

## RE: Plan Review Requirements

To begin, what are plans? Development and building plans are set forth by North Carolina General Statute §160D-108.1 so that a developer, property owner, ETC. can establish vested rights.

§ 160D-108.1. *Vested rights - site-specific vesting plans.*

(a) *Site-Specific Vesting Plan.* - A site-specific vesting plan consists of a plan submitted to a local government in which the applicant requests vesting pursuant to this section, 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 local government may utilize a planned unit development plan, a subdivision plat, a preliminary or general development plan, a special use permit, a conditional district zoning plan, or any other land-use approval designation as. Unless otherwise expressly provided by the local government, 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. The local government pursuant to a development regulation shall finally determine what constitutes a site-specific vesting plan under this section that would trigger a vested right, 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 local government 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 under this section. 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.

A local government 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. A local government 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 local government's decision approving the plan or another date determined by the governing board upon approval. An approved site-specific vesting plan and its conditions may be amended with the approval of the owner and the local government 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.

North Carolina Law and Administrative Code section 106 requires plans and permit.

**SECTION 106  
PERMITS**

**106.1 Permit required.** A current permit is required for all work described in the technical codes unless specifically exempted by the North Carolina General Statutes or the technical codes.

**106.2 Drawings and specifications.**

**106.2.1 Requirements.** Drawings and specifications, as required by the inspection department, shall be drawn to scale with sufficient clarity and detail to indicate the nature and character of the work and shall accompany the application for a permit. All information, drawings, specifications and accompanying data shall bear the name, address and signature of the person responsible for the design.

**106.2.2 Additional data.** The inspection department may require details, computations, stress diagrams or documentation sealed by a registered design professional and other data necessary to describe the construction or installation of a system.

**106.2.3 Review and approval.** When the inspection department issues a permit, it shall approve, in writing or by stamp, all sets of drawings and specifications "Reviewed for Code Compliance."



The City of Fayetteville per North Carolina General Statutes and Code requires plans for all projects, but there are some exceptions.

**Residential**

Residential is defined as detached single-family homes, duplex, and townhomes (North Carolina Residential Code). Duplex and townhomes will require plan review, as there are other development regulations regarding them. Detached single-family homes have to submit plans if one or more of the following occurs:

- New building or accessory structure(s)
- Repairing, altering, or modifying any load-bearing structure.
  - Footing
  - Foundation
  - Floor girder and sill plates
  - Load-bearing walls
  - Roof truss systems
- Addition
- Any structure within 5 feet of a property line
- Retaining walls if one or more apply:
  - Height of 48 inches or more
  - Retains 48 inches or more of backfill
  - Crosses property lines
  - Supports a building or is within its load retention area

## Commercial

Commercial is defined, as anything not covered by the residential code. There are a few instances when specific project items will not require a plan review.

### Repairs

Repairs are defined as the restoration or renewal of any part of an existing building (or system) for the purpose of its maintenance or to correct damage.

- Most repairs on mechanical, electrical, and/or plumbing systems will not require a plan review **IF** the repair does not make the building or system less conforming to its approval before the repair.
- Repairs on buildings due to damage from impact or fire damage if the following applies:
  - A structural evaluation from a design professional submitted to the City of Fayetteville where there is no damage to the building's structural system, mechanical system, electrical system, plumbing system, and fire protection system. The repair is to fix damage to the original materials approved and does **NOT** apply to renovating, modifying, or additions.

### Replacement (Change-outs)

Replacement of appliances (heating& air conditioning or water heater) generally do not require a plan review for commercial projects unless it changes the buildings status as conforming. Electrical devices (receptacles, luminaries, ETC.) do not require a plan review for replacement. Replacements do **NOT** cover altering, modifying, new, additions, and/ or anything outside of a direct replacement of the appliance or device.

### Appendix B

For each commercial submittal, an Appendix B is required with the plans. An Appendix B is a code summary of the building and its systems in which reviewers utilize to determine its code compliance. There are some instances when an Appendix B is not required, such as:

- A level one (Existing Building Code) project depending on the scope of work
- Retaining walls where there is no building
- Accessible parking plans
- Any project submittal where the building information is not necessary

Copies of an Appendix B can be found at: <https://www.ncosfm.gov/codes>

### Change of Occupancy Classification/ Change of Use, when there is no construction

Before a new business enters an existing building or an existing business changes its function, plans must be submitted to the City of Fayetteville, even if there is no construction. The City of Fayetteville's Permitting & Inspections Division has guidance documents regarding these.

### When a Design Professional seal is required

The North Carolina General Statutes and Law & Administrative Code both in regards to a design professional seal (architects/ engineers) requirement:

§ 83A-13. Exemptions.

(a) *Nothing in this Chapter shall be construed to prevent the practice of general contracting under the provisions of Article 1 of Chapter 87, or the practice by any person who is qualified under law as a "registered professional engineer" of such architectural work as is incidental to engineering projects or utilities, or the practice of any other profession under the applicable licensure provisions of the General Statutes.*

(b) *Nothing in this Chapter shall be construed to prevent a duly licensed general contractor, professional engineer or architect, acting individually or in combination thereof, from participating in a "Design/Build" undertaking including the preparation of plans and/or specifications and entering individual or collective agreements with the owner in order to meet the owner's requirements for pre-determined costs and unified control in the design and construction of a project, and for the method of compensation for the design and construction services rendered; provided, however, that nothing herein shall be construed so as to allow the performance of any such services or any division thereof by one who is not duly licensed to perform such service or services in accordance with applicable licensure provisions of the General Statutes; provided further, that full disclosure is made in writing to the owner as to the duties and responsibilities of each of the participating parties in such agreements; and, provided further, nothing in this Chapter shall prevent the administration by any of the said licensees of construction contracts and related services or combination of services in connection with the construction of buildings.*

(c) *Nothing in this Chapter shall be construed to require an architectural license for the preparation, sale, or furnishing of plans, specifications and related data, or for the supervision of construction pursuant thereto, where the building, buildings, or project involved is in one of the following categories:*

(1) *A family residence, up to eight units attached with grade level exit, which is not a part of or physically connected with any other buildings or residential units;*

(2) *A building upon any farm for the use of any farmer, unless the building is of such nature and intended for such use as to substantially involve the health or safety of the public;*

(3) *An institutional or commercial building if it does not have a total value exceeding two hundred thousand dollars (\$200,000);*

(4) *An institutional or commercial building if the total building area does not exceed 3,000 square feet in gross floor area;*

(5) *Alteration, remodeling, or renovation of an existing building that is exempt under this section, or alteration, remodeling, or renovation of an existing building or building site that does not alter or affect the structural system of the building; change the building's access or exit pattern; or change the live or dead load on the building's structural system. This subdivision shall not limit or change any other exemptions to this Chapter or to the practice of engineering under Chapter 89C of the General Statutes;*

(6) *The preparation and use of details and shop drawings, assembly or erection drawings, or graphic descriptions utilized to detail or illustrate a portion of the work required to construct the project in accordance with the plans and specifications prepared or to be prepared under the requirements or exemptions of this Chapter.*

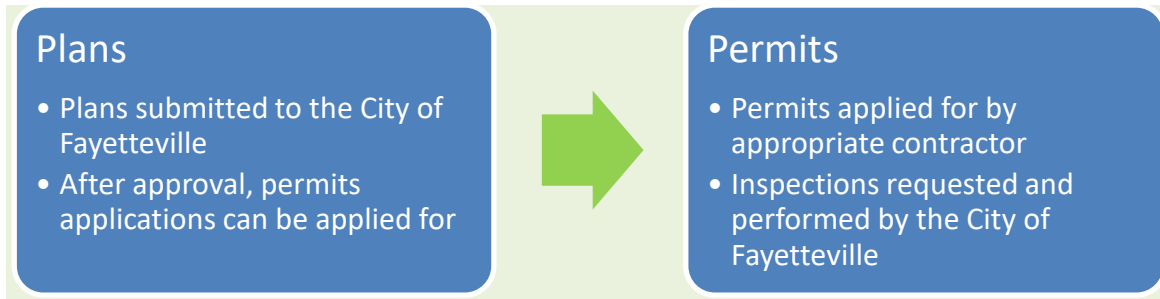
(c1) *Notwithstanding subdivisions (c)(3) and (4) of this section, a commercial building project with a total value of less than two hundred thousand dollars (\$200,000) and a total project area of less than 3,000 square feet shall be exempt from the requirement for a professional architectural seal.*

(d) *Nothing in this Chapter shall be construed to prevent any individual from making plans or data for buildings for himself.*

(e) Plans and specifications prepared by persons or corporations under these exemptions shall bear the signature and address of such person or corporate officer. (1979, c. 871, s. 1; 1997-457, s. 1; 2015-145, s. 10; 2020-74, s. 28.)

## Flow Chart

### Process



## Regulation Entities

### City of Fayetteville

- Zoning
- Planning
- Engineering
- Traffic Services
- Inspections
- Fire Marshal

### Cumberland County

- Cumberland County Health Department
- Cumberland County Department of Human Health Services

### North Carolina

- North Carolina Department of Natural Resources
- North Carolina Department of Environmental Quality
- North Carolina Department of Transportation
- North Carolina Department of Human Health Services
- North Carolina Office of the State Fire Marshal
- North Carolina Department of Insurance

### Other

- Electrical Utility
- Water Utility
- Septic Utility