

### 3.13 SITE PLAN REVIEW

#### 3.13.1 INTENT

~~It is the intent of this subsection to address the specific conditions and standards of evaluation for the review of site plans review and approval.~~

#### 3.13.2 APPLICABILITY

~~Site Plan review is the general term used to describe review of projects other than (a) the construction of or addition to single-family dwellings on lots zoned for single-family uses and (b) uses requiring a Special Use Permit, as Site Plan review is built into the Special Use Permit review process.~~

~~The Site Plan Review process is applicable only to proposed development involving:~~

~~3.13.2.1 The disturbance of 10,000 square feet or more of land and/or:~~

~~3.13.2.1.a the construction of new structures consisting of more than 5,000 square feet of gross floor area, or~~

~~3.13.2.1.b additions to existing structures consisting of more than 2,500 square feet of gross floor area~~

~~in any general purpose residential or non-residential zoning district.~~

~~3.13.2.2 The construction of attached dwelling units in any general-purpose zoning district that does not otherwise exceed a threshold established by subparagraphs a or b above.~~

~~3.13.2.3 All development located within the PD (Planned Development) zoning district.~~

Site plan review and approval is required prior to issuance of a Zoning Compliance Permit for any development except the following:

(a) Bona fide farms and agricultural uses, including associated principal and accessory buildings and structures.

(b) Single-family dwellings, two-, three-, and four-unit attached dwellings, and manufactured homes, including their accessory uses and structures, located on an individual lot.

(c) The construction of new structures not listed in (a) or (b), above consisting of more than 5,000 square feet of gross floor area,

(d) Expansion of existing development if the expansion results in:

(1) an addition of no more than 15% of previously existing gross floor area, or 2,500 square feet of gross floor area, whichever is greater,

(2) ~~an addition of no more than 15% of previously existing parking spaces, or 10 parking spaces, whichever is greater, and~~

(3) ~~an increase of no more than 15% in the amount of land cleared for non-agricultural development, or 10,000 square feet of new land clearing, whichever is greater.~~

(e) Any sign.

(f) Uses requiring a Special Use Permit, as site plan review is built into the Special Use Permit review process.

### 3.13.3 PROCEDURE

#### 3.13.3.1 Authority to Apply

The property owner ~~of any property~~, or their authorized representative; may apply ~~to the Planning Director~~ for site plan approval.

#### 3.13.3.2 Pre-application Conference

~~Before submitting an application for site plan approval, the Applicants should first meet with the Planning Director to review the proposed site plan and the discuss ordinance requirements of this Ordinance before submitting an application for site plan review.~~

### 3.13.4 APPLICATION REQUIREMENTS

The Planning Director shall provide forms ~~for applications for site plan approval review;~~ which shall be submitted by the applicant. Applicants ~~for site plan approval~~ shall submit all ~~required information required to be submitted as set forth~~ found in the Administrative Manual, and any additional information needed to demonstrate ~~and support~~ compliance with ~~the standards of evaluation this Ordinance.~~ No application shall be accepted as complete unless accompanied by ~~all the required application fees as set forth in the Schedule of Fees.~~

### 3.13.5 REVIEW PROCESS

#### 3.13.5.1 GENERAL

The Planning Director shall review and, if the site plan submitted otherwise meets all ~~of the standards of this Ordinance, approve the site plans for uses permitted as of right in any general-purpose zoning district.~~ Approval or denial of the ~~Site Plan~~ shall be made within 45 working days of a site plan submittal being deemed complete.

#### 3.13.5.2 COMPLETENESS REVIEW

Upon receipt of a Site Plan Review application, the Planning Director shall first determine whether the application is complete, including ~~the payment of all the required application fees.~~ The Planning Director shall have five working days in which to determine application completeness. If the Planning Director determines the

application is ~~not~~ incomplete, they shall notify the applicant in writing of the reasons for such determination.

#### 3.13.5.3 TECHNICAL REVIEW COMMITTEE

Upon determination that a complete application has been filed, the Planning Director shall refer the site plan to the Technical Review Committee. The Technical Review Committee shall review the plan at its next regularly scheduled meeting. Written ~~committee~~ review comments shall then be forwarded to the applicant.

#### 3.13.6 DECISIONS ON SITE PLAN APPLICATIONS

The Planning Director ~~shall have~~ has the authority to approve or deny site plans, ~~or to deny.~~ Denial of site plan approval shall be based on the grounds that the site plan submitted fails to comply with any specific requirements of this Ordinance. The dDecisions shall be provided in writing via first class mail to the applicant within 5 working days of the decision.

#### 3.13.7 APPEAL

~~3.13.7.1~~ A decision of ~~t~~The Planning Director's decision on an application for a Site Plan Review may be appealed to the Board of Adjustment ~~by an aggrieved party. Such appeal shall be made within thirty (30) days of filing of the decision in the office of the Planning Director or the delivery of the notice required in Section 3.13.6, Decision on Site Plan Applications, whichever is later, following procedures established in Section 3.11, Appeal.~~

~~3.13.7.2~~ The official who made the decision to deny the Site Plan shall be present at the appeal hearing as a witness.

~~3.13.7.3~~ The appellant shall not be limited at the hearing to matters stated in the 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 of Adjustment shall continue the hearing to allow such party time to adequately prepare a response.

~~3.13.7.4~~ The Board of Adjustment may reverse or affirm, wholly or partly, or may modify the decision appealed from. The Board of Adjustment shall make any order, requirement, decision, or determination that ought to be made.

#### 3.13.8 VESTING

No statutory vested right is established by approval of a site plan. However, as part of their application, applicants may request statutory vesting of a site plan following procedures found in subsection 1.8, Vested Rights, of this Ordinance.

#### 3.13.9 MODIFICATIONS

Approval of modifications to approved site plans can ~~shall~~ be made ~~to the approved Site Plan~~ by applying the ~~procedures and criteria found in Sections paragraphs 3.8.18, Minor Changes and Modifications, and 3.8.19, Criteria Used for Determination, of this Ordinance.~~

### 3.13.10 REVOCATION

The Planning Director may revoke site Pplan Approval ~~may be revoked by the issuing authority by following the same procedure and applying the same criteria as established for revocation found in Section sub-paragraph 8.6.4.5, Revocation of Permits or Certificates, of this Ordinance.~~

### 3.13.11 EXPIRATION

Site plan approval expires ~~twelve (12)~~ calendar months from the date of approval if unless:

- (a) a Zoning Compliance Permit has ~~not~~ been issued for the project prior to the expiration date.
- (b) a statutory vested right was obtained under procedures found in subsection 1.8, Vested Rights, of this Ordinance prior to approval, or
- (c) a common law vested right is obtained from the Planning Director following provisions found in North Carolina General Statute 160D-108(h).