

ARTICLE XI NON-RESIDENTIAL CONSTRUCTION APPROVAL AND COMPLIANCE

11.0 Purpose: Prior to the issuance of a development permit for any construction other than a single family residential structure, a review and approval of all development and construction plans shall take place. No clearing, grubbing or grading shall be undertaken until a permit has been approved. No clearing, grubbing or grading involving the use of explosives may be undertaken until a special permit has been issued by the Fire Marshal. No installation or removal of underground tanks for Class I, II, III flammable liquids shall be undertaken until the appropriate permits and inspections have been conducted by the Fire Marshal.

11.1 No property shall be used and no structures shall be constructed or modified unless it is shown that a proposed use or structure is in compliance with all Town regulations as verified by a Certificate of Zoning Compliance or a Development Permit issued by the Planning Director.

11.2. Before issuing any type of building permit, the Building Official must receive a Certificate of Zoning Compliance or a Development Permit approved by the Planning Director or his designee. A written letter of intent may be required to be submitted with the Certificate of Zoning Compliance when necessary to clarify a use of combination of uses.

11.3 Prior to the issuance of a Development Permit by the Planning Director, a site plan must be approved for any new use or change of use and for all construction including expansions and additions. Exemption of the requirement for a site plan approval for a change of use shall be granted by the Planning Director upon determination of compliance with all of the following criteria:

- A. No new building square footage is proposed for the new use (additions/expansions or new structures).
- B. The proposed use is a permitted use in the zoning district (conditional uses not exempt).
- C. The proposed use is a similar or less intensive use than the last authorized use of the property.
- D. Thresholds for water use, septic systems, etc. are similar or less intensive than the last authorized use of the property.
- E. The site complies with the minimum parking requirements for the proposed use and all other existing uses on site.
- F. The site is in compliance with all conditions of approval, and site/landscape standards in effect at the time the previous use was authorized.

Exemption from the site plan approval process for a change of use does not also exempt the requirement for all other necessary permits and inspections.

11.4. The Site Plan shall be submitted in accordance with the requirements set for below. The site plan shall be deemed filed when it has been submitted to the Planning Director or his designee.

11.5 Copies (number to be determined by the Planning Director) of the site plan shall be submitted to the Planning Director or his designee for distribution and review including but not limited to the following:

- A. Town Engineer
- B. Planning Director
- C. Public Utilities Director

****The applicant is responsible for delivering site plans to all county, state, and federal agencies and departments for approval with the exception of those specified by the Planning Director or Town Engineer. Letters or articles of approval by these agencies must be presented to the Planning Director or his designee prior to the issuance of a development permit.**

11.6 A site plan must be prepared by an Engineer or Architect who is registered by the State and shall include, in addition to the certified property lines, all applicable information as required on the site plan review checklist, a copy of which is available at the office of the Planning Director.

11.7 Upon completion of site plan review by the required departments, each department will return its comments to the Planning Director or to the applicant directly.

11.8 Site Plan review and inspection fees as established by the Town will be collected prior to the issuance of a Development Permit and Building Permit.

11.9 The following required plans may be submitted at the time of site plan submittal and prior to the issuance of a development permit:

- A. Site Plan.
- B. Landscape Plan.
- C. Erosion and Sedimentation Control Plan.
- D. Grading Plan.
- E. Stormwater Management Plan.
- F. Water and Sewer plan if required.
- G. Any other information deemed necessary by the Planning Director, Town Engineer, or Public Utilities Director to be included on the plan.
- H. Road right-of-way, driveway, and access design.

11.10 In addition to an approved site plan, an applicant must provide verification that a plat of subdivision has been approved and recorded if required by the Subdivision Regulations.

11.11 Upon approval of the site plan by all the required departments, the Planning Director may approve the Certificate of Zoning Compliance or Development Permit.

11.12 Two (2) sets of building construction plans shall be submitted to the Building Official. Review and approval by the Fire Marshall is also required. The applicant is responsible for coordinating and submitting plans to the Fire Marshall for approval.

11.13 Any deviations from an approved site plan must be shown on a revised site plan and approved by the Town employee(s) having jurisdiction over the change. The Fire Marshall shall approve all construction plans and submit to the building official written verification of approval and compliance with applicable fire codes.

11.14 In no case shall a Certificate of Occupancy be issued by the building official unless an as-built condition is reflected on an approved site plan.

11.15 If no application is made to obtain a building permit from the building official within 12 months of the date of zoning compliance, then said compliance shall be deemed null and void. Any zoning compliance issued prior to the enactment date of this subsection that has not been relied upon for an application to obtain a building permit for 12 months from said enactment date shall be deemed null and void.