

ARTICLE 4

ADMINISTRATIVE PROCEDURE

Section 4-1 Town Council

4-1.1 Duties

The Town Council shall have the following duties in relation to the Zoning Ordinance:

- (a) Adopt and repeal the Zoning Ordinance;
- (b) Amend the Zoning Ordinance; and
- (c) Authorize conditional zoning as specified in Article 5.

4-1.2 Amendment Procedure

- (a) Submission of Application: Any person seeking a zoning amendment shall initially submit a request to the enforcement officer at least fifteen (15) days prior to the regular meeting of the planning board. After review and comments by the planning board the request shall be submitted to Town Council for action.
- (b) Newspaper Notice: Before action on the amendment, the Town Council shall hold a public hearing. A notice of the hearing shall be given once a week for two (2) consecutive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than ten (10) days nor more than twenty-five (25) days before the date fixed for the hearing.
- (c) First-Class Mail Notice: When property is rezoned, the parcel owner and the adjoining parcel owners, as shown on the county tax listing, shall be notified by first-class mail. This notice must be deposited in the mail at least 10 but not more than 25 days prior to the date of the hearing. The person giving notice shall certify to the Town Council that the property owners have been notified. This certificate is conclusive in the absence of fraud.
- (d) Posting Property: The property shall also be posted. The notice shall be posted within the same time period specified for mailed notices of the hearing.

- (e) Appeals: The Town Council shall not hear any appeals from the Zoning Enforcement Officer or the Board of Adjustment. When the Town Council, as authorized by Article 4 and specified in the various zoning districts in Article 6, shall review and decide conditional zonings, an appeal from its decision shall be taken to the North Carolina Superior Court within thirty (30) days.
- (f) Statutory Procedure: The Town Council shall follow statutory procedure in any decision involving the finding of facts regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation.

4-1.3 Conflict of Interest

A board member shall not vote on any legislative decision regarding a development regulations adopted pursuant to this section where the outcome of the matter being considered is likely to have a direct, substantial and readily identifiable financial impact on the member. A board member shall not vote on any zoning amendment if the landowner of the property subject to rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

Section 4-2 Planning Board

4-2.1 Organization and Administrative Procedure

The Planning Board shall operate under the rules established in its by-laws.

A copy of these procedures shall be maintained by the town clerk and posted on The Town website. Each board shall keep minutes of its proceedings.

All members appointed this board shall, before entering their duties, qualify by taking an oath of office as required by G.S. 153A-26 and G.S. 160A-61.

4-2.2 Duties

The Planning Board shall have the following duties in relation to the Zoning Ordinance:

- (a) Certify the original ordinance to the Town Council;
- (b) Review and comment on all amendments; and
- (c) Review and comment on all conditional zoning approved by the

governing body as specified in Article 5 of this ordinance;

- (d) All proposed amendments to the zoning regulation or zoning map shall be submitted to the planning board for review and comment.
- (e) Shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the planning board.

4-2.3 Conflict of Interest

A board member shall not vote on any legislative decision regarding a development regulations adopted pursuant to this section where the outcome of the matter being considered is likely to have a direct, substantial and readily identifiable financial impact on the member. A board member shall not vote on any zoning amendment if the landowner of the property subject to rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

Section 4-3 Board of Adjustment

4-3.1 Establishment of the Board

A Board of Adjustment shall be established consisting of seven (7) members. Four (4) members shall be residents of the Town and be appointed by the Town Council. The remaining three (3) members shall come from the one (1) mile extraterritorial planning jurisdiction (ETJ) and be appointed by the County Board of Commissioners.

4-3.2 All Members Have Equal Authority

Extraterritorial members, although not residents of the Town, shall have equal rights, privileges, and duties as the members who live inside the town limits.

4-3.3 Organization and Administrative Procedure

The Board of Adjustment shall operate under the organizational and administrative procedures established in its by-laws and the State of North Carolina.

A copy of these procedures shall be maintained by the town clerk and posted on The Town website if one exists. Each board shall keep minutes of its proceedings.

All members appointed this board shall, before entering their duties, qualify by taking an oath of office as required by G.S. 153A-26 and G.S. 160A-61.

4-3.4 Powers and Duties

(a) Appeals

1. Any person aggrieved by any decision, order, requirement, or determination by the Zoning Enforcement Officer in the administration of this ordinance may appeal to the Board of Adjustment. An appeal shall specify the reasons for the appeal and be submitted within a reasonable time. The Zoning Enforcement Officer shall transmit to the Board all papers and other records of the case.
2. An appeal stays all proceedings unless the Zoning Enforcement Officer certifies that a stay would, in his opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed other than by a restraining order granted by the Board of Adjustment or by a court. The Board of Adjustment shall fix a reasonable time to hear and decide the appeal. At the hearing, any party may appear in person, by agent, or by attorney.
3. Any appeal from the decision of the Board of Adjustment shall be taken to the Superior Court within thirty (30) days.
4. The Board of Adjustment shall refuse to hear any case it has previously denied if it finds that there has been no substantial change in the conditions or circumstances.

(b) Variance:

To authorize, in specific cases, variances from the terms of this ordinance which will not be contrary to the public interest. Before a variance is granted, the following conditions must exist:

1. It shall be known that there are extraordinary and exceptional conditions pertaining to the particular piece of property because of its size, shape, or topography that are not applicable to other lands or structures in the same districts.

2. Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents in the district where the property is located.
 3. The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare.
 4. A literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district where the property is located.
 5. The special circumstances are not the result of the actions of the applicant.
 6. The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure.
 7. The variance is not a request to permit a use of land, buildings, or structures which is not permitted by right, by conditional zoning in the district involved.
- (c) **Statutory Procedure**
The Board of Adjustment shall follow statutory procedure in any decision involving the finding of facts regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation

4-3.5 Procedure to be Used in Processing Appeals and Variances Authorized by The Board of Adjustment

- (a) Submission of Application: Any request for an appeal or variance permit shall be made in writing at least fifteen (15) days prior to the established meeting date of the Board of Adjustment. The request shall be on a form provided by the Zoning Enforcement Officer.
- (b) Public Notice: The Town shall post on the property a notice of a public hearing concerning the application at least ten (10) days prior to the hearing. This sign shall be removed within thirty (30) days after the meeting. In addition, a notice advertising the event shall be placed in a local newspaper once at least ten (10) days prior to the date of the hearing.

- (c) Action by the Board of Adjustment: After conducting the public hearing, the Board shall approve, approve conditionally, or disapprove the request. The Board of Adjustment shall follow the guidelines for appeals and variances as specified in Article 4 Administrative Procedure (Subsection 4-3.6)

4-3.6 Conflict of Interest

A board member shall not vote on any legislative decision regarding a development regulations adopted pursuant to this section where the outcome of the matter being considered is likely to have a direct, substantial and readily identifiable financial impact on the member. A board member shall not vote on any zoning amendment if the landowner of the property subject to rezoning petition or the applicant for a text amendment is a person with to whom the member has a close familial, business, or other associational relationship.

Section 4-4 Quasi-Judicial Procedure

Process Required. - Boards shall follow quasi-judicial procedures in determining appeals of administrative decisions, zoning decisions, certificates of appropriateness, variances, or any other quasi-judicial decision.

- (a) **Administrative Materials.** - The administrator or staff to the board shall transmit to the board all applications, reports, and written materials relevant to the matter being considered. The administrative materials may be distributed to the members of the board prior to the hearing if at the same time they are distributed to the board a copy is also provided to the appellant or applicant and to the landowner if that person is not the appellant or applicant. The administrative materials shall become a part of the hearing record. The administrative materials may be provided in written or electronic form. Objections to inclusion or exclusion of administrative materials may be made before or during the hearing. Rulings on unresolved objections shall be made by the board at the hearing.
- (b) **Presentation of Evidence.** - The applicant, The Town, and any person who would have standing to appeal the decision under G.S. 160D-1402(c) shall have the right to participate as a party at the evidentiary hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the board.

Objections regarding jurisdictional and evidentiary issues, including, but not limited to, the timeliness of an appeal or the standing of a party, may be made to the board. The board chair shall rule on any objections, and the chair's rulings may be appealed to the full board. These rulings are also subject to judicial review pursuant to G.S. 160D-1402. Objections based on jurisdictional issues may be raised for the first time on judicial review.

- (c) Appearance of Official New Issues. - The official who made the decision or the person currently occupying that position, if the decision maker is no longer employed by The Town, shall be present at the evidentiary hearing as a witness. The appellant shall not be limited at the hearing to matters stated in a notice of appeal. If any party or The Town would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the board shall continue the hearing.
- (d) Oaths. - The chair of the board or any member acting as chair and the clerk to the board are authorized to administer oaths to witnesses in any matter coming before the board. Any person who, while under oath during a proceeding before the board determining a quasi-judicial matter, willfully swears falsely is guilty of a Class 1 misdemeanor.
- (e) Subpoenas. - The board making a quasi-judicial decision through the chair or, in the chair's absence, anyone acting as chair may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, the applicant, the local government, and any person with standing under G.S. 160D-1402(c) may make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be immediately appealed to the full board. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the board or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.
- (f) Appeals in Nature of Certiorari. - When hearing an appeal pursuant to G.S. 160D-947(e) or any other appeal in the nature of certiorari, the hearing shall be based on the record below, and the scope of review shall be as provided in G.S. 160D-1402(j).
- (g) Voting. - The concurring vote of four-fifths of the board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-

judicial matter under G.S. 160D-109(d) shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

- (h) Decisions. - The board shall determine contested facts and make its decision within a reasonable time. When hearing an appeal, the board may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The board shall have all the powers of the official who made the decision. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing, reflect the board's determination of contested facts and their application to the applicable standards, and be approved by the board and signed by the chair or other duly authorized member of the board. A quasi-judicial decision is effective upon filing the written decision with the clerk to the board or such other office or official as the development regulation specifies. The decision of the board shall be delivered within a reasonable time by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and any person who has submitted a written request for a copy prior to the date the decision becomes effective. The person required to provide notice shall certify to the local government that proper notice has been made, and the certificate shall be deemed conclusive in the absence of fraud.
- (i) Judicial Review. - Every quasi-judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to G.S. 160D-1402.

Section 4-5 Zoning Enforcement Program

4-5.1 Zoning Enforcement Officer

The Town Manager may assume the duties of the Zoning Enforcement Officer or appoint someone to the position. The Zoning Enforcement Officer shall enforce and administer the provisions of this ordinance. If a ruling of the Zoning Enforcement Officer is questioned, the aggrieved party or parties may appeal the ruling to the Board of Adjustment.

4-5.2 Building and Zoning Permit Required

No building, sign, or other structure shall be erected, moved, extended, enlarged, or structurally altered, nor shall any excavation or filling of any lot for the construction of any building be commenced until the Zoning Enforcement Officer has issued a zoning permit and the Yadkin County Inspections Department has issued a building permit.

4-5.3 Applications for a Zoning Permit

Each application to the Zoning Enforcement Officer for a zoning permit shall be accompanied by plans in duplicate showing the following:

- (a) The actual dimensions of the lot to be built upon;
- (b) The size of the building to be erected;
- (c) The location of the building on the lot;
- (d) The location of existing structures on the lot, if any;
- (e) The number of dwelling units the building is designed to accommodate;
- (f) The approximate setback lines of buildings on adjoining lots;
- (g) The intended use of the property; and
- (h) Any other information that may be essential for determining whether the provisions of this ordinance are being observed.

4-5.4 Notice of Violation

When Town staff determines work or activity has been undertaken in violation of a development regulation adopted to development regulation or any State law delegated to the local government for enforcement purposes in lieu of the State or in violation of the terms of a development approval, a written notice of violation may be issued. The notice of violation shall be delivered to the holder of the development approval and to the landowner of the property involved, if the landowner is not the holder of the development approval, by personal delivery, electronic delivery, or first-class mail and may be provided by similar means to the occupant of the property or the person undertaking the work or activity. The notice of violation may be posted on the property. The person providing the notice of violation shall certify to the local government that the notice was provided, and the certificate shall be deemed conclusive in the absence of fraud. Except as provided by G.S. 160D-1123 or G.S. 160D-1206 or otherwise provided by law, a notice of violation may be appealed to the board of adjustment pursuant to G.S. 160D-405.

4-5.5 Inspections

Town administrative staff may inspect work undertaken pursuant to a development approval to assure that the work is being done in accordance with applicable State and local laws and of the terms of the approval. In

exercising this power, staff are authorized to enter any premises within the jurisdiction of The Town at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials; provided, however, that the appropriate consent has been given for inspection of areas not open to the public or that an appropriate inspection warrant has been secured.

4-5.7 Conflict of Interest

No staff member shall make a final decision on an administrative decision required by this section if the outcome of that decision would have a direct, substantial, and readily identifiable impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person as may be designated by the development of the other ordinance.

Section 4-6 Development Approvals and Determinations

4-6.1 Notice

No person shall commence or proceed with development without first securing any required development approval from the local government with jurisdiction over the site of the development. A development approval shall be in writing and may contain a provision requiring the development to comply with all applicable State and local laws. A local government may issue development approvals in print or electronic form.

The officer making the determination shall give written notice to the owner of the property that is the subject of the determination and to the party who sought the determination, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail. The notice shall be delivered to the last address listed for the owner of the affected property on the county tax abstract and to the address provided in the application or request for a determination if the party seeking the determination is different from the owner.

4-6.2 Standing

Applications for development approvals may be made by the landowner, a lessee or person holding an option or contract to purchase or lease land, or an authorized agent of the landowner. An easement holder may also apply for development approval for such development as is authorized by the easement.

4-6.3 Approvals Run With The Land

Unless provided otherwise by law, all rights, privileges, benefits, burdens, and

obligations created by development approvals made pursuant to this Chapter attach to and run with the land.

4-6.4 Revocation of Approval

Development approvals may be revoked by The Town by notifying the holder in writing stating the reason for the revocation. The Town shall follow the same development review and approval process required for issuance of the development approval, including any required notice or hearing, in the review and approval of any revocation of that approval. Development approvals shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of any applicable local development regulation or any State law delegated to The Town for enforcement purposes in lieu of the State; or for false statements or misrepresentations made in securing the approval. Any development approval mistakenly issued in violation of an applicable State or local law may also be revoked. The revocation of a development approval by a staff member may be appealed pursuant to G.S. 160D-405.

Section 4-7 Vested Rights and Permit Choice

4-7.1 Permit Duration

A building permits shall expire by limitation in six months after the date of issuance if the work authorized by the permit has not been commenced. If, after commencement, the work is discontinued for a period of 12 months, the permit therefor shall immediately expire. No work authorized by any building permit that has expired shall thereafter be performed until a new permit has been secured.

4-7.2 Duration of Vesting

Upon issuance of a development permit, the statutory vesting for a development project is effective upon filing of the application in accordance with G.S. 143-755, for so long as the permit remains valid pursuant to law. Unless otherwise specified by this section or other statute, development permits expire one year after issuance unless work authorized by the permit has substantially commenced.

The statutory vesting granted by this section, once established, expires for an uncompleted development project if development work is intentionally and voluntarily discontinued for a period of not less than 24 consecutive months, and the statutory vesting period granted by this section for a nonconforming use of property expires if the use is intentionally and voluntarily discontinued for a period of not less than 24 consecutive months. The 24-month discontinuance period is automatically tolled during the pendency of any board of adjustment proceeding or

civil action in a State or federal trial or appellate court regarding the validity of a development permit, the use of the property, or the existence of the statutory vesting period granted by this section. The 24-month discontinuance period is also tolled during the pendency of any litigation involving the development project or property that is the subject of the vesting.

4-7.3

Site Specific Vesting Plans

- (a) **Site-Specific Vesting Plan.** - A site-specific vesting plan consists of a plan submitted to The Town in which the applicant requests vesting, describing with reasonable certainty on the plan the type and intensity of use for a specific parcel or parcels of property. The plan may be in the form of, but not be limited to, any of the following plans or approvals: a planned unit development plan, a subdivision plat, a preliminary or general development plan, a conditional zoning permit, a conditional district zoning plan, or any other land-use approval designation as may be utilized by The Town. The plan shall include the approximate boundaries of the site; significant topographical and other natural features affecting development of the site; the approximate location on the site of the proposed buildings, structures, and other improvements; the approximate dimensions, including height, of the proposed buildings and other structures; and the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways. What constitutes a site-specific vesting plan under this section that would trigger a vested right shall be finally determined by The Town pursuant to a development regulation, and the document that triggers the vesting shall be so identified at the time of its approval. A variance does not constitute a site-specific vesting plan, and approval of a site-specific vesting plan with the condition that a variance be obtained does not confer a vested right unless and until the necessary variance is obtained. If a sketch plan or other document fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property, it may not constitute a site-specific vesting plan.
- (b) **Establishment of Vested Right.** - A vested right is established with respect to any property upon the valid approval, or conditional approval, of a site-specific vesting plan as provided in this section. Such a vested right confers upon the landowner the right to undertake and complete the development and use of the property under the terms and conditions of the site-specific vesting plan, including any amendments thereto.
- (c) **Approval and Amendment of Plans.** - If a site-specific vesting plan is based on an approval required by a local development regulation, The Town shall provide whatever notice and hearing is required for that underlying approval. A duration of the underlying approval that is less than two years does not affect the duration of the site-specific vesting plan established. If

the site-specific vesting plan is not based on such an approval, a legislative hearing with notice as required by G.S. 160D-602 shall be held.

The Town may approve a site-specific vesting plan upon any terms and conditions that may reasonably be necessary to protect the public health, safety, and welfare. Conditional approval results in a vested right, although failure to abide by the terms and conditions of the approval will result in a forfeiture of vested rights. The Town shall not require a landowner to waive the landowner's vested rights as a condition of developmental approval. A site-specific vesting plan is deemed approved upon the effective date of The Town's decision approving the plan or another date determined by the Town Council upon approval. An approved site-specific vesting plan and its conditions may be amended with the approval of the owner and The Town as follows: any substantial modification must be reviewed and approved in the same manner as the original approval; minor modifications may be approved by staff, if such are defined and authorized by local regulation.

- (d) Continuing Review. - Following approval or conditional approval of a site-specific vesting plan, The Town may make subsequent reviews and require subsequent approvals by The Town to ensure compliance with the terms and conditions of the original approval, provided that these reviews and approvals are not inconsistent with the original approval. The Town may, pursuant to G.S. 160D-403(f), revoke the original approval for failure to comply with applicable terms and conditions of the original approval or the applicable local development regulations.
- (e) Duration and Termination of Vested Right. -
 - (1) A vested right for a site-specific vesting plan remains vested for a period of two years. This vesting shall not be extended by any amendments or modifications to a site-specific vesting plan unless expressly provided by the local government.
 - (2) Upon issuance of a building permit, the provisions of G.S. 160D-1111 and G.S. 160D-1115 apply, except that a permit does not expire and shall not be revoked because of the running of time while a vested right under this section is outstanding.
 - (3) A right vested as provided in this section terminates at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed.
- (f) Subsequent Changes Prohibited; Exceptions. -
 - (1) A vested right, once established, 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 an approved site-specific vesting plan, except under one or more of the following conditions:
 - a. With the written consent of the affected landowner.

b. Upon findings, by ordinance after notice and an evidentiary hearing, that natural or man-made hazards on or 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 vesting plan.

c. 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 consulting fees incurred after approval by the local government, together with interest as provided under G.S. 160D-106. Compensation shall not include any diminution in the value of the property which is caused by the action.

d. Upon findings, by ordinance after notice and an evidentiary hearing, that the landowner or the landowner's representative intentionally supplied inaccurate information or made material misrepresentations that made a difference in the approval by the local government of the site-specific vesting plan or the phased development plan.

e. Upon the enactment or promulgation of a State or federal law or regulation that precludes development as contemplated in the site-specific vesting plan or the phased 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 an evidentiary hearing.

(2) The establishment of a vested right does not preclude the application of overlay zoning or other development regulations which impose additional requirements but do 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 development regulation by The Town, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes. Otherwise applicable new regulations become effective with respect to property which is subject to a site-specific vesting plan upon the expiration or termination of the vesting rights period provided for in this section.

(3) Notwithstanding any provision of this section, the establishment of a vested right does not preclude, change, or impair the authority of The Town to adopt and enforce development regulations governing nonconforming situations or uses.

(g) Miscellaneous Provisions. -

(1) A vested right obtained under this section is not a personal right, but attaches to and runs with the applicable property. After approval of a site-specific vesting plan, all successors to the original landowner are entitled to exercise these rights.

(2) Nothing in this section precludes judicial determination, based on common law principles or other statutory provisions, that a vested right

exists in a particular case or that a compensable taking has occurred. Except as expressly provided in this section, nothing in this section shall be construed to alter the existing common law.

(3) In the event The Town fails to adopt a development regulation setting forth what constitutes a site-specific vesting plan triggering a vested right, a landowner may establish a vested right with respect to property upon the approval of a zoning permit, or otherwise may seek appropriate relief from the Superior Court Division of the General Court of Justice.

4-7.4 Multi-Phase Development

A multi-phased development of at least 25 acres, may be vested for up to 7 years with the land development regulations then in place at the time a site plan approval is granted for the initial phase of the multi-phased development.

4-7.5 Permit Choice

If a land development regulation is amended between the time a development permit application was submitted and a development permit decision is made or if a land development regulation is amended after a development permit decision has been challenged and found to be wrongfully denied or illegal, G.S. 143-755 applies.