

## ARTICLE IV

### PERMITS AND PROCEDURES

#### 4-1 PERMIT REQUIRED

- (A) No person shall undertake any development activity subject to this Ordinance except in accordance with and pursuant to one of the following permits:
  - (1) A zoning permit issued by the Zoning Inspector; or
  - (2) A special use permit issued by the Board of Commissioners.
- (B) No building or other structure shall be erected, moved, extended, enlarged, or structurally altered until a zoning permit or special use permit for such work has been issued.
- (C) No land shall be used or occupied, and the use of any land shall not be changed, until a zoning permit or special use permit for such work has been issued.
- (D) No building, including a manufactured home, shall be moved from an area outside the Town's zoning jurisdiction to any lot within the Town's jurisdiction or from one lot to another lot, or on the same lot within the Town's zoning jurisdiction unless such building shall subsequently be made to conform to the then existing building, plumbing, electrical, manufactured home, and zoning codes of the Town. If a building, excluding a manufactured home, is moved from outside the Town's zoning jurisdiction, the zoning permit fee shall include a mileage fee for each mile of distance from the Town Hall to the house to be moved. Any building or manufactured home so moved shall be made to conform to the required codes of the Town within twelve months from the earlier of either (i) the date of the receipt of a zoning permit issued by the Zoning Inspector, or (ii) the date the building or manufactured home is moved into the Town limits.
- (E) Zoning permits and special use permits are issued under this Ordinance only when a review of the application submitted, including the site plans contained therein, indicates that the development will comply with the provisions of this Ordinance if completed as proposed. Such plans and applications as are finally approved are incorporated into any permit issued, and except as otherwise provided herein, all development shall occur strictly in accordance with such approved plans and applications.

#### 4-2 PERMIT EXEMPTIONS

##### 4-2.1 Zoning Permit Exemptions

The following are exempt from zoning permit requirements:

- (A) Farm buildings (other than residences and buildings used in animal feeder/breeder operations) used for bona fide farm purposes;

- (B) Facilities (other than buildings) of a public utility or an electric or telephone membership corporation; and
- (C) Signs specifically exempted by Section 13-4.

#### **4-3 PERMIT APPLICATIONS AND PLANS**

##### **4-3.1 General Requirements**

- (A) Submission: Unless otherwise specified, all applications for permits under this Ordinance shall be submitted by the owner of the property or the authorized agent of such owner to the Town Clerk.
- (B) Form of Submission: An application for any permit under this Ordinance shall be submitted in such form and format as required by Appendix 1, together with such fees as required.
- (C) Waiver of Submission Requirements: The Zoning Inspector may waive submission of required elements of information when, in his opinion, such information is otherwise available or is not necessary to review the application. The Zoning Inspector may refuse to process an incomplete application.
- (D) Processing: All applications for permits shall be submitted, reviewed and processed in accordance with the requirements of this Ordinance.
- (E) Approved Plans: A copy of required plans or information submitted with the application shall be returned to the applicant after the Zoning Inspector has marked the copy either approved or disapproved and attested to same. A similarly marked copy shall be retained by the Town Clerk.
- (F) Health Department Improvements Permit Required: A permit for any building or use for which a State or County Health Department permit for installation of a well or a sewage disposal system is required or for which approval by the State or County Health Department of an existing well or sewage disposal system is required, shall not be issued until such permit or approval has been issued by the State or County Health Department.
- (G) Pursuant to NCGS 160A-381, when issuing or denying a special use permit, the Board of Commissioners shall follow the procedural requirements set forth for the Board of Adjustment except that no vote greater than a majority vote shall be required for the Board of Commissioners to issue a special use permit.

##### **4-3.2 Site Plan and Plot Plan Procedures**

- (A) Applicability.
  - (1) Plot Plan Required: No zoning permit for a single-family or two-family dwelling on a single lot shall be issued until a plot plan, prepared in accordance with Appendix 1, has been approved.

- (2) Site Plan Required: No other zoning or special use permit shall be issued on a lot until a site plan, prepared in accordance with Appendix 1, has been approved for the development. No new nor amended site plan shall be required if an adequate site plan is already on file.
- (B) Plot plans and/or site plans must be submitted with all permits (*Amendment 7/10/01*).
- (C) Coordination With Other Procedures. To lessen the time required to obtain all necessary approvals, the site plan approval process may run concurrently with building plan review or other applications for approvals required for the particular project.
- (D) Site Plan and Plot Plan Approval.
  - (1) Approval of Site/Plot Plan: The site plan or plot plan shall be approved when it meets all requirements of this Ordinance or proper waivers and/or variances are obtained.
  - (2) Approval Authority:
    - (a) Site plans or plot plans submitted with zoning permit applications shall be approved by the Zoning Inspector.
    - (b) Site plans submitted with special use permit applications shall be approved by the Board of Commissioners.
  - (3) Conditional Approvals: If the site plan is granted conditional approval, the applicant shall revise and resubmit the site plan. The Zoning Inspector shall review the revised site plan and, if it meets all the approval conditions and is otherwise substantially unaltered, shall signify on the plan the change from conditional approval to approval. If the site plan is not revised within sixty days to meet the approval conditions, or the applicant notifies the Town Clerk that he is unwilling to revise the site plan, it shall be deemed denied.

#### **4-4 PERMIT ISSUANCE**

The issuance of a zoning or special use permit authorizes the recipient to commence the activity resulting in a change in use of the land or, (subject to obtaining a building permit), to commence work designed to construct, erect, move, or substantially alter buildings or other substantial structures. However, except as provided in Sections 4-8 and 4-9, the intended use may not be commenced and no building may be occupied until all of the requirements of this Ordinance and all additional requirements imposed pursuant to the issuance of a special use permit have been complied with.

##### **4-4.1 Display of Zoning and Building Permits**

Zoning permits and building permits shall be displayed during all construction and may not be removed until the White Lake Zoning Officer and the Bladen County Building Inspector have issued a Certificate of Compliance (*amended 4-11-06*).

## **4-5 INSPECTIONS AND INVESTIGATIONS**

### **4-5.1 Periodic Inspections**

The Zoning Inspector shall have the right, upon presentation of proper credentials, or inspection warrant, if necessary, to enter on any premises within the planning jurisdiction of White Lake at any reasonable hour for the purposes of inspection, determination of plan compliance or other enforcement action.

### **4-5.2 Investigations**

The Zoning Inspector shall have the power to conduct such investigation as he may reasonably deem necessary to carry out his duties as prescribed in this Ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting the sites of any complaints or alleged violations of this Ordinance.

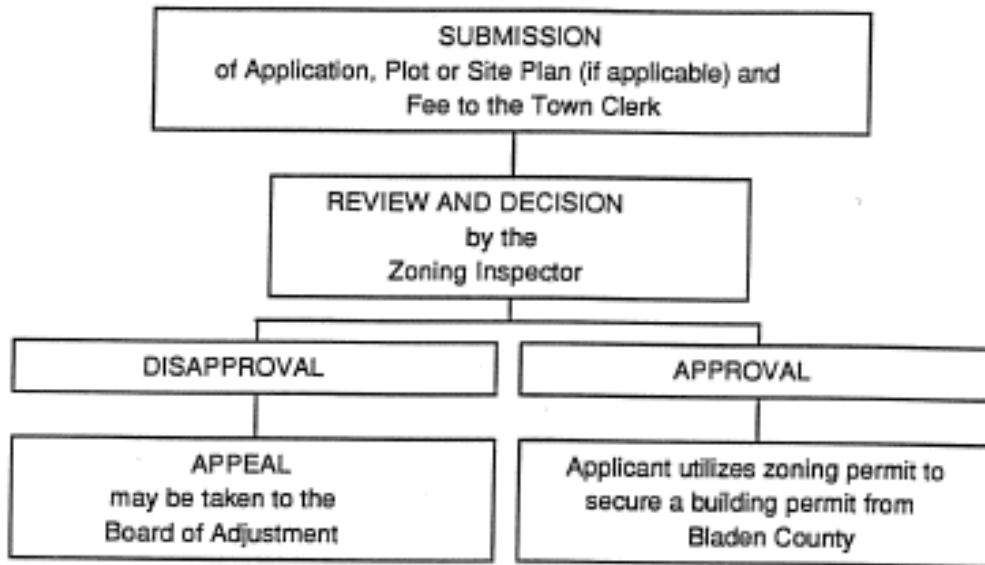
### **4-5.3 Written Statements**

The Board of Commissioners or its agent shall also have the power to require written statements, certificates and certifications or the filing of reports under oath, with respect to pertinent questions relating to complaints or alleged violations of this Ordinance.

## **4-6 ZONING PERMITS**

- (A) Requests for a zoning permit shall be submitted to the Zoning Inspector by filing an application, on a form approved by the Town Board of Commissioners, with the Town Clerk. The applicant shall provide a copy of the approved zoning permit from the Town of White Lake to the Bladen County Building Inspector prior to obtaining a building permit from the county.
- (B) The Zoning Inspector shall issue the zoning permit unless he finds, after reviewing the application and consulting with the applicant, that:
  - (1) The requested permit is not within his authority according to the Table of Permitted Uses; or
  - (2) The application is incomplete; or
  - (3) If completed as proposed in the application, the development will not comply with one or more requirements of this Ordinance.

**Figure 2**  
**Process for Reviewing Requests for Zoning Permits**  
**Town of White Lake**



## **4-7 SPECIAL USE PERMITS**

### **4-7.1 Special Use Permit Review Process**

An application for a special use permit shall be submitted to the Board of Commissioners by filing a copy of the application, on a form approved by the Town Board of Commissioners, with the Town Clerk at least *fifteen working* days prior to the date of the Planning Board meeting at which the application will be reviewed. The applicant shall provide a copy of the approved special use permit from the Town of White Lake to the Bladen County Building Inspector prior to obtaining a building permit from the County. The review process for a special use permit shall include (*Amendment 7/10/01*):

- (A) Planning Board review and recommendation in accordance with Section 4-7.2;
- (B) Public hearing held by the Board of Commissioners; and
- (C) Board of Commissioners review and action.

### **4-7.2 Recommendations on Special Use Permits**

- (A) Before being presented to the Board of Commissioners, an application for a special use permit shall be referred to the Planning Board for a recommendation in accordance with this Section. The Board of Commissioners may not hold a public hearing on a special use permit application until the Planning Board has had an opportunity to consider the application pursuant to standard agenda procedures. The Board of Commissioners shall, however, upon the failure of the Planning Board to act on an application as outlined in subsection (B), proceed with holding a public hearing.
- (B) The Planning Board shall consider the application within 60 days from the date of the initial meeting at which the application was considered by the Planning Board. If the Planning Board fails to act on the application within the 60-day period, the Town Clerk shall forward the application to the Board of Commissioners. The Planning Board, at its discretion, may hear from the applicant or members of the public.
- (C) After reviewing the application, the Planning Board shall submit its findings, conditions, and recommendations to the Board of Commissioners.
- (D) In response to the Planning Board's recommendations, the applicant may modify his application prior to submission to the Board of Commissioners.

### **4-7.3 Public Hearing Requirements and Procedures**

- (A) No special use permit shall be approved until a public hearing has been held by the Board of Commissioners.
- (B) The Town Clerk shall publish a notice of the public hearing in a newspaper having general circulation in the area. The notice shall be published not less than ten days before the date affixed for the hearing. In computing this period, the date of publication shall not be counted but the date of the hearing shall be.

The notice required by this Section shall:

- (1) State the date, time, and place of the public hearing;
  - (2) Summarize the nature and character of the permit request;
  - (3) Reasonably identify the property affected by the permit request;
  - (4) State that the full permit request application can be reviewed at the office of the Town Clerk; and
  - (5) State that substantial changes in the permit request may be made following the public hearing.
- (C) The Town Clerk shall mail written notice of the public hearing to the owners of all properties involved in the permit request as well as the owners of all properties any portion of which is within 100 feet of the property involved in the permit request.
- (D) The Town Clerk may also post notices of the public hearing in the vicinity of the property involved in the permit request and take any other action deemed by the Town Clerk to be useful or appropriate to give notice of the public hearing on any permit request.
- (E) The Town Clerk shall make every reasonable effort to comply with the notice provisions set forth in this Section. However, it is the Board of Commissioner's intention that no failure to comply with any of the notice provisions (except those set forth in subsection (B)) shall render any permit request invalid.
- (F) At the conclusion of the public hearing, the Board of Commissioners may proceed to vote on the permit request, refer it to a committee for further study, or take any other action consistent with its usual rules of procedure. Section 4-7.5 delineates specific actions that the Board of Commissioners must take on requests for special use permits.
- (G) The Board of Commissioners is not required to take final action on a permit request within any specific period of time, but it should proceed as expeditiously as practicable on permit requests since inordinate delays can result in the applicant incurring unnecessary costs.
- (H) Subject to subsection (I), Board of Commissioners shall issue the requested permit unless it concludes, based upon the information submitted at the hearing, that:
- (1) The requested permit is not within its jurisdiction according to the Table of Permitted Uses; or
  - (2) The application is incomplete; or
  - (3) If completed as proposed in the application, the development will not comply with one or more requirements of this Ordinance.

- (I) Even if the Board of Commissioners finds that the application complies with all other provisions of this Ordinance, it may still deny the permit if it concludes, based upon the information submitted at the hearing, that if completed as proposed, the development, more probably than not:
  - (1) Will materially endanger the public health or safety; or
  - (2) Will substantially injure the value of adjoining or abutting property; or
  - (3) Will not be in harmony with the area in which it is to be located; or
  - (4) Will not be in general conformity with the land development plan or other plans officially adopted by the Board of Commissioners.
- (J) The burden of persuasion on the issue of whether the development, if completed as proposed, will comply with the requirements of this Ordinance remains at all times on the applicant. The burden of persuasion on the issue of whether the application should be turned down for any of the reasons set forth in Subsection (I) rests on the party or parties urging that the requested permit should be denied.

#### **4-7.4 Board of Commissioners Action on Special Use Permits**

- (A) Upon receipt of a favorable recommendation from the Planning Board, the Board of Commissioners shall review the application for a special use permit and the Planning Board's recommendation and shall establish a date for a public hearing to be held on the application before the Board of Commissioners. Public notice of the public hearing shall be in accordance with the provisions of Section 4-7.3.
- (B) Following the public hearing, the Board of Commissioners may proceed to vote on the permit request, refer it to committee for further study, or take any other action consistent with its usual rules of procedure.
- (C) In considering whether to approve an application for a special use permit, the Board of Commissioners shall proceed according to the following format:
  - (1) The Board of Commissioners shall consider whether the application is complete. If no member moves that the application be found incomplete (specifying either the particular type of information lacking or the particular requirement with respect to which the application is incomplete) then this shall be taken as an affirmative finding by the Board of Commissioners that the application is complete.
  - (2) The Board of Commissioners shall consider whether the application complies with all of the applicable requirements of this Ordinance. If a motion to this effect passes, the Board of Commissioners need not make further findings concerning such requirements. If such a motion fails or is not made then a motion shall be made that the application be found not in compliance with one or more of the requirements of this Ordinance. Such a motion shall specify the particular requirements the application fails to meet. Separate votes may be taken with respect to each requirement not met by the application.

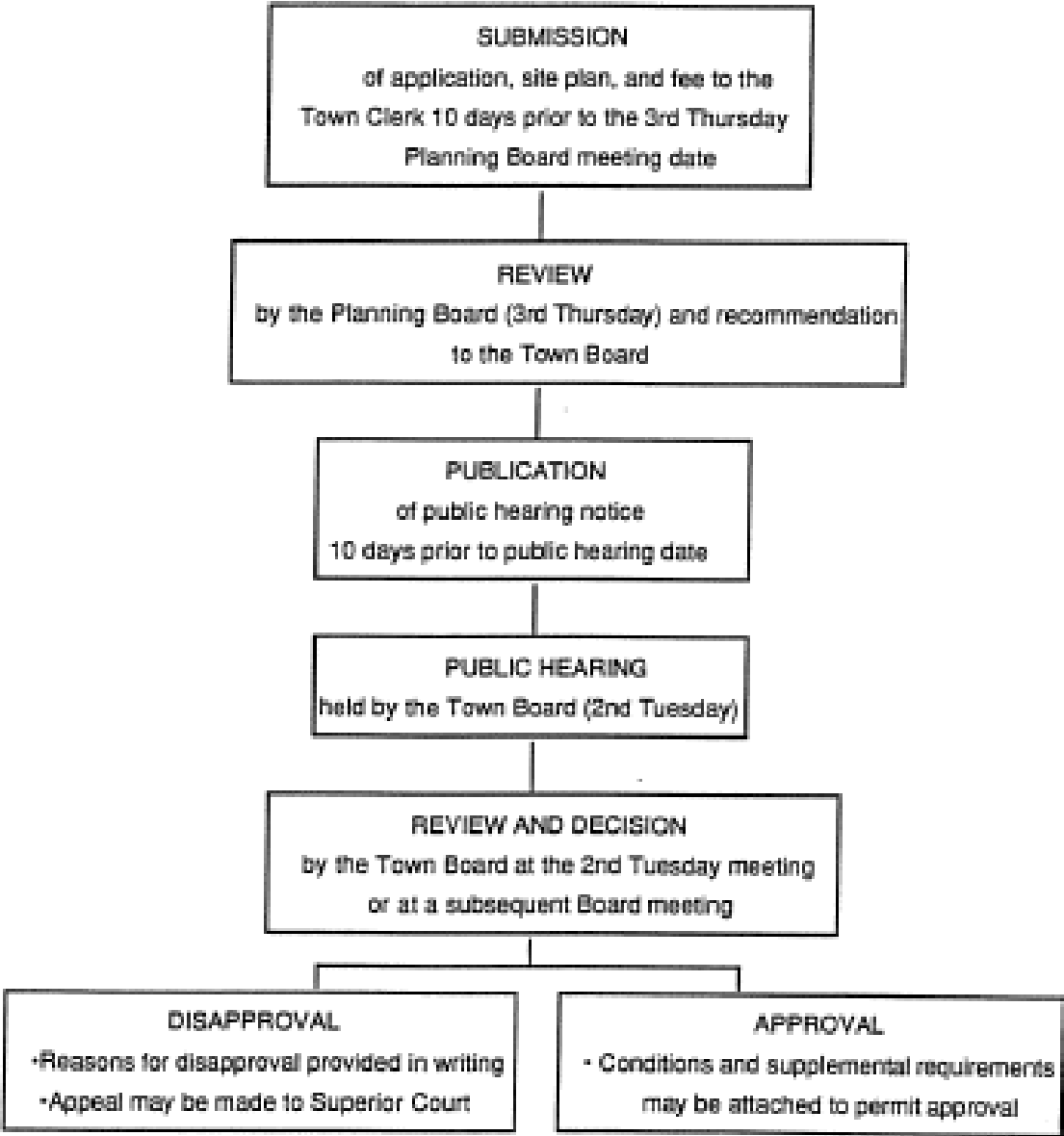


- (3) If the Board of Commissioners concludes that the application fails to comply with one or more requirements of this Ordinance, the application shall be denied. If the Board of Commissioners concludes that all such requirements are met, it shall issue the permit unless it adopts a motion to deny the application. Such a motion shall propose specific findings, based upon the evidence submitted, justifying such a conclusion.

#### **4-7.5 Additional Requirements on Special Use Permits**

- (A) Uses requiring a special use permit are subject to the applicable development standards delineated in Article XI. Subject to subsection (B), in granting a special use permit, the Board of Commissioners, may also attach to the permit such reasonable requirements in addition to those specified in this Ordinance as will ensure that the development in its proposed location:
  - (1) Will not endanger the public health or safety;
  - (2) Will not injure the value of adjoining or abutting property;
  - (3) Will be in harmony with the area in which it is located; and
  - (4) Will be in conformity with the land development plan, thoroughfare plan, or other plan officially adopted by the Board of Commissioners.
- (B) The Board of Commissioners may not attach additional conditions that modify or alter the specific requirements set forth in this Ordinance unless the development in question presents extraordinary circumstances that justify the variation from the specified requirements.
- (C) Without limiting the foregoing, the Board of Commissioners may attach to a permit a condition limiting the permit to a specified duration.
- (D) All additional conditions or requirements shall be entered on the permit.
- (E) All additional conditions or requirements authorized by this Section are enforceable in the same manner and to the same extent as any other applicable requirement of this Ordinance.

**Figure 3**  
**Process for Reviewing Requests for Special Use Permits**  
**Town of White Lake**



- (F) A vote may be taken on application conditions or requirements before consideration of whether the permit should be denied for any of the reasons set forth in Subsections 4-7.3(H) or 4-7.3(I).
- (G) If changes to the site or plot plan are considered after the site or plot plan has been submitted as part of the permitting process, the revised site or plot plan shall be resubmitted to the Planning Board, reviewed, and approved by the Planning Board. Failure to comply with this process will result in cancellation of the issued permit (*Amendment 7/10/01*).

#### **4-8 AUTHORIZING USE OR OCCUPANCY BEFORE COMPLETION OF DEVELOPMENT UNDER ZONING AND SPECIAL USE PERMITS**

In cases when, because of weather conditions or other factors beyond the control of the zoning or special use permit recipient (exclusive of financial hardship) it would be unreasonable to require the permit recipient to comply with all of the requirements of this Ordinance before commencing the intended use of the property or occupying any buildings, the Board of Commissioners may authorize the commencement of the intended use or the occupancy of buildings (insofar as the requirements of this Ordinance are concerned) if the permit recipient provides an adequately secured performance bond or other security satisfactory to the Board of Commissioners to ensure that all of these requirements will be fulfilled within a reasonable period (not to exceed twelve months). The proposed performance bond and security shall be reviewed and approved by the Town attorney and a recommendation made to the Board of Commissioners.

#### **4-9 COMPLETING DEVELOPMENTS IN PHASES**

- (A) If a development is constructed in phases or stages in accordance with this Section, then, subject to subsection (C), the provisions of Section 4-4 and Section 4-8 shall apply to each phase as if it were the entire development.
- (B) As a prerequisite to taking advantage of the provisions of subsection (A), the developer shall submit plans that clearly show the various phases or stages of the proposed development and the requirements of this Ordinance that will be satisfied with respect to each phase or stage.

#### **4-10 EXPIRATION OF PERMITS**

- (A) Except as provided in subsection (F), zoning and special use permits (including approved site or plot plans) shall expire automatically if, within six months after the issuance of such permits:
  - (1) The use authorized by such permits has not commenced, in circumstances where no substantial construction, erection, alteration, excavation, demolition, or similar work is necessary before commencement of such use; or
  - (2) Less than ten percent of the total cost of all construction, erection, alteration, excavation, demolition, or similar work on any development authorized by such permits has been completed on the site. With respect to phased

development (see Section 4-9), this requirement shall apply only to the first phase.

- (B) If, after some physical alteration to land or structures begins to take place, such work is discontinued for a period of one year, then the zoning or special use permit authorizing such work shall immediately expire. However, expiration of the permit shall not affect the provisions of Section 4-11.
- (C) The Board of Commissioners may extend for a period up to six months the date when a zoning or special use permit would otherwise expire pursuant to subsections (A) or (B) if it concludes that (i) the permit has not yet expired, (ii) the permit recipient has proceeded with due diligence and in good faith, and (iii) conditions have not changed so substantially as to warrant a new application. Successive extensions may be granted for periods up to six months upon the same findings. All such extensions may be granted without resort to the formal processes and fees required for a new permit.
- (D) For purposes of this Section, the permit within the jurisdiction of the Board of Commissioners is issued when such board votes to approve the application and issue the permit. A zoning permit within the jurisdiction of the Zoning Inspector is issued when the earlier of the following takes place:
  - (1) A copy of the fully executed permit is delivered to the permit recipient, and delivery is accomplished when the permit is delivered to the permit applicant; or
  - (2) The Zoning Inspector notifies the permit applicant that the application has been approved and that all that remains before a fully executed permit can be delivered is for the applicant to take certain specified actions, such as having the permit executed by the property owner so it can be recorded, if required under Section 4-11(B).
- (E) Notwithstanding any of the provisions of Article VI (Nonconforming Situations), this Section shall be applicable to permits issued prior to the date this Section becomes effective.
- (F) Special use permits with a vested right established in accordance with Section 4-15, Zoning Vested Rights, shall expire at the end of the two-year vesting period established pursuant to Section 4-15.

#### **4-11 EFFECT OF PERMIT ON SUCCESSORS AND ASSIGNS**

- (A) Zoning or special use permits authorize the permittee to make use of land and structures in a particular way. Such permits are transferable. However, so long as the land or structures or any portion thereof covered under a permit continues to be used for the purposes for which the permit was granted, then:
  - (1) No person (including successors or assigns of the person who obtained the permit) may make use of the land or structures covered under such permit for the purposes authorized in the permit except in accordance with all the terms and requirements of that permit; and

- (2) The terms and requirements of the permit apply to and restrict the use of land or structures covered under the permit, not only with respect to all persons having any interest in the property at the time the permit was obtained, but also with respect to persons who subsequently obtain any interest in all or part of the covered property and wish to use it for or in connection with purposes other than those for which the permit was originally issued.
- (B) Whenever the recording of a special use permit is required by the Board of Commissioners as a condition of approval, nothing authorized by the permit may be done until the record owner of the property provides documentation that indicates that the permit has been recorded in the Bladen County Registry and indexed under the record owner's name as grantor.

#### **4-12 AMENDMENTS TO AND MODIFICATIONS OF PERMITS**

- (A) Insignificant deviations from the permit (including approved site plans) issued by the Board of Commissioners or the Zoning Inspector are permissible and the Zoning Inspector may authorize such insignificant deviations. A deviation is insignificant if it has no discernible impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.
- (B) Minor design modifications or changes in zoning and special use permits (including approved site plans) are permissible with the approval of the Zoning Inspector or the Board of Commissioners, respectfully. Such permission may be obtained without a formal application, public hearing, or payment of any additional fee. For purposes of this Section, minor design modifications or changes are those that have no substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.
- (C) All other requests for changes in approved plans and preliminary plats will be processed as a modification to the original application. If such requests are to be acted upon by the Board of Commissioners, new conditions may be imposed only on the specific site or area requested to be modified in accordance with Section 4-7.5, but the applicant retains the right to reject such additional conditions by withdrawing his request for an amendment and may then proceed in accordance with the previously issued permit.
- (D) The Town Clerk shall determine whether amendments to and modifications of permits fall within the categories set forth above in subsections (A), (B), and (C).
- (E) An applicant requesting approval of changes shall submit a written request for such approval to the Town Clerk, which request shall identify the changes. Approval of all changes must be given in writing.
- (F) A vested right established in accordance with Section 4-15 shall not be extended by any amendments or modifications to an approved site specific development plan unless expressly provided for by the Board of Commissioners.

#### 4-13 RECONSIDERATION OF BOARD ACTION ON SPECIAL USE PERMITS

- (A) Whenever the Board of Commissioners disapproves a special use permit application on any basis other than the failure of the applicant to submit a complete application, such action may not be reconsidered by the Board of Commissioners at a later time unless the applicant clearly demonstrates that:
  - (1) Circumstances affecting the property that is the subject of the application have substantially changed; or
  - (2) New information is available that could not with reasonable diligence have been presented at a previous hearing. A request to be heard on this basis must be filed with the Town Clerk within the time period for an appeal to superior court (see Section 5-7). However, such a request does not extend the 30-day period within which an appeal must be taken.
- (B) The Board of Commissioners may, however, at any time consider a new application affecting the same property as an application previously denied. A new application is one that differs in some substantial way from the one previously considered.

#### 4-14 MAINTENANCE OF COMMON AREAS, IMPROVEMENTS, AND FACILITIES

The recipient of any zoning or special use permit, or his successor, shall be responsible for maintaining all common areas, improvements or facilities required by this Ordinance or any permit issued in accordance with its provisions, except those areas, improvements or facilities with respect to which an offer of dedication to the public has been accepted by the appropriate public authority. As illustrations, and without limiting the generality of the foregoing, this means that private roads and parking areas, water and sewer lines, and recreational facilities must be properly maintained so that they can be used in the manner intended, and that required vegetation and trees used for screening or landscaping must be replaced if they die or are destroyed.

#### 4-15 ZONING VESTED RIGHTS

- (A) A vested right shall be established upon the approval or conditional approval of a site specific development plan by the Board of Commissioners in accordance with the provisions outlined in this Section. A right which has been vested as provided for in this Section shall, as a general rule, remain valid for two years and shall attach to and run with the land.
- (B) Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this subsection shall have the meaning indicated when used in this Section.
  - (1) **Landowner.** Any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and personal representative of such owner. The landowner may allow a person holding a valid option to purchase to act as his agent or representative for purposes of submitting a proposed site specific development plan.

- (2) **Property.** All real property subject to the regulations and restrictions of this Ordinance as well as the zoning district boundaries established by this Ordinance and depicted on the official zoning map.
  - (3) **Site specific development plan.** A plan which has been submitted to the Town of White Lake by a landowner describing in detail the type and intensity of use for a specific parcel or parcels of property. Such plan shall be in the form of a site plan required to obtain a special use permit. The information required by Section 4-3 and Appendix 1, as applicable, shall be included. All site specific development plans shall be approved by the Board of Commissioners.
  - (4) **Vested right.** The right to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan.
- (C) A vested right shall be deemed established upon the effective date of approval by the Board of Commissioners of a site specific development plan. Following the approval of a site specific development plan, the Town Clerk shall issue a vested right certificate to the landowner which indicates the duration of the vesting period, the conditions, if any, imposed on the approval of the site specific development plan, and any other information determined by the Town Clerk to be necessary to administer the vested right.
  - (D) A vested right shall confer upon the landowner the right to undertake and complete the development and use of the property as delineated in the approved site specific development plan. The Board of Commissioners may approve a site specific development plan upon such terms and conditions as may be determined necessary to protect the public health, safety, and welfare. Failure to comply with the approved terms and conditions shall result in a forfeiture of vested rights.
  - (E) Approval by the Board of Commissioners of a site specific development plan shall follow the procedural requirements for the issuance of a special use permit as outlined in Section 4-7. Changes in or modifications to an approved site specific development plan shall be made only with the concurrence of the Board of Commissioners in accordance with the provisions of Section 4-12.
  - (F) A vested right obtained under this Section runs with the land and is valid for two years from the effective date of approval by the Board of Commissioners of a site specific development plan. A vested right shall not be extended by any amendments or modifications to an approved site specific development plan unless expressly provided for by the Board of Commissioners. A vested right shall expire at the end of two years if no building permit applications have been filed to construct the use or uses proposed in the approved site specific development plan. If building permits are issued, the provisions of NCGS 160A-418 and NCGS 160A-422 shall apply, except that a building permit shall not expire or be revoked because of the lack of progress during the two-year vesting period.
  - (G) A vested right, once established or provided for in this Section, precludes any zoning action by the Town which would change, alter, impair, prevent, diminish, or

otherwise delay the development or use of the property as set forth in the approved site specific development plan, except:

- (1) With the written consent of the affected landowner,
  - (2) Upon findings, by ordinance after notice and a public hearing, that natural or man-made hazards in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the site specific development plan;
  - (3) To the extent that the affected landowner receives compensation for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consultant's fees incurred after approval by the Town, together with interest thereon at the legal rate until paid. Compensation shall not include any diminution in the value of the property which is caused by such action;
  - (4) Upon findings, by ordinance after notice and a public hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the Town of the site specific development plan; or
  - (5) Upon the enactment or promulgation of a state or federal law or regulation which precludes development as contemplated in the site specific development plan, in which case the Town may modify the affected provisions, upon a finding that the change in state or federal law has a fundamental effect on the plan, by ordinance after notice and a public hearing.
- (H) The establishment of a vested right shall not preclude the application of overlay zoning which imposes additional requirements but does not affect the allowable type or intensity of use, or ordinances or regulations which are general in nature and are applicable to all property subject to land use regulation by the Town, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes.
- (I) Notwithstanding any provisions of this Section, the establishment of a vested right shall not preclude, change, or impair the authority of the Town to enforce provisions of this Ordinance governing nonconforming situations or uses.
- (J) A vested right obtained under this Section is not a personal right, but shall attach to and run with the applicable property. After approval of a site specific development plan, all successors to the original landowner shall be entitled to exercise such vested rights.
- (K) The Town shall not require a landowner to waive his vested rights as a condition of developmental approval.
- (L) A petition for annexation filed with the Town of White Lake under NCGS 160A-31 or NCGS 160A-58.1 shall contain a signed statement declaring whether or not any



zoning vested right with respect to the properties subject to the petition has been established under NCGS 160A-385.1 or NCGS 153A-344.1. A statement that declares that no zoning vested right has been established under NCGS 160A-385.1 or NCGS 153-344.1, or the failure to sign a statement declaring whether or not a zoning vested right has been established, shall be binding on the landowner and any such zoning vested right shall be terminated.

#### **4-16 CERTIFICATE OF ZONING COMPLIANCE**

- (A) No building shall be occupied, no land shall be used, and the use of any land shall not be changed until a certificate of zoning compliance has been issued by the Zoning Inspector.
- (B) The certificate shall state that the building and/or proposed use of land complies with the provisions of this Ordinance.
- (C) The certificate of zoning compliance shall be presented by the applicant to the Bladen County Building Inspector prior to the county's issuance of a Certificate of Occupancy.

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