

Sec. 44-318. Zoning authorization permit.

(a) *Applicability.*

(1) A zoning authorization permit is required for all residential and nonresidential development regulated under this Chapter, including developments approved by legislative or quasi-judicial board action.

(2) No new development activity, change of use or extension of existing uses shall occur until all permits applicable to the proposed development are issued.

(3) A zoning authorization permit is required prior to beginning the excavation for the construction or the moving, or alteration, except ordinary repairs. Repairs or alterations within a flood plain are subject to a zoning authorization permit.

(b) *Criteria.*

(1) All zoning authorization permit applications must be made in writing to the planning director on forms provided for that purpose. The planning director will keep a record of all applications on file.

(2) Every application for a single-family residential zoning authorization permit for construction, moving, alteration, or change in type of use must include a plot plan drawn to scale, showing the following in sufficient detail to enable the planning director to ascertain whether the proposed work or use is in conformance with this Chapter:

- a. The actual shape, location, and dimensions of the lot, or if the lot is not a lot of record, sufficient data must be provided to detail that the lot is a legally approved lot; and
- b. The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of any other buildings or other structures already on the lot; and
- c. The existing and intended use of the lot and all structures upon it; and
- d. Other information concerning the lot, adjoining lots, or other matters to determine compliance with this Chapter. The zoning authorization permit must include necessary information for the planning director to make a determination that the plans are in conformance with this Chapter.

- (3) When 2 or more lots are proposed for one zoning authorization permit, a recorded deed must be submitted combining the lots into one zoning lot.
- (4) A parcel of land created by deed recorded after July 31, 1982 shall not be occupied until such lot shall have a subdivision plat approved by the County in accordance with the subdivision regulations that were in place at the date of the creation of the deeded lot.
- (5) A legal lot created and recorded on or before March 18, 1996 must have an access easement which has been recorded in the office of the register of deeds. The easement must be a minimum of 15 feet in width and connect to a state-maintained road.
- (6) A legal lot created and recorded after March 18, 1996 must have a minimum 45-foot right-of-way connecting to a state-maintained road. An exception to this requirement is lots created for an estate settlement or lots exempt from subdivision regulations in accordance with Sec. 44-341(a), which must have a minimum 15-foot access easement as required in Subsection (5) above.
- (7) A zoning authorization permit will not be issued for a principal or accessory residential structure within a recorded platted easement, such as a common area or lake access lot. An exception is allowed for a boat dock, boathouse or community recreation facility in association with the intended purpose of the recorded easement.
- (8) A zoning authorization permit must be issued before the issuance of environmental health and building permits.

(c) *Issuance.*

- (1) The planning director shall consult with applicable agencies, including but not limited to, the County engineer, the County division of environmental health, NCDOT, and NCDENR.
- (2) The planning director shall not issue a zoning authorization permit unless a determination is made that all plans, specifications, and the intended use of the structures and land subject to the application conform in all respects to this Chapter.

(d) *Administrative decisions.*

- (1) Administrative decisions are routine, non-discretionary, zoning, or implementation matters carried out by the staff, including issuance of permits for permitted uses. The planning department is an administrative agent following the literal provisions of this Chapter.
- (2) The planning department may engage in some fact finding, (for example, as in making an initial determination as to whether a nonconforming use was in existence at the time a zoning provision was adopted). This involves determining objective facts that do not involve an element of discretion.
- (3) In contrast to quasi-judicial hearings, administrative decisions are made without a hearing at all, with the staff member reviewing an application to determine if it is complete and compliant with objective standards set forth in this Chapter.

(e) *Expiration.*

Zoning authorization permits expire 6 months from the date of issuance unless a valid building permit has been issued for the work authorized by the zoning authorization permit. When a building permit expires, the zoning authorization permit shall also automatically expire.

Sec. 44-319. Zoning compliance certificate.

No building, structure, or zoning lot for which a zoning authorization permit has been issued, with exception of a single-family dwelling, can be used or occupied until the planning director has issued a zoning compliance certificate. The planning director shall conduct a final inspection before issuing the zoning compliance certificate to determine that all required improvements have been installed in conformance with the detailed site plan and zoning authorization permit or a performance guarantee has been approved as detailed in Sec. 44-361. The certificate shall indicate that the building, structure or lot complies with the zoning authorization permit and any applicable sections of this Chapter. The issuance of a zoning compliance certificate does not waive any sections of this Chapter.

Sec. 44-320 - 325. Reserved.