



ORANGE COUNTY BOARD OF ADJUSTMENT

**ZONING COMPLIANCE PERMIT
NON-RESIDENTIAL**

Date: _____ PIN Number: _____

Property Address: _____

Owner Information:

Name: _____

Address: _____

Home Phone: _____ Cell Phone: _____

E-mail: _____

Applicant Information: (same as owner)

Name: _____

Address: _____

Home Phone: _____ Cell Phone: _____

E-mail: _____

TYPE OF PERMIT (circle one): **(Construction)** **(Expansion)** **(Demolition)**

Type of Use (Circle One): (Retail) (Office) (Institutional) (Manufacturing) (Research)
 (Industrial) (Restaurant) (Service related) (Other)

Define other: _____

What exactly are you proposing to do: _____

UTILITIES:

Water Supply (Check One): _____ well _____ public water _____ community system

Sanitary System (Check One): _____ septic _____ public sewer _____ community system

EXISTING STRUCTURES: (If more than 5 existing structures/buildings, please attach additional information)

Type/Use:	Ground Coverage (in square feet):	Total living area (in square feet):

Note: If proposal represents an expansion of an existing non-residential building, or proposes the location of a new nonresidential building in an existing non-residential development site (i.e. shopping center, industrial park, etc), please provide information concerning the original site plan approval (i.e. date approved, requirements of approval, imposed conditions, etc.):

Proposed Floor Area Ratio: _____

Proposed Open Space Ratio: _____

Proposed Pedestrian/Landscape Ratio: _____

Proposed Setbacks:

Front: _____ Side: (right) _____ (left) _____ Rear: _____

Proposed Height of Structure (in feet): _____

Total Disturbed Land Area (in square feet): _____

Total Impervious Surface Area (in square feet):

Driveway/Access Road: _____

Parking: _____

Principal Structure: _____

Accessory structures: _____

HVAC Pads/Structures: _____

Dumpster Pad: _____

Are there streams/water bodies on the property? (yes) (no) Required stream buffer: _____

Distance of structures/driveways from water (in feet) : _____

OUTDOOR LIGHTING: Site Plan Sheet Number: _____

Please provide the following breakdown of all proposed lighting fixtures (including building mounted fixtures, parking lot lights, and security lights) If more than five (5) different fixtures are proposed, please attach additional information

Type of Light:	Number of Lights:	Type of Fixture for Light:	Type of Bulb:	Wattage of Bulb:

A formal lighting plan is required for all site plan submittals denoting proposed/required lighting. Completion of this section does not eliminate this requirement.

SIGNS: Site Plan Sheet Number: _____

Total linear frontage of building along roadway (in feet): _____

Please provide the following breakdown of each of the proposed signs for this project. If more than five (5) different signs are proposed, please attach additional information

Type of Sign:	Proposed Size of Sign (in square feet):	Proposed Location:	Illumination of Sign (if applicable):

LANDSCAPING: Site Plan Sheet Number: _____

Please provide the following breakdown of all proposed and required landscaping both internal to the site and external (i.e. along property lines) required for the project. **Please attach additional information as necessary**

Required Buffer/Width:	Proposed Foliage:

A formal landscape plan is required for all site plan submittals denoting proposed/required landscape buffers/location of plantings. Completion of this section does not eliminate this requirement.

PARKING/INTERNAL TRAFFIC CIRCULATION:

Site Plan Sheet Number: _____

Name of street where primary access is proposed: _____

Type of Street (circle one): (Public) (Private)

Number of entrances proposed: _____

Travel lane type (circle one): (One-way) (Two-way)

Width of proposed travel way: _____

Daily traffic trips generated by use: _____

NOTE: if use generates more than 800 daily traffic trips, a transportation impact analysis (TIA) shall be required per the Unified Development Ordinance (UDO) and shall be submitted as part of the application package.

Parking Specifics:

Required number of parking spaces: _____ Proposed: _____

Required number of Handicapped spaces: _____ Proposed: _____

Dimensions of proposed parking space: Length: _____ Width: _____

Compact Spaces Proposed: (yes) (no)

Number: _____ Length: _____ Width: _____

Loading Zones Required: (yes) (no)

Number Proposed: _____ Length: _____ Width: _____

Fire lane around building: (yes) (no) Width: _____

Pedestrian walkways defined: (yes) (no) Width: _____

ADDITIONAL INFORMATION:

Stormwater plan required: (yes) (no) Site Plan Sheet Number: _____

Erosion Control plan required: (yes) (no) Site Plan Sheet Number: _____

**** NOTE: All trees, stumps, limbs, dirt, other similar green waste, and construction debris is required by law to be disposed of at a certified landfill or ground into mulch on-site. The County forbids the open burning of such debris or the dumping of such debris anywhere other than at an appropriate landfill site. Failure to properly dispose of such waste shall constitute a violation of the Unified Development Ordinance (UDO), potentially cause the revocation of the Zoning Compliance Permit, and subject the contractor/property owner to enforcement action as outlined in Article Nine (9) of the UDO**

**

I certify that to the best of my knowledge the information contained within this application package, and in the supporting documents, is a factual representation of the proposed development and includes all submittal information as documented within Section 2.5 *Site Plan Review* of the UDO.

I understand that a Zoning Compliance Permit shall be issued authorizing the activities contained herein and that each new development project requires a new Zoning Compliance Application.

I acknowledge that by signing this application, the Orange County Planning and Inspections Department is authorized, pursuant to N.C. Gen. Stat. Section 153A-360, to make as many inspections of the subject property as may be necessary to verify that the proposed work outlined herein is consistent with the provisions of all applicable State and local laws, ordinances and regulations.

By signing this application, I acknowledge and agree that inspectors, zoning officers, erosion control officers, and other staff of the Orange County Planning & Inspections Department have a right, upon presentation of proper credentials, to enter the subject property at any reasonable hour for the purposes of inspection or other enforcement action.

Owner

Date:

Applicant

Date:

Official Use Only:

Date Application Filed: _____ Fee Collected: _____

Accepted by: _____ Permit Case Number: _____

Staff Assigned to Review: _____

- (F) No building, structure, or zoning lot for which a Zoning Compliance Permit has been issued shall be used or occupied until the Orange County Health Department has approved the water supply and sewage disposal systems serving that use.
- (G) Issuance of a Certificate of Occupancy by the Building Official or the approval of a water supply and sewage disposal system by the Health Department shall in no case be construed as waiving any provision of this Ordinance.
- (H) Zoning Compliance Permits shall become null and void after 18 months from the date of issuance if a building permit is not applied for or land disturbing activities are not commenced in accordance with the provisions of this Ordinance.

2.4.3 Plot Plan Specifications

- (A) For development types requiring a plot plan rather than a site plan, the plot plan shall contain the following:
 - (1) A scaled drawing denoting the length of all property lines,
 - (2) A north arrow denoting the orientation of the lot and all proposed structures,
 - (3) The location of all existing structures, driveways, and areas of impervious surface,
 - (4) The location of the proposed structure(s) and distances from all property lines,
 - (5) The location of the proposed driveway,
 - (6) The location of the proposed septic system and proposed drain lines on the property,
 - (7) The location of the proposed well, and
 - (8) The location of any protected features on the property (i.e. stream buffers, flood plain, wetlands, etc), and
 - (9) The location and dimensions of proposed parking areas.
- (B) Base plot plans are available from the Planning Department and can be printed for a fee in accordance with the established fee schedule. Applicants may also use other sources of base plot plans provided the requirements of this Section are met.
 - (1) Planning staff is available to discuss compliance matters but shall not complete plot plans.

SECTION 2.5: SITE PLAN REVIEW

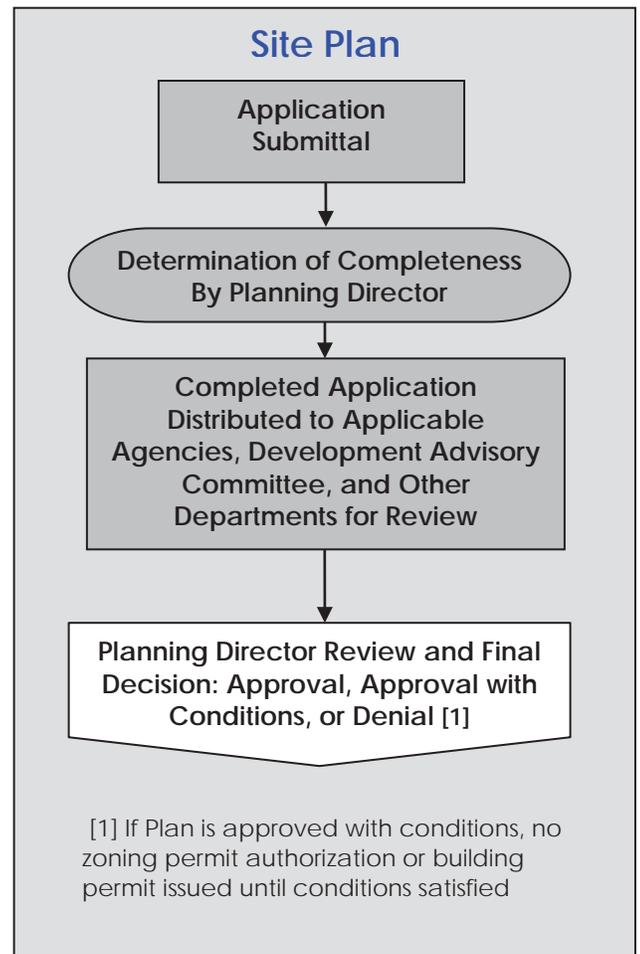
2.5.1 Review and Approval Flow Chart

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. The following are exempt from this requirement but must provide a plot plan pursuant to Section 2.4.3:

- (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) Large day care homes, as defined in Article 10, Definitions.
 - (4) Rural Guest Establishments with three guestrooms or less - Bed & Breakfasts.
 - (5) Cooperative Farm Stand.
 - (6) Rural Special Events.
 - (7) Non-Farm Use of Farm Equipment.
- (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) Stormwater management plans as necessary to be approved by the Erosion Control Officer prior to the issuance of a Zoning Compliance Permit, and
 - (3) 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.
- (1) Applications for agricultural support enterprise uses located within the Rural Buffer land use classification, as depicted on the Future Land Use Map of the adopted Comprehensive Plan, shall be forwarded to the County's Agricultural Preservation Board for review and comment.
- (a) The Agricultural Preservation Board shall have 30 calendar days to provide comments. If comments are not received within this timeframe, the application review process shall not be delayed.
- (b) For purposes of this subsection, agricultural support enterprise uses shall be defined as those permitted in the ASE-CZ zoning district, as detailed within Section 5.2.3 of this Ordinance.
- (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 under G.S. 153A-344.1. Unless terminated at an earlier date, the zoning right shall be valid until _____."
- (B) The site specific development plan for a project which requires the preparation of an Environmental Impact Statement (EIS) in accordance with Section 6.16 of this Ordinance shall not be approved until the EIS has been made available for public review, and has been presented to the Board of County Commissioners in accordance with Section 2.23 of this Ordinance.

2.5.6 Guarantee of Improvements

- (A) If a guarantee of improvements is required as a condition of site plan approval, the applicant shall provide Orange County with a security bond, escrow agreement, or irrevocable letter of credit by an approved institution.
- (B) The guarantee shall be effective for 12 months and shall include the cost of the improvements plus 10%.
- (C) Prior to issuance of any site plan approval, the guarantee shall be approved by the County Attorney.
- (D) If a guarantee is not submitted, the developer must install all required improvements to the satisfaction of the County prior to issuance of the zoning compliance permit.

2.5.7 Additional Requirements for Overlay Districts

(A) Efland-Cheeks Highway 70 Corridor Overlay District

(1) Approval Requirements

Within the Efland-Cheeks Highway 70 Corridor Overlay District (ECOD), no construction activity shall begin nor shall any conversion of existing single-family residence to a non-residential land use, excavation, soil removal, grading or disturbance of vegetation including trees, land disturbing activity associated with a non-residential land use, be commenced, nor any sign erected until such time as a site plan has been approved and a permit issued by the Planning Director in accordance with this Section and Section 2.4 of this Ordinance.

(B) Efland Interstate Overlay District

(1) Approval Requirements

Within the Efland Interstate Overlay District, no construction activity shall begin nor shall any excavation, soil removal, filling, grading or disturbance of vegetation, including trees, be commenced, nor any sign erected for any use subject to the requirements of the overlay district until such time as a site plan has been approved and a permit issued by the Planning Director in accordance with this Section and Section 2.4 of this Ordinance.

(C) Efland Village Overlay District

(1) Approval Requirements

Within the Efland Village Overlay District, no construction activity shall begin nor shall any excavation, soil removal, filling, grading or disturbance of vegetation, including trees, be commenced, nor any sign erected for any use subject to the requirements of the overlay district until such time as a site plan has been approved and a permit issued by the Planning Director in accordance with this Section and Section 2.4 of this Ordinance.

(D) Major Transportation Corridor Overlay District

(1) Approval Requirements

Within the Major Transportation Corridor District, no construction activity shall begin nor shall any excavation, soil removal, filling, grading or disturbance of vegetation, including trees, be commenced, nor any sign erected until such time as a site plan has been approved and a permit issued by the Planning Director in accordance with this Section and Section 2.4 of this Ordinance.

2.5.8 Additional Requirements for Economic Development Districts

- (A)** Prior to submission of an application for site plan approval, applicants shall meet with representatives of the Planning and Inspections, and Economic Development Departments to identify policies, procedures, regulations, and fees applicable to development proposals.
- (B)** Any proposed subdivision in an Economic Development District shall follow the approval procedures as specified in Section 2.16.
- (C)** In addition to the submittal requirements contained in this Section, a complete application shall also include:
 - (1)** Building elevation drawings for each proposed structure; and
 - (2)** A minimum of two drawings of sections through the site illustrating existing and proposed grades, as well as the relationship of different site features.

SECTION 2.6: FLOODPLAIN DEVELOPMENT APPLICATION PERMIT AND CERTIFICATE REQUIREMENTS

2.6.1 Requirements for Special Flood Hazard Area

- (A)** All projects proposing the development of property located within a Special Flood Hazard Area (SFPA) shall be required, regardless of the proposed land use, to submit a site plan prepared by a registered engineer, landscape architect, or land surveyor in accordance with the provisions of Section 2.5.
- (B)** (A)(B) Flood damage prevention regulations contained herein shall apply to all Special Flood Hazard Areas within the jurisdiction of Orange County, including properties located within the Extra-Territorial Jurisdictions (ETJs) of local municipalities used for bona fide farm purposes in accordance with Part 1, Article 19 of Chapter 160A of the North Carolina General Statutes.

2.6.2 Plans and Application Requirements

Application for a floodplain development permit shall be made to the Floodplain Administrator on forms furnished by the Planning Department prior to any development activities proposed to be located within flood prone areas.

The following items/ information shall be presented to the Floodplain Administrator to apply for a floodplain development permit:

- (A)** A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:

- (1) The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, driveways, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
 - (2) The boundary of the SFHA as delineated on the FIRM or other flood map as determined in Section 1.1.3 of this Ordinance or a statement that the entire lot is within the SFHA;
 - (3) Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Section 1.1.3 of this Ordinance;
 - (4) The boundary of the floodway(s) or non-encroachment area(s) as determined in Section Section 1.1.3 of this Ordinance;
 - (5) The Base Flood Elevation (BFE) where provided as set forth in Section(s) 1.1.3, 1.10.2, and 6.21;
 - (6) The old and new location of any watercourse that will be altered or relocated as a result of proposed development; and
 - (7) Preparation of the plot plan by or under the direct supervision of a North Carolina licensed professional Land Surveyor or Professional Engineer and certified by them.
- (B) Proposed elevation, and method thereof, of all development within a SFHA including but not limited to:
- (1) Elevation in relation to NAVD 1988 of the proposed reference level (including basement) of all structures;
 - (2) Elevation in relation to NAVD 1988 to which any non-residential structure in Zone AE will be flood-proofed; and
 - (3) Elevation in relation to NAVD 1988 to which any proposed utility systems will be elevated or flood proofed.
- (C) If flood proofing, a flood proofing certificate (FEMA Form 086-0-34) with supporting data, an operational plan, and an inspection and maintenance plan that includes, but is not limited to, installation, exercise, and maintenance of floodproofing measures completed by a registered professional engineer or architect shall be required certifying that the non-residential flood proofed development will meet the flood-proofing criteria in Section 6.21.
- (D) A Foundation Plan drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this Ordinance are met. These details include but are not limited to:
- (1) Proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear wall); and
 - (2) Openings to facilitate equalization of hydrostatic flood forces on walls according to Section 6.21(B), when solid foundation perimeter walls are used in Zones.
- (E) Usage details of any enclosed space below the regulatory flood protection elevation.
- (F) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage;
- (G) Copy of all other Local, State and Federal permits required prior to floodplain development permit issuance (i.e. Wetlands, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.);
- (H) If the application is for placement of recreational vehicles and/or temporary structures, documentation to ensure compliance with Section 6.21(B)(5) and (7) of this Ordinance.