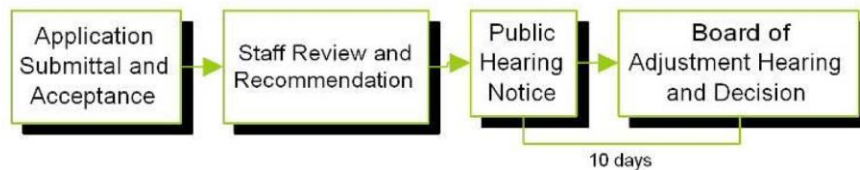

19-34 Regular Subdivision—Preliminary Plan.

19-34-6 Effect of Preliminary Plan Approval; Lapse of Approval.

- (A) Approval of a preliminary plan does not authorize any development, but rather authorizes the applicant to apply for approval of construction plans and record plats for the subdivision or for an approved phase of the subdivision.
- (B) A valid, approved preliminary plan confers upon an applicant the right to have the construction plan and record plat for the subject subdivision reviewed in accordance with the standards in effect at the time of approval and insulates development of the subdivision from any subsequent changes to this ordinance or other county regulations incorporated by provisions of this ordinance.
- (C) Within ~~two~~three years of the date of preliminary plan approval, applications for construction plan and record plat approval must be submitted and recorded for the entire subdivision or the first phase of a phased subdivision. Construction plans and record plats must be submitted and approved for all remaining phases of a phased subdivision within seven years of the date of preliminary plan approval.
- (D) On request by the applicant or owner of the parcel proposed to be subdivided, the Planning Director may grant an extension up to twelve months extend the date on which of the preliminary plan approval ~~would otherwise expire by up to 12 months~~ if the Planning Director determines that:
 - (1) The preliminary plan approval has not yet expired;
 - (2) The applicant or owner of the parcel proposed to be subdivided has proceeded with due diligence and good faith to prepare a construction plan and record plat for the subdivision, or approved phases thereof; and
 - (3) Conditions or applicable regulations have not changed so substantially as to warrant reconsideration of the proposed subdivision with respect to the public health, safety, and general welfare.

(4) No previous extension of approval has been granted on the preliminary plan approval.
- (E) Preliminary plan approval will lapse and become void if complete applications for both construction plan approval and the recordation of the record plat approval for the subdivision have not been submitted to the Planning Director within the time period required by this subsection (19-34-6). If applications for construction plan approval and record plat approval are submitted for only part of the approved subdivision within the required time period, preliminary plan approval for remaining parts of the subdivision will automatically lapse and become void and applications for construction plan approval or record plat approval for development of the remaining parts of the subdivision site may be submitted only pursuant to a new preliminary plan approval granted in accordance with this section.

19-23 Special Use.



19-23-14 Validity of Permit.

- (A) **Special Use Permit Binding on Land.** A Special Use Permit runs with the land covered by the Special Use Permit and is binding on the original applicant as well as any subsequent successor, heir, or assign of the property to which it applies. Once the Special Use Permit is recorded with the Register of Deeds, no use or development other than that authorized by the Special Use Permit must be approved on that land unless the Special Use Permit is first voided or revoked in accordance with this subsection.

(B) **Time Limits and Extensions.**

(1) **Starting Time Limits.**

- (a) Approval of a Special Use permit will automatically expire within three years after the date of the Special Use Approval, and as well as any county-associated permits or approvals granted pursuant to that Special Use approval, will automatically become void, if the applicable land use and/or building permits has not been obtained and completed for the entire development or the first phase of a phased development. All remaining phases of a phased development must be completed within seven years of the approved Special Use permit approval.
- ~~(a) Approval of a Special Use Permit application, as well as any county permit or approval granted pursuant to that approval, will automatically become void if:~~
- ~~i. The approval authorizes development that requires a building permit, and the building permit is not been issued within two years after the application's approval date; or~~
- ~~ii. The approval authorizes a use or development that does not require a building permit, and such use or development is not substantially started within two years after the application's approval date.~~
- ~~(b) If the Special Use Permit has already been recorded when the approval expires, the Planning Director must record an instrument noting the voiding of the Special Use Permit in the office of Wake County Register of Deeds.~~

(2) **Extension of Starting and Completion Time Limits.**

- (a) On request by the holder of a Special Use Permit, the Planning Director may extend the date on which the Special Use Permit would otherwise expire under Sec. 19-23-14(B)(1)(a) by up to ~~six~~ twelve months on determining that:
- i. The Special Use Permit has not yet expired;
- ii. The holder of the Special Use Permit has proceeded with due diligence and good faith to start or continue the authorized use or development; and

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- iii. Conditions or applicable regulations have not changed so substantially as to warrant reconsideration of the proposed use or development with respect to the public health, safety, and general welfare.

~~iii. No previous extension of approval has been granted for the Special Use Permit.~~

~~(b) If a Special Use Permit application is approved subject to a condition specifying a time limit for completion of authorized development, the Planning Director may grant a single extension to that time limit for a period of up to 12 months, provided that:~~

~~i. The holder of the Special Use Permit requests such extension within 60 days of the completion date;~~

~~ii. The holder of the Special Use Permit has proceeded with due diligence and good faith to complete the authorized development by the completion date; and~~

~~iii. Conditions or applicable regulations have not changed so substantially as to warrant reconsideration of the proposed use or development with respect to the public health, safety, and general welfare.~~

(C) Abandonment of Permit.

- (1) On request of the holder of a Special Use Permit, the Planning Director must approve the abandonment of the Special Use Permit on determining that the starting time limit established in Sec. 19-23-14(B) has not expired, or that the use or development authorized by the Special Use Permit no longer requires a Special Use Permit.
- (2) On approving the abandonment of a Special Use Permit, the Planning Director must issue the holder of the Special Use Permit a certification of Special Use Permit abandonment. The abandonment will not become effective until the holder of the Special Use Permit records that certification in the office of the Register of Deeds.

(D) Cessation of Use. If the use authorized by a Special Use Permit is started, but ceases for a continuous period of 12 months, the Special Use Permit will automatically become void. The Planning Director must then record an instrument noting the voiding of the Special Use Permit in the office of Wake County Register of Deeds.

(E) Revocation of Permit.

- (1) In accordance with Sec. 19-42-1(E) the Planning Director may revoke a Special Use Permit for failure to comply with the requirements of this section or the terms and conditions of the Special Use Permit. The Planning Director may also revoke a Special Use Permit in response to a request by the holder of the Special Use Permit on determining that:
 - (a) The Special Use Permit is still valid and any completion time limit has not yet expired;
 - (b) The request is made in conjunction with an application for approval of development other than that authorized by the Special Use Permit; and
 - (c) The proposed design of the new development incorporates adequate consideration of the site's already-disturbed land area and previous commitments made as part of the Special Use Permit review process.
- (2) On revoking a Special Use Permit, the Planning Director must record an instrument noting the voiding of the Special Use Permit in the office of Wake County Register of Deeds.

[Amended by OA 06-13 on 3/17/2014; Amended on 9/15/2014 by OA 02-14; Amended by OA 01-18 on 7/23/2018; Amended 6/7/2021 by OA-01-21]

Article 21. - Definitions and Measurement

21-11 - Definitions.

Building means ~~building means~~ any structure having a roof supported by columns or walls, where more than 50% of the building is enclosed and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

Structure means ~~structure means~~ any object anchored to the ground, where 50% or less of the structure is enclosed, and constructed or installed by humankind, including, but not limited to: signs, ~~buildings~~, parking lots, garages, carports, flagpoles, patios, and stoops ~~and utility buildings~~ (Note: All buildings are structures, but not all structures are buildings).

4-38 - Family Care Homes.

Family care homes are permitted, provided no proposed family care home will be located within a one-half mile radius of an existing family care home, group home, youth care home, or other such care facility. ~~The owner or operator must provide documentation of the closest licensed family care home and its proximity to the proposed family care home.~~

4-43 - Group Homes.

The proposed Group Home is no less than one-half mile radius from an existing group home, family care home, youth care home, or other such care facility.

~~Group homes are subject to the following standards:~~

~~4-43-1 — Each home is located on a lot which has as minimum land area equal to or greater than that required under the applicable zoning district;~~

~~4-43-2 — The home fronts upon a road, street, or highway that meets or exceeds minimum standards for roads established by this ordinance;~~

~~4-43-3 — The proposed home is no less than one-half mile radius from an existing family care home or group home.~~

4-66 – Youth Care Homes.

Youth Care Homes are permitted, provided no proposed youth care home will be located within a one-half mile radius of an existing family care home, group home, youth care home, or other such care facility.

21-11 - Definitions.

Youth care home means a public or private health facility, establishment, or institution, however styled, where nonrelated individuals under the age of 18 reside to receive care under adult supervision.

Text Amendment OA-04-25

4-11 - Use Table.

[illegible]