

ORDINANCE 2020 – 149 TC 438

TC-14-19 Plot Plans and Site Plan

AN ORDINANCE TO CREATE TIERED SITE PLAN REVIEW PROCESS AND REPLACE PLOT PLANS WITH TIER 1 SITE PLANS

WHEREAS, the City of Raleigh strives to maintain the Unified Development Ordinance;

WHEREAS, certain amendments to State Law require an update to language that relates to process;

WHEREAS, the City Council has requested amendments that would clarify procedures, remove barriers to modest expansions of and changes to existing uses;

WHEREAS, the proposed amendments will improve language and align with State Law; and

WHEREAS, state law and the Unified Development Ordinance provide a process by which applicants may request approvals and modification to development plans;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT:

Section 1. Section 10.1.2.C.2 of Part 10 Raleigh Unified Development Ordinance, Specific Approval Authority, is hereby amended by adding the following language shown in the underlined and removing the language shown in strikethrough:

C. Specific Approval Authority

The Planning Commission is responsible for final action regarding:

1. Design Alternates, and
2. Major modifications to development plans approved using previously applicable quasi-judicial subjective standards, or by some other procedure with standards no longer available in this UDO.

Section 2. Section 10.1.8 of the Part 10 Raleigh Unified Development Ordinance, Summary of Review Authority, is hereby amended by adding the following language shown in the underlined and removing the language shown in strikethrough for the following:

Add a new row titled “Major Modification Development Plans approved using previously applicable quasi-judicial subjective standards, or by some other procedure with standards no longer available in this UDO”. In the column titled “City Official” show as “R”. In the column titled “Planning Commission”, show as “D-QH”. Delete row titled “Plot Plan Review.” Delete footnote “7” and insert in lieu thereof “Reserved.”

Section 3. Section 10.2.7 of the Part 10 Raleigh Unified Development Ordinance, Plot Plan Review, is hereby repealed and replaced with the following:

“[Reserved for future codification.]”

Section 4. Section 10.2.8.A of the Part 10 Raleigh Unified Development Ordinance, Applicability, is hereby amended by inserting the following language shown in the underlined and removing the language shown in strikethrough:

A. Applicability

1. A site plan is required for ~~Before any permit, not otherwise approved as a plot plan under Sec. 10.2.7., is issued for the construction, reconstruction, extension, repair, renovation or alteration of any building, structure, parking facility, change of use or use of land, not otherwise approved as a zoning permit. , whether for any property located within the City or within the City's extraterritorial jurisdiction, a~~ A site plan application approved in accordance with the provisions of this section shall be submitted to and approved by the City in accordance with the provisions of this section ~~Development Services.~~
2. ~~Construction of a detached house on a lot that was in violation of Sec. 10.2.5 or on recombined lots not approved by the City in accordance with 10.2.6. are not site plans.~~ Site plan applications fall under one of the three tiers. The tier category indicates which UDO provisions shall be applicable in the review and approval of a specific site plan application. If a site plan application meets the qualifications of multiple tier categories, the more restrictive tier category shall apply.
3. A zoning or other permit may be required for activities regulated by this UDO, not described as site plan.
4. Establishment of a new use on a vacant property is a Tier three site plan except for 10.2.8.B.1.a.iii, iv, v, viii, xii and xiii, and 10.2.B.2.a.iii and v.

Section 5. Section 10.2.8. of the Part 10 Raleigh Unified Development Ordinance, Site Plan Review, is hereby amended by inserting the following new Sec. 10.2.8.B. Site Plan Tier Categories, and re-lettering all subsequent sub-sections:

B. Site Plan Tier Categories

1. Tier One Site Plans

- a. Description – A Tier One Site Plan is required to comply with the regulations noted in See Table of Applicable Standards in Sec. 10.2.8.B.4. for any of the following types of improvements:
 - i. The construction, reconstruction, addition, repair, alteration, demolition, and or replacement, and or change of use of any building, structure, or parking facility where the increase of square footage is no greater than 4,000 square feet or 10% of the existing square footage, whichever is greater.
 - ii. A change of use of a gross floor area of 10,000 square feet or less in an existing building.
 - iii. A change of use where the required parking, as solely determined in Sec. 7.1.2.C, does not increase by more than 10 spaces or 10%, whichever is greater.
 - iv. Construction of new commercial parking lot or reuse of an existing parking lot as a principal use up to 25 spaces,

- v. The construction, reconstruction, addition, repair, alteration, demolition, and or replacement of a building having a cumulative gross floor area of 10,000 square feet or less, with civic use as its principal use.
 - vi. The construction, reconstruction, addition, repair, alteration, demolition, and or replacement of public parks, Open space and Greenways and associated uses per 6.3.2.
 - vii. An addition of up to 25 parking spaces or a 25% expansion whichever is greater, to an existing parking surface or parking facility that is not required parking as determined in Article 7.1 or is unrelated to an improvement described in subsection B.1.a.i. above.
 - viii. The construction of an accessory structure in accordance with Article 6.7.
 - ix. Tree removal, except a minor tree removal activity, in accordance with 9.1.10.
 - x. The construction of a gazebo, carport, home swimming pool, deck, patio, or other improvements listed under Article 1.5.4.D. 1, or 1.5.4.D.2.
 - xi. The construction of a telecommunication tower.
 - xii. The expansion of existing parking surfaces and driveways for one and two unit living dwellings.
 - xiii. The construction of a detached or attached building type used for one or two unit living as defined in Section 6.2.1. including additions, reconstruction, or an accessory structure located on any vacant lot that was lawfully established.
 - xiv. The construction of an accessory dwelling unit.
- b. Application of UDO Standards. See Table of Applicable Standards in Sec. 10.2.8.B.4. In the event of conflict with other provisions of the code, the Table of Applicable Standards shall control. If there are additional UDO provisions which apply to a site plan application which are not covered by this Table, compliance with those provisions is still required.
 - c. No approval of a Tier 1 site plan shall be conditioned to require public improvements, tree conservation, amenity area, open space, drainage, utility dedication, neighborhood transitions, or 40% forestation unless specifically otherwise stated in Table of Applicable Standards in Sec. 10.2.8.B.4.
 - d. No approval of a Tier 1 site plan shall locate structures in an area designated for future right of way per the Raleigh Street Type Plan
 - e. The Public Notice described in Sec. 10.2.8.C.1 shall not apply to Tier 1 site plans.

2. Tier Two Site Plans

- a. Description – A Tier Two Site Plan is required for any of the following types of improvements:
 - i. The construction, reconstruction, addition, repair, alteration, demolition, or replacement of any building, structure, or parking facility where the increase in square footage is more than 4,000 square feet but less than 10,000 square feet or more than 10%, but less than 25% of the existing square footage, whichever is greater.
 - ii. A change in use of a gross floor area of more than 10,000 square feet and less than 25,000 square feet in an existing building, excluding changes in use where the required parking, as solely determined in Sec. 7.1.2.C, does not increase by more than 10 spaces or 10%, whichever is greater.

- iii. The construction, reconstruction, addition, repair, alteration, demolition, and or replacement of a building having a cumulative gross floor area of 10,000 square feet or less, with civic use as its principal use, except for schools and places of worship.
- iv. An addition of more than 25 parking spaces or 25%, whichever is greater, and up to 50 parking spaces or a 50% expansion whichever is greater, to an existing parking surface or parking facility that is not required parking as determined in Article 7.1 or is unrelated to an improvement described in subsection B.2.a.i. above.
- v. New commercial parking lot or reuse of an existing parking lot as a principal use greater than 25 spaces and no more than 50 spaces
- b. Application of UDO Standards. See Table of Applicable Standards in Sec. 10.2.8.B.4. In the event of conflict with other provisions of the code, the Table of Applicable Standards shall control. If there are additional UDO provisions which apply to a site plan application which are not covered by this Table, compliance with those provisions is still required.
- c. No approval of a Tier 2 site plan shall be conditioned to require public right of way dedication or improvements unless specifically otherwise stated in Table of Applicable Standards in Sec. 10.2.8.B.4.
- d. No approval of a Tier 2 site plan shall locate improvements in an area designated for future right of way per the Raleigh Street Type Plan.

3. Tier Three Site Plans

- a. Description – A Tier Three Site Plan is required for all improvements not categorized as a Tier One or Tier Two Site Plan.
- b. Application of UDO Standards. See Table of Applicable Standards in Sec. 10.2.8.B.4. If there are additional UDO provisions which apply to a site plan application which are not covered by this Table, compliance with those provisions is still required.
- c. Establishment of a new use on a vacant property is a Tier three site plan except for 10.2.8.B.1.a.iv, v, vi, ix, xiii and xiv and 10.2.B.2.a.iii and v.

Section 6. Section 10.2.8. of the Part 10 Raleigh Unified Development Ordinance, Site Plan Review, is hereby amended by inserting the following new Sec. 10.2.8.B.4. Table of Applicable Standards, and re-lettering all subsequent sub-sections.

B.4. Table of Applicable Standards

Standard	UDO Sections	Tier 1	Tier 2	Tier 3
Amenity	Sec 1.5.3; 7.2.6.	--	e	•
Setbacks	Chapters 2, 3	a, d	a, d	•
Build-To	Chapters 1, 2, 3	a, d	a, d	•

Height	Chapters 1, 2, 3, 4, 5, 6, 7, 11	a, d	a, d	•
Pedestrian Access	Chapters 1, 2, 3, 4, 7, 8, 10	a, d	a, d	•
Transparency	Chapters 1, 3, 7,	a, d	a, d	•
Blank Wall	1.1.11.; 1.5.10; Chapter 3	a, d	a, d	•
Ground Floor Elevation	Chapters 1, 2, 3	a, d	a, d	•
Parking Setbacks	Chapters 1, 2, 3, 4, 5, 6	a	a	•
Transition	Chapters 2, 3, 4, 5, 6	--	a, c	•
Landscaping	Chapter 5, 6, 7	g	•	•
Protective Yard	Chapters 2, 3, 4, 5, 6, 7, 8	•	•	•
Parking	Chapters 3, 4, 5, 6, 7	•	•	•
Lighting	Chapters 3, 4, 5, 6, 7, 10	a, d	a, d	•
Site Access	Chapter 8	a, d	a, d	•
Driveway	Chapters 1,2,3,5,6,7,8,9	a, d	a, d	•
Signage	Chapters 6, 7, 10	a	a	a
Tree Conservation/ Preservation	Article 9.1	--	•	•
Forestation	9.1.9	c	c	•
Stormwater	9.2	•	•	•
Public Improvements				
Right of way dedication	Ch. 8	--	--	•
Road widening / construction / utilities	Ch. 8	f	f	•
Curb and gutter	Ch. 8	--	--	•
Sidewalk	Ch. 8	b	b	•
Tree lawn / Street trees	Ch. 8	b	b	•

Transit infrastructure	Art. 8.11.	--	c	•
Bus shelter	Art. 8.11.	--	c	•

Key: -- = Not applicable • = Applicable

Footnotes

- a Not applicable to the existing improvements on the site at the time of site plan review.
- b Required only when the site is located in the DX district or subject to an urban frontage.
- c Not applicable to a change in use of an existing building[s].
- d Applicable if demolition and reconstruction of an entire structure is proposed.
- e Applicable to establishing a civic use on vacant property and any Tier One or Two Site Plan involving the total demolition of all buildings on site, excluding like-for-like reconstruction.
- f Art. 8.7 Utilities is applicable if the development is voluntarily connecting to city water or city sewer for the first time.
- g Screening requirements as described in *Sec. 7.2.5* and *Sec. 7.2.6* are applicable.

Section 7. Section 10.2.8.B of the Part 10 Raleigh Unified Development Ordinance, Pre-Application Conference, is hereby amended by renumbering as Sec. 10.2.8.C, and by adding the following language shown in the underlined and removing the language shown in strikethrough to subsection 10.2.8.B.

~~B. C.~~ Pre- Application Conference

Before submitting an application for site plan review, an applicant may schedule a pre-application conference with the ~~Development Services Director~~ City, to discuss the procedures, standards required for approval.

Section 8. Section 10.2.8.C of the Part 10 Raleigh Unified Development Ordinance, Approval Process, is hereby amended by renumbering as Sec. 10.2.8.D, and by adding the following language shown in the underlined and removing the language shown in strikethrough to subsection 10.2.8.E.1.b:

- b. ~~Development Services~~ The City shall complete the site review in accordance with Sec. 10.2.8.B above and notify the applicant of nonconformities, omissions or required corrections. If the site review plan is disapproved, the reasons for such disapproval shall be stated in writing, specifying the provisions of the UDO with which the site review plan does not comply. A revised site review plan may be submitted to the City ~~Development Services~~ for further consideration.

Section 9. Section 10.2.8.D of the Part 10 Raleigh Unified Development Ordinance, Revisions to an Approved Site Plan, is hereby amended renumbering as Sec. 10.2.8.E, and by adding the following language shown in the underlined and removing the language shown in strikethrough:

E. ~~Revisions~~ Modifications to an Approved Site Plan

~~Minor revisions to an approved site plan may be approved by the City without providing additional notice~~ After a site plan has been approved, no deviations shall be made until written approval of the proposed changes or deviations has been obtained. Modifications are categorized as either minor or

major and are reviewed pursuant to this section. The following revisions shall be considered minor: Modifications shall be applicable as long as the approved site plan remains active under the sunset provisions of this UDO. At such time a site plan is no longer valid, a new site plan application is required.

1.Minor Modifications

Modifications that can be made to an approved site plan (including plot plans approved prior to November 19, 2020), that meet the following are considered minor modifications and shall be administratively approved without additional notice:

- ~~1. Up to a 10% increase or any decrease in gross floor area of a single building;~~
- ~~2. Up to a 10% reduction in the approved setbacks from exterior property lines;~~
- ~~3. Relocation of parking areas, internal driveways or structures where such relocation occurs more than 100 feet from exterior property lines;~~
- ~~4. All other changes to an approved site plan must be resubmitted as a new application.~~
 - a. Up to a 15% increase or any decrease in gross floor area of any building;
 - b. Up to a 15% reduction in the approved setbacks from exterior property lines for any approved structures on a site;
 - c. Up to a 15% increase or any decrease in the number of dwelling units, rooming units, hotel rooms, or seats (in principal places of assembly);
 - d. Up to a 15% increase in building height shown on the approved site plan, not to exceed the maximum height standards of Article 3.3;
 - e. An increase in the number of parking spaces provided to accommodate any allowable expansion or change of use to comply with the parking requirements of Sec. 7.1.2, or any decrease in the number of provided parking spaces, so long as the reduction continues to comply with parking minimums or maximums;
 - f. The relocation of parking areas, internal driveways or structures where such relocation occurs more than 50 feet from exterior property lines. But if the parking areas, internal driveways or structures were approved closer than 50 feet from exterior property lines in compliance with the UDO, the relocation may occur so long as it is no closer to the exterior property lines than where originally approved;
 - g. Any decrease or an increase in the number of bedrooms within dwelling units of a building used for multi-unit living where the resulting parking requirement does not increase by more than 15%;
 - h. Change in the edge or the curb treatment of private streets and parking areas, or paving materials;
 - i. Minor alterations of other features onsite, provided the same general orientation, building relationships, setback patterns and landscaping is maintained including, the following and similar features:
 - i. The elimination of any buildings or structures;
 - ii. Relocation or addition of walls, fences, or stairs;
 - iii. Relocation or addition of private sidewalks and pedestrian access points so long as the same degree of access is provided;

- iv. Relocation or addition of hydrants, meter vaults, fire lines, standpipes, or grease traps;
- v. Relocation or addition of outdoor lighting;
- vi. Relocation of public utility easements; and
- vii. Relocation or addition of transit infrastructure;
- j. Change in exterior features of buildings including, but not limited to, the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material, the size, color and scale of the building, and the type, color, style of all windows, doors, light fixtures, signs and other appurtenant fixtures. In the case of outdoor signs, exterior features shall be construed to mean style, material, size, color, and location of all such signs;
- k. Relocation of public utility line easements that do not involve relocation into CM zoning districts, TCA's protective yards, city easements or other buffer area shown on an approved site plan;
- l. Changes to, including the deletion of, any item or feature not required by the UDO, such as recreational facilities, materials of private sidewalks and ornamental plantings, shown on an approved site plan;
- m. A substitution or change of use(s) which:
 - i. Is within the same use category (i.e. – Residential, Commercial, Industrial, Open);
 - ii. Uses the same building type;
 - iii. Does not require a Special Use Permit; and
 - iv. Does not trigger any use standard that would require any additional Transitional Protective Yards or increase the amount of parking spaces that will need to be provided by more than 10%;

2. **Major Modifications**

Major modifications include all requested site plan revisions which are not minor. Major modifications shall be reviewed using the same review and approval process that was required for issuance of the original approval. Major modifications to a plot plan approved prior to November 19, 2020, shall be reviewed using the same review and approval process for Tier 1 site plans. However, in the event the site plan was approved using previously applicable quasi-judicial subjective standards, or by some other procedure with standards no longer available in this UDO, major modifications shall be allowed, if following a quasi-judicial hearing, the Planning Commission makes the following findings:

- a) The proposed modification complies with all applicable provisions of this UDO unless otherwise expressly modified in accordance with this UDO; however, that those portions of the previously approved site plan, not included in the modification request, need not comply with current UDO standards.
- b) The proposed modification complies with any applicable specific use standard

listed in Chapter 6 without the granting of any variance to the specific use standard.

- c) The proposed modification is compatible with adjacent uses in terms of the location, scale, site design, hours of operation and operating characteristics.
- d) Any adverse impacts to the surrounding area resulting from the proposed modification in the affected area will be effectively mitigated or offset or the modification is denied.
- e) Access with respect to pedestrian, bicycle and automotive safety, traffic flow and emergency service is adequate; and

Section 10. Section 10.2.8.E. of the Part 10 Raleigh Unified Development Ordinance, Expiration of a Site Plan, is hereby amended renumbering as Sec. 10.2.8.F:

Sec. 12.2 Defined Terms

Section 11. Section 12.2. of the Part 10 Raleigh Unified Development Ordinance, Defined Terms, is hereby amended by adding the following definition of “Site plan” immediately following the definition of “Siltation”, and immediately before the definition of “Solid Waste Disposal Facility”:

Site plan.

A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review.

Section 12. In the sections of the Part 10 Raleigh Unified Development Ordinance listed in the table below, reference to the term “plot plan” shall be edited as described in the table below:

ORDINANCE SECTION	PAGE NUMBER	EXISTING TEXT	PROPOSED TEXT AMENDMENT
1.5.4.D.2.a.	1-15	“No plot plan is required for these generators; however, a zoning permit is required.”	A zoning permit is required for these generators.
3.4.2.C.5.	3-18	The streetscape requirements shall not apply when a plot plan is applicable in accordance with 10.2.7.A.; in all other instances the streetscape requirements shall apply.	The streetscape requirements shall not apply when a <u>plot Tier 1 site</u> plan is applicable in accordance with 10.2.8.; in all other instances the streetscape requirements shall apply.
6.3.3.C.2.1.	6-17	Within 6 months after approval of a plot plan for the telecommunication tower, the tower must be installed and operational or	Within 6 months after approval of a plot plan for the telecommunication tower, the tower must be installed and operational or the plot plan shall be void. No

		the plot plan shall be void. No telecommunication tower approved prior to September 1, 2013, which is discontinued, unused or unoccupied by any telecommunication user for a continuous period 365 days or more shall be restarted, resumed or reoccupied without the prior approval of a new plot plan complying with the ten applicable provisions.	telecommunication tower approved prior to September 1, 2013, which is discontinued, unused or unoccupied by any telecommunication user for a continuous period 365 days or more shall be restarted, resumed or reoccupied without the prior approval of a new plot <u>Tier 1 site plan</u> complying with the ten applicable provisions.
6.8.2.D.2.h.	6-49	A plot plan that shows the location of all tents, produce stands, driveways, off-street parking, traffic circulation, signs, or other related structures shall be submitted to the City for their approval, and that a zoning permit be issued prior to any event taking place.	A plot plan that shows the location of all tents, produce stands, driveways, off-street parking, traffic circulation, signs, or other related structures shall be submitted to the City for their approval, and that a zoning permit be issued prior to any event taking place.
9.2.2.A.1.b.ii.	9-10	A grandfathered lot of one-half acre or less that has not been altered to be larger than one-half-acre in size, used for any other lawful use requiring a plot plan or site plan.	A grandfathered lot of one-half acre or less that has not been altered to be larger than one-half-acre in size, used for any other lawful use requiring a plot plan or site plan.
9.2.2.A.2.b.ii.	9-10	Any other lawful use requiring a plot plan or a site plan situated on a subdivided lot that was part of a subdivision of one-half acre or less in aggregate size.	Any other lawful use requiring a plot plan or site plan situated on a subdivided lot that was part of a subdivision of one-half acre or less in aggregate size.
10.1.	10-1	Sec. 10.2.7. Plot Plan Review	Sec. 10.2.7. Remove and replace with “Reserved”
10.1.7.D.2.c.	10-9	c. Plot plans	c. <u>Zoning permit</u>
10.2.17.B.1.	10-56	An application for an administrative alternate shall be submitted in accordance with Sec. 10.2.1.B. A request for an administrative alternate must be submitted at the time of application for	An application for an administrative alternate shall be submitted in accordance with Sec. 10.2.1.B. A request for an administrative alternate must be submitted at the time of application for a preliminary subdivision plan, plot

		a preliminary subdivision plan, plot plan, or site plan or at such time the administrative alternate is proposed in conjunction with the review of infrastructure construction plans, a plot plan or site plan.	plan , or site plan or at such time the administrative alternate is proposed in conjunction with the review of infrastructure construction plans plot plan or site plan.
10.2.17.B. 3.	10-56	The applicant shall submit pertinent material necessary for review of the alternate; in addition to the submittal material required for a subdivision, plot plan or site plan. This may include architectural renderings, materials, samples or other project-specific information.	The applicant shall submit pertinent material necessary for review of the alternate; in addition to the submittal material required for a subdivision, plot plan or site plan. This may include architectural renderings, materials, samples or other project-specific information.
10.2.18.B.1.	10-57	An application for a design adjustment shall be submitted in accordance with Sec. 10.2.1.B. A request for an administrative alternate must be submitted at the time of application for a preliminary subdivision plan, plot plan, or site plan or at such time the administrative alternate is proposed in conjunction with the review of infrastructure construction plans, a plot plan or site plan.	An application for a design adjustment shall be submitted in accordance with Sec. 10.2.1.B. A request for an administrative alternate must be submitted at the time of application for a preliminary subdivision plan, plot plan or site plan or at such time the administrative alternate is proposed in conjunction with the review of infrastructure construction plans, plot plan or site plan.
10.2.18.B.3.		The applicant shall submit pertinent material necessary for review; in addition to the submittal material required for a subdivision, plot plan or site plan. This may include detailed landscape plans, roadway cross-sections, site or subdivision layout or other project-specific information.	The applicant shall submit pertinent material necessary for review; in addition to the submittal material required for a subdivision, plot plan or site plan. This may include detailed landscape plans, roadway cross-sections, site or subdivision layout or other project-specific information.
10.2.19.C.2.	10-58	The City Council may impose conditions and terms	The City Council may impose conditions and terms on any site

		on any site plan or plot plan for which a vested rights hearing has been requested by the landowner.	plan or plot plan for which a vested rights hearing has been requested by the landowner.
10.2.19.C.3.a	10-58	The approved site plan or plot plan complies with all applicable provisions of this UDO and other applicable technical requirements of the City.	The approved site plan or plot plan complies with all applicable provisions of this UDO and other applicable technical requirements of the City.
10.2.19.C.3.b.	10-58	If the approved site plan or plot plan was conditionally approved upon the obtaining of any governmental approval and or street closing, such governmental approvals and street closings were in fact obtained.	If the approved site plan or plot plan was conditionally approved upon the obtaining of any governmental approval and or street closing, such governmental approvals and street closings were in fact obtained.
10.2.19.C.3.d.	10-58	The lot upon which the site plan or plot plan is located complies with approved subdivisions plans for the site.	The lot upon which the site plan or plot plan is located complies with approved subdivisions plans for the site.
10.2.19.C.3.e.	10-58	The site plan or plot plan coordinates with existing and planned public facilities, such as and without limitation: i thru vii.	The site plan or plot plan coordinates with existing and planned public facilities, such as and without limitation: i thru vii.
10.2.19.C.4.	10-58	Approval of a vested rights site plan or plot plan with the condition that a variance or special use permit be obtained shall not confer a vested right unless and until the necessary variance or special use permit is obtained. In all other instances, the approved plan shall be deemed vested upon approval by the City Council. The City Council shall not require landowners to waive their vested rights as a condition of approval of the plan.	Approval of a vested rights site plan or plot plan with the condition that a variance or special use permit be obtained shall not confer a vested right unless and until the necessary variance or special use permit is obtained. In all other instances, the approved plan shall be deemed vested upon approval by the City Council. The City Council shall not require landowners to waive their vested rights as a condition of approval of the plan.
10.2.19.D.1.	10-58	Following the vesting of a site plan, the landowners and their successors shall be	Following the vesting of a site plan, the landowners and their successors shall be entitled to submit to

		entitled to submit to Development Services, final plans, together with any valid building permit applications of the total area of any section or phase of the approved vested plan, within a period of not more than 2 years after the approval of the vested site plan or plot plan.	Development Services, final plans, together with any valid building permit applications of the total area of any section or phase of the approved vested plan, within a period of not more than 2 years after the approval of the vested site plan or plot plan .
10.2.19.D.4.	10-59	If noncompliance is discovered, a revocation of the site plan or plot plan and remedies authorized by Article 10.4. <i>Enforcement</i> may be undertaken by the City, notwithstanding the vesting rite of the site plan.	If noncompliance is discovered, a revocation of the site plan or plot plan and remedies authorized by Article 10.4. <i>Enforcement</i> may be undertaken by the City, notwithstanding the vesting rite of the site plan.
10.4.1.B.	10-67	The term “lawful plan” as used here shall mean a plot plan, site plan, Master Plan, Neighborhood Plan or Streetscape Plan.	The term “lawful plan” as used here shall mean a plot plan, site plan, Master Plan, Neighborhood Plan or Streetscape Plan.
11.4.1.H.	11-10	A zoning permit is required for all plot plans and site plans.	A zoning permit is required for all plot plans and site plans.

Section 13. In the sections of Part 10 of the Raleigh Unified Development Ordinance listed in the table below, reference to the term “site plan” shall be edited as described in the table below:

ORDINANCE SECTION	PAGE NUMBER	EXISTING TEXT	PROPOSED TEXT AMENDMENT
4.2.1.A.	4-3	Prior to the approval of any subdivision plan or site plan on a site 2 acres or greater in size, whichever occurs first, the property owner shall delineate a minimum of 30% of CM-zoned land as primary tree conservation area.	Prior to the approval of any subdivision plan or <u>Tier 2 or Tier 3</u> site plan on a site 2 acres or greater in size, whichever occurs first, the property owner shall delineate a minimum of 30% of CM-zoned land as primary tree conservation area.
7.5.2.B.	7-50	Outdoor display is permitted with any nonresidential use in a RX-,OP-,OX-,NX-,CX-,DX-, and CMP district following approval of a site plan illustrating the extent of the permitted area for outdoor display. The area for outdoor display must meet the standards below.	Outdoor display is permitted with any nonresidential use in a RX-,OP-,OX-,NX-,CX-,DX-, and CMP district following approval of a site plan illustrating the extent of the permitted area for outdoor display. The area for outdoor display must meet the standards below.
7.5.3.A.2.	7-50	Limited outdoor display is permitted in the OP-,OX-,NX-,CX-,DX-, IX-,AP,IH and CMP districts following approval of a site plan illustrating the extent of the permitted area for limited outdoor storage and provided it meets the standards below.	Limited outdoor display is permitted in the OP-,OX-,NX-,CX-,DX-, IX-,AP,IH and CMP districts following approval of a site plan illustrating the extent of the permitted area for limited outdoor storage and provided it meets the standards below.
7.5.3.B.2.	7-51	General outdoor storage is permitted in the IH district following review of a site plan illustrating the extent of the permitted area for general outdoor storage and provided it meets the standards below.	General outdoor storage is permitted in the IH district following review of a site plan illustrating the extent of the permitted area for general outdoor storage and provided it meets the standards below
8.11.1.B.1.	8-50	Where a site plan is proposed on lots with frontage on an existing near-term planned or long	Where a <u>Tier 3</u> site plan is proposed on lots with frontage on an existing near-term planned or long term

		term planned transit route the requirements of this Article shall apply.	planned transit route the requirements of this Article shall apply.
8.11.1.2.B.	8-50	A new transit stop shall not be required if an existing transit stop is within a walking distance of 1,320 feet and located on the same side of the street with the same facilities that a new transit stop would be required to provide. This exemption shall not be allowed for site plans that serve a hospital, senior housing, life care community or congregate care facility.	A new transit stop shall not be required if an existing transit stop is within a walking distance of 1,320 feet and located on the same side of the street with the same facilities that a new transit stop would be required to provide. This exemption shall not be allowed for <u>Tier 3</u> site plans that serve a hospital, senior housing, life care community or congregate care facility.
9.1.2.	9-2	Prior to approval of any subdivision of any tract 2 acres or greater in size or site plan for a parcel 2 acres or greater, tree conservation areas must be provided in accordance with the requirements of this UDO, provided that delineation of tree conservation areas for a site subject to either condemnation or the threat of condemnation shall be delayed until a site plan or further subdivision of the property whichever occurs first.	Prior to approval of any subdivision of any tract 2 acres or greater in size or <u>Tier 2</u> or <u>Tier 3</u> site plan for a parcel 2 acres or greater, tree conservation areas must be provided in accordance with the requirements of this UDO, provided that delineation of tree conservation areas for a site subject to either condemnation or the threat of condemnation shall be delayed until a <u>Tier 2</u> or <u>Tier 3</u> site plan or further subdivision of the property whichever occurs first.

Section 14. This text change has been reviewed by the Raleigh Planning Commission.

Section 15. This ordinance has been adopted following a duly advertised legislative hearing of the Raleigh City Council.

Section 16. This ordinance has been provided to the North Carolina Capital Planning Commission as required by law.

Section 17. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or a provided in the Raleigh City Code. All criminal sanctions shall be the maximum allowed by law notwithstanding the fifty-dollar limit in N.C.G.S. 14-4(a) or similar limitations.

Section 18. This ordinance is effective 30 days after adoption.

ADOPTED: October 20, 2020

EFFECTIVE: November 19, 2020

**DISTRIBUTION: Planning - Young, Bowers, Rametta, Holland, Holmes, Crane, Eason
Management Team, City Attorney DL, Puccini, Taylor**