

VERSION 2: August 20, 2024 (Post-August 15, 2024 Joint Public Hearing)

Version 1: ~~Strikethrough~~ = Existing Language to be Removed
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1 **3.13 SITE PLAN REVIEW**

2
3 **3.13.1 INTENT**

4 ~~It is t~~The intent of this subsection is to address the specific conditions and standards of
5 evaluation for ~~the review of site plans~~ review and approval.
6

7 **3.13.2 APPLICABILITY**

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

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

13 ~~**3.13.2.1** The disturbance of 10,000 square feet or more of land and/or:~~

14
15
16 ~~**3.13.2.1.a** the construction of new structures consisting of more than 5,000 square~~
17 ~~feet of gross floor area, or~~

18
19
20 ~~**3.13.2.1.b** additions to existing structures consisting of more than 2,500 square~~
21 ~~feet of gross floor area~~

22
23 ~~in any general purpose residential or non-residential zoning district.~~

24
25 ~~**3.13.2.2** The construction of attached dwelling units in any general-purpose zoning district~~
26 ~~that does not otherwise exceed a threshold established by subparagraphs a or b~~
27 ~~above.~~

28
29 ~~**3.13.2.3** All development located within the PD (Planned Development) zoning district.~~

30
31 Site plan review and approval is required prior to issuance of a Zoning Compliance Permit
32 for any development except the following:

33
34 (a) Bona fide farms and agricultural uses, including associated principal and accessory
35 buildings and structures.

36
37 (b) Single-family dwellings, two-, three-, and four-unit attached dwellings, and
38 manufactured homes, including their accessory uses and structures, located on an
39 individual lot.
40

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- 1 (c) ~~The~~ Construction of new structures not listed in (a) or (b), above consisting of no
2 more than 5,000 square feet of gross floor area,
3
- 4 (d) Expansion of existing development if the expansion results in:
5
- 6 (1) an addition of no more than 15% of previously existing gross floor area, or
7 2,500 square feet of gross floor area, whichever is greater, or
8
- 9 (2) an addition of no more than 15% of previously existing parking spaces, or 10
10 parking spaces, whichever is greater, **and or**
11
- 12 (3) an increase of no more than 15% in the amount of land cleared for non-
13 agricultural development, or 10,000 square feet of new land clearing,
14 whichever is greater.
15
- 16 (e) **Any change in use provided the change does not involve development other**
17 **than that exempted above.**
18
- 19 (f) Any sign.
20
- 21 (g) Uses requiring a Special Use Permit, as site plan review is built into the Special Use
22 Permit review process.
23

24 **3.13.3 PROCEDURE**

25
26 **3.13.3.1 Authority to Apply**

27 The property owner ~~of any property,~~ or their authorized representative, may apply ~~to the~~
28 ~~Planning Director~~ for site plan approval.
29

30 **3.13.3.2 Pre-application Conference**

31 ~~Before submitting an application for site plan approval, the Applicants should first~~
32 ~~meet with the Planning Director to review the proposed site plan and the discuss~~
33 ordinance requirements of this Ordinance before submitting an application for site
34 plan review.
35

36 **3.13.4 APPLICATION REQUIREMENTS**

37 The Planning Director shall provide forms ~~for applications~~ for site plan ~~approval review;~~
38 ~~which shall be submitted by the applicant.~~ Applicants for site plan approval shall submit all
39 required information ~~required to be submitted as set forth found~~ in the *Administrative*
40 *Manual*, and any additional information needed to demonstrate ~~and support~~ compliance

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1 with ~~the standards of evaluation~~ this Ordinance. No application shall be accepted as
2 complete unless accompanied by ~~all the~~ required application fees ~~as set forth in the~~
3 Schedule of Fees.
4

5 **3.13.5 REVIEW PROCESS**
6

7 **3.13.5.1 GENERAL**

8 The Planning Director shall review and, if the site plan submitted otherwise meets all
9 ~~of the~~ standards of this Ordinance, approve the site plans for uses permitted as of
10 right in any general-purpose zoning district. Approval or denial of the ~~Site Plan~~ shall
11 be made within 45 working days of a site plan submittal being deemed complete.
12

13 **3.13.5.2 COMPLETENESS REVIEW**

14 Upon receipt of a Site Plan Review application, the Planning Director shall first
15 determine whether the application is complete, including ~~the~~ payment of all the
16 required application fees. The Planning Director shall have five working days in which
17 to determine application completeness. If the Planning Director determines the
18 application is ~~not~~ incomplete, they shall notify the applicant in writing of the reasons
19 for such determination.
20

21 **3.13.5.3 TECHNICAL REVIEW COMMITTEE**

22 Upon determination that a complete application has been filed, the Planning Director
23 shall refer the site plan to the Technical Review Committee. The Technical Review
24 Committee shall review the plan at its next regularly scheduled meeting. Written
25 ~~committee~~ review comments shall then be forwarded to the applicant.
26

27 **3.13.6 DECISIONS ON SITE PLAN APPLICATIONS**

28 The Planning Director ~~shall have~~ has the authority to approve or deny site plans, ~~or to deny~~.
29 Denial of site plan approval shall be based on the grounds that the site plan ~~submitted~~ fails
30 to comply with any specific requirements of this Ordinance. ~~The d~~Decisions shall be
31 provided in writing via first class mail to the applicant within 5 working days of the decision.
32

33 **3.13.7 APPEAL**
34

35 ~~**3.13.7.1**~~ A decision of ~~the~~ Planning Director's decision on an application for a Site Plan Review
36 may be appealed to the Board of Adjustment ~~by an aggrieved party~~. Such appeal shall
37 be made within thirty (30) days of filing of the decision in the office of the Planning
38 Director or the delivery of the notice required in Section 3.13.6, *Decision on Site Plan*
39 *Applications*, whichever is later, following procedures established in Section 3.11,
40 *Appeal*.

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1 ~~**3.13.7.2** The official who made the decision to deny the Site Plan shall be present at the appeal~~
2 ~~hearing as a witness.~~

3
4 ~~**3.13.7.3** The appellant shall not be limited at the hearing to matters stated in the notice of~~
5 ~~appeal. If any party or the Town would be unduly prejudiced by the presentation of~~
6 ~~matters not presented in the notice of appeal, the Board of Adjustment shall continue~~
7 ~~the hearing to allow such party time to adequately prepare a response.~~

8
9 ~~**3.13.7.4** The Board of Adjustment may reverse or affirm, wholly or partly, or may modify the~~
10 ~~decision appealed from. The Board of Adjustment shall make any order, requirement,~~
11 ~~decision, or determination that ought to be made.~~

12
13 **3.13.8 VESTING**

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

17
18 **3.13.9 MODIFICATIONS**

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

22
23 **3.13.10 REVOCATION**

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

28
29 **3.13.11 EXPIRATION**

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

31
32 (a) ~~a Zoning Compliance Permit has not been issued for the project prior to the~~
33 ~~expiration date.~~

34
35 (b) ~~a statutory vested right was obtained under procedures found in subsection 1.8,~~
36 ~~*Vested Rights*, of this Ordinance prior to approval, or~~

37
38 (c) ~~a common law vested right is obtained from the Planning Director following~~
39 ~~provisions found in North Carolina General Statute 160D-108(h).~~