Orange County Planning and Inspections Department

APPLICATION FOR CLASS A SPECIAL USE PERMIT

APPLICANT INFORMATION:

Date: _____

Applicant: _____ Phone: _____

Address: _____ Cell Phone: _____

_____ E-mail: _____

Agent: _____ Phone: _____

Address: _____ Cell Phone: _____

_____ E-mail: _____

Address of subject property: _____

Parcel Identification Number (PIN): _____ Lot Size: _____

Zoning Designation: _____ Watershed Overlay: _____

Other Overlay Zoning Districts: _____

_____

Request (include detailed description of proposed land use): _____

_____

_____

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SUBMITTAL INFORMATION Per Section 2.7.3 of the Unified Development Ordinance (UDO), all Class A Special Use Permit applications are required to submit the following:

1) 26 copies of a site plan prepared by a registered North Carolina land surveyor, landscape architect, architect, or engineer containing all required information detailed within Section 2.5 of the UDO. This site plan will also need to contain all relevant information demonstrating that the proposed special use compliance with all general and specific standards governing the proposed special use as detailed within Article(s) 5 and 6 of the UDO.
2) A detailed narrative outlining the proposed land use including operational requirements, the location of facility, appearance, etc.,
3) Documentation establishing compliance with Section 5.3.2 inclusive of the UDO.
4) The names and addresses of the owners involved with the project,
5) A list of property owners within 500 feet of the subject parcel and the name and address of each property owner, as currently listed in the Orange County tax records,
6) Elevations of all structures proposed to be used in the development,
7) 26 copies of the Environmental Assessment and/or Environmental Impact Statement if required by Section 6.16 of the UDO,
8) Statement outlining the anticipated development schedule for the completion of the project,

**** NOTE: It should be remembered that the review of all special use permit applications/modifications are carried out in a *quasi-judicial* format meaning that decisions relating to the approval or denial of an application are based solely on the sworn testimony of all parties involved with the case, both those for and against an application, as well as the review of competent material and substantial evidence submitted during the public hearing.**

Further the applicant has the burden of establishing, by the submission of competent material and substantial evidence, the existence of facts and conditions that demonstrate the projects compliance with the various requirements and standards detailed within the Unified Development Ordinance. **

I (we), the undersigned, have been made aware of the process for the review and action associated with a Class A Special Use Permit application and understand that only completed applications, containing all information required by the Orange County UDO shall be reviewed and acted upon by the County.

I (we) understand that it shall be my (our) responsibility to present evidence to the County in the form of sworn testimony, exhibits, documents, models, plans, and the like support the request for approval of the Class A Special Use Permit.

Further I (we) understand that any assistance I (we) may receive from County staff in preparing this application in no way guarantees a favorable recommendation by staff on the merits of this proposal nor does it guarantee an approval of the request by the County.

_____ _____

Applicant Date:

_____ _____

Applicant Date:

SECTION 2.7: SPECIAL USE PERMITS

2.7.1 Generally

(A) Any use or development designated by applicable zoning district regulations contained within Article 5 as a special use, or as allowed only pursuant to a special use permit (either Class A or Class B), may be established in that district only after the use or development is authorized by a validly issued and recorded special use permit.

(B) This section sets forth required review and approval procedures for submittal, review, and approval of applications for special use permit.

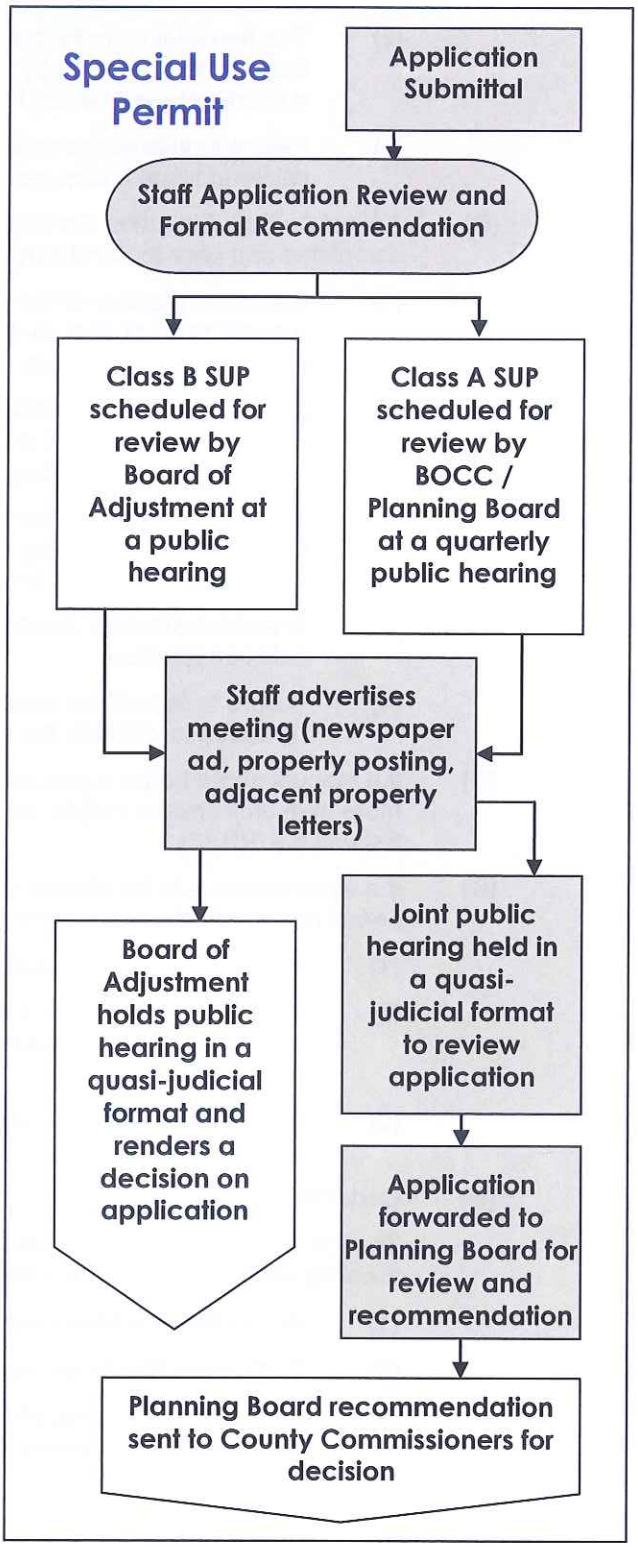
(C) A special use permit authorizes its holder to use or develop a particular parcel of land in a particular way, as specified by the terms and conditions of the special use permit.

(D) A special use permit imposes on its holder the responsibility of ensuring that the authorized use or development continues to comply with the terms and conditions of approval.

(E) Issuance of a special use permit does not relieve the holder of the special use permit of the additional responsibility of obtaining a building permit or any other permit or approval required by any other applicable law.

2.7.2 Review and Approval Flow Chart

The review and approval process for Special Use Permits is shown in the procedure's flowchart.



2.7.3 Application Requirements

(A) Applications for a Special Use shall be submitted on forms provided by the Planning Department in accordance with Section 2.2 of this Ordinance.

(B) Applications shall include:

(1) A full and accurate description of the proposed use, including its location, appearance, and operational characteristics.

(2) The name(s) and address(es) of the owner(s) of the property involved.

(3) Relevant information needed to show compliance with the general and specific standards governing the Special Use (See Articles 5 and 6).

(4) For Class A Special Uses 26 copies of the site plan, and for Class B Special Uses 10 copies of the site plan, prepared by a registered North Carolina land surveyor, landscape architect, architect, or engineer, which shall contain the information listed in Section 2.5.

(5) If the application involves a Preliminary Subdivision Plat, 26 copies of the Plat prepared in accordance with Section 7.14 shall be provided.

(6) A list of all parcels located within 500 feet of the subject parcel and the name and address of each property owner, as currently listed in the Orange County tax records.

(7) Elevations of all structures proposed to be used in the development.

(8) For Class A Special Uses 26 copies and for Class B Special Uses 10 copies of the Environmental Assessment and/or Environmental Impact Statement, if required by Section 6.16.

(9) 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.

(10) Statement from the applicant indicating the anticipated development schedule for the build-out of the project.

(11) Statement from the applicant in justification of any request for vesting for a period of more than two years (five years maximum).

2.7.4 Staff Review

(A) The Planning Director shall cause an analysis to be made of the application by qualified representatives of the County and other agencies or officials as appropriate.

(B) The Planning Director shall submit the analysis to the Board of County Commissioners and the Planning Board, in the case of Class A Special Uses, or the Board of Adjustment, in the case of Class B Special Uses.

(C) The appropriate Board reviewing the application shall receive and enter the analysis into evidence during the public hearing. The analysis shall be subject to examination by all interested parties and the Planning Director shall be subject to cross-examination regarding the analysis.

(D) The Planning Director shall not make a recommendation on the general findings detailed within Section 5.3 of this Ordinance

2.7.5 Notice Requirements for Class A Special Use Permits

(A) The Planning Director shall give public notice of the date, time and place of the public hearing to be held to receive comments, testimony and exhibits pertaining to the application for a Special Use.

(B) Such notice shall be published in a newspaper of general circulation in Orange County once a week for two successive weeks, with the first notice to be published not less than ten days nor more than 25 days prior to the date of the hearing. In computing the notice period, the day of publication is not to be included, but the day of the hearing is to be included.

(C) The Planning Director shall post on the affected property a notice of the public hearing at least ten days prior to the date of said hearing.

(D) Written notice shall be sent by certified mail to all adjacent property owners not less than 15 days before the hearing date. Adjacent property owners are those whose property lies within five hundred feet of the affected property and whose names and addresses are currently listed in the Orange County tax records.

2.7.6 Notice Requirements for Class B Special Use Permits

Notice Requirements for Class B Special Use Permits shall follow the procedures in Section 2.12.6.

2.7.7 Nature of Proceedings

(A) The review of Special Use Permit applications shall be conducted during a public hearing by the decision-making board.

(B) The review of a Special Use Permit application is a quasi-judicial process, where the Board responsible for rendering a decision acts much like a panel of judges. The Board hears factual evidence and sworn testimony presented at an evidentiary hearing, and then makes findings of fact supported by competent, substantial, and material evidence.

(C) The chair or presiding officer of the hearing shall swear all parties intending to present evidence or testimony during the hearing.

(D) The chair or presiding officer may take whatever action is necessary to limit testimony to the presentation of new factual evidence that is material to the application, to ensure fair and orderly proceedings, and to otherwise promote the efficient and effective gathering of evidence. Such actions may include:

(1) Barring the presentation of obvious hearsay evidence,

(2) Barring the presentation of non-expert opinion,

(3) Interrupting digressions into immaterial testimony,

(4) Interrupting repetitive testimony,

(5) Reasonably limiting the time allotted each witness or cross-examination,

(6) Providing for the selection of spokespersons to represent groups of persons with common interests,

(7) Interrupting personal attacks, and/or

(8) Ordering an end to disorderly conduct.

(E) Where the Board finds compliance with the general standards, specific rules governing the specific use, and that the use complies with all required regulations and standards, the application must be approved unless the Board shall also find, in some specific manner, that:

(1) the use will not maintain or promote the public health, safety and general welfare, if located where proposed and developed and operated according to the plan as submitted.

(F) Those opposing approval of the application on the grounds that the use will not promote the public health, safety and general welfare shall have the burden of establishing, by competent material and substantial evidence, the specific manner in which the proposed use does not satisfy the requirements for approval of the application for a Special Use.

2.7.8 Review and Decision

(A) For Class A Special Use permits, the following shall apply:

(1) The Board of County Commissioners and Planning Board shall review the application during a regularly scheduled public hearing.

(2) Following review at a public hearing, the Special Use permit application shall be referred to the Planning Board for its consideration and recommendation.

(3) The Board of County Commissioners may direct the Planning Board to provide a recommendation by a date certain. If the Board of County Commissioners does not so direct, the Planning Board shall make its recommendation within three regularly scheduled meetings.

(4) If the Planning Board fails to make a recommendation within the time allotted within subsection (3) above, the application shall be forwarded to the Board of County Commissioners without a Planning Board recommendation.

(5) After receipt of any Planning Board recommendation and closure of the public hearing, the Board of County Commissioners shall take action upon the application. This action shall be one of the following:

(a) Approval;

(b) Approval with conditions; or

(c) Denial.

(B) For Class B Special Use Permits, the following shall apply:

(1) The Board of Adjustment shall review the application during a regularly scheduled public hearing.

(2) The Board of Adjustment shall conduct the hearing in accordance within the provisions detailed in this Section as well as those contained within Section 2.12.

(3) After completion of the public hearing, the Board of Adjustment shall take action upon the application. This action shall be one of the following:

(a) Approval;

(b) Approval with conditions; or

(c) Denial.

2.7.9 Standards of Evaluation

The following specific standards shall be used in deciding on an application:

(A) The project meets all applicable design standards and other requirements of this Ordinance.

(B) The development can reasonably be completed within the vesting period requested, if any.

(C) Where vesting in excess of two years is requested, the project is located in an area where current issues under study do not involve potential amendments to the Comprehensive Plan and/or this Ordinance.

2.7.10 Required Findings

(A) A resolution or motion to approve the application must include the findings of fact and conclusions of law that support the decision. Any proposed conditions of approval must also be included in the resolution or motion to approve the application.

(B) A resolution or motion to deny the application must state findings of fact and conclusions of law that support the decision.

(C) If a resolution or motion to approve the application fails, the application is deemed denied. Those members voting against the resolution or motion must state which of the conclusions of law they could not reach as well as findings of fact on which their inability to reach the conclusions is based.

2.7.11 Conditions of Approval

(A) The Board of County Commissioners or the Board of Adjustment, as appropriate, may impose such reasonable conditions upon approval of a Special Use as will afford protection of the public health, safety and general welfare, ensure that substantial justice is done, and equitable treatment provided.

(B) Conditions shall run with the land and use, and shall be binding on the original applicant(s) as well as all successors, assigns and heirs.

(C) The Special Use Permit shall include a statement that if any condition of a Special Use Permit shall be held invalid or void, then the permit itself shall be void and of no effect.

(D) It shall be stated in the Special Use Permit that the Permit shall automatically expire within 12 months of the date of approval if the use has not commenced or construction has not commenced or proceeded unless a timely application for extension of this time limit is approved by the Board of County Commissioners as provided in Section 2.7.13.

2.7.12 Notification of Board Action

(A) The Planning Director shall send a notice of the relevant Board's action on the application by certified mail to the applicant. A copy of the decision shall be filed in the Planning Department within five business days of the relevant Board's action.

(B) The Planning Director, in the case of approval or approval with conditions, shall issue the necessary permit in accord with the Board's action.

(C) The Planning Director, but not a designee, shall certify that the Special Use Permit with any imposed conditions is as approved by the Board of County Commissioners or Board of Adjustment, as appropriate, with a report provided to the County Manager.

(D) Once the Special Use Permit has been certified, the applicant shall record the permit with the Orange County Register of Deeds in a format prepared by the Planning Director. Failure to do so within 90 days from certification shall invalidate the Special Use Permit.

2.7.13 Time Limits and Extensions

(A) If a request is received before the Special Use permit expires, the Board of County Commissioners, for good cause shown, may extend the expiration deadline six months upon the favorable recommendation of the Planning Board.

(B) The application for an extension request shall be submitted a minimum of six months prior to the expiration of the Special Use Permit.

(C) No changes shall be made to the terms and/or conditions of approval.

(D) Only one approval of a time extension is permitted, and it shall be based on evidence presented by the applicant showing that permits have been pursued in a timely manner, and that delays have resulted from factors beyond the control of the applicant.

(E) For developments which require approval of a Special Use Permit, the applicant may request that the Special Use Permit be vested as a Site Plan for a period of not less than two nor more than five years. For vesting purposes, Site Plans and Preliminary Plats may also be approved as a Special Use Permit at the request of the applicant. See Section 2.5 for information regarding site plans.

2.7.14 Changes to Approved Plans

(A) The Planning Director is authorized to approve minor changes in the approved plans of Special Uses, as long as they are in harmony with action of the approving Board, but shall not have the power to approve changes that constitute a modification of the approval. A modification shall require approval of the Board having jurisdiction.

(B) The following criteria shall constitute a modification:

(1) Any change in a condition imposed during the approval of a special use permit.

(2) Any change in use or enlargement of approved use.

(3) Any increase in intensity of use. An increase in intensity of use shall be considered to be an increase in usable floor area and/or an increase in the number of dwelling or lodging units.

(4) Structural alterations which significantly affects the basic size, form, style, ornamentation, and/or character of the building as shown on the approved site plan or described in the applicant's narrative.

(5) Substantial change in the amount and/or location of open space, recreation facilities or landscape screening.

(6) Any increase in the size or number of approved signs.

(7) Any change in parking areas resulting in an increase or reduction of 5% or more in the number of spaces approved.

(8) Substantial changes in pedestrian and/or vehicular access or circulation.

(9) Any change in a setback required by the provisions of this Ordinance or imposed as a condition of approval.

(10) Any change in the location or extent of street and utility improvements or rights-of-way, including water, sewer and storm drainage facilities, which would provide a different level of service.

(C) The Planning Director shall, before making a determination as to whether a proposed action is a minor change or a modification, review the record of the proceedings on the original application for approval of the Special Use. The determination shall be based upon the request of the applicant, the review of the record of the approval of the original request and the Planning Director's findings under the criteria of subsection (B) above.

(D) The Planning Director shall, if it is determined that the proposed action is a minor change, state the findings in writing to the applicant. The applicant shall file an amended site plan, or written statement, outlining in detail the minor change(s) proposed. The Planning Director shall file the amended site plan or written statement with the approved site plan.

(E) If it is determined that the proposed action is a modification, the Planning Director shall require the applicant to submit a request for modification of the approved special use permit. The following procedures shall be adhered to in the case of a modification:

(1) The applicant shall provide an amended site plan and written narrative outlining the specific changes requested.

(2) The Planning Director shall submit the request to the Board that approved the original application.

(3) The Board shall set a public hearing to receive testimony concerning the modification request. Any public hearing called pursuant to a modification of an approved special use permit shall be held in conformity with the relevant public notification requirements contained in this Article.

(4) The Board may approve, approve with conditions, or deny the application for a modification.

(5) The Planning Director shall file the Board's action in the Planning Department as an amendment request to the original application and shall notify the applicant of the Board's action.

SECTION 5.3: APPLICATION OF USE STANDARDS

5.3.1 In General

In addition to the general standards applied to uses in each zoning district and in accordance with the Table of Permitted Uses, Sections 5.4 through 5.14 establish additional standards for specific Permitted Uses, Special Uses, Conditional Uses, and uses permitted in Conditional Zoning Districts.

5.3.2 Special Uses

(A) General Standards

Before any application for a Special Use Permit shall be approved:

(1) The applicant shall have the burden of establishing, by competent material and substantial evidence, in the form of testimony, exhibits, documents, models, plans and other materials, that the application meets the requirements for approval of a Special Use; and

(2) The Board of County Commissioners or Board of Adjustment shall make written findings certifying compliance with the specific rules governing such individual Special Use and that the use, which is listed as a Special Use in the district in which it is proposed to be located, complies with all required regulations and standards including the following general conditions:

(a) The use will maintain or promote the public health, safety and general welfare, if located where proposed and developed and operated according to the plan as submitted;

(b) The use will maintain or enhance the value of contiguous property (unless the use is a public necessity, in which case the use need not maintain or enhance the value of contiguous property); and

(c) The location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and the use is in compliance with the plan for the physical development of the County as embodied in these regulations or in the Comprehensive Plan, or portion thereof, adopted by the Board of County Commissioners.

(B) Specific Standards

In addition to the general standards stated in Section 5.3.2(A), the following specific standards shall be addressed by the applicant before the issuance of a Special Use Permit:

(1) Method and adequacy of provision of sewage disposal facilities, solid waste, and water.

(2) Method and adequacy of police, fire and rescue squad protection.

(3) Method and adequacy of vehicular access to the site and traffic conditions around the site.

(4) Other use specific standards as set forth herein.

(C) Specific Standards for Class A Special Use Permits Within Hillsborough EDD

In addition to the general and specific standards for all Special Use Permits, the following standards shall be addressed by the applicant before the issuance of a Class A Special Use Permit within the Hillsborough Economic Development District:

(1) General Provisions

(a) This section establishes criteria pertaining to appearance in the design of a site, buildings and structures, landscaping, signs, and other miscellaneous features that are observed by the public.

(b) Aesthetic criteria are not intended to restrict imagination, innovation, or variety, but rather to assist in focusing on design principles which result in creative solutions that will promote visual appearance within the city and county, preserve taxable values, and promote the public health, safety and welfare.

(2) General Design Standards

(a) Harmonious and efficient organization

(i) The site plan shall be organized harmoniously and efficiently in relation to existing topography, the size and type of plot, the character of adjoining property, and the type and size of buildings.

(ii) The site will be developed to facilitate orderly development of surrounding property and with minimal disturbance to the natural environment.

(b) Preservation of natural state

(i) Desirable vegetation or other unique natural features shall be preserved in their natural state when practical.

(ii) The Environmental Protection Plan shall include the locations of all existing trees 12” diameter four feet above the ground.

(c) Enhancement of residential privacy

The site plan shall provide reasonable visual, lighting, and sound privacy for all adjacent dwelling units.

(d) Emergency access

Structures and other site features shall be arranged to permit practical emergency vehicle access to all sides of buildings.

(e) Access to public ways

Every structure and dwelling unit shall have access to a public street, walkway or other area dedicated to common use.

(f) Non-motorized circulation

(i) A non-motorized circulation system shall be provided which is direct, efficient, and pleasant.

(ii) The system shall be complementary to, but independent of the vehicular circulation system.

(g) Design of access and egress drives

The location, size, and numbers of ingress and egress drives to a site will be strictly limited to minimize the negative impacts on public streets and on adjacent property. This shall include formal entryways and access to outparcels from inside the development only.

(h) Coordination with off-site circulation systems

(i) The arrangement of rights-of-way or easements for circulation shall coordinate with the pattern of existing and planned streets, pedestrian and/or bicycle pathways and transit routes in the area.

(ii) Connection to adjacent properties is encouraged where possible.

(i) Stormwater control

(i) Protective measures shall ensure that removal of stormwater runoff will not adversely affect neighboring properties or the public storm drainage system.

(ii) Provisions shall be made for construction of stormwater facilities including grading, gutters, and piping to direct stormwater and prevent erosion.

(iii) Surface water on all paved areas shall be collected at intervals that do not obstruct vehicular or pedestrian traffic.

(j) Exterior lighting

The location, type, size and direction of exterior lighting shall not cause glare or direct illumination that interferes with adjacent properties or safety of public rights-of-way.

(k) Protection of property values

Elements of a site plan shall be arranged to have minimum negative impact on values of adjoining property and other on-site uses.

(3) Specific Standards

(a) Unless otherwise indicated herein, the relevant standards for the specific Economic Development Zoning Districts shall apply.

(b) Where actions, designs, or solutions proposed by the applicant are not literally in accord with the applicable regulations of this Ordinance, but the Board of County Commissioners makes a finding in the particular case that public purposes are satisfied to an equivalent or greater degree, the Board of County Commissioners may make specific modification of the regulations in the particular case. Any modification of regulations shall be explicitly indicated in the approved permit.

(c) Relationship of buildings to site

(i) The site shall be planned to provide for adequate planting, safe pedestrian movement, and parking areas.

(ii) Parking areas shall be treated with decorative elements, building wall extensions, plantings, berms, or other innovative means so as to screen parking areas from view from public ways and reduce heat generated by paved areas.

(iii) Without restricting the permissible limits of the applicable zoning district, the height and scale of each building shall be compatible with its site and existing or anticipated adjoining buildings.

(iv) All utility services shall be underground.

(d) Relationship of buildings and site to adjoining areas

(i) Attractive landscape transition to adjoining properties shall be provided.

(ii) Lighting intensity at the property line adjacent to residential uses shall not be greater than ½ footcandle.

(e) Building design

(i) Architectural style is not restricted. Evaluation of the appearance of a project shall be based on its relationship to the surroundings. Primary and pedestrian facades are encouraged to complement and reflect the characteristics of downtown Hillsborough.

(ii) Specific building materials are not endorsed. Evaluation of the appearance of a project shall be based on the relationship to surroundings.

a. Materials and design shall be compatible with each other in multiple building projects.
b. Materials shall be selected for suitability to the type of buildings and the design in which they are used. Utilitarian materials shall be limited to inconspicuous facades and non-public or service areas.
c. Materials with unique or special character are encouraged.

(iii) Buildings and building components, such as walls, windows, doors, eaves, and parapets, shall have human proportions and relationships to one another.

(iv) Mechanical equipment or other utility hardware on the roof, ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be so located as not to be visible from any public ways. This provision does not apply to the installation of electric vehicle charging stations.

(v) Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building design.

(vi) Recycling and waste removal areas, service yards, storage yards, and exterior work areas shall be located away from and screened from view from public ways, using materials as stated in criteria for equipment screening. Areas shall be sized to accommodate changes in technology and local refuse ordinances.

(vii) Variation of detail, form, material, and siting may be used to provide visual interest. In multiple building projects, variable siting of individual buildings may be used to prevent a monotonous appearance.

(f) Landscaping and Site Treatment

Landscape elements included in these criteria consist of all forms of planting and vegetation, ground forms, rock groupings, water patterns, and all visible construction except buildings and utility structures. New and existing vegetation shall be maintained in a flourishing manner.

(i) Natural or existing topographic patterns contributing to the beauty and utility of a development shall be preserved and developed. Modification to topography will be permitted where it contributes to good appearance and does not adversely affect significant natural features and drainageways.

(ii) Grades of walks, parking spaces, terraces, and other paved areas shall provide an inviting and stable appearance.

(iii) Landscape treatment shall be provided to enhance architectural features, strengthen vistas and important visual corridors, and provide shade.

(iv) Unity of design shall be achieved by repetition of certain plan varieties and other materials and by correlation with adjacent developments.

(v) Plant material shall be selected for its structure, texture, and color for interest and for its ultimate growth. Use of native plants is encouraged; others that will be hardy, harmonious to the design, and of good appearance can be allowed.

(vi) Appropriate curbs, tree guards or other devices shall be employed to protect plants susceptible to injury by pedestrian or motor traffic.

(vii) Parking areas and trafficways shall be enhanced with landscaped spaces containing trees or tree groupings.

(viii) Service yards and other unsightly places shall be screened by use of walls, fencing and/or planting.

(g) Signs

(i) Every sign shall have appropriate scale and proportion in its design and in its visual relationship to buildings and surroundings. A unified signage plan shall be submitted and approved with the Special Use Permit.

(ii) Every sign shall be designed as an integral architectural element of the building and the site to which it principally relates.

(iii) The colors, materials and lighting of every sign shall be harmonious with the building and site to which it principally relates.

(iv) The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message and shall be composed in proportion to the total area of the sign face.

(v) Freestanding signs shall not be pole-mounted.

(h) Maintenance, planning and design factors

(i) Materials and finishes shall be selected for their durability and wear as well as for their beauty. Proper measures and devices shall be incorporated for protection against the elements, neglect, damage, and abuse.

(ii) Provisions for cleaning buildings and structures and control of dirt and refuse shall be included in the design. Configurations that tend to accumulate debris and dirt shall be avoided.

SECTION 5.4: STANDARDS FOR TEMPORARY USES

5.4.1 Yard Sale

(A) General Standards for Evaluation

(1) Yard sales are permitted in accordance with the Table of Permitted Uses provided that these sales do not exceed two days per month.

5.4.2 Temporary Fund Raising Activity

(A) General Standards for Evaluation

(1) Temporary fund raising activities are permitted in accordance with the Table of Permitted Uses provided that these activities do not exceed two days per month.

5.4.3 Special Events

(A) General Standards of Evaluation

2.5.1 Review and Approval Flow Chart

The review and approval process for a Site Plan is shown in the procedure's flowchart.

2.5.2 Application Requirements

(A) Each site plan shall be prepared and sealed by an appropriately licensed professional with the following exceptions:

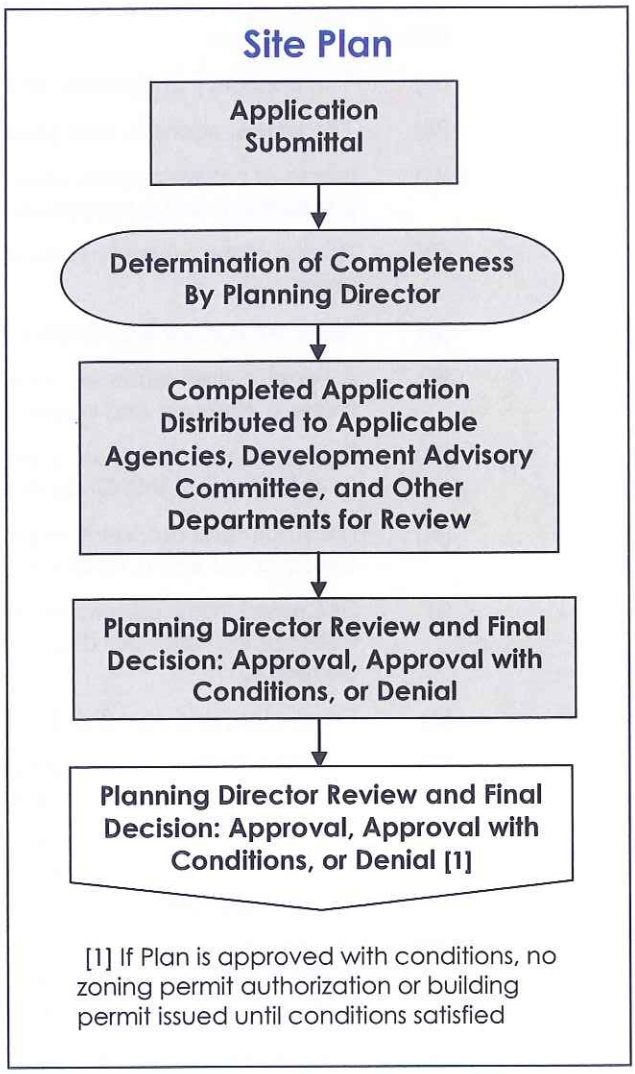
(1) Proposed additions to existing permitted non-residential structures where the use of the structure and lot has not changed and the floor area is not increased more than 25%.

(2) 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 foot in elevation.

(3) Single-family detached dwellings and duplexes, and accessory structures to such uses.

(4) Large day care homes, as defined in Article 10, Definitions.

(5) Rural Guest Establishments with three guestrooms or less - Bed & Breakfasts.



(B) The applicant shall submit to the Planning and Inspections Department:

(1) Three copies of the site plan prepared in accordance with the provisions detailed in this Section. Additional copies may be required depending on the nature and location of the proposed development);.

(2) The completed site plan application form;

(3) A copy of the Orange County tax map with the subject property identified;

(4) Legal documentation, to be approved by the County Attorney, establishing entities responsible for control over common areas and facilities.

(5) Three copies of the Environmental Assessment and/or Environmental Impact Statement, if required under Section 6.16 of this Ordinance.

(6) A statement regarding the method of disposal of trees, limbs, stumps and construction debris associated with the permitted activity. Open burning of trees, limbs, stumps, and/or construction debris associated with the permitted activity is expressly prohibited.

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

(1) Erosion control and grading plans as necessary to be approved by the Erosion Control Officer for a grading permit, and

(2) Building construction plans to be approved by the Building Official prior to issuance of a building permit.

2.5.3 Plan Specifications

Each site plan shall be drawn at a scale adequate to show required detail and shall contain the following information:

(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) A development summary including total acres, proposed use(s), total building square footage, required and proposed parking spaces.

(G) Demonstrated compliance with all applicable performance standards contained in Articles 3, 4, 5, and 6 of this Ordinance;

(H) Maximum and proposed impervious surface and required stream buffers as detailed in Sections 4.2 and 6.12 of this Ordinance;

(I) Estimated traffic generated by the proposed development in trips per day. If the estimate exceeds 800 trips per day, a traffic impact study must be submitted in accordance with Section 6.17;

(J) Front, side, and rear building setbacks as required by Articles 3 and 5 of this Ordinance;

(K) Location of all proposed buildings and structures labeled with floor area, building height and function, and proposed finished floor elevation;

(L) Vehicular use areas including existing and proposed streets and access drives, off street parking and loading to comply with Section 6.9 of this Ordinance, and entry/exit points of adjacent parcels;

(M) 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);

(N) Solid waste disposal facilities;

(O) All proposed free-standing and wall-mounted signs. Signs must comply with Section 6.12 of this Ordinance;

(P) A landscape plan demonstrating compliance with Section 6.8 of this Ordinance;

(Q) For all developments other than single-family residential and duplexes, 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;

(R) Retaining walls, tree wells, or rip rap as part of the grading plan;

(S) Streams, ponds, drainage ditches, swamps, floodway and floodplain boundaries;

(T) Phase lines and numbers if the development is to be phased;

(U) Methods of disposal of trees, limbs, stumps and construction debris associated with the permitted activity. Open burning of trees, limbs, stumps, and/or construction debris associated with the permitted activity is expressly prohibited;

(V) Compliance with County adopted access management, transportation and/or connectivity plans and denote the location of future roadway(s) and access easements, whether public or private, to ensure and encourage future connectivity; and

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

2.5.4 Procedures and Timeframes

(A) Upon submission, the Planning Director shall review the site plan application for completeness in form and content according to this Article.

(B) If an application is incomplete, it will be returned to the applicant within five working days.

(C) When a complete application has been accepted, the plan(s) shall be distributed to applicable agencies, DAC, and other departments for review and comment.

(D) The Planning Director shall review the plan(s) based on, but not limited to, the following general criteria:

(1) Compliance with all applicable County ordinances;

(2) Extent and intensity of impacts to the surrounding area;

(3) Respect for existing site conditions, including slope, vegetation, drainage patterns, etc.;

(4) Efficient use of the land to minimize disturbance and grading and to conserve energy;

(5) Safe and efficient vehicular and pedestrian circulation;

(6) Logical placement of structures and other site functions;

(7) No open burning of trees, limbs, stumps and construction debris associated with the permitted activity; and

(8) Compliance with any previously issued Special Use or Conditional Use Permit(s) associated with the project.

(E) Following review of the site plan, the Planning Director shall take final action on the application within 21 days of acceptance of a complete application. Final action shall be one of the following:

(1) Approval,

(2) Approval with conditions, or

(3) Denial.

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

(F) If a plan is approved with conditions, no zoning authorization allowing land disturbing activity or subsequent building permit shall be issued until all conditions of approval have been met to the satisfaction of Orange County.

(G) 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.

2.5.5 Vesting of Site Plan

(A) At the option of the Applicant, a site plan may be vested for a period of not less than two nor more than five years. To become vested, a site specific development plan must be approved by the Board of County Commissioners as a Special Use Permit, in accordance with Section 2.7 of this Ordinance. An approved site specific development plan shall contain the following statement: "Approval of this plan establishes a zoning vested right