

Section 17 Site Plans

17.1 Purpose

Site plans are made a requirement by certain Sections of the ordinance in order to provide for planned and orderly development. The purpose of this Section is to assure that the intent of the zoning regulations is realized through a site plan review procedure and to allow a property owner to record development intentions for a specified period of time.

17.2 Applicability

Site plans shall be required for all new development that is not single family, duplex or triplex. New development shall include the following:

1. Construction of a building or alterations or expansions to an existing building or use of a property.
2. Construction of, or changes to, parking areas, circulation, access points, or other site improvements. Resurfacing is excluded from consideration under these provisions.
3. Alterations of water courses, water bodies, or flood plains.
4. Changes of land or building use where revisions to parking, landscaping, or buffering standards apply.
5. Development of property for which a Development Plan has been approved as part of the zoning of the property (D- Rezoning).
6. Any land disturbing activity.

17.3 Site Plan Categories

A. Types Of Site Plans

1. **Simplified Site Plans:**

- a. Limited documentation approved by the Development Review Board (DRB).
- b. Limited documentation approved by Planning and Inspections Directors or their designees.

2. **Minor Site Plans:** Full documentation approved by the Development Review Board.

3. **Major Site Plans:** Full documentation approved by the Governing Body.

B. Qualifications For Categories

1. **Simplified Site Plans (A):** Shall be used when the development proposal:

- a. Involves land disturbing activity of less than 1 acre;
- b. Involves land disturbing activity of less than 1 acre and alterations to water courses or water bodies; or
- c. Consists of an expansion of an existing building or structure or construction of accessory building or structure representing 5% of the floor area of the existing or proposed buildings or structures on the lot or project of a previously approved site plan; or 1,000 square feet of floor area, whichever is greater; or
- d. Consists of a change in vehicular access points in an existing development which necessitate conformance with current landscaping, buffer and parking standards; or
- e. Consists of construction of a new building with a gross floor area of 5,000 square feet or less; or
- f. Involves a lot which is 1/2 acre or less in size. (Incremental submittal of contiguous properties shall be deemed to be one site and shall not qualify for simplified site plan procedures).

2. **Simplified Site Plans (B):** Shall be used when the development proposal:

- a. Involves construction that contains less than 1,000 square feet of floor area.
- b. Involves an expansion of 1,000 square feet or less to a building on a previously approved site plan, but only if such expansion represents 5% or less of the originally approved square footage shown on the site plan.
- c. Involves an expansion of a parking lot of 5% or less of the originally approved square footage.
- d. Involves only changes to the landscaping at the base of freestanding signs.

3. **[City Only] Minor Site Plans: Shall be used when the development proposal:**

- a. Does not require a traffic impact study unless the project is utilizing the UC district; and
- b. Consists of a parcel which is 5 acres or less in size; or
- c. Consists of a parcel which is zoned PDR, I-1, RAD, RSCH; or UC; or
- d. Consists of construction of a new building with a gross floor area of 25,000 square feet or less; or
- e. Involves a site being developed in conformance with a previously approved Development Plan. However, it shall be mandatory that all site plans for property in the Shopping Center (SC) or General Commercial (GC) Districts which exceed 75,000 square feet of gross floor area for the entire tract, including outparcels, shall be designated as a Major Site Plans. In addition, when the cumulative total of incremental site plan submittals in the SC or GC zone exceeds 75,000 square feet of gross floor area for the entire tract, including outparcels, major site plans approval is required.
- f. Includes land disturbing activity of 1 acre or more. Additions or modifications to site plans that meet these criteria are also eligible for minor site plan approval. That is, when the lot size or building square footage

of the modification exceeds the requirements of the Simplified Site Plan but is within the parameters of a minor site plan, approval may be made through the Minor Site Plan process (DRB approval).

4. **[County Only] Minor Site Plans: Shall be used when the development proposal:**
 - a. Does not require a traffic impact study; and
 - b. Consists of a parcel which is 5 acres or less in size; or
 - c. Consists of a parcel which is zoned PDR, I-1, RAD, or RSCH; or
 - d. Consists of construction of a new building with a gross floor area of 25,000 square feet or less; or
 - e. Involves a site being developed in conformance with a previously approved Development Plan. However, it shall be mandatory that all site plans for property in the Shopping Center (SC) or General Commercial (GC) Districts which exceed 75,000 square feet of gross floor are for the entire tract, including outparcels, shall be designated as a Major Site Plans. In addition, when the cumulative total of incremental site plan submittals in the SC or GC zone exceeds 75,000 square feet of gross floor area for the entire tract, including outparcels, major site plans approval is required.
 - f. Includes land disturbing activity of 1 acre or more. Additions or modifications to site plans that meet these criteria are also eligible for minor site plan approval. That is, when the lot size or building square footage of the modification exceeds the requirements of the Simplified Site Plan but is within the parameters of a minor site plan, approval may be made through the Minor Site Plan process (DRB approval).

5. **[City Only] Major Site Plans: Shall be used when the development proposal:**
 - a. Requires a traffic impact study; unless the project is utilizing the UC district; or
 - b. Does not meet the qualifications of a Simplified Site Plan or a Minor Site Plan.
 - c. Cross reference to Section 5.5.12 [Site Plan and Major Special Use Permit Required]: Within the County jurisdiction, multifamily residential, commercial office, industrial, and research developments in M/LR-B, F/J-A and E-A districts and any development utilizing the High Density Option and any cluster development requiring site plan approval by the appropriate governing body. Within the City jurisdiction, multifamily residential, commercial, office, industrial and research developments in M/LR-A, M/LR-B, F/J-A, E-A and E-B districts require site plan approval by the appropriate governing body. In either jurisdiction, any commercial, office, industrial and research development in F/J-A may require Major Special Use Permit approval.
 - d. Proposes more than 1/3 of the floodway fringe land on the tract to be used for parking.

6. **[County Only] Major Site Plans: Shall be used when the development proposal:**
 - a. Requires a traffic impact study; or
 - b. Does not meet the qualifications of a Simplified Site Plan or a Minor Site Plan.
 - c. Cross reference to Section 5.5.12 [Site Plan and Major Special Use Permit Required]: Within the County jurisdiction, multifamily residential, commercial office, industrial, and research developments in M/LR-B, F/J-A and E-A districts and any development utilizing the High Density Option and any cluster development requiring site plan approval by the appropriate governing body. Within the City jurisdiction, multifamily residential, commercial, office, industrial and research developments in M/LR-A, M/LR-B, F/J-A, E-A and E-B districts require site plan approval by the appropriate governing body. In either jurisdiction, any commercial, office, industrial and research development in F/J-A may require Major Special Use Permit approval.
 - d. Proposes more than 1/3 of the floodway fringe land on the tract to be used for parking.

17.4 Procedures

1. Submittal

Application forms are available from the City-County Planning Department. Schedules indicating submittal dates will be developed each year and made available to the public. The application form describes the information required. A completed application consists of the application form, the required plans, and the information specified on the application. A presubmission conference is recommended but not required.

2. Departmental Review

Copies of completed site plan applications are circulated to appropriate governmental departments for review. The application review process consists of a comparison of the site plan contents with development requirements.

3. Development Review Board (DRB)

Following review of site plan applications by each department, a report of the departmental review comments shall be compiled by the Planning Department and presented to the members of the DRB for consideration at a regularly scheduled meeting of the DRB.

4. Approval

In cases of Simplified Site Plans, the DRB may approve, defer, approve with modifications, or disapprove the

Plan. If the Simplified Site Plan only involves changes to a landscape (or planting) plan, approval may be made by the Planning Director or the Director's designee.

In cases of Minor Site Plans, the DRB may approve, defer, approve with modifications, or disapprove the Plan.

In cases of Major Site Plans, the DRB makes a recommendation to the Governing Body. The Governing Body makes the final decision at a scheduled meeting. The Governing Body may approve, defer, approve with modifications, or disapprove the Plan.

5. Final Approval and Development

Before final approval, the applicant shall submit corrected site plans to the Planning Department which address any comments made as part of the approval process to the Planning Department. The number of required copies shall be determined by the Planning Department. After the final approval, the approved plans will be stamped and dated by the Planning Department and supplied to appropriate departments. After an approved copy is received by the Inspections Department, permits may be issued for the project. No building permit may be issued until a required site plan is approved. Improvements specified in the approved plan shall be made prior to issuance of a Certificate of Compliance unless an extension of compliance has been prepared and approved in conformance with the requirements of this ordinance.

6. Modifications Required for Approval

Plans requiring modifications shall be returned to the Planning Department within 90 days or the site plan application will be considered withdrawn. An extension period may be granted by the approving body requesting the modifications.

17.5 Criteria for Approval

The following evaluations shall be made during site plan review. Site plans that in the opinion of the approving authority do not meet the criteria identified below shall not be approved:

1. Compliance with all applicable code requirements.
2. Compliance with a previously approved plan, such as a Development Plan.
3. Locations and adequacy of pedestrian and vehicular access points and parking areas.
4. Design of traffic patterns, traffic control measures and street pavement areas, with provisions for maintaining traffic flows and reducing unfavorable effects of traffic on nearby properties.
5. Compliance with design criteria, landscaping standards, and site construction specifications.
6. Adequacy of stormwater drainage, water supply, sewer service, fire protection, street signs, and street lighting.
7. Compliance with requirements for easements or dedications.
8. Conformance with open space and trails planning.
9. The site plan complies with the requirements of Section 11, Natural Resources Protection Standards.
10. The site plan displays a site design and development intensity appropriate for and tailored to the unique natural characteristics of the site, such as significant wooded areas, specimen trees, wetlands, steep slopes, Durham Natural Inventory sites and floodplains.

17.6 Required Contents for Site Plans

Site Plan documents shall contain, as a minimum, the information listed below unless the determination is made by the Planning Director, or the Director's designee that less detailed information is required for adequate review. No process or review of a site plan will proceed without the required information. Detailed standards and specifications for design and construction are available from City, County and State agencies, as applicable.

17.6.1 Contents for Simplified Site Plans

A. General Requirements

1. Title Block - Name of project, labeled: Site Plan; date; sheet size (36" x 48" maximum) with index map and match lines if multiple sheets are required; graphic scale (not smaller than one inch to 200 feet on a standard engineering scale); North point; Tax map, block and parcel reference; vicinity map clearly establishing the location of the proposed project, with readily recognizable landmarks, stream buffers, flood plain boundaries, property zoning districts and any overlay zones.
2. Name, address and telephone number of owner and/or agent; name, address, and telephone number of surveyor, engineer, landscape architect, or other designer, with seal.

B. Existing Conditions

1. Property boundaries; buildings, building setbacks and building heights if required by zoning; parking and access points, including pedestrian walkways; easements and other site features which may affect installation of plant materials. Existing features shall be clearly distinguishable from proposed development.

The existing features shall be shown by dashed lines to distinguish them from the proposed features which shall be shown by solid lines.

2. A list of any conditions applied to the property as part of previous approvals.
3. Calculations of the amount of tree coverage required by Section 10.11, Tree Coverage and Protection Standards and the amount and percentage of tree coverage provided by tree preservation and tree replacement; calculation of the amount of street trees required by Section 10.5, Street Tree Standards and the amount provided by tree preservation and tree installation; a tree survey in accordance with the requirements of Sections 10.13.1, Specimen Tree Survey; and the location and a description of all proposed and required tree protection measures.

C. *Proposed Conditions*

New parking and/or building footprints; landscape improvements or renovations, including buffer widths and the types and amounts of plant materials.

17.6.2 Major and Minor Site Plans

1. *General Requirements*

The General Requirements identified for Simplified Site Plans apply to Major and Minor site plans as well (Section 17.6.1).

2. *Existing Conditions*

- a. Boundary of the property, using metes and bounds with angle of departure of adjacent properties; site size and amount to be developed; lot lines; building foot prints and square footage; improvements, such as loading areas, parking areas, driveways, alleys, streets, sidewalks, etc.; any septic tanks, drainfields and wells; culverts and other subsurface features; all utility easements, above and below ground, including information on type, size, and elevation; railroads; cemeteries; setback requirements; zoning of the site and adjacent zoning, including any overlay zones; land use of the site and adjacent land uses including major improvements within 50 feet of the subject property; adjacent property owners; adjacent streets, including name and right of way width.
- b. Topographic contours at 2 foot intervals for all property within 100 feet of a proposed development area and topographic contours at 5 foot contour intervals for the remainder of the property including a source reference; locations and names of water features including shorelines, water bodies, intermittent and perennial streams; a tree survey in accordance with the requirements of Section 10.13.1, Specimen Tree Survey; locations of drainage ways, stream buffers, floodways, floodway fringes, wetlands and wetland buffers; locations of vegetation, rock outcrops, steep slope areas, Durham Natural Inventory sites and Durham Historic Inventory Sites.

3. *Proposed Conditions*

Buildings: location, footprint, entrances, area by floor (square feet), height, finished floor elevation. When building descriptions have been included in a zoning approval, the site plan shall include building elevations or renderings as well as any other information needed to support the requirements of the rezoning approval. Residential density shall be included for multifamily projects.

For projects zoned with a Development Plan containing building design concepts, specifications or drawings, the site plan shall include building elevations and any other necessary details and specifications to demonstrate that the building(s) as proposed on the site plan will conform to the description given in the Development Plan. If changes or revisions are made at the time of site plan approval, such changes shall result in a comparable effect consistent with the intent of the description given in the original development plan [D-Plan] approval.

Site Service Areas and Facilities: location of loading, trash handling and other facilities including height, footprint and screening.

Internal Vehicular Circulation and Parking: location of drives and driveways [with radii] aisles, and parking spaces, including number of spaces required, and number provided, a justification for the number of spaces exceeding the minimum requirement however any overage reserved for carpool parking shall not require justification, the number of handicapped spaces required and number provided, the location and number of spaces devoted to carpools if required, the number of spaces devoted to bicycle parking if required by Section 9, identification of park and ride facilities if required by Section 9 the area in parking in square feet, a description of the pavement structure, a lighting plan if lighting is proposed.

Street Improvements (Public and Private): location of improvements or widenings, names, widths or rights of way and pavement, design criteria including sight triangles and a typical cross section;

Pedestrian Circulation: location of sidewalks and other pedestrian ways including dimensions and surfacing, along streets and other locations; provision of crosswalks meeting the approval of DRB when the site is adjacent to an intersection which has a previously approved sidewalk on any other side of the intersection. Crosswalk improvements may include painting, pavement changes, pedestrian related traffic signals, curb extensions which narrow the crossing distance, or other measures which may be warranted to improve

pedestrian safety.

Landscaping:location of all plant materials and other landscaping features, including calculations of amount required and the amount provided; the number, size, and description of plant materials, fences, walls and berms; provisions for screening specialized features, such as storage areas; calculations of the amount of tree coverage required by Section 10.11, Tree Coverage and Protection Standards and the amount and percentage of tree coverage provided by tree preservation and tree replacement; calculation of the amount of street trees required by Section 10.5, Street Tree Standards and the amount provided by tree preservation and tree installation; a tree survey in accordance with the requirements of Section 10.13.2, Land Disturbance Tree Survey; and the location and a description of all proposed and required tree protection measures.

Grading:location of vegetation to be retained including approximate sizes and protection measures to be used; a depiction of contours at two foot intervals, supplemented with spot elevations when necessary, including location, description, and size of any retaining walls; dimensions of stream buffers.

Utilities:location and width of all easements and rights of way for storm sewers, gas, electric, communication facilities, or any other utility facility.

Storm Drainage:location and description of temporary and permanent storm drainage pipes and swales; amount of impervious surface; provisions for erosion and sedimentation controls, including retention and detention facilities; as well as professionally sealed engineering calculations used in the design.

Water and Sewer:location and description of public and private water and sanitary sewer improvements including connections to existing facilities and maintenance provisions.

Property Boundaries:location and dimensions of all property boundaries including lot numbers and setback requirements defining building envelopes.

Property Dedications/Reservations:location and description of dedicated or reserved properties under public or private ownership including the boundaries, size, purpose, future ownership and maintenance provisions for the property. This category includes but is not limited to thoroughfares, rail corridors, greenways, recreation facilities, open space and common areas. Public reservations and dedications shall be in accordance with the Merged Subdivision Ordinance, Section 5M "Recreation Land: Parks, Open Space, and Greenways", and Section 7D "Reservation of Public Facility Sites and Lands".

Traffic Impact Analysis:if required, a traffic impact study shall be included as part of a Major Site Plan submittal.

In addition, State or Federal regulations may require that additional information be supplied to the Planning Department as a part of a site plan submittal.

Phased Grading Plan:A phased grading plan shall be submitted that demonstrates:

- a. How grading and other site disturbances shall be phased in such a manner to minimize the amount of site disturbance at any one time; and
- b. How disturbed land will be stabilized as soon as the majority of the work in individual phases is completed.

Traffic Demand ManagementConstruction of bus pull outs and bus shelters shall be mandatory when the DRB determines that DATA, the Triangle Transit Authority, or another publicly sponsored transit provider would benefit from the improvements. Construction of greenways or bike trails may be required by the DRB when the site includes trails which have been identified on a previously adopted Greenway Plan or Bikeway Plan.

Additional trail and sidewalk segments not shown on adopted plans may be required when the DRB provides justification that the trail or sidewalk will create a public benefit by reducing vehicular traffic. If determined to be appropriate, the site plan shall show location and improvements for bus shelters and bus pull-outs; as well as the location and trail and sidewalk improvements.

17.7 Period of Validity

1. An approved site plan shall remain valid for a period of 24 months after the date of final approval. If no significant improvements are made on the site, or in the absence of improvements, extensive engineering or design work done within 24 months, the plan shall become null and void. At the end of the 24 month period, all site plans, except for residential PDR site plans, will remain valid only for those portions of the site plan where buildings permits are active or Certificates of Compliance have been issued. Site plans for residential PDRs shall remain valid for the entire site plan for 48 months after approval, as long as buildings permits have been issued on a portion of the approved site plan within 24 months after approval of the site plan.

Interpretation: The issuance of a building permit for a building within a phase of a project does not extend the site plan validity for the remaining unbuild portions of that phase.

2. The Development Review Board may renew a previously approved site plan for facilities to be built and owned by a charitable organization. [Charitable organizations include but are not limited to: mosques, synagogues, or other religious institutions.] Proof of charitable support may be required. Each renewal may be for a period of up to 2 years, and a maximum total site plan validity shall not exceed 15 years beyond the date of the original plan approval. [Approval prior to any renewals.] As a part of each site plan renewal request, the charitable organization shall provide the following information:

- a. A description of the proposed development priorities and the probable sequence of completion of the improvements, including the estimated dates for initiation of construction.
- b. A description of the overall program of the organization to fund the proposed improvements.
- c. Amendments to the Site Plan: The DRB may approve renewal requests which contain minor amendments to the approved plan. First, the DRB shall review the proposal to determine whether an amendment proposed by the applicant is a minor change which complies with the intent of the original approval. If the proposed amendment significantly changes the intensity or mix of uses, off site impacts, or increases building height or square footage, the amendment shall be considered a major change rather than a minor change, and a new site plan submittal meeting all current ordinance standards is required. Also, in order to assure that the renewed site plan complies as closely as possible with current development regulations, the DRB may require minor changes in the site plan to meet the most current ordinance standards where, in the DRB's opinion, the changes are physically and economically practical.

Approval of the renewal by the DRB shall be dependent on the DRB finding that:

- a. The plan is compatible with and sufficiently addresses any changes in the surrounding area since the original site plan approval.
- b. Progress is being made by the charitable organization toward meeting its development goals.

The request for site plan renewal must be submitted within 2 years of the last site plan approval. Denial of a renewal request is considered a discretionary action that is not appealable to the Board of Adjustment. A new site plan submittal is required if this deadline is not met. The new submittal shall be treated as a new application and shall meet all ordinance standards in effect at the time of submittal.

17.8 Site Plan Amendments

1. Amendments to approved site plans which will result in equivalent or better performance of the overall criteria used for the original approval may be made by the DRB at a scheduled meeting. Amendments shall not extend the period of validity for the site plan.
2. Significant changes to the approved site plan, as determined by the Planning Director or the Director's designee, shall be resubmitted for approval. Resubmittals are processed as if they were a new application.
3. Change resulting from field conditions may be approved by the Planning Director in conjunction with the Director of Inspections or their designee.

17.9 Inspections of Required Improvements

Inspections during the installation of site improvements shall be made by the agency responsible for such improvements as required to certify compliance with approved site plans. No improvements shall be accepted for maintenance by the governing jurisdiction unless and until the requirements regarding public improvements have been met.