

ARTICLE XIV. SITE PLAN APPROVAL PROCEDURES

Amended
11/21/89

14.1

Amended
4/2/90

INTENT

To establish a set of standards for site plan applications.

APPLICABILITY

As required by Article 21.4 of this Ordinance, a zoning compliance permit must be issued before any new site development, building, structure, or vehicular use area may be erected, constructed or used. Site plan approval is required for a zoning compliance permit with the following exceptions:

- a. single-family detached dwellings and duplexes, and accessory structures to those residential uses; provided, however, when such uses are located in the University Lake Watershed (ULW) District, site plan approval shall be required.
- b. temporary uses which do not exceed thirty (30) days in duration; and
- c. interior renovation or repair of an existing structure, provided the use of the lot and/or structure has not changed.

14.2

APPLICATION REQUIREMENTS

14.2.1

Amended
8/5/91
4/2/90
11/19/01

PROFESSIONAL DESIGN AND CERTIFICATION

Each site plan shall be prepared by a registered engineer, landscape architect, architect, or land surveyor; however, in some cases, professional design and certification of the plan may not be required. These exceptions include, but are not limited to the following:

- a. Proposed additions to existing permitted non- residential structures where the use of the structure and lot has not changed and the floor area is not increased more than twenty-five percent (25%); and
- b. Accessory structures to existing permitted non- residential structures where vehicular use area is not extended and changes to existing grade are not more than one (1.0) foot in elevation.

- c. Single-family detached dwellings and duplexes, and accessory structures to such uses when located in the University Lake Watershed (ULW) District.
- d. Large day care homes, as defined in Article 22, Definitions.
- e. Rural Guest Establishments with three (3) guestrooms or less - Bed & Breakfasts.

14.2.2

Amended
9/4/90
9/16/03

SUBMITTAL REQUIREMENTS

The applicant shall submit to the Planning and Inspections Department:

- a. Three (3) copies of the site plan prepared according to Article 14.2.1 and 14.2.3 (additional copies may be required depending on the nature and location of the proposed development);
- b. The site plan application form;
- c. A copy of the Orange County tax map with the subject property identified; and
- d. Legal documentation establishing entities responsible for control over common areas and facilities to be approved by the County Attorney.
- e. Three (3) copies of the Environmental Assessment and/or Environmental Impact Statement, if required by the Orange County Environmental Impact Ordinance.
- f. Method of disposal of trees, limbs, stumps and construction debris associated with the permitted activity, which shall be by some method other than open burning.

Other items which should be submitted simultaneously, but are not required as part of the site plan application are:

- a. Erosion control and grading plans as necessary to be approved by the Erosion Control Supervisor for a grading permit, and
- b. Building construction plans to be approved by the Code Enforcement Supervisor prior to issuance of a building permit.

14.2.3

Amended
4/2/90
12/10/02
9/16/03

SPECIFICATIONS FOR PLAN PREPARATION

Each site plan shall be drawn at a scale adequate to show required detail and shall contain the following information. The Planning Staff will determine which items are applicable for sufficiency.

- a. The boundary of the lot(s) to be developed labeled with bearings and distances;
- b. The name, address, and phone number of the applicant and the property owner;
- c. Name of project, vicinity map, north arrow, scale, tax map reference number, date of plan preparation, and subsequent revision dates;
- d. Zoning of the property to be developed and all adjacent zoning and existing adjacent land uses;
- e. Adjacent right-of-way widths with road names and numbers;
- f. Total gross land area of the parcel, maximum and proposed floor area, minimum and proposed open space, and minimum and proposed pedestrian/ landscape area (Refer to Article 5.1.2 of the Zoning Ordinance);
- g. Maximum and proposed impervious surface and required stream buffers in PW-II, WQCA, and ULW districts (see Articles 6.23, 6.24, and 6.25, respectively).
- h. Estimated traffic generated by the proposed development in trips per day (if it exceeds 800 trips per day, submit a traffic impact study in accordance with Article 13).
- i. Front, side, and rear building setbacks as required by Articles 5 and 6 of the Zoning Ordinance;
- j. Location of all proposed buildings and structures labeled according to floor area, building height and function, and proposed finished floor elevation;
- k. Vehicular use areas including existing and proposed streets and access drives, off street parking and loading to comply with Article 10 of the Zoning Ordinance, and entry/exit points of adjacent parcels;

- l. Overhead and underground utilities with accompanying easements and storm drainage facilities/easements; (including septic tanks and wastewater disposal fields, wells, fire hydrants, irrigation, and security lights.)
- m. Solid waste disposal facilities;
- n. All free-standing and wall-mounted signs in accordance with Article 9 of the Zoning Ordinance.
- o. A landscape plan demonstrating compliance with Article 12.3 of the Zoning Ordinance.
- p. Existing contour lines (dashed) and proposed contours (solid) at 5-foot intervals with 10-foot contours bold. Where site conditions warrant, 2-foot contours may be required;
- q. Retaining walls, tree wells, or rip rap as part of the grading plan;
- r. Streams, ponds, drainage ditches, swamps, floodway and floodplain boundaries; and
- s. Phase lines and numbers if the development is to be phased.
- t. The names of all property owners adjacent to, and across the street from, the proposed project shall be shown on the site plan.
- u. Methods of disposal of trees, limbs, stumps and construction debris associated with the permitted activity, which shall be by some method other than open burning.

Additional information may be required based on the site location and the type of development proposed.

14.3

Amended
9/4/90

SITE PLAN REVIEW

14.3.1

Amended
9/16/03

Upon submission, the Planning and Inspections Department will review the site plan application for completeness in form and content according to article 14.2. If an application is incomplete, it will be returned to the applicant within five (5) working days. When a complete application has been accepted, the plan, or set of plans, will be distributed to applicable agencies or other departments for review and comment. At the same time, the Planning Staff will review the plan(s) based on, but not limited to, the following general criteria:

- a. Compliance with all applicable County ordinances;
- b. Extent and intensity of impacts to the surrounding area;

- c. Respect for existing site conditions, including slope, vegetation, drainage patterns, etc.;
- d. Efficient use of the land to minimize disturbance and grading and to conserve energy;
- e. Safe and efficient vehicular and pedestrian circulation; and
- f. Logical placement of structures and other site functions.
- g. No open burning of trees, limbs, stumps and construction debris associated with the permitted activity.

14.3.2

Amended
10/7/91
8/4/93

Where an application is found to be inconsistent with the above criteria, Staff may recommend changes to the site plan.

Following review of the site plan, except as provided by Article 14.3.3 of this Ordinance, the Planning and Inspections Department will take final action on the application within 21 days of acceptance. Such action will be one of the following:

- a. Approval,
- b. Approval subject to conditions, or
- c. Denial.

Failure to meet the criteria for site plan approval listed in Article 14.3, and/or to address agency comments solicited during plan review, will result in denial of the application.

If a plan is approved subject to conditions, no zoning permit or subsequent building permit shall be issued until all conditions of approval have been met to the satisfaction of Orange County.

Site plan approval and the issuance of a zoning compliance permit does not establish a vested right to develop the property should zoning regulations change subsequent to plan approval.

At the option of the Applicant, a Site Plan may be vested for a period of not less than two (2) nor more than five (5) years. To become vested, a Site Plan must be approved by the Board of County Commissioners as a Special Use Permit, pursuant to Article 8 of this Ordinance. An approved Site Specific Development Plan shall contain the following statement: "Approval of this plan establishes a zoning vested right under G.S. 153A-344.1. Unless terminated at an earlier date, the zoning right shall be valid until _____."

14.3.3

The Site plan for a project which requires the preparation of an Environmental Impact Statement (EIS) pursuant to the Orange County Environmental Impact Ordinance may not be approved by the Planning Department until the EIS has been made available for public review, and has been presented to the Orange County Board of Commissioners in accordance with Section 3.2 of the Environmental Impact Ordinance.

14.4 **APPEAL PROCEDURES**

Any decision of the Planning and Inspections Department regarding a site plan application may be appealed to the Board of Adjustment according to the provisions set forth in Article 2.3.7 of this Ordinance.

14.5 **IMPROVEMENTS**

As a guarantee of improvements required as a condition of site plan approval, the developer shall provide Orange County with a security bond, escrow agreement, or irrevocable letter of credit by an approved institution. The guarantee shall be effective for twelve (12) months and shall include the cost of the improvements plus ten percent (10%). It shall also be approved by the County Attorney. If a guarantee is not submitted, the developer must install all required improvements to the satisfaction of the County prior to issuance of the zoning compliance and building permits.