structures
 - (p.) Location of existing and proposed dumpster and recycling container area(s) if applicable
 - (q.) Generalized depiction or description of natural features on and immediately adjoining the site, including streams and other water bodies, steep slopes, areas covered by tree canopy, etc., and
 - (r.) Other information determined by the *Development Administrator* as necessary to evaluate the request.
- (2.) Preparation by professional. *Construction Plans* for developments requiring major site development plan review shall be prepared by a registered architect, engineer, landscape architect, and/or land surveyor licensed in the State of North Carolina for the work in which the professional is trained and licensed to perform; and shall be prepared in accordance with the standards set forth by the *Planning Department* and applicable state standards.
- (H.) Final Plat. *Plats* for recording *Major Subdivisions* shall be prepared by a professional land surveyor in accordance with the standards set forth by the applicable state standards and in accordance with the standards and specifications of this Ordinance. The *Final Plat* of a *Major Subdivision* shall be reviewed by the *Development Administrator* for compliance with the requirements of this Ordinance and for conformity with the approved *Preliminary Plat*. Substantial changes from the *Preliminary Plat*, as determined by the *Development Administrator*, shall require an additional review by the *Development Administrator*, to ensure compliance. No *Final Plat* shall be approved by the *Development Administrator* until all improvements are installed, fees paid in lieu, or their execution guaranteed as permitted by this Ordinance and all certificates required for final *Plats* by this

Ordinance or approvals by state law have been properly completed and signed. Provided the *Final Plat* is complete, and no further review is determined to be required, the *Development Administrator* shall act on the *Final Plat* of *Major Subdivisions* within ten (10) working days of receipt of the Mylar *Plat*. The *Development Administrator* is authorized to approve the *Final Plat* for recording and to present the *Final Plat* to the Town Council to grant approval and acceptance of dedications by resolution. Following *Final Plat* approval, the applicant shall record the *Plat* for a *Major Subdivision* in accordance with this Sub-section.

(I.) Signatures and recordation.

- (1.) Signatures. Upon approval of a *Final Plat* for *Major Subdivisions*, the *Plat* shall be signed in the appropriate place by the *Development Administrator* and by the owner(s). Additionally, approval shall be shown by a Certificate of Approval; Certificate of Review Officer; Certificate of Professional Land Surveyor; and Certificate of Ownership for recording. For *Major Subdivisions* installing new public infrastructure the following certificates shall also be shown where applicable: Certificate of Dedication; Certificate of Approval for Street and Road Maintenance; Certificate of Streets and Other Public Infrastructure Improvements; and Certificate of Water and Sewer System Approval. The language for these certificates appears at the end of Article 7 of this Ordinance.
- (2.) Recordation. A *Final Plat* for *Major Subdivisions* shall be recorded in the office of the register of deeds for the county in which the subject property is located in compliance with North Carolina General Statutes within sixty (60) days following approval by the Town of Stallings. No *Subdivision Plat* shall be considered finally approved until the *Plat* has been recorded. If the *Final Plat* of all or part of the area shown on an approved *Preliminary Plat* for a *Major Subdivision* is not recorded in the office of the register of deeds within twenty-four months of the approval by the Town of the *Preliminary Plat*, the *Preliminary Plat* shall be resubmitted to the *Development Administrator* for consideration following the process set forth in this Article. *Final Plats* for *Subdivisions* developed in phases shall be recorded in accordance with the schedule presented by the applicant during the *Preliminary Plat* approval and approved as part of the *Preliminary Plat* approval process. If the *Final Plat* of all or part of the area shown on an approved *Preliminary Plat* for a *Major Subdivision* to be developed in phases is not recorded in the office of the register of deeds within the schedule approved by the Town, the *Preliminary Plat* shall be resubmitted to the *Development Administrator* for consideration following the process set forth in this Article. No lots in a *subdivision* shall be sold prior to approval by the *Development Administrator* and recording of a *Plat* for the *Subdivision*.

7.11-2 Minor Subdivisions.

- (A.) Purpose. The *Minor Subdivision* review process is required for those divisions of land meeting the definition of “*Subdivision, Minor*” appearing in Article 3 of this Ordinance. Review and approval of the preliminary and *Final Plat* by the staff permits a speedy review while ensuring that the proposed *Subdivision* meets all requirements established by the Town of Stallings.

- (B.) Pre-application conference. It is required that every *Subdivision* applicant meet with the *Development Administrator* prior to the submittal of a *Minor Subdivision Plat*. The purpose of this conference is to provide clarification and assistance in the preparation and submission of *Plats* for approval.
- (C.) Plat submittal.
- (1.) Plat required. *Plats* for *Minor Subdivisions* shall be prepared by a professional land surveyor licensed in the State of North Carolina for the work in which the professional is trained and licensed to perform; and shall be prepared in accordance with the standards set forth by the *Planning Department* and applicable state standards.
 - (2.) Filing of application. A complete application containing all information as required by the Town of Stallings shall be submitted, along with applicable fees, to the *Development Administrator*.
- (D.) Staff review.
- (1.) Planning Department staff review.
Plans for development not requiring major site development plan review shall be reviewed by the *Development Administrator* for compliance with the requirements of this Article.
- (E.) Final Plat approval.
- (1.) Recordation and signatures.
 - (a.) Signatures. Upon approval of a *Plat* for *Minor Subdivisions*, said *Plat* shall be signed in the appropriate place by the *Development Administrator* and by the owner(s). Additionally, approval shall be shown by a Certificate of Approval; Certificate of Review Officer; Certificate of Professional Land Surveyor; and Certificate of Ownership for recording. The language for these certificates appears at the end of this Article.
 - (b.) Recordation. A *Plat* for *Minor Subdivisions* shall be recorded by the developer of Stallings in the office of the register of deeds for the county in which the subject property is located within sixty (60) days following approval by the *Development Administrator*. No *Plat* shall be considered finally approved until the *Plat* has been recorded. No lots in a *Subdivision* shall be sold prior to approval by the *Development Administrator* and recording of a *Plat* for the *Subdivision*.
- (F.) Permit validity. *Minor Subdivision Plats* which have been granted approval shall be recorded as set forth in section 7.11-2 (E.) (1.) (b.) above within sixty (60) days following approval or the approval becomes invalid.

7.12 Floodplain development and certification permit

- 7.12-1 Purpose. No approval shall be granted for construction in an area designated as a special flood hazard area as shown on the *Flood Insurance Rate Maps (FIRM)* for the Town of Stallings, as provided by the Federal Emergency Management Agency, and adjoining lands, which, because of their characteristics, the Town identifies as being susceptible to flooding or determines as being susceptible to flooding or

damage by flooding until the requirements of Article 18 of this Ordinance are met. Procedures for assuring compliance with these requirements are set forth below.

7.12-2 Pre-application procedure. Developers are required to meet with the *Floodplain Administrator*, prior to submitting an application for development in the designated a *Special Flood Hazard Area*. This will provide developers with the opportunity to obtain information regarding details of the application process and regulations affecting development within *Special Flood Hazard Areas*.

7.12-3 Plan submittal.

(A.) Application required. Application for a floodplain development permit shall be made to the *Floodplain Administrator*, herein after the *Town Engineer*, prior to performing grading, development, or construction on lands designated as *Special Flood Hazard Areas*. Applications shall be made on forms furnished by the *Town Engineer*, shall provide all requested information, and shall be accompanied by a *Site Development Plan*. The application, with all requested information, and *Site Development Plan* shall be provided to the *Town Engineer*.

(B.) Plan required. A *Site Development Plan* drawn to scale shall be provided with the application for a *Floodplain Development Permit*. The *Site Development Plan* shall include, but shall not be limited to, the following specific details of the proposed floodplain development:

- (1.) The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
- (2.) The boundary of the special flood hazard area as delineated on the FIRM or other flood map as determined in this section, or a statement that the entire lot is within the special flood hazard area;
- (3.) Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Article 18;
- (4.) The boundary of the floodway(s) or non-encroachment area(s) as determined in Article 18;
- (5.) The *Base Flood Elevation* (BFE) where provided as set forth in Article 18;
- (6.) The old and new location of any watercourse that will be altered or relocated as a result of proposed development;
- (7.) Certification of the plot plan by a registered professional land surveyor or professional engineer;
- (8.) Proposed elevation, and method thereof, of all development within a *Special Flood Hazard Area* including but not limited to:
 - (a.) Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
 - (b.) Elevation in relation to mean sea level to which any non- residential structure in Zone AE or A will be flood-proofed; and

- (c.) Elevation in relation to mean sea level to which any proposed utility systems will be elevated or flood-proofed;
 - (9.) If flood-proofing, a Flood-proofing Certificate (FEMA Form 81-65 or subsequent current version) with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of flood-proofing measures.
 - (C.) A Foundation Plan, drawn to scale, shall be submitted with the application. The foundation plan shall include details of the proposed foundation system to ensure all provisions of this Ordinance are met. These details include but are not limited to:
 - (1.) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls); and
 - (2.) Openings to facilitate equalization of hydrostatic flood forces on walls in accordance with Article 18, when solid foundation perimeter walls are used in Zones A and AE;
 - (D.) Usage details of any enclosed areas below the regulatory flood protection elevation.
 - (E.) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage;
 - (F.) Copies of all other Local, State and Federal permits required prior to floodplain development permit issuance (Wetlands, Endangered Species, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.)
 - (G.) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure Article 18 of this Ordinance are met.
 - (H.) A description of proposed watercourse *alteration* or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse *alteration* or relocation.
- 7.12-4 Preparation by Professional. *Plats*, plans, designs, calculations, working drawings, and specifications for work shall be prepared by an authorized professional properly registered and licensed in North Carolina for the work in which they are engaged.
- 7.12-5 Submittal of Plats/Plans. Applications for floodplain development and certification permits, with all required information, shall be submitted to the *Town Engineer*. All review(s) shall be coordinated by the *Development Administrator*.
- 7.12-6 Staff Review. Plans for development requiring site development plan review shall be reviewed by the *Development Administrator* for compliance with the requirements of this Article.
- 7.12-7 Permit Requirements. The Floodplain Development and Certification Permit shall include, but not be limited to:

- (A.) A description of the development to be permitted under the floodplain development permit;
- (B.) The *Special Flood Hazard Area* determination for the proposed development per available data specified in Article 18 of this Ordinance;
- (C.) The regulatory flood protection elevation required for the reference level and all attendant utilities;
- (D.) The regulatory flood protection elevation required for the protection of all public utilities;
- (E.) All certification submittal requirements with timelines;
- (F.) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable;
- (G.) The flood openings requirements, if in Zones A and AE; and
- (H.) Limitations of below BFE enclosure uses (if applicable). (i.e., Parking, Building Access and Limited Storage only).

7.12-8 Certification of Floor Elevation/Flood-proofing. When a property is located in a flood hazard area or when a structure is flood proofed, a certificate shall be provided in accordance with the following standards.

(A.) Elevation Certificates.

- (1.) An Elevation Certificate (FEMA Form 086-0-33 or subsequent current version) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the *Town Engineer* a certification of the elevation of the reference level, in relation to mean sea level. The *Town Engineer* shall review the certificate data submitted.
Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.
- (2.) An Elevation Certificate (FEMA Form 086-0-33 or subsequent current version) is required after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the *Town Engineer* a certification of the elevation of the reference level, in relation to mean sea level. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The *Town Engineer* shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop work order for the project.
- (3.) A final as-built Elevation Certificate (FEMA Form 086-0-33 or subsequent current version) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit

to the *Town Engineer* a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The *Town Engineer* shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as- built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

- (B.) Flood-proofing Certificate. If non-residential flood-proofing is used to meet the regulatory flood protection elevation requirements, a Flood- proofing Certificate (FEMA Form 81-65 or subsequent current version), with supporting data and an operational plan, is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the *Town Engineer* a certification of the flood-proofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Flood-proofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The *Town Engineer* shall review the certificate data and plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

- 7.12-9 Permit validity. Permits for construction activity in designated flood hazard areas shall be valid for twelve (12) months. Failure to initiate construction, or otherwise begin the permitted use, within this time shall render the permit void.

7.13 Zoning Vested Rights Approval

- 7.13-1 Purpose. The zoning vested right is a right which is established pursuant to G.S. §§ 160D-102; -18(d); -603.1 to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan. Upon issuance of a building permit, the expiration provisions of G.S. §§ 160D-403 (f); -1113 shall apply, except that a building permit shall not expire or be revoked because of the running of time while a zoning vested right under this Section 7.13 is outstanding. Obtaining *Site Development Plan* approval or *Preliminary Plat Subdivision* approval through the vested rights procedure gives the applicant the right to start construction of the development as approved within twenty-four (24) months of approval. A vested right is obtained:

- (A.) Automatically when either a conditional zoning or a special use permit is granted by virtue of Town Council approval;
- (B.) Automatically when a *Subdivision Plat* is approved and the *Plat* recorded in accordance with the procedure set forth in this Ordinance; and
- (C.) Automatically when the Town Council approves a site-specific development plan submitted by a developer in conjunction with an application for a *zoning permit* with

vested rights as described below.

7.13-2 Application procedure.

(A.) Pre-Application Conference. The applicant for *Site Development Plan* approval with vested rights shall meet with the *Development Administrator* to inquire about specific zoning requirements. The applicant and the *Development Administrator* shall discuss the *Site Development Plan* review process and applicable meetings, scheduling, and deadlines. In addition, the *Development Administrator* shall advise the applicant of the specific requirements the project needs to address and discuss other aspects of the vested rights procedure.

(B.) Plan submittal.

- (1.) Filing of application. In order to apply for *Site Development Plan* review under the vested rights procedure, the applicant must indicate his/her intent to obtain vested rights in the form of a letter to the *Development Administrator*. The letter shall include the property address, County Tax Office parcel identification number, name of the property owner, and any other pertinent information.
- (2.) Site Development Plan required. *Site Development Plans* prepared in accordance with the standards set forth by this Ordinance shall be submitted when applying for vested rights. The standards for the *Site Development Plan* to be submitted depend upon the particular review process and are specified in sections 7.7 and 7.11 of this Ordinance for the particular review process.

7.13-3 Staff review. The *Development Administrator* shall review the application and accompanying *Site Development Plan(s)* for compliance with the requirements of this Ordinance and other applicable regulations. After review and approval through the appropriate staff level review process, the request for vested rights will be scheduled for a public hearing before the Stallings Town Council. The public hearing will be scheduled as provided by the Town Council's rules of procedure.

7.13-4 Formal review. Requests for vested rights for *Site Development Plans* shall be scheduled for review at the next regular meeting of the Stallings Town Council following review and approval by staff and/or the applicable advisory boards. At this time, the Town Council shall hold a public hearing to review the *Site Development Plan* and evaluate its conformance with the requirements of this Ordinance and other applicable requirements of the Town of Stallings. In considering an application for *Site Development Plan* approval with vested rights, the Town Council shall give due regard to whether issuance of the permit would serve the purpose and intent of this Ordinance, secure public safety and welfare, and do substantial justice. If the Council should find, after public hearing, that the proposed permit should not be granted, the permit should be denied. If the Town Council finds that the request meets the requirements stated above, it then shall take one of the following actions.

(A.) Approve the *Site Development Plan* with vested rights request. The *Development Administrator* is then directed to issue a vested rights *zoning permit*.

(B.) Approve the *Site Development Plan* with vested rights request subject to conditions which are necessary to protect the public health, safety, and welfare. The

Development Administrator is then directed to issue the vested rights *zoning permit* subject to the changes in the *Site Development Plan* to be made by the developer.

- (C.) Continue the *Site Development Plan* with vested rights request pending the submittal of additional information.

7.13-5 Findings. In granting a *zoning permit* with vested rights the Town Council shall make the following affirmative findings.

- (A.) The use requested is among those permitted in the district in which the property is located and complies with all the requirements of this and other applicable Ordinances;
- (B.) The requested permit is either essential or desirable for the public convenience or welfare;
- (C.) The requested permit will not impair the integrity or character of the surrounding or adjoining districts and will not be detrimental to the health, safety, or welfare of the community; and
- (D.) Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided.

7.13-6 Additional Restrictions and Requirements. In granting a *zoning permit* with vested rights, the Town Council may impose such additional restrictions and requirements upon the permit as it may deem necessary in order that the purpose and intent of this Ordinance are served, public welfare secured, and substantial justice done. Approval of a site specific development plan with the condition that a variance or modification be obtained shall not confer a vested right unless and until the necessary variance or modification is obtained. If all requirements and conditions are accepted by the applicant, the Town Council shall authorize the issuance of the permit; otherwise, the permit shall be denied. Any permit so authorized shall remain vested for twenty-four (24) months from the date of the action granting the permit. No change or amendment to any *zoning permit* with vested rights shall be made except after public hearing and except as provided for in this Ordinance for the original issuance of such permit. If, at the time of consideration of a proposed change or amendment to an existing permit, the permit or proposed change or amendment could not be lawfully made under Ordinance conditions existing at that time, the proposed change or amendment shall be denied. In addition, in no case shall there be an extension of the twenty-four (24) month time period for which the development right is vested. Nothing herein shall exempt plans related to the permit from subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with the original approvals.

7.13-7 Variances. Variances from the procedures and requirements for obtaining vested rights as set forth in Section 7.13 of this Article shall not be permitted. Requests for variances from the development standards established by this Ordinance shall be heard by the *Board of Adjustment* under the procedures established by Article 6 of

this Ordinance.

- 7.13-8 Permit validity. A zoning right that has been vested as provided in section 7.13 shall remain vested for a period of twenty-four (24) months from the date the permit is issued. This vesting shall not be extended by any amendments or modifications to a site specific development plan unless expressly provided by the approving authority at the time the amendment or modification is approved. A *zoning permit*, special use permit, or *Subdivision* approval shall not expire or be revoked because of the running of time while a zoning vested right under this section is outstanding. A vested right shall terminate under the termination conditions as specified in Sub-section 7.13-6 of this Ordinance.
- 7.13-9 Violations. Violations of the terms and/or conditions of the vested rights approval shall be considered a violation of this Ordinance and shall be subject to the enforcement and penalty provisions set forth in Article 23 of this Ordinance. In addition, the Town Council may, after public hearing, revoke any such vested rights for failure to abide by any such term or condition.
- 7.13-10 Status at Expiration of Term. A right which has been vested shall terminate at the end of the twenty-four (24) month vesting period with respect to buildings and uses for which no valid building permit applications have been filed. Upon issuance of a building permit, the provisions of G.S. § 160D-403(c); -1109 and G.S. § 160D-403(f); -1113 shall apply except that a building permit shall not expire or be revoked because of the running of time while a vested right under this Article is outstanding. Any development constructed pursuant to a *zoning permit* with vested rights for which the vested term has expired and which is not in conformance with all the terms of the Ordinance because of changes made in the provisions of this Ordinance, including the zoning map, after the issuance of the permit shall be subject to the provisions of this Ordinance relating to non-conformities the same as any other nonconformity.
- 7.13-11 Annexation Declaration. Any landowner who signs an annexation petition to the Town pursuant to G.S. § 160A-31 or G.S. § 160A-58.1 shall, as part of that petition, file a signed statement declaring whether or not vested rights with respect to the property subject to the petition have been established under G.S. §§ 160D-102; -108(d). If the statement declares that such rights have been established, the Town may require petitioners to provide proof of such rights. A statement which declares that no vested rights have been established by law shall be binding on the landowner and any such vested right shall be terminated.

7.14 Notices and Public Hearings

- 7.14-1 General notice requirements.
- (A.) All notices which this Article requires for public hearings or public meetings shall identify the date, time and place of the public hearing/public meeting and the nature and character of the proposed action. Where the action being taken concerns a particular property or properties, the notice shall also identify the location of the subject property.

- (B.) Where specific notice requirements are set forth in the North Carolina General Statutes for a particular type of public hearing, the requirements set forth in the North Carolina General Statutes shall be followed. Where these requirements conflict with procedures as stipulated in this Sub- section or elsewhere in this Article, the requirements contained in the North Carolina General Statutes will control.

7.14-2 Notice procedure. The following guidelines detail the notification procedure to be followed for public hearings required by this Article unless otherwise set forth in this Article. Failure to follow procedures set forth in this section, other than those required by the North Carolina General Statutes, shall not affect the validity of any action taken at a public hearing or public meeting. (G.S. §§ 160D-601; 160D-102; - 406; -603)

- (A.) Published notice. Notice for public hearings required by this Article shall be published in a newspaper of general circulation within the Town of Stallings.

- (B.) Mailed notice. First class mailed notice for public meetings or public hearings required by this Article shall be provided to owners shown on the County tax listings. The owner of the subject parcel of land as shown on the county tax listing, and the owners of all parcels of land within five hundred (500') feet of that parcel of land as shown on the county tax listing, shall be mailed a notice of a public hearing on the proposed amendment by first class mail at the last addresses listed for such owners on the county tax abstracts. (*Amended September 23, 2019*)

- (C.) Posted notice. A sign (or signs) providing information concerning a public hearing or public meeting required by this Article will be posted on property which is the subject of said hearing/meeting. The sign(s) shall be prominently placed on the subject parcel or on an adjacent public street or highway right- of-way. When multiple parcels are involved, a posting on each individual parcel is not required, but the Town shall post sufficient notices to provide reasonable notice to interested persons.

7.14-3 Special notice requirements for telecommunications towers/structures. For any public hearing for special use applications for telecommunication towers as required by Section 10.2-14 hereinafter, additional notice and public hearing requirements shall be provided as set forth in Section 10.2-14 of this Ordinance.

7.15 Development Agreements

7.15-1 Authorization and Applicability.

- (A.) The North Carolina General Statutes authorize the use of Development Agreements for the development of land in accordance with the criteria and procedures established in G.S. § 160D-1001.

- (B.) Reserved (*Amended August 8, 2022*)

7.15-2 Content of Development Agreement

- (A.) A description of the property subject to the agreement and the names of its legal and

equitable property owners. The development agreement shall identify the property to which the agreement shall apply by survey, plat, and parcel numbers attached to the agreement as “Exhibit A”.

- (B.) The duration of the agreement. However, the parties are not precluded from entering into subsequent development agreements that may extend the original duration period.
- (C.) The development uses permitted on the property, including population densities and building types, intensities, placement on the site and design.
- (D.) A description of public facilities that will serve the development, including who provides the facilities, the date any new public facilities, if needed, will be constructed, and a schedule to assure public facilities are available concurrent with the impacts of the development. In the event that the development agreement provides that the local government shall provide certain public facilities, the development agreement shall provide that the delivery date of such public facilities will be tied to successful performance by the developer in implementing the proposed development (such as meeting defined completion percentages or other performance standards).
- (E.) A description, where appropriate, of any reservation or dedication of land for public purposes and any provisions agreed to by the developer that exceed existing laws related to protection of environmentally sensitive property.
- (F.) A description, where applicable, of any conditions, terms, restrictions, or other requirements for the protection of public health, safety, or welfare.
- (G.) A description, where appropriate, of any provisions for the preservation and restoration of historic structures.
- (H.) The development agreement shall establish the period of time for completion of the development and construction of the project subject to the agreement.
- (I.) The development agreement may include mutually acceptable terms regarding provision of public facilities and other amenities and the financial responsibility for their provision, provided any impact mitigation measures offered by the developer beyond those that could be required by the local government pursuant to G.S. § 160D-804 shall be expressly enumerated within the agreement, and provided the agreement may not include a tax or impact fee not otherwise authorized by law.

7.15-3 Procedures for Entering into Development Agreements.

- (A.) The development agreement shall be drafted in a format as directed by the Development Administrator. The development agreement shall then be presented to the *Planning Board* for a formal recommendation at a regularly scheduled meeting. Said meeting shall be held prior to notification for a public hearing by the Council.
- (B.) The development agreement and the *Planning Board* recommendation shall be published for public inspection and notification and shall be made in accordance with the provisions of G.S. § 160D-602. Mail notification will sent to property owners

within five hundred (500') feet of the proposed Development Agreement.

- (C.) The notice for the public hearing must specify the location of the property subject to the development agreement, the development uses proposed on the property, and must specify a place where a copy of the proposed development agreement can be obtained.
- (D.) The development agreement shall be presented at a Public Hearing allowing an opportunity for the public to comment on the proposed development agreement. The information presented at the Public Hearing shall be considered by the Council in formulating its decision on the approval of an ordinance authorizing approval of said agreement.
- (E.) Upon finding that said agreement is in the best interest of the Town of Stallings, the Council may by adoption of an ordinance adopting the development agreement and authorizing its execution by the Mayor, approve such agreement to be administered in full force and effect by the *Development Administrator*.
- (F.) The development agreement shall be recorded in the office of the Register of Deeds of the county in which the subject property is located within fourteen (14) days of execution and prior to the issuance of any development permits authorizing development activities to commence.
- (G.) Project Evaluation. The process used for evaluating a project and beginning the Development Agreement Process is as follows:

Table 7.1 – Project Evaluation	
Phase 1: Project Evaluation	
<i>Concept Plan/Application Submitted</i>	
Facilitated Town Technical Review of Proposed Development Considerations: Submitted site plans, application, comprehensive land use plan, small area plans, UDO, engineering data, public works data, fire/police/safety data, school enrollment data, any other data that staff feels is necessary to evaluate the project. Who Is Involved: Staff led technical review may include town planning staff, town engineer, town manager, police chief, fire marshal office representative, public works department, UCPW, legal counsel, any other person(s) staff sees as necessary for review of the project. Outcome: Written comments/information provided to applicant to start discussion of development agreement.	
Phase 2: Staff Agreement Negotiations*	
<i>Staff Level Negotiations with Applicant</i>	
Begin negotiation of an agreement for long-term trade-offs and benefits of a development with Staff. Considerations: Comments/Considerations from Phase 1, developers' comments/response to phase 1 requests, discussion of requested items/improvements Who Is Involved: Planning Staff, Town Engineer, Town Manager, Applicant, Legal Counsel and Land Use Consultant as necessary Outcome: Draft Development Agreement *May require multiple meetings	

Phase 3: Council Sub Committee Agreement Negotiations*
<i>Council Sub Committee Level Negotiations with Applicant</i>
<p>Presentation of Draft Agreement to a Council Sub Committee. Council Sub Committee receives draft agreement and may negotiate directly with the applicant.</p> <p>Who Is Involved: Town Council Sub Committee made up of three council members as follows: Committee 1: Council Members from Districts 1 & 6 Committee 2: Council Members from Districts 2 & 5 Committee 3: Council Members from Districts 3 & 4 The third Committee Member will be from the district in which the development is occurring. Also involved will be the Applicant, Planning Staff, Town Manager, Legal Counsel and Land Use Consultant as necessary. A rotating schedule for which subcommittee serves will be created and provided to Council. **</p> <p>Outcome: Draft Development Agreement</p> <p>*May require multiple meetings</p> <p>** If the project falls within the district of a subcommittee member assigned to that rotation, the next subcommittee in the rotation will review to ensure three-member participation.</p>
Phase 4: Planning Board Review
<i>Planning Board Level Negotiations with Applicant</i>
<p>Presentation of Draft Agreement to the Planning Board</p> <p>Considerations: Draft Development Agreement</p> <p>Who Is Involved: Planning Staff, Town Engineer, Town Manager, Applicant, Legal Counsel and Land Use Consultant as necessary</p> <p>Outcome: Draft Development Agreement Recommendation</p>
Phase 5: Council Agreement Negotiations*
<i>Council Level Negotiations with Applicant</i>
<p>Presentation of Draft Agreement to entire Council. Council receives draft agreement and may negotiate directly with the applicant.</p> <p>Who Is Involved: Entire Town Council, Applicant, Planning Staff, Town Manager, Legal Counsel and Land Use Consultant as necessary.</p> <p>Outcome: Final Development Agreement</p> <p>*May require multiple meetings</p>
Phase 6: Public Hearing
<i>Public Hearing/Council Decision</i>
<p>Required public hearing held and negotiated agreement adopted by Town Council.</p> <p>Who Is Involved: Town Council, Applicant, Planning Staff, Town Manager, Legal Counsel</p> <p>Outcome: Council Decision/Finalized Agreement</p>

(Amended October 8, 2018)

7.15-4 Administration of Development Agreements and Termination for Material Breach.

- (A.) The development agreement shall run with the land obligating the parties to the agreement to any and all stipulations therein and may only be amended in accordance with the laws of North Carolina governing such agreements as stipulated in Section 7.15-1 herein.
- (B.) The *Development Administrator* shall conduct a periodic review at least every twelve (12) months, at which time the developer is required to demonstrate good faith compliance with the terms of the development agreement. If, as a result of a periodic review, the *Development Administrator* finds and determines that the developer has

committed a material breach of the agreement, the *Development Administrator* shall notify the developer in writing setting forth with reasonable particularity the nature of the breach, the evidence supporting the finding and determination, and provide the developer a reasonable time in which to cure the material breach.

- (C.) If the developer fails to cure the material breach within the time given, then the Town of Stallings may unilaterally terminate or modify the development agreement; provided the notice of termination or modification may be appealed to the board of adjustment in the manner provided by G.S. § 160D- 405.

A development agreement adopted pursuant to this Section shall not exempt the property owner or developer from compliance with the State Building Code or State or local housing codes that are not part of this Ordinance.

CERTIFICATIONS FOR SUBDIVISION PLATS

All Subdivisions:

Town of Stallings Certificate of Approval:

This plat of minor subdivision meets the requirements of the Town of Stallings Development Ordinance as of this ____ day of _____, 20__ and is hereby approved conditioned upon the plat being registered in the Office of the Register of Deeds within sixty (60) days of such approval and receipt of record accompanied by a plat presented to the Town of Stallings Planning Services Department.

Development Administrator or Designee

Certificate of Review Officer:

State of North Carolina

County of Union

I, _____ (printed name), Review Officer for Union County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording as of this ____ day of _____, 20__.

Union County Review Officer

Certificate of Professional Land Surveyor:

I, _____ (printed name), certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book _____, Page _____) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book _____, Page _____; that the ratio of precision as calculated is 1: _____; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this ____ day of _____, 20__.

Seal or Stamp

Professional Land Surveyor

Professional Land Surveyor No.

Certificate of Ownership:

I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon, that I (we) hereby adopt this plan of subdivision with my (our) free consent as of this ____ day of _____, 20__.

Property Owner Name (typed or printed)

Property Owner Signature

(PROVIDE SEPARATE LINES FOR EACH OWNERSHIP INTEREST)

Additional Certifications for Major Subdivisions:

Certificate of Dedication (ONLY IF STREETS/ROADS ARE BEING CREATED):

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon, and that I (we) hereby dedicate all roads, alleys, walks, parks, and other sites to the public use except as noted this ____ day of _____, 20____.

Property Owner Name (typed or printed)

Property Owner Signature

(PROVIDE SEPARATE LINES FOR EACH OWNERSHIP INTEREST)

Certificate of Approval for Street and Road Maintenance (ONLY IF STREETS ARE BEING CREATED):

I (we) hereby certify that I (we) will maintain the streets and/or roads to the standards set forth by the Town of Stallings and the North Carolina Department of Transportation until the respective governmental agency accepts the responsibility by adoption of a resolution stating such this ____ day of _____, 20____.

Property Owner Name (typed or printed)

Property Owner Signature

(PROVIDE SEPARATE LINES FOR EACH OWNERSHIP INTEREST)

Certificate of Streets and Other Public Infrastructure Improvements:

I, _____ (printed name), Town Engineer, hereby certify that the streets, storm drainage systems, and all other roadway improvements have been designed and installed, or their installation guaranteed, in an acceptable manner according to specifications and standards of the Town of Stallings and the State of North Carolina this ____ day of _____, 20____.

Town Engineer of the Town of Stallings, North Carolina

Certificate of Water and Sewer System Approval:

I, _____ (printed name), Town Engineer of the Town of Stallings, North Carolina, hereby certify that all water and sewer systems have been designed and installed, or their installation guaranteed, in an acceptable manner according to specifications and standards of the Town of Stallings and the State of North Carolina this ____ day of _____, 20____.

Town Engineer of the Town of Stallings, North Carolina

Town of Stallings
Traffic Impact Analysis Ordinance



Town of Stallings

315 Stallings Road Stallings, NC

28104

(704) 821-8557

www.stallingsnc.org

Purpose and Definition

Transportation system integrity is an important consideration for our community when a significant development is proposed. Public policy makers, citizens and developers all have a stake in understanding and responding to additional demands on the transportation system. A Transportation Impact Analysis (TIA) is a tool used to evaluate the incremental impacts on the surrounding transportation infrastructure and how to mitigate them to maintain safe traffic and transportation operations.

- A. TIA Determination - The Town shall determine the need for a TIA upon receipt of any development application (by-right or rezoning) accompanied by a sketch or schematic plan. Types of development applications could include, but are not limited to, multi-family developments, single family developments, commercial developments, or industrial developments. If warranted, the transportation consultant assigned by the Town shall prepare the TIA. At the discretion of the North Carolina Department of Transportation (NCDOT) and the Town, a Transportation Technical Memorandum, in lieu of a full TIA report, may be allowed for some developments. If proposed street connections are not consistent with adopted plans, then an explanation or proposed transportation mitigation alternative that is equal or better shall be discussed in the study. NCDOT and the Town will be responsible for determining whether the alternative mitigation plan meets and/or exceeds the performance standards of the proposed street connections in the adopted plans.
- B. Minimum Thresholds for TIAs - A TIA will be required to accompany the sketch/schematic plan when expected gross trip generation is **1000 total trips or more both entering and exiting the site in a 24-hour period, and/or 100 total trips both entering and exiting the site during either the AM or PM peak hours (prior to any trip reductions applied - see Section G(10)). The gross trip generation will be calculated by the Town based on information (proposed project summary and development plan) provided by the applicant and the final determination for requiring the TIA will be made by the Town.** The Town may also determine the need for a TIA or Transportation Technical Memorandum based on special circumstances associated with the development, even if the gross trips falls below this threshold. This may be due to location, an intersection or thoroughfare nearby that is at or above capacity, the nature of the use, or one of the following:
1. Traffic generated from a non-residential development that could potentially significantly impact adjacent residential neighborhoods.
 2. Traffic operation issues for current and/or future years on nearby streets are expected to be significantly worsened by traffic generated from the proposed new development.
 3. Major and minor thoroughfares near the site are experiencing significant/unacceptable delays.
 4. Traffic safety issues exist at the intersection or street that would serve the proposed new development.
 5. The proposed land use differs significantly from the adopted Small Area Plans for the Town and/or the Comprehensive Land Use Plan.
 6. The internal street or access system is not anticipated to accommodate the expected traffic generation.
 7. The proposed development project includes a drive-through facility, or other uses such as schools that require significant on-site circulation that may have an off- site impact to adjoining roads and/or intersections.
 8. The amount, behavior and/or assignment of traffic is significantly different from a previously approved TIA, or more than 24 months have passed since completion of previous TIA.

- C. Scoping Meeting – A mandatory scoping meeting is required prior to beginning the TIA to discuss the requirements and strategies for a TIA specific to the site and the proposed development. Background information shall be submitted by the applicant and shall include intended phasing scheme, proposed build-out year, and a conceptual site plan showing proposed access points, proposed land use and densities, structure and parking envelopes. The Town, the transportation consultant assigned by the Town, and the applicant(s) are required to attend the mandatory scoping meeting. Representatives from the NCDOT District office will be invited and encouraged to attend as needed. The applicant may invite members of his/her development team as needed.
- D. Memorandum of Understanding (MOU) – A MOU, documenting the understood scope and parameters of the TIA, shall be prepared by the transportation consultant assigned by the Town. A schedule will be developed and affirmed by all parties. The MOU shall be signed by the applicant and the Town before the consultant can begin work on the TIA. Approval by the NCDOT District Engineer will also be required if access to a state road is involved. Failure by the applicant to provide accurate information or failure by the assigned transportation consultant to follow the MOU shall result in disapproval of the TIA. If significant changes are made to the parameters outlined in the MOU, a revised MOU will be required.
- E. Fees – Prior to the scoping meeting, the transportation consultant assigned by the Town shall submit a summary of consultant fees to the Town to perform the scoping portion of the TIA. The applicant shall agree to provide payment in full to the Town for these services prior to scheduling of the scoping meeting. After the MOU is prepared, changes by the applicant which require updates to the MOU, will result in additional services and must be paid for by the applicant prior to performance of the additional work.

After the scoping meeting, the transportation consultant assigned by the Town shall submit a summary of consultant fees for preparing the TIA to the Town. These fees will account for the work completed throughout the scoping process. Per the MOU, the applicant shall agree to provide payment in full to the Town for preparation of the TIA so that the Town can release the work to the consultant. The Town may require all or a portion of the estimated fees to be paid to the Town prior to commencement of the work. Any additional services incurred by the transportation consultant in addition to the MOU must be approved by the Town and agreed to and paid for by the applicant prior to performance of the additional work.

- F. Development Agreement – Upon completion of the TIA, certain on- or off-site transportation mitigation measures may be required as recommended by the TIA. If so, these improvements will be defined in the Development Agreement, as outlined in the *Town of Stallings Development Ordinance*. All required mitigation measures must be implemented prior to final Certificate of Occupancy (CO).
- G. TIA Outline and Contents – The outline and contents of what is required to be included in the TIA will be discussed at the scoping meeting and included in the MOU. A detailed summary of the expected content and methodologies to be used in the TIA is discussed below.
1. Cover/Signature page – Includes the project name, location, name of the applicant, contact information for the applicant, and date of the study. The name, contact information, registration number, signature, and seal of a duly qualified and registered professional engineer in the State of North Carolina are also required to appear on this page.

2. Table of Contents – Includes a list of all section headings, figures, tables, and appendices included in the TIA report. Page numbers shall denote the location of all information, excluding appendices, in the TIA report.
3. Executive Summary – Includes a description of the study findings, a general description of the project scope, study horizon years, expected transportation impacts of the project, and mitigation measure recommendations. Technical publications, calculations, documentation, data reporting, and detailed design shall not be included in this section.
4. Project Description – Includes a detailed description of the development, including the size of the parcel, development size, existing and proposed uses for the site, anticipated completion dates (including phasing). It shall also include the square footage of each use and/or the number and size of dwelling units proposed, and a map and copy of the site plan provided by the applicant.
5. Site Description – Includes a description of the project location within the Town and region, existing zoning and use (and proposed use if applicable), and key physical characteristics of the site, including general terrain and environmentally sensitive or protected areas.
6. Site Access – A complete description of the ingress/egress of the site shall be explained and depicted. It shall include number of driveways, their locations, distances between driveways and intersections, access control (full-movement, leftover, right-in/right-out, etc.) types of driveways (two- way, one-way, etc.), traffic controls, etc. Internal streets (lanes, flow, and queuing), parking lots, sidewalks, bicycle lanes, and designated loading/unloading areas shall also be described. Similar information for adjacent properties, including topographic grade relationship, shall be provided to evaluate opportunities for internal connections. The design, number, and location of access points to collector and arterial roadways immediately adjacent to the site must be fully analyzed. The number of access points shall be kept to a minimum and designed to be consistent with the type of roadway facility. Driveways serving the site from state roads shall be designed in accordance with the NCDOT's Policy on Street and Driveway Access and/or the Town standards, as applicable.
7. Study Area – The limits of the study area shall be based on the location, size and extent of the proposed project, and an understanding of existing and future land uses and traffic conditions surrounding the site. The limits of the study area for the TIA shall be reviewed and approved by the Town and NCDOT staff at the mandatory scoping meeting. At a minimum, the study area shall include all streets and signalized intersections within a 1- mile radius of the proposed site and/or where site traffic estimated for build- out of the project will constitute 10% or more of any signalized intersection approach during the peak hour. During the scoping meeting, staff may reduce the radius due to conditions specific to the site based on request by applicant and supported with valid reasoning. Should study area intersections outside of the Town be identified, adjacent municipalities will be notified. Unsignalized intersections between the required signalized intersections will be added to the scope as directed by the Town. To initially determine the impacts, the Town will maintain a database of recent peak- hour intersection turning movement counts. The applicable intersection counts will be equated to current year baseline volumes. Based on the proposed development program submitted by the applicant, a preliminary trip generation analysis,

distribution and assignment will be performed within the area surrounding the site and compared to the current year base volumes. Related impacts or current operational problems, may dictate that other intersections be included in the study area as determined by Town staff and/or NCDOT staff. A narrative describing the study area shall identify the location of the proposed project in relation to the existing transportation system and list the specific study intersections and/or segments. Any unique transportation plans or policies applicable to the area (e.g., CATS bus service and small area plans) shall be mentioned. A site location map shall be provided and shall identify natural features, major and minor roadways within the study area, study intersections, and a boundary of the site under consideration.

8. Existing Conditions – Shall include a narrative and map that represents AM and PM peak-hour turning-movement volumes for all intersections within the study area. Traffic volumes shall represent 15-minute interval weekday turning- movement counts (Tuesday through Thursday), include heavy-vehicle, pedestrian and bicycle counts, no more than twelve months old and shall be collected during periods of the year when local schools are in session and during weeks that have no observed federal, state, or local holidays and periods. The required count timeframes are from 6:00-9:00AM and 4:00-7:00PM. Site-specific conditions may necessitate additional or different traffic counting hours and/or days depending on the development program and location within the Town. These unique circumstances will be determined and directed by the Town. The Town will determine if modified peak hours or weekend analyses shall be included in the TIA at the mandatory scoping meeting. For example, 12- or 16- hour turning movement counts shall be required to complete the analysis if a traffic signal warrant analysis is required as part of the TIA. The source of existing traffic volume information shall be explicitly stated (e.g., Town counts, new counts collected by the applicant, NCDOT counts, etc.). If previous counts were obtained, only counts collected within the one year of the scoping meeting will be deemed acceptable. Summary sheets for existing turning movement counts shall be included in the appendix of the TIA report. A separate narrative and map shall be prepared to describe the characteristics of surrounding major roadways, including functional classification, number of lanes, posted speed limit, existing average daily traffic volumes, typical cross section, intersection control, and lineal distance between major roadways. Field notes for the existing conditions investigation may be included in the appendix of the TIA report.
9. Future Year Conditions – Unless otherwise approved by the Town, future year conditions for a single-phase development shall be analyzed for the year the development is expected to be at full occupancy (build-out year) and five years after the build-out year (build-out + 5). For multiple-phased developments, the scenarios shall be completed in order, with any improvements specified by development included in the subsequent build scenarios, including five years after the full build-out year (build-out + 5). Specific analysis periods to include in the study shall depend greatly upon the development program, proposed project phasing plan, and significant improvements programmed for the surrounding transportation system. The approved offsite developments and transportation projects to be included in the base future-year background conditions for the transportation system within the study area shall be determined during the scoping meeting. Transportation improvements assumed in the future-year background conditions analysis may include those with an expected completion date concurrent with that of the development and

funded either by the Town, NCDOT, or indicated as a required condition of approval from another nearby development application. Only projects approved by the Town at the scoping meeting may be included in the analysis as future existing infrastructure. Those improvements committed by other projects must be clearly identified in the report as approved offsite development road improvements. Adjacent development traffic information used in the development of the future year background traffic volumes shall be included in the appendix of the TIA report. Unfunded, planned infrastructure projects may be mentioned in the TIA, but the description shall specifically identify that these projects are not included in the background condition. Future year background traffic volumes shall be forecasted using historical growth rate information, regional models, and/or TIA reports for development approved by the Town but not yet built. A narrative and map shall be prepared that presents turning movement volumes for each peak hour for all intersections identified within the study area. Future year base traffic volumes, other development volumes, and site traffic volumes shall be clearly separated and combined in the map.

10. Trip Generation – Base trip generation for the proposed land use(s) shall be calculated using data published in the latest version of the Institute of Transportation Engineers' (ITE) Trip Generation Manual. Data limitations, data age, choice of peak hour of adjacent street traffic, choice of independent variable, and choice of average rate versus equation shall be discussed at the mandatory scoping meeting. Local trip generation rates may be acceptable if appropriate validation is provided by the applicant to support them. Any deviation from ITE trip generation rates shall be discussed in the mandatory scoping meeting and documented in the MOU if approved by the Town and NCDOT. The NCDOT Municipal School Transportation Assistance (MSTA) calculator shall be used to calculate projected trip generations for school sites.
 - a. Internal Capture – Base trip generation may be reduced by rate of internal capture when two or more land uses are proposed using methodology recommended in the most current Trip Generation Handbook published by the ITE, or research published by the National Cooperative Highway Research Program (NCHRP) Transportation Research Board. Reductions for internal capture shall be applied to multi- or mixed-use sites only. The internal capture reduction shall be applied before pass-by trips are calculated.
 - b. Pass-by Trips – Pass-by trips are those made as intermediate trips between an origin and primary destination (i.e., home to work, home to shopping, etc.). However, pass-by trips are not diverted from another roadway. Base trip generation may be reduced by rate of pass-by capture using methodology recommended in the most current Trip Generation Handbook published by the ITE. Pass-by trips associated with the development program may not exceed 10% of the peak-hour volume reported for the adjacent public street network. This network shall include the streets that provide primary access to/from the site. For example, if a site access drive that connects to a low-volume local street, which its primary access is to a major collector road, the traffic on the major collector shall be used as the adjacent street for pass-by calculation purposes. Evaluation of diverted trips may apply depending on the specifics of each site. A trip generation table shall summarize all trip generation calculations for the project.

11. Trip Distribution – External trip distribution shall be determined on a project-by-project basis using one of several sources of information available to transportation and land planning professionals. Potential sources for determining project trip distribution may include the regional travel demand model, market analysis, existing traffic patterns, or professional judgment. At the Town's direction, multiple trip distributions may be required for differing land use types. Regardless of methodology, the procedures followed and logic for estimating trip distribution percentages must be well-documented in the TIA. Trip distribution percentages proposed for the surrounding transportation network shall be discussed during the scoping meeting and shall be approved by the Town and NCDOT before proceeding with the TIA. A map showing the percentage of site traffic on each street included in the study area shall be included in the TIA.
12. Trip Assignment – Project traffic shall be distributed to the surrounding transportation system based on the site's trip generation estimates and trip distribution percentages. Future year build-out traffic forecasts (i.e., future year background traffic plus project traffic) shall be represented in graphic formats for AM and PM peak-hour conditions at all intersections included in the study area. If the project will be built in phases, traffic assignments shall be reported for each phase. Pass-by traffic shall be included at the driveways and access points for evaluating driveway volumes. Multiple assignment analyses may be required if the traffic control at the access drives varies (i.e., right-in/right-out vs. stop controlled vs. signalized).
13. Operations Analysis – The TIA shall include multi-modal operations analyses including vehicular, pedestrian and bicycle, to allow for the safe and convenient travel for all modes. Level-of-Service (LOS) and delay is the primary measures of effectiveness for impacts to the transportation system, and is defined by the most current edition of the Highway Capacity Manual (HCM). Operations analyses shall be performed for the existing and all future year scenarios, as described in Section G (17)). Impacts from the proposed project shall be measured by comparing the future year background conditions to the future year build-out conditions. Requirements for mitigation are described in Section G (17).
 - a. Vehicular Capacity Analysis - Unless otherwise noted, Synchro LOS and delay shall be reported for all signalized intersections and approaches identified in the study area. Based on HCM, LOS for unsignalized intersections is not defined as a whole; instead, only the individual stop-controlled or yield approaches shall be reported based on the HCM reports determined through the Synchro analysis. Existing signalized intersections shall be modeled based on existing signal timing plans provided by either the Town or NCDOT. Existing signal timing plans shall be included in the appendix of the TIA report. If a traffic signal is part of a coordinated system it must be analyzed as such under all conditions. Other standard practices and default input values for evaluating signalized intersections shall be consistent with the most recent guidelines published by the NCDOT, Traffic Engineering and Safety Systems Branch, Congestion Management Unit ("Capacity Analysis Guidelines"). The Town may also require safety, traffic simulation, gap and/or other analyses appropriate for evaluating a development application. Additional analyses and/or traffic capacity or

simulation tools (such as VISSIM or Transmodeler) required for the TIA shall be identified during the scoping meeting. All TIA reports submitted to the Town shall use Synchro, SimTraffic, VISSIM and/or Transmodeler analysis software for signalized and unsignalized intersections, or Sidra Software for roundabouts, consistent with policies released by the NCDOT. A narrative, table, and map shall be prepared that summarizes the methodology and measured conditions at the intersections reported in LOS (LOS A – F), the intersection and approach signal delay for signalized intersections, the approach delay for unsignalized intersections, and 95th percentile queue lengths for all movements. Capacity analysis worksheets and auxiliary turn-lane warrants for unsignalized intersections shall be included in the appendix of the TIA report.

- b. Pedestrian Operations Analysis - Unless otherwise noted, methodology provided in the latest edition of the Highway Capacity Manual shall be used to evaluate pedestrian LOS for the intersections identified in the study area. The current methodology is based on geometric data, demand data, and signal control data including, but not limited to:
 - Number of lanes on the major street
 - Crossing distance
 - Traffic volumes
 - Motorist yielding rates to pedestrians
 - Cycle Length
 - Walk Time
 - Presence of pedestrian phase
- c. Bicycle Operations Analysis – The bicycle LOS at intersections identified in the study area shall be evaluated using locally accepted methodology. This current methodology assesses bicyclists' comfort based on geometric and traffic signal features including, but not limited to:
 - Number of lanes crossed
 - Presence of conflicting turning movements
 - Presence of bike lanes

Under this methodology, intersection features are assigned points, where the LOS for each approach is calculated based on the accumulation of points for each geometric and traffic signal feature identified in the worksheet. Currently, this methodology does not take into account demand volumes; therefore, the bicycle LOS would not differ between AM and PM peak hours, and thus would not need to be reported for both under this methodology.

- 14. Queuing Analysis – 95th percentile and simulation analysis of future year queues shall be consistent with NCDOT's Traffic Engineering and Safety Systems Branch, Congestion Management Unit current practices and published Capacity Analysis Guidelines. Turn lanes and storage lengths for the major street (uncontrolled) approaches at unsignalized intersections shall be identified using volume thresholds published in the NCDOT's Policy on Street and Driveway Access to North Carolina Highways (see Warrant for Left- and Right- Turn Lanes Nomograph, pg. 80). Recommendations for left and right-turn lanes serving the site shall be designed to account for both the NCDOT warrants described above and to meet future year capacity needs

identified through the capacity analyses. For projects that include drive-through facilities, pick-up/drop-off areas, or entrance gates, a queuing analysis may be required by the Town to ensure that vehicle stacking will not adversely impact the public transportation system. The queuing analysis must be performed using accepted transportation engineering procedures approved by the Town. If a TIA is required for a new school site, the internal circulation and ingress/egress of the site shall be modeled using a “dummy signal” in the Synchro software as prescribed by NCDOT Municipal School Transportation Assistance (MSTA) department.

15. Crash Analysis – A summary of crash data (type, number, and severity) for the most recent 3-year period at each study location is required. Traffic Engineering Accident Analysis System reports will be provided by the Town and/or NCDOT and shall be included in the appendix of the TIA report. For locations with prevalent crash types and/or frequency, a discussion shall be included describing factors that may be contributing to the incidents. At a minimum, the proposed development features shall not contribute to factors potentially involved in the existing crash rates. If contributing factors are identified, recommendations to eliminate or mitigate these features shall be included.
16. Traffic Signal Warrants – Town staff and/or NCDOT may consider potential signal locations at the scoping meeting. However, traffic flow progression is of paramount importance when considering a new traffic signal location. A new traffic signal shall not cause an undesirable delay to the surrounding transportation system. Installation of a traffic signal at a new location shall be based on the application of warrants criteria contained in the most current edition of the Manual on Uniform Traffic Control Devices (MUTCD) and engineering judgment. Traffic signal warrants shall be included in the appendix of the TIA report. Additionally, spacing of traffic signals within the Town must adhere to NCDOT requirements. Pedestrian movements must be considered in the evaluation and adequate pedestrian clearance provided in the signal cycle split assumptions. If a signal warrant analysis is recommended in the TIA, the Town and/or NCDOT may decide to defer a signal warrant analysis until after the development has opened to allow use of actual turning movement counts at an intersection. The TIA recommendations must clearly state that this analysis shall occur at a specified date following the opening of the development. The applicant must issue a bond or letter of credit in the name of the Town for the estimated cost of the signal warrant analysis and resulting signal prior to final approval of the TIA. The cost shall be established based on an engineer's estimate provided by the consultant identified by the Town.
17. Mitigation Measure Recommendations – This section of the TIA report shall provide a description of the study's findings regarding impacts of the proposed project on the existing and future transportation system and describe the location, nature, and extent of all mitigation measures recommended to the applicant to improve and/or maintain the future year background level-of-service (LOS) conditions through phasing and ultimate build-out of the project. This mitigation will be identified by measuring the impact between the future year background conditions and the future year build-out conditions. The applicant is required to mitigate transportation deficiencies caused solely by the projected impact of their proposed development, and not unacceptable background conditions or other deficiencies caused by offsite development within the defined study area.

The applicant shall be required to identify mitigation improvements to the transportation network if at least one of the following conditions exists when comparing the multimodal operations analyses of future year background conditions to future year build-out conditions:

- a. the total average delay at an intersection or individual approach increases by 25% or greater, while maintaining the same LOS,
- b. the LOS degrades by at least one level,
- c. or the LOS is at or below the LOS threshold dictated by the zoning (as outlined in Table 1) in background conditions and the proposed project shows a negative impact on the intersection or approach

The following LOS table (Table 1), using the most recent Level of Service methodology, shall be used when determining the adequacy of intersection/approach within the applicable impact areas of the Town:

Table 1: LOS Thresholds		
Zoning	Vehicular LOS Threshold	Bike/Ped LOS Threshold
AG, CIV	C	E
SFR, MFT, VSR, IND	D	D
TC, MU, C-74, CP-485, CZ, CUP	E	C
Within a Small Area Plan Boundary	E	C
All Other	D	D

Where an intersection/approach is located within more than one zoning district and is not located within a small area plan boundary, the less restrictive LOS shall apply to the entire intersection or approach for purposes of complying with this ordinance.

If the background LOS (intersection or approach) is inadequate (i.e., at or below the threshold), the applicant will be expected to mitigate only the impact caused by the proposed project. For example, if the background LOS of an approach is LOS F with 85 seconds of delay, and the project traffic increases the delay to 95 seconds at LOS F, the applicant will be required to mitigate the added 10 seconds of delay on the approach, not required to mitigate the inadequate background delay. Town staff and NCDOT will review the recommendations in the final version of the TIA and will have the ultimate determination in the scope of the required mitigation measures.

A Developer Agreement as outlined in Part F of this ordinance may apply if mitigation requirements are needed.

For multi-phase developments, the capacity analyses scenarios shall address the phasing of improvements for each phase of development. The build-out + 5 scenario will require the analysis of only five years beyond the full build-out year. The build-out + 5 scenario analysis is not used for mitigation purposes. A narrative and table shall be prepared that summarizes the methodology and measured conditions at the intersections reported in LOS (LOS A–F) and average control delay for each intersection and approach.

A narrative and map shall also be prepared that describes and illustrates recommended improvements, by development phase if necessary, for

mitigating the projected impact of the proposed development.

18. Compliance with Adopted Small Area/Transportation Plans – All TIA reports must include a statement of compliance with plans, programs, and policies, including small area plans, adopted by the Town of Stallings for maintaining a safe and efficient multi-modal transportation system.