



ORDINANCE

Amending the Town of Hillsborough Unified Development Ordinance Section 3.13, *Administrative Procedures – Site Plan Review*

The Hillsborough Board of Commissioners ordains the following amendments:

- Section 1.** The amendments to Unified Development Ordinance Section 3.13, *Administrative Procedures – Site Plan Review*, as attached hereto.
- Section 2.** All provisions of any town ordinance in conflict with this ordinance are repealed.
- Section 3.** This ordinance shall become effective upon adoption.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 14th day of October in the year 2024.

Ayes:

Noes:

Absent or excused:

Sarah E. Kimrey, Town Clerk

3.13 SITE PLAN REVIEW

3.13.1 INTENT

The intent of this subsection is to address the specific conditions and standards of evaluation for site plan review and approval.

3.13.2 APPLICABILITY

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) Construction of new structures not listed in (a) or (b), above consisting of no 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, or
 - (2) an addition of no more than 15% of previously existing parking spaces, or 10 parking spaces, whichever is greater, or
 - (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 change in use, provided the change does not involve development other than that exempted above.
- (f) Any sign.
- (g) 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 or their authorized representative may apply for site plan approval.

3.13.3.2 Pre-application Conference

Applicants should meet with the Planning Director to review the proposed plan and discuss ordinance requirements before submitting an application for site plan review.

3.13.4 APPLICATION REQUIREMENTS

The Planning Director shall provide forms for site plan review. Applicants shall submit all required information found in the *Administrative Manual*, and any additional information needed to demonstrate

compliance with this Ordinance. No application shall be accepted as complete unless accompanied by the required application fee.

3.13.5 REVIEW PROCESS

3.13.5.1 General

The Planning Director shall review and, if the site plan submitted otherwise meets all standards of this Ordinance, approve the site plan. 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 payment of the application fee. The Planning Director shall have five working days in which to determine application completeness. If the Planning Director determine the application is 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 review comments shall then be forwarded to the applicant.

3.13.6 DECISIONS ON SITE PLAN APPLICATIONS

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

3.13.7 APPEAL

The Planning Director's decision on an application for a Site Plan Review may be appealed to the Board of Adjustment following procedures established in Section 3.11, *Appeal*.

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 shall be made by applying the criteria found in 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 plan approval by following the procedure found in sub-paragraph 8.6.4.5, *Revocation of Permits or Certificates*, of this Ordinance.

3.13.11 EXPIRATION

Site plan approval expires 12 calendar months from the date of approval unless:

- (a) A Zoning Compliance Permit has 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).