

## **TC-9-09 Sunset Provisions for Subdivisions**

Proposes to amend the sunset provisions for approved preliminary subdivision plans as follows:

- Requires the applicant requesting a sunset extension to provide an inspection report demonstrating that the site is currently in compliance and appropriately stabilized to prevent erosion and sediment control problems during the requested extension period.
- Allows the applicant to petition the City Council or Planning Commission (if the Commission approved the original plan) for an additional time period for the continuation of the project beyond the current allowances (50% of the land area is required to be recorded within 3 years and 100% recorded within 5 years; and allows the Planning Director to approve one 3-year time extension).

**ORDINANCE NO. (2009) - 656 TC 326  
TC-9-09**

**AN ORDINANCE TO REVISE THE SUNSET PROVISIONS FOR  
PRELIMINARY SUBDIVISION PLANS**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH,  
NORTH CAROLINA that:**

**Section 1.** Amend Section 10-2132.2(j), **Sunset Clause**, recently amended by ORDINANCE NO. (2009) 578TC323 (TC-6-09, adopted 5/5/09, effective 5/10/09), subsections (1)e. and (2)e., by deleting the words “provided a recent City of Raleigh inspection report demonstrating that” and substituting in lieu thereof the words “provided the most recent City of Raleigh inspection report demonstrating that the site is currently in compliance and that”.

**Section 2.** Amend Section 10-3013(c)(4)a., by renumbering subsection 4. as subsection 5., and by adding a new subsection 4. which shall read as follows:

- “4. The applicant has provided the most recent City of Raleigh inspection report demonstrating that the site is currently in compliance and that any previously graded and/or cleared portion of the site which is not currently under construction is currently and appropriately stabilized to prevent erosion and sediment control problems during the requested extension period.”.

Furthermore, amend Section 10-3013(c)(4)a., second paragraph, by revising “subsections 1. through 4.” to read “subsections 1. through 5.”, and to add a new last paragraph to this subsection a. which shall read as follows:

“In the case that requirements 1. through 5. above are not met, the *City Council*, following a recommendation by the Planning Commission, or by the Planning Commission if the Commission approved the development, *shall* determine whether the unconstructed portion of any development is allowed to continue.”.

**Section 3.** All laws and clauses of laws in conflict herewith are hereby repealed to the extent of said conflict.

**Section 4.** If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable.

**Section 5.** This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

**Section 6.** This ordinance has been provided to the North Carolina Capital Commission as required by law.

**Section 7.** This ordinance shall be enforced by law as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code. All criminal sanctions shall be the maximum allowed by law notwithstanding the fifty dollar limit in G.S. 14-4(a) or similar limitations.

**Section 8.** This ordinance shall become effective five (5) days following its adoption, and it shall, in addition to applying to all future preliminary subdivision approvals, be applicable to all previously approved preliminary subdivision plans that as of this effective date, have not sunset. This ordinance hereby repeals Section 7 of Ordinance NO (2009) 578 TC 323 (TC-6-09), and in lieu thereof substitute the following language: "This ordinance shall become effective five (5) days following its adoption, and it shall, in addition to applying to all future preliminary site plan approvals, be applicable to all previously approved preliminary site plans that, as of this effective date have not sunset."

**ADOPTED:**                   **October 7, 2009**  
**EFFECTIVE:**               **October 12, 2009**  
**DISTRIBUTION:**       **Department Heads**  
                                  **Hallam, Darges, Bowers, Crane**