

ORANGE COUNTY PLANNING DEPARTMENT
131 W. MARGARET LANE, SUITE 201
HILLSBOROUGH, NORTH CAROLINA 27278



AGENDA
ORANGE COUNTY PLANNING BOARD

ORANGE COUNTY WEST CAMPUS OFFICE BUILDING
131 WEST MARGARET LANE – LOWER LEVEL CONFERENCE ROOM (ROOM #004)
HILLSBOROUGH, NORTH CAROLINA 27278
Wednesday, November 2, 2016
Ordinance Review Committee Meeting – 6:30 pm

Note: This is a meeting of the Ordinance Review Committee (ORC) for Planning Board members who would like to review and comment on proposed amendments before the items are formally considered by the Planning Board. Attendance is not mandatory and a quorum is not necessary for meetings of the ORC.

<u>No.</u>	<u>Page(s)</u>	<u>Agenda Item</u>
1.		CALL TO ORDER
2.	2 - 29	UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS – TEMPORARY RESIDENTIAL UNITS CONDITIONAL ZONING DISTRICT To review and comment upon proposed amendments to the UDO that would establish a new conditional zoning district for temporary housing units. Presenter: Patrick Mallett, Planner II
3.		ADJOURNMENT

**ORANGE COUNTY
PLANNING BOARD ORDINANCE REVIEW COMMITTEE
ACTION AGENDA ITEM ABSTRACT
Meeting Date: November 2, 2016**

**Action Agenda
Item No. 2**

SUBJECT: Unified Development Ordinance (UDO) Text Amendment – Proposed New Conditional Zoning District Named Temporary Residential Units Conditional Zoning (TRU-CZ) and Modification of Mobile Home Park Conditional Zoning (MHP-CZ) allowing for Temporary Residential Units.

DEPARTMENT: Planning and Inspections

ATTACHMENT(S):

INFORMATION CONTACT:

- | | | | |
|--|---------------|---|--|
| 1. Comprehensive Plan and Development Ordinance Amendment Outline Form | Unified (UDO) | Patrick Mallett, Planner II
Michael D. Harvey, Planner III
Craig Benedict, Director | (919) 245-2577
(919) 245-2597
(919) 245-2592 |
| 2. Proposed UDO Amendments | | | |
-

PURPOSE: To review and comment upon a proposed government-initiated Unified Development Ordinance (UDO) text amendment allowing for creation of a Temporary Residential Units Conditional Zoning (TRU-CZ) District and modification of the Mobile Home Park Conditional Zoning (MHP-CZ) District.

BACKGROUND: This amendment is in response to a work session with the BOCC on February 18, 2016 to review current development regulations and discuss opportunities for allowing more flexibility with respect to residential development.

During this work session, staff recommended modifying the existing MHP-CZ District to allow for a limited number of Temporary Residential Units (TRU) in mobile home parks, including recreational vehicles (RVs) and tiny homes constructed to the RV standard, as well as creating a new TRU-CZ District. Staff further recommended revising Section(s) 3.8 *Conditional Districts* and 5.2 *Table of Permitted Uses* to include appropriate references to the allowance of TRUs.

The proposed text change accounts for the fact that RVs and Tiny Homes, built to an RV standard, are not currently allowed in any zoning district.

Attachment 1 contains additional information and analysis regarding this amendment. Proposed text amendment language can be found in Attachment 2 within a “track changes” format.

FINANCIAL IMPACT: Consideration and approval will not create the need for additional funding for the provision of County planning staff. Existing staff, included in the departmental staffing budget, will accomplish the work required to process this amendment.

RECOMMENDATION(S): Planning staff recommends the Ordinance Review Committee review and comment upon the proposed amendments to the UDO.

COMPREHENSIVE PLAN / FUTURE LAND USE MAP AND UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENT OUTLINE

UDO / Zoning-2016-08

Development of a new conditional zoning district allowing for the development of recreational vehicle (RV) parks expanding opportunities for their use as temporary housing, including allowances for the location of tiny homes classified as RV's.

A. AMENDMENT TYPE

Map Amendments

- Future Land Use Map:
From:
To:
- Zoning Map:
From:
To:
- Other:

Text Amendments

- Comprehensive Plan Text:
- UDO Text:
 - UDO General Text Changes
 - UDO Development Standards
 - UDO Development Approval Processes

Section(s): Section(s)

- 2.9.2 *Conditional Zoning Districts*;
- 3.8 *Conditional Districts (MHP-CZ and TRU-CZ)*;
- 4.2.8 *Modification of the Impervious Surface Ratio*;
- 5.2 *Table of Permitted Uses*;
- 5.5 *Standards for Residential Uses*; and
- *Article 10 Definitions*.

Other:

B. RATIONALE

1. Purpose/Mission

In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the UDO, the Planning Director has initiated text amendments to allow for creation of a new Conditional Zoning District allowing for temporary residential units, namely Recreational Vehicles (RVs) and Tiny Homes built to RV park standards.

The proposal will also seek to amend existing mobile home park regulations to allow for a maximum percentage of RV stands to be created within an established park. It will also create a Temporary Residential Unit Conditional Use District (TRU-CZ) to allow for the same type units.

2. Analysis

As required under Section 2.8.5 of the UDO, the Planning Director is required to: *'cause an analysis to be made of the application and, based upon that analysis, prepare a recommendation for consideration by the Planning Board and the Board of County Commissioners'*.

A Recreational Vehicle (RV) is currently defined within Article 10 of the UDO as:

A self-propelled or towed vehicle, qualified to be licensed by the appropriate State Agency, and is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, providing short term recreational living accommodations, designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

The only land use category allowing for the development of RV stands would be *Camp/Retreat Center* as detailed in Section 5.7.4 of the UDO. This section makes references to allowing for the development of 'camp sites' which staff has interpreted allows for the development of RV stands for camping purposes only. Currently there are no 'camp' sites with RV stands.

On recent inspections in several mobile home parks staff discovered parked/moored RVs, which is inconsistent with current regulations/standards.

There has been increased interest in allowing for RV parks providing opportunities for temporary residential uses. This includes locating tiny homes, built on a chassis and classified under State building regulations as an RV, in both mobile home parks and as standalone uses of property. In some instances staff is fielding inquiries from individuals with family members receiving treatment in local hospitals looking for areas where an RV could be parked to serve as a temporary residence.

RVs are not currently permitted within mobile home parks as they do not meet established criteria (i.e. they are not classified as a manufactured home consistent with HUD standards).

This proposal would establish a new district that could address many of these issues and provide options to those looking for temporary housing. This includes allowing for tiny home structures, constructed on a chassis and meeting the definition of an RV.

The amendment would also provide a mechanism for RVs to be permitted under certain circumstances within mobile home parks.

Most mobile home park projects were developed prior to current zoning regulations and, as a result, have de-facto zoning approvals.

As with all Conditional Zoning districts the project would involve the negotiation of design elements between the BOCC and applicant to ensure the viability of the project. Requests to develop this new district would be reviewed as a rezoning request (i.e. legislative review) and acted upon by the BOCC in accordance with Section 2.9.2 of the UDO.

3. Comprehensive Plan Linkage (i.e. Principles, Goals and Objectives)

Chapter 4 *Housing Element* of the Comprehensive Plan:

- Housing Goal 1 – A wide-range of types and densities of quality housing affordable to all in all parts of the County.

Chapter 5 *Land Use Element* of the Comprehensive Plan:

- Land Use Goal 1 – Fiscally and environmentally responsible, sustainable growth consistent with the provision of adequate services and facilities and a high quality of life.
- Land Use Goal 2 – Land uses that are appropriate to on-site environmental conditions and features and that protect natural resources, cultural resources, and community character.
- Land Use Goal 3 – A variety of land uses that are coordinated within a program and pattern that limits sprawl, preserves community and rural character, minimizes land use conflicts, and supported by an efficient and balanced transportation system.
- Land Use Goal 4 – Land development regulations, guidelines, techniques, and/or incentives that promote the integrated achievement of all Comprehensive Plan goals.

4. New Statutes and Rules

N/A

C. PROCESS

1. TIMEFRAME/MILESTONES/DEADLINES

- a. BOCC Authorization to Proceed

May 5, 2016

- b. Quarterly Public Hearing

February 13, 2017

- c. BOCC Updates/Checkpoints

November 2, 2016 – Planning Board Ordinance Review Committee (ORC) meeting (BOCC receives agenda materials)
January 4, 2017 – Planning Board Recommendation (BOCC receives agenda materials)

d. Other

N/A

2. PUBLIC INVOLVEMENT PROGRAM

Mission/Scope: Public Hearing process consistent with NC State Statutes and Orange County ordinance requirements

a. Planning Board Review:

November 2, 2016 – Ordinance Review Committee
January 4, 2017 – Recommendation

b. Advisory Boards:

Affordable Housing Advisory Board (AHAB) as necessary

c. Local Government Review:

Staff shall transmit the proposed amendment(s) to the Towns of Chapel Hill, Carrboro, Mebane, and Hillsborough for JPA and courtesy review.

d. Notice Requirements

Legal advertisement for the public hearing shall be in accordance with the provisions of the UDO.

e. Outreach:

- General Public:
- Small Area Plan Workgroup:
- Other:

3. FISCAL IMPACT

Consideration and approval will not create the need for additional funding for the provision of County services. Costs for the required legal advertisement will be paid from FY2016-17 Departmental funds budgeted for this purpose. Existing Planning staff included in the Departmental staffing budget will accomplish the work required

to process this amendment.

D. AMENDMENT IMPLICATIONS

The amendment(s) will provide an opportunity for the location/use of temporary housing and address existing non-conforming situations. This process could also provide a mechanism allowing for the location of certain types of tiny homes within the County.

E. SPECIFIC AMENDMENT LANGUAGE

Please refer to Attachment 2.

Primary Staff Contact:

Patrick Mallett

Planning

(919) 245-2577

pmallett@orangecountync.gov

(I) Zoning Atlas Designation

Following approval of a CUD application/permit by the Board of County Commissioners, the property shall be identified on the zoning atlas by the appropriate parallel CUD designation. This designation is the general zoning district designation plus the letters "CU".

(J) Timeline for Development of Approved Uses

- (1) Construction of the approved project must begin within 12 months of the approval of the permit. If no construction has started within the stated time frame the permit becomes null and of no effect.
- (2) The property owner may request only one 6-month extension from the Board of County Commissioners upon the favorable recommendation of the Planning Board if the request is received before the permit expires.
- (3) The application for an extension request shall be submitted a minimum of six months prior to the expiration of the permit.

(K) Alterations to an Approved CUD

- (1) Changes to approved plans and conditions of development shall be treated as changes to the zoning atlas and shall be processed as an amendment to such as contained in Section 2.8.
- (2) The Planning Director may approve minor changes without going through the amendment process. The Planning Director, at his/her discretion, may elect not to allow any proposal as a minor change and will forward the detailed application for changes to the Planning Board and Board of County Commissioners for consideration in accordance with the procedures outlined herein.
- (3) A minor change is one that will not:
 - (a) Alter the basic relationship of the proposed development to adjacent property,
 - (b) Alter the approved land uses,
 - (c) Increase the density or intensity of development, and/or
 - (d) Decrease the off-street parking ratio or reduce the buffer yards provided at the boundary of the site.

2.9.2 Conditional Zoning District (CZD)**(A) Generally**

Only those uses listed on the Table of Permitted Uses in Section 5.2 for a specific Conditional Zoning District and detailed in Section 3.8 of this Ordinance shall be developed.

(B) Applications

Applications to rezone property to a CZD shall be submitted to the Planning Director and shall be processed in accordance with the procedure(s) for:

- (1) Zoning Atlas amendment (Section 2.8),
- (2) Site plans (Section 2.5) for CZDs that require a site plan, and
- (3) The provisions of this Section.

(C) Submittal Requirements

- (1) In addition to the CZD application form, an applicant shall also submit the following information:

- (a) A site plan prepared in accordance with the provisions of Section 2.5 of this Ordinance, except for MPD-CZ applications (see (C)(2) below).
 - (b) A detailed description of the proposed use of property including an outline of the proposed development.
 - (c) A detailed traffic survey, regardless of the estimated number of trips per day, prepared in accordance with all applicable North Carolina Department of Transportation (NC DOT) requirements or standards as well as Section 6.17 of this Ordinance.
 - (d) The appropriate Environmental Document prepared in accordance with Section 6.16.
 - (e) A landscape plan showing the location of on-site significant trees; proposed screening, buffers, and landscaping; and any proposed treatment of any existing natural features.
 - (f) A summary of utility services, including processing of wastewater. For Mobile Home and/or temporary residential housing parks, the utility service plan shall specify if the proposed services are temporary or permanent connections.¹
 - (g) A schedule of construction of all elements of the proposal.
 - (h) Any other information identified during the pre-application conference deemed essential to demonstrate the project's compliance with these regulations.
- (2) In lieu of the requirements in (1)(a) above, an application for a Master Plan Development (MPD) CZD shall include the requirements in Section 6.7. The requirements of (1)(b) through (1)(h) above are applicable for MPD-CZ applications.
 - (3) 26 copies of the application package required in (1) and (2) above shall be submitted by the applicant.
 - (4) The Planning Board and/or Board of County Commissioners may request additional information in order to evaluate and properly process the application for a CZD.

(D) Neighborhood Information Meeting

- (1) Before a Public Hearing may be held on an accepted application for a CZD, the applicant is required to schedule, with the assistance of the Planning Department, a minimum of one neighborhood information meeting. The purpose of this meeting is to obtain surrounding property owner input and comments on the proposed development project.
- (2) The applicant shall obtain property owner mailing address information from the Orange County Planning Department and shall mail notices of the meeting date and time via first class mail to each property owner within one thousand feet of the property for which a CZD has been requested.
- (3) The notices shall be mailed a minimum of 14 days prior to the date of the proposed Neighborhood Information Meeting.
- (4) The applicant shall post a sign on the property advertising the date, place, and time of the meeting a minimum of 10 days prior to the date of the meeting.

¹ An RV can only be served by a temporary utility connection while a mobile home can only be served by a permanent utility connection. This is consistent with NC State Building Code standards for permanent versus temporary structures. Similar language has also been proposed within Section 5.5.4, the standards associated with the development of a mobile home park.

<h1 style="margin: 0;">MHP-CZ</h1> <h2 style="margin: 0;">MOBILE HOME PARK</h2>		DIMENSIONAL AND RATIO STANDARDS	
		PURPOSE	Tract size, min./max. (acres)
<p>The purpose of the Mobile Home Park Conditional Zoning (MHP-CZ) District is to provide for the development of properly located and planned facilities for mobile home parks. Adequate housing is fundamental to the welfare of county residents; however, conventional housing is not consistently affordable to, nor desired by, all members of the general public. Where properly regulated and located, mobile home parks address the public need for alternative housing and achieve a satisfactory relationship to adjoining and nearby property.</p>	Tract Front Setback from ROW, min. (feet)	40	
	Tract Side Setback, min. (feet)	20	
	Tract Rear Setback, min. (feet)	20	
APPLICABILITY	Individual Mobile Home Space Size, min. (square feet)	5,000	
<p>The district shall be located in such a manner as to be compatible with the character of existing development of surrounding properties, thus insuring the continued conservation of building values and encouraging the most appropriate use of land in the county. Therefore, when evaluating an application for this district, emphasis shall be given to the location of the proposed mobile home district, the relationship of the site and site development plan to adjoining property, and the development itself.</p>	Individual Space Width, min. (feet)	50	
	Height, max. (feet)	25 [1]	
	Tract Floor Area Ratio, max	Consistent with residential uses in adjacent zoning districts	
	Required Open Space Ratio, min.	Consistent with residential uses in adjacent zoning districts	
	Required Livability Space Ratio, min.	Consistent with residential uses in adjacent zoning districts	
<p>DIMENSIONAL STANDARDS NOTES: [1] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.</p>	Required Recreation Space Ratio, min.	Consistent with residential uses in adjacent zoning districts	
	MHP-CZ DISTRICT SPECIFIC DEVELOPMENT STANDARDS		
<ol style="list-style-type: none"> 1. Uses shall be restricted to those indicated for the MHP-CZ District in Section 5.2. Additionally, non-residential uses are restricted based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.3 for land use restrictions. 2. Development within the zoning district shall be subject to all applicable use standards detailed in Article 5 and all applicable development standards detailed in Article 6 of this Ordinance. 3. The residential density permitted on a given parcel is based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.4 for a breakdown of the allowable density (i.e., the number of individual dwellings that can be developed on a parcel of property). 4. Allowable impervious surface area is based on the Watershed Protection Overlay District in which the property is located. Refer to Sections 4.2.5 and 4.2.6 for a breakdown of the allowable impervious surface area. 5. For lots outside of a Watershed Protection Overlay District (see Section 4.2), the minimum usable lot area for lots that utilize ground absorption wastewater systems shall be 30,000 square feet for parcels between 40,000 square feet and 1.99 acres in size; zoning lots two acres and greater in size shall have a minimum usable lot area of at 			

- ~~least 40,000 square feet.²~~
65. A mobile home park shall contain a minimum of ten mobile home spaces.
76. See Section 5.5.4 for standards pertaining to Mobile Home Parks.
7. When a new mobile home park is proposed to be located adjacent to an existing mobile home park, the Standards in Section 5.5.4 shall be met.
89. ~~Each mobile home stall, stand or space shall contain only one residential unit. Efficiency units as defined herein are prohibited within MHP-CZ districts.³~~
949. ~~A maximum of 25% of the total stalls, stands or spaces may be reserved to accommodate temporary residential units such as ~~Recreational~~ Vehicles.⁴ A temporary residential unit shall only be allowed within a given park for a maximum of 180 days,⁵ and shall only be served by a temporary utility connection in accordance with applicable State regulations.~~
104. ~~All permanent residential units within a mobile home park shall be designed and built to the appropriate State and Housing and Urban Development (HUD) standards⁶ and shall be served by permanent utility connections.~~

² Language is being deleted as there are no individual 'mobile home lots' within a mobile home park. A Mobile home park is required to be a minimum of 10 acres in size and has to have a minimum of 10 'stalls' allowing for 1 unit per stall. The regulation is redundant.

³ The regulation is designed to ensure there is only residential land use per each 5,000 sq.ft. staff within a mobile home park.

⁴ To address a comment from Planning Board and BOCC members about encouraging and/or promoting location(s) for temporary residential land use options we are recommending operators of mobile home parks be allowed to delineate and reserve a specific percentage of approved stalls for use by temporary housing units (i.e. a recreational vehicle, camper, or a tiny home constructed on a chassis).

⁵ The 180 day limit is to ensure consistency with State regulations with respect to the type of utility connection required to serve 'temporary' versus 'permanent' residential units.

⁶ The reason for the distinction is to ensure permanent dwelling units comply with the appropriate criteria.

<h1 style="margin: 0;">TRU-CZ</h1> <h2 style="margin: 0;">TEMPORARY RESIDENTIAL UNIT</h2>	<u>DIMENSIONAL AND RATIO STANDARDS</u>	
	<u>Tract size, min./max. (acres)</u>	10/50
<u>PURPOSE</u>	<u>Tract Front Setback from ROW, min. (feet)</u>	50 ⁷
<p>The purpose of the Temporary Residential Unit Conditional Zoning (TRU-CZ) District is to provide locations supporting the use of temporary housing units including Recreational Vehicles, campers, and housing units constructed on a chassis. The district is is designed to accommodate the need for transitory housing options and not intended to provide opportunities for permanent residential use. but is designed to accommodate the need for transitory housing options.</p>	<u>Tract Side Setback, min. (feet)</u>	50 ⁷
	<u>Tract Rear Setback, min. (feet)</u>	50 ⁷
<u>APPLICABILITY</u>	<u>Individual Space Size, min. (square feet)</u>	23,000
<p>The district shall be located in such a manner as to be compatible with the character of existing development of surrounding properties, thus insuring the continued conservation of building values and encouraging the most appropriate use of land in the county. Therefore, when evaluating an application for this district, emphasis shall be given to the location of the proposed district, the relationship of the site and site development plan to adjoining property, and the development itself.</p>	<u>Individual Space Width, min. (feet)</u>	50 ⁸
	<u>Height, max. (feet)</u>	25 [1]
	<u>Tract Floor Area Ratio, max</u>	Consistent with residential uses in adjacent zoning districts
	<u>Required Open Space Ratio, min.</u>	Consistent with residential uses in adjacent zoning districts
<p>DIMENSIONAL STANDARDS NOTES: [1] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.</p>	<u>Required Livability Space Ratio, min.</u>	Consistent with residential uses in adjacent zoning districts
	<u>Required Recreation Space Ratio, min.</u>	Consistent with residential uses in adjacent zoning districts
<u>MHP-CZ DISTRICT SPECIFIC DEVELOPMENT STANDARDS</u>		
<ol style="list-style-type: none"> 1. <u>Uses shall be restricted to those indicated for the District in Section 5.2. Additionally, non-residential uses are restricted based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.3 for land use restrictions.</u> 2. <u>Development within the zoning district shall be subject to all applicable use standards detailed in Article 5 and all applicable development standards detailed in Article 6 of this Ordinance.</u> 3. <u>Allowable impervious surface area is based on the Watershed Protection Overlay District in which the property is located. Refer to Sections 4.2.5 and 4.2.6 for a breakdown of the allowable impervious surface area.</u> 		

⁷ Staff is recommending a larger setback given the transitory nature of land uses in the district and our desire to minimize potential impacts to adjacent property owners (i.e. noise, order, etc.).

⁸ Spaces shall be 50 ft. by 60 ft. This is to allow adequate maneuvering space for vehicles/campers/etc. to be parking within the space and not impact adjacent tenants.

4. A TRU-CZ district shall contain a minimum of 20 individual stalls/spaces and shall be developed in accordance with the standards of Section 5.5.4 of this Ordinance.
5. Each individual stall or space within a TRU-CZ district shall only be served by temporary water, sanitary sewer and electric utility connections in accordance with applicable State regulations.
6. No permanent residential dwelling units, other than a caretakers residence, shall be permitted within the TRU-CZ district.

on which they are to be situated and to avoid the following environmentally sensitive areas:

- (1) Stream buffer zones as required by Section 6.13;
 - (2) Wetlands as defined by the U.S. Army Corps of Engineers;
 - (3) Land with slopes greater than 15%; and
 - (4) Natural areas as identified in the Inventory of Natural Areas and Wildlife Habitats of Orange County, NC.
- (B) To avoid creating lots that will be difficult to build upon in compliance with the standards of this Section, the preliminary plan shall show proposed building envelopes and approximate driveway locations for all lots within subdivisions.
- (1) A zoning compliance permit shall not be issued for the construction of buildings or driveways outside the areas so designated on the preliminary plan unless the Planning Director makes a written finding that the proposed location complies with the provisions of this Section and Sections 6.13 (Stream Buffers) and 6.14 (Stormwater Management).

4.2.8 Modifications of the Impervious Surface Ratio

Modifications of the Impervious Surface Ratios may be requested through one of the following provisions:

- (A) Through variance procedures of the Board of Adjustment, as described in Section 2.10.
- (B) Through approval and recordation of a conservation agreement, as provided in Article 4 of Chapter 121 of the N.C. General Statutes, between Orange County and a land owner that prohibits development of land in a protected watershed in perpetuity, subject to the following:
 - (1) A modification of the required impervious surface ratios may be approved administratively but only to the extent that additional land in the same watershed is conserved or protected from development.
 - (2) The land which will be subject to a conservation agreement must be adjacent to the land proposed for development and for which a modification of the impervious surface ratios is sought.
 - (a) As an example, a person owning a 40,000 square foot lot and subject to a 12% impervious surface ratio would be limited to 4,800 square feet of impervious coverage. If the person's plans called for 5,500 square feet of coverage (a difference of 700 square feet), the recording of a conservation easement on 5,833 square feet of contiguous property would satisfy the impervious surface ratio requirements. (12% of 5,833 square feet is 700 square feet.)
 - (b) The conservation easement shall describe the property restricted in a manner sufficient to pass title, provide that its restrictions are covenants that run with the land and, be approved in form by the County Attorney.
 - (c) The conservation easement shall, upon recording, be in the place of a first priority lien on the property (excepting current ad valorem property taxes) and shall remain so unless, with the approval of Orange County, it is released and terminated.
 - (d) Orange County shall require the priority of the conservation easement to be certified by an attorney-at-law, licensed to practice law in the State of North Carolina and approved to certify title to real property.

- (e) Orange County approval of a release or termination of the conservation agreement shall be declared on the document releasing or terminating the agreement. The document shall be signed by the Orange County Manager, upon approval of the Board of County Commissioners. No such document shall be effective to release or terminate the conservation agreement until it is filed for registration with the Register of Deeds of Orange County.
- (C) Through the installation of a stormwater feature, consistent with the minimum design standards as detailed within the State BMP Manual.
- (1) The proposed feature must be recognized by Orange County and the State as allowing for an increase in impervious surface area through an infiltration stormwater feature.
 - (2) Under no circumstances may impervious surface area be increased by more than 3% of the total allowable area on the subject parcel through this process.
 - (3) The property owner shall provide a stormwater assessment, completed by a licensed engineer, of the current property identifying its infiltration rates and carrying capacity as well as a comprehensive soil assessment for the property.
 - (4) The development/design of the feature shall be in accordance with established design criteria as embodied within the State stormwater manual and shall be completed by a licensed engineer with ~~expertise~~^{expertise}⁹ in stormwater management. Additional allowable impervious surface area shall be based on the soil composition of the property consistent with State regulations.
 - (5) The property owner shall be responsible for the completion and submission of a stormwater operation/maintenance and access agreement detailing the perpetual maintenance, inspection, and upkeep of the approved BMP in accordance with County and State regulations.

The Planning Director shall cause an analysis to be made of the agreement by qualified representatives of the County and other agencies or officials as⁹ appropriate. Once approved, the document shall be recorded in the Orange County Registrar of Deeds office.

The property owner assumes all financial and legal responsibility for the perpetual maintenance and upkeep of the approved BMP.
 - (6) The property owner shall assume all costs associated with the preparation and recordation of new plat(s)/development restrictions detailing the allowable impervious surface limit(s) for the property after the BMP has been approved by the County.
 - (7) The property owner, at its cost and expense, shall be required to execute and file with the County a bond, or other form of acceptable security, to cover the cost of removal of a BMP, and any additional impervious surface area installed as the result of its approval, in the event the BMP is failed to be maintained in accordance with the recorded operations agreement. The amount of the bond shall be 110% of the estimated cost of removing the feature and impervious surface area as certified by a licensed professional engineer or surveyor.

⁹ Staff is merely recommending the correction of an identified typo.

TABLE OF PERMITTED USES – GENERAL USE ZONING DISTRICTS																					
* = PERMITTED USE		A = CLASS A SPECIAL USE				B = CLASS B SPECIAL USE				Δ = SUBJECT TO SPECIAL STANDARDS											
USE TYPE	GENERAL USE ZONING DISTRICTS																				
	RB	AR	R1	R2	R3	R4	R5	R8	R13	LC1	NC2	CC3	GC4	EC5	O/ RM	AS	EI	I1	I2	I3	PID
~ Use may not be permitted as a Conditional Use District; See Section 5.1.4(E) ^ Allowed as more than one principal use if located on a bona fide farm (see Section 6.2.5)																					
Buildings, Portable	B	B	B	B	B	B	B	B	B		B	B	B	B	B						
Temporary Mobile Home <u>or Recreational Vehicle</u> (Use during construction/installation of permanent residential unit, and for <u>a maximum of 30 days</u> following issuance of <u>a Certificate of Occupancy</u>)	*	*	*	*	*	*															
AUTOMOTIVE / TRANSPORTATION																					
Bus Passenger Shelter	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		*	*	*	
Bus Terminals & Garages ~													*					*	*	*	
Motor Freight Terminals ~																		*	*	*	
Motor Vehicle Maintenance & Repair (Body Shop) ~												*	*	*							
Motor Vehicle Repair Garage ~												*	*								
Motor Vehicle Sales / Rental (New & Used)											*	*	*	*			*	*	*	*	
Motor Vehicle Services Stations										*	*	*	*	*							
Parking As Principal Use, Surface or Structure											*	*	*								
Petroleum Products: Storage & Distribution ~																		*	*	*	
Postal & Parcel Delivery Services												*	*		*						
UTILITIES																					
Elevated Water Storage Tanks	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B		B	B	B	
Public Utility Stations & Sub-Stations, Switching Stations, Telephone Exchanges, Water & Sewage Treatment Plants	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A
Electric, Gas, and Liquid Fuel Transmission Lines	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B		B	B	B	
Water & Sanitary Sewer Pumping	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		*	*	*	*
Solar Array – Large Facility	B	B	B	B	B	B	B	B	B	B	B	B	B		B	B		B	B	B	B
Solar Array – Public Utility	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A		A	A	A	A

- (c) The use of the building shall be only for the period of time specified and for the use specified.
- (d) The proposed use is a permitted use in the district in which it is located.

SECTION 5.5: STANDARDS FOR RESIDENTIAL USES

5.5.1 Accessory Structures and Uses

(A) General Standards of Evaluation

- (1) Accessory structures and uses, including recreational uses and amenities, shall not be located in any required front open space and shall conform to the principal setbacks of the district where located unless otherwise provided in this Section.
- (2) An attached private garage, or carport, not exceeding 12 feet in height, may occupy a portion of the required side open space, provided that this does not result in a required side open space of less than 7% of the lot width, nor a total, when combined with the required side open space of the lot immediately adjacent, of less than eight feet.
- (3) Mobile homes as accessory structures to residential uses are prohibited.

5.5.2 Efficiency Apartment

(A) General Standards of Evaluation

- (1) There shall be no more than one efficiency apartment, whether detached or attached, on any lot.
- (2) The efficiency unit shall contain no more than 800 square feet of gross floor area.
- (3) The residential lot shall meet the minimum lot size requirements of the zoning district in which it is located.
- (4) The efficiency unit shall comply with the N.C. Residential Building Code including minimum light/ventilation and room sizes.
- (5) The efficiency unit shall be accessory to the principal dwelling unit and may be attached or detached.
- (6) The efficiency unit shall be served by an approved water supply and sanitary facilities.
- (7) The efficiency unit shall remain in the same ownership as the primary residence.
- (8) Efficiency units shall not be permitted within the MHP-CZ, or TRU-CZ zoning districts.

5.5.3 Home Occupations

(A) General Standards

(1) Submittal Requirements--

In addition to the completed application form, applicants for a minor or major home occupation shall submit the following to the Planning Department:

- (a) Minor Home Occupations
 - (i) A plot plan of the property on which the home occupation is to be located. The plot plan shall show:
 - a. The location of the residence and/or accessory building in which the home occupation is to be located in relation to existing property lines and adjacent homes;

- f. An existing accessory structure which is larger than the permitted size referenced in Section 5.5.3.A(2)(e)(iii)a may be used for the home occupation provided that no more than the permitted amount of square feet is used for the home occupation and the area is physically separated by walls or other barriers. In order to qualify as an existing accessory structure for the purpose of conducting a home occupation, the structure must have been constructed to meet building code requirements applicable to a residential accessory structure, and must have been in existence for at least 36 months.

(iv) Use of Outdoor Storage Space

- a. Up to 500 square feet of outdoor storage area may be permitted in conjunction with major home occupations provided that it is:
- i. Clearly defined on the site plan and on the ground.
 - ii. Setback standards for outdoor storage space shall be determined with the approved Special Use Permit and in no case be less than 40 feet from all property lines; and
 - iii. Totally screened from the view from the road and from adjacent property in the same manner required for accessory buildings.

5.5.4 Mobile Home ~~Park and Temporary Residential Unit Parks~~

(A) Standards for MHP-CZ and TRU-CZ

(1) Permitted Uses and Structures

In addition to Mobile Homes and/or Temporary Residential Units, as defined by this Ordinance, the following accessory structures and uses shall be permitted within either a MHP-CZ or TRU-CZ district:

- (a) Caretaker's or manager's home or office.
- (b) Service buildings and areas necessary to provide washing and drying machines for domestic laundry, sanitation, rest rooms, storage, vending machines, and other similar services provided by the facility for the use and convenience of the ~~mobile home park~~ tenants.
- (c) Recreation buildings/facilities and areas serving only the ~~mobile home~~ park in which they are located.
- (d) Customary accessory buildings and facilities necessary for operation of the ~~mobile home~~ park in which they are located.
- (e) Within a MHP-CZ district, ~~Storage-storage~~ buildings for individual mobile home spaces and intended for the exclusive use of the occupants of the mobile home space shall be permitted. Such accessory structures shall meet required setbacks from individual mobile home space/stall lines. Individual storage buildings are prohibited within the TRU-CZ district.
- (f) Fenced, communal storage areas provided by the park operator for boats, campers, and other accessory vehicles belonging to park residents or tenants-or-users.

- (g) Sales of mobile homes and/or Temporary Residential Units already located on approved and established mobile home stall, stand or spaces within a MHP-CZ district.

(2) Mobile Home Stand or Stall Space Dimensional Requirements

(a) MHP-CZ District:

~~(a)(i)~~ A mobile home park shall be divided into mobile home spaces or stalls, with each space having an area of at least 5,000 square feet and a minimum width of at least 50 feet. However, the Orange County Health Department may increase the minimum area requirements for the park and/or individual stand spaces where necessary to be consistent with groundwater resources and/or the limitations of providing sewage disposal systems for the proposed mobile home park. Spaces or stalls reserved for Temporary Housing Units within a MHP-CZ district, as permitted within Section 3.8 of this Ordinance, shall meet the same requirements.

~~(ii)~~ Only one mobile home and its customary accessory buildings may be erected on any mobile home ~~stand~~ space or stall at one time. Additional Efficiency units or Temporary Residential Housing units shall not be permitted within an occupied mobile home space or stall.

(b) TRU-CZ District:

~~(i)~~ A temporary residential housing park shall be divided into individual spaces or stalls, with each space having an area of at least 3,000 square feet and a minimum width of at least 50 feet.

~~(b)(ii)~~ No permanent housing units, or other structures, shall be permitted within a temporary residential housing park space or stall.

(3) Mobile Home Stand Requirements

(a) MHP-CZ District:

Each mobile home and/or Temporary Residential Unit must be placed within an individual stall and/or space on a permanent stand in accordance with the following specifications:

~~(a)(i)~~ The location of each mobile home stand must be at an elevation, distance and angle in relation to the adjacent access drive or street such that placement and removal of the mobile home is practical by means of customary moving equipment.

~~(b)(ii)~~ The surface of each ~~mobile home~~ stand and the area around it shall be graded where necessary to provide proper drainage and prevent the accumulation of water.

~~(c)(iii)~~ Each ~~mobile home~~ stand shall have a solid base surface consisting of at least three inches of compacted fill dirt, crusher run or Chapel Hill gravel, or paved slab, and it shall comply with those standards specified in the State of North Carolina Regulations for Mobile Homes and Modular Housing. Prior to installation of the base surface, all top soil shall be removed from the area to be occupied by the mobile home stand.

(b) TRU-CZ District:

Each temporary house unit must be placed within an individual stall and /or space in accordance with the following specifications:

- (i) The surface of each stand and the area around it shall be graded where necessary to provide proper drainage and prevent the accumulation of water.
- (ii) Each stand shall have a solid base surface consisting of at least three inches of compacted fill dirt, crusher run or Chapel Hill gravel, or paved slab, and it shall comply with those standards specified in the State of North Carolina Regulations for Mobile Homes and Modular Housing. Prior to installation of the base surface, all top soil shall be removed from the area to be occupied by the stand.

(4) Separation Requirements

(a) MHP-CZ District:

The following separation requirements shall pertain to every mobile home, single or double wide, within a mobile home park.

- ~~(a)(i)~~ Each mobile home shall be located at least 20 feet from another mobile home, **Temporary Residential Unit**, and/or building within the mobile home park, external to the individual mobile home stand space. For purposes of determining separation requirements, all attached structures, including storage buildings, carports and covered porches, will be considered part of a mobile home.
- ~~(b)(ii)~~ Each mobile home shall be located at least 22 feet from the right of way line or edge of pavement of an access drive or street providing access to the space on which the mobile home is located, whichever is greater.
- ~~(c)(iii)~~ A detached accessory structure located within an individual mobile home stand space and intended for the use of the occupants of the space shall be located at least five feet from any mobile home or other building.

(b) TRU-CZ District:

The following separation requirements shall pertain to every mobile home, single or double wide, within a mobile home park.

- (i) Each Temporary Residential Unit shall be located at least 10 feet from another unit, and/or building within the park, external to the individual space or stall.
- (ii) Each Temporary Residential Unit shall be located at least 22 feet from the right of way line or edge of pavement of an access drive or street providing access to the space, whichever is greater.

(5) Installation of Individual **Mobile Homes Units**

(a) MHP-CZ District:

- ~~(b)(i)~~ Each mobile home shall be set up and installed in accordance with standards specified in the State of North Carolina Regulations for Mobile Homes and Modular Housing.
- ~~(c)(ii)~~ The owner/operator of a mobile home park shall designate a uniform type of solid foundation enclosure or skirting fully

enclosing the crawl space beneath each mobile home in the mobile home park. Foundation enclosures or skirting must be installed in accordance with applicable standards of the North Carolina State Building Code and, in any event, within 90 days of placement of a mobile home on a mobile home space.

(iii) Access shall be provided to all entrances of a mobile home by way of steps (including handrails) installed in accordance with the standards of the North Carolina State Building Code. Where the residents of a mobile home choose to install decks adjacent to entrances, the mobile home will be required to have steps and handrails which meet the standards of the North Carolina State Building Code until the decks are completed.

~~(d)~~(iv) Temporary Residential Units erected within a mobile home park shall comply with the standards detailed herein.

(b) TRU-CZ District:

(i)

(6) Vehicular Access

~~(e)~~(c) Each ~~mobile homestall or~~ -space shall abut an improved access drive or street approved by the County.

~~(f)~~(d) No ~~mobile homestall or~~ -space shall have direct vehicular access to a street or thoroughfare other than those located within the ~~mobile home~~ park.

~~(g)~~(e) The street layout within the ~~mobile home~~ park should be appropriately related to the topography, locations of abutting land uses, drainage patterns, street function and other natural features of the site.

~~(h)~~(f) The planned layout of streets should minimize overall length of streets and provide for the safe, continuous flow of traffic within the ~~mobile home~~ park.

~~(i)~~(g) All streets within a ~~mobile home~~ park shall be located within a 40 foot right-of-way

~~(j)~~(h) The travelway for all streets shall be at least 18 feet in width and must comply with the drainage standards established in this Ordinance.

~~(k)~~(i) All streets shall be constructed with paved, all-weather surfaces consisting of four inches of base material (crusher run) and 1 ½ inches of 1-2 asphalt or tar and gravel surface treatment consisting of a minimum of six inches of base material (crusher run) covered with alternating layers of tar and pea sized gravel.

~~(l)~~(j) Every street within a mobile home park shall have a maintained six foot wide shoulder running parallel and adjacent to each side of the paved street surface. The shoulder section may be used for walkways, driveways, grass or low growing vegetative ground cover or utility rights of way.

~~(m)~~(k) The maximum length of a cul-de-sac shall be 800 feet. Cul de sacs shall have a paved turnaround radius of 45 feet with a right of way radius of 55 feet.

~~(n)~~(l) No street shall intersect another street at an angle less than 60 degrees.

~~(o)~~(m) The turning radius at street intersections shall not be less than 30 feet.

~~(p)~~(n) Offset intersections are to be avoided, but where permitted, they shall be separated by a minimum distance of 200 feet between street center lines.

~~(q)~~(o) Where streets serving a mobile home park intersect with a State maintained street, the intersection design shall conform to the standards of the North Carolina Department of Transportation specified in Subdivision Roads Minimum Construction Standards.

~~(r)~~(p) Required off street parking spaces must be surfaced with at least four inches of compacted crushed stone or an ~~all weather~~all-weather paved surface.

(6) Signs

- (a) Any sign erected on-site shall comply with the standards established in Section 6.12 of this Ordinance.
- (b) Traffic control signs (stop, yield, speed limit, children playing signs, etc.) meeting the standards of the Uniform Traffic Control Manual shall be placed throughout the mobile home park where necessary. Cul-de-sacs shall have 'Dead End' street signs erected at the entrance to such streets.

(7) Street Names, Signs & Unit Numbering

- (a) All street names shall be approved by the Orange County Planning Department and street signs shall be constructed to Orange County standards. All street signs must be installed outside the right-of-way at all intersections.
- (b) Each applicant must submit to the Planning Department for approval a ~~mobile home~~ space and/or stall numbering/location system for the park, based on the equal interval house numbering system employed by Orange County. Upon approval of the ~~mobile home~~ park, the applicant shall submit an approved copy of the space numbering/location system to the emergency services/fire protection agency responsible for providing such services ~~to the Mobile Home Park~~.
- (c) Each ~~mobile home~~individual stand space ~~space and/or stall~~ shall have a permanent site number sign consistent with the following:
 - (i) The site number sign shall be composed of reflective materials or contrasting colors,
 - (ii) The number on the sign shall be at least six inches or greater in height,
 - (iii) The sign shall be affixed to either the mobile home when the unit is placed on the stand space, or on a post when associated with a Temporary Residential Unit at a point six feet or more above ground level, and
 - (iv) The number on the sign shall match that number assigned to the space on the approved space numbering/location system plan.

(8) Grounds and Buildings

- (a) The grounds of a ~~mobile home~~ park shall be maintained free of litter, debris and trash, including but not limited to abandoned appliances, automobiles, building materials or similar materials.
- (b) Grounds, buildings and storage areas within the ~~mobile home~~ park shall be maintained to prevent the growth of ragweed, poison ivy, poison oak and other noxious weeds.

(9) Mail Facilities

- (a) ~~Within~~ Each ~~mobile home park~~MHP-CZ district, the park operator shall provide a clustered mail delivery system, in compliance with the appropriate postal service guidelines. Applicants ~~for approval of a mobile home park~~ shall consult the appropriate agency for the specific requirements of this system.
- (b) Access to the mail delivery facility must be designed to allow three to four cars to stop at the mail delivery facility without conflict from passing vehicles.

(10) Garbage & Refuse Collection

- (a) All garbage and refuse for individual ~~mobile homes~~space and/or stall in each park shall be stored in suitable waterproof and rodent proof receptacles which shall be kept covered with tightly fitting lids.
- (b) A central collection system ~~must~~shall be provided within the park either through a private collection system of individual mobile homes or through the use of bulk containers (dumpsters).
- (c) Where bulk containers are used, there must be at least one four cubic yard bulk container for each 16 mobile homes, which shall be emptied weekly. ~~For~~Within the ~~mobile home parks~~MHP-CZ district, parks with less than 16 homes, one container is required.
- (d) Bulk containers shall be front loading wherever practicable. A side-loading container may be allowed where a front-loading container is not feasible and the property is accessible to a regular route of a side-loading refuse collection vehicle.
- (e) Where bulk containers are provided, a six inch reinforced concrete pad shall be provided to set the set container and also support the front wheels of the truck during the loading operation. The pad shall be 10 feet in width and 20 feet in length with at least 10 feet of the pad accessible for the truck to drive onto in front of the dumpster container for front loading pickup. If side loading containers are used, the pad may be 12 feet in width and eight feet deep with no projection for the truck wheels.
- (f) Bulk refuse containers (dumpsters) shall be screened in accordance with the provisions of Section 6.8.9 of this Ordinance.

(11) Operations

Each applicant shall submit to the Orange County Planning Department tenancy rules and regulations governing the operation of the ~~M~~mobile ~~H~~home ~~Temporary Residential Unit P~~park.

(12) Recreation Areas and Facilities

Recreation areas shall be provided in accordance with the Land Use Intensity System included in Sections 6.3 and 7.11 of this Ordinance.

(13) Buffers and Landscaping

- (a) ~~Mobile home~~Stall and/or -stand spaces must be located at least 100 feet from any property line, not including street right-of-ways, regardless of the zoning district. The disturbance of land within the 100 foot buffer is prohibited.
- (b) Existing vegetation within the 100 foot buffer must be retained and additional plantings may be required to meet the Type F buffer standards, established in Section 6.8.6 of this Ordinance, along the perimeter of the site.

- (c) ~~Mobile home~~Stall or -stand spaces must be set back 40 feet from a public street right-of-way. The disturbance of land and existing vegetation within the setback area is prohibited and additional plantings may be required to meet the standards for a Type C buffer.

(14) Utilities

- (a) All utility installations shall comply with applicable building and health codes of Orange County and the State of North Carolina, and the requirements of the North Carolina Utilities Commission.
- ~~(a)~~(b) Temporary utility connections for RVs and Tiny Homes shall meet applicable State of North Carolina Code and HUD requirements.
- ~~(b)~~(c) An adequate and safe potable water supply shall be required for the mobile home park, from either a municipal or public water system. When a municipal or public system is not available, the mobile home park must be serviced by a supply approved in accordance with State and local regulations.
- ~~(c)~~(d) An adequate and safe method of sewage disposal shall be required for a mobile home park. Collection systems, sewage treatment facilities, or individual septic tank systems shall be approved in accordance with State and local regulations.
- ~~(d)~~(e) Street lighting shall be provided at each street intersection and throughout the mobile home park. Where the distance between street intersections exceeds 500 feet, additional street lights may be required.
- ~~(e)~~(f) All permanent utility systems shall be located underground, and easements necessary for water, sewer, gas, electrical, cable TV, stormwater, and other temporary utility systems and their connection pedestals shall be shown on the mobile home park plans.

5.5.5 Existing Mobile Home Parks

(A) General Standards of Evaluation

- (1) Existing mobile home parks that do not meet the standards set forth in this Ordinance shall be considered non-conforming.
- ~~(1)~~(2) Existing Mobile Home Parks that convert spaces or stalls to accommodate Temporary Residential Units (e.g. RVs and/or Tiny Homes) must meet applicable standards of this section and UDO Section 2.5.
- ~~(2)~~(3) Non-conforming parks shall not expand in any way, beyond the existing developed portions, but shall be allowed to remove and replace units existing within the park at the time of adoption of this section.
- ~~(3)~~(4) Only the replacement of units on an existing mobile home space shall be permitted, provided the following conditions are met:
 - (a) The total number of units does not exceed the number existing at the time that the mobile home park became non-conforming; and,
 - (b) The existing waste treatment system is functioning properly.
- ~~(4)~~(5) Removal and replacement of such units shall not be considered expansion of the ~~non-conforming~~non-conforming use.
- ~~(5)~~(6) New mobile home parks or portions of existing mobile home parks that have been previously approved, but have not constructed substantial improvements, including, but not limited to, water systems, roads, parking areas, recreational facilities and mobile home pads, or do not have sewage disposal systems installed by the date of adoption of this section shall meet all applicable standards for new mobile home park as set forth in this Ordinance.

5.5.6 Mobile Homes on Individual Lots

(A) General Standards of Evaluation

- (1) Mobile homes, as principal residential buildings on individual lots, in existence at the time of the adoption of this section may be improved by replacement of the mobile home with another mobile home in accordance with the following:
 - (a) The number of mobile home units may not be increased beyond the number in existence before replacement.
 - (b) The replacement mobile home must not create ~~non-conforming~~non-conforming yards or setbacks.
 - (c) Replacement mobile home units on individual lots are not required to meet lot area and dimensional or lot coverage standards, but must meet setback requirements as well as those requirements specified in Subsections (4) and (5) below, if applicable.
- (2) Individual mobile homes may be erected on any lot where the use is permitted, provided it is in compliance with the requirements of the zoning district and all other applicable regulations. These zoning requirements include, but are not limited to: lot area and dimension; front, rear, and side yard setbacks; and lot coverage.
- (3) Individual tracts of land may be created for the purpose of erecting a mobile home provided all requirements of this Ordinance, and any other applicable land development standards are met.
- (4) In addition to the requirements contained in Subsections (1) through (3) above, the following requirements must be met in the Residential 1 (R-1) District:
 - (a) The mobile home must be placed on a permanent support system (See definition of "support system", Article 10 of this Ordinance).
 - (b) The mobile home must be skirted.
- (5) In addition to the requirements contained in Subsections (1) through (3) above the following requirements must be met in the Agricultural Residential (AR) district:
 - (a) The mobile home must be skirted.
 - (b) The home may be placed on a permanent support system, if desired. If a solid concrete or masonry perimeter foundation is used, the exterior covering material shall not extend below the top of the foundation.
- (6) Temporary mobile homes installed in accordance with the Table of Permitted Uses are exempt from the support system requirements established in Subsections (4) and (5) above. However, skirting is required and the mobile home must be connected in conformance with all applicable laws and regulations.

~~5.5.7 Group Care Facility~~

~~(A) Standards for Class B Special Use Permit~~

~~(1) Submittal Requirements –~~

~~In addition to the information required by section 2.7, the following information shall be supplied as part of the application for approval of this use:~~

- ~~(a) A description of the type of persons to be cared for and the nature of the care to be provided.~~

Dwelling, Multi-Family

A building or lot containing three or more dwelling units.

Dwelling, Single Family

A detached building containing one dwelling unit.

Dwelling, Two Family

A detached building containing two dwelling units (duplex).

Dwelling Unit

A room or group of rooms forming a single independent habitable unit with facilities used or intended to be used for living, sleeping, cooking and eating by one family; for owner occupancy or for rental, lease or other occupancy on a weekly or longer basis, and containing independent cooking, sanitary and sleeping facilities. Units otherwise meeting this definition but occupied by transients on a rental or lease basis for periods of less than one week shall be construed to be lodging units. Mobile Homes and modular units are to be considered dwelling units under this definition. An RV and/or a Tiny Home may be also considered a dwelling unit depending on its design, classification, and building materials, and considered a permanent structure by the NC Building Code.

EA

An Environmental Assessment.

EA, Completed

An Environmental Assessment that has been accepted by the Orange County Planning Department as technically acceptable for purposes of this Ordinance.

EIS

An Environmental Impact Statement.

EIS, Completed

An Environmental Impact Statement that has been accepted by the Orange County Planning Department as technically acceptable for the purpose of being transmitted to the State Clearinghouse or for being reviewed for adequacy by the Orange County Planning Department.

Easement

A grant of rights by a property owner to another individual, group or governmental unit to make limited use of a portion of real property for a specified purpose.

Economic Development Activity Node

Land in Transition areas of the County which has been specifically targeted for economic development activity consisting of light industrial, distribution, flex space, office, and service/retail uses. Such areas are located adjacent to interstate and major arterial highways, and subject to special design criteria and performance standards. Flex space typically includes one-story buildings designed, constructed, and marketed as suitable for use as offices but able to accommodate other uses; e.g., warehouse, showroom, manufacturing assembly or similar operations.

Efficiency Apartment

An additional dwelling unit accessory to a single-family residence meeting the development criteria outlined within this Ordinance. An RV and/or a Tiny Home may be also considered an Efficiency Apartment depending on its design, classification, building materials, and type of utilities.

Mean sea level

For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations shown on a Flood Insurance Rate Map (FIRM) are referenced. Refer to each FIRM panel to determine datum used.

Meat Processing Facility, Community

A smaller scale facility where livestock or wildlife is slaughtered, processed, and packaged for personal consumption and/or wholesale or retail sale. The livestock must be raised on the subject farm and from 1 to 4 other cooperative farm partners.

Meat Processing Facility, Regional

A larger scale facility where livestock is slaughtered, processed, and prepared for distribution for wholesale or retail sale.

Metal Fabrication Shop

A facility that is engaged in the shaping of metal and similar materials for wholesale or retail sale.

Microbrewery, production only

A facility that produces less than 15,000 barrels per year of craft malt beverages for wholesale or retail sale and consumption off the premises. Shall be considered a bona fide farming use if located on a farm and using primarily crops produced on-site.

Microbrewery with Minor Events

A facility that produces less than 15,000 barrels per year of craft malt beverages for consumption on- or off-site with limited hours for tours of the facility and tastings of the products produced on-site, and small periodic events that are expected to attract fewer than 150 people to the site. Food services may be permitted under the conditional zoning or special use permit approval.

Microbrewery with Major Events

A facility that produces less than 15,000 barrels per year of craft malt beverages for consumption on- or off-site with tours of the facility, tastings of the products produced on-site, and periodic events that are expected to attract more than 150 people to the site. Food services may be permitted under the conditional zoning or special use permit approval.

Mobile Home

A dwelling unit that:

- a) Is not constructed in accordance with the standards of the North Carolina Uniform Residential Building for One- and Two-Family Dwellings;
- b) Is composed of one or more components, each of which is substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis for placement on a temporary or semi-permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein; and
- c) Exceeds eight feet in body width and 32 feet in body length.
- d) Is not certified by the Secretary of the Department of Housing and Urban Development.

Mobile home shall also mean a double-wide mobile home. An RV and/or a Tiny Home may be also considered or converted to a mobile home depending on its design, classification, and building materials.

Mobile Home, Accessory

A subordinate structure, the use of which is customarily incidental to the permitted use of the principal buildings. Accessory uses include, but are not limited to:

- a) Storage unit,
- b) Office, and
- c) Classroom facility.

The mobile home, as an accessory structure, must not create non-conforming yards or setbacks. The installation of a mobile home, as an accessory structure, is exempt from the requirements set forth herein. Skirting is required, and the mobile home must be connected to the required utilities, which include the plumbing, heating, air conditioning and electrical systems contained therein, provided the unit is not installed for the purpose of storage. The Orange County Health Department shall determine what type of sewage disposal system is appropriate. If the unit is installed for the purpose of storage, only under-skirting is required, connection to the required utilities (listed above) is optional. Efficiency apartments cannot be used as an accessory to mobile homes.

Mobile Home Park

A parcel of land under single ownership which has been planned and improved in compliance with Sections 3.8 and 5.5.4 for the placement of mobile homes for non-transient (placement for the duration of the lease) use. Temporary units such as RVs and Tiny Homes may be located within Mobile Home Parks so long as they do not exceed 25% of the total units and meet the standards set forth in UDO Section 2.5; 2.9; 3.8; 5.5.4; and 5.5.5.

Mobile Home Space/Lot

A parcel of land occupied or intended to be occupied by one and only one mobile home and for the exclusive use of the occupants of said mobile home. Mobile Home Space shall also mean a parcel of land in a mobile home park, provided with the necessary utility connections, patio, and other appurtenances necessary for the erection thereon of only one mobile home (without an additional efficiency, tiny home, and/or camper), and for the exclusive use of the occupants of said mobile home.

Mobile Home Stand/Pad

That portion of the mobile home space which has been reserved and prepared for the placement of the mobile home.

Modular Home

A dwelling unit constructed in accordance with the construction standards of North Carolina Uniform Residential Building Code for One- and Two-Family Dwellings and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly and placement on a permanent foundation. Without limiting the generality of the foregoing, a modular home may consist of two or more sections transported to the site each on its own chassis or steel frame, or a series of panels or room sections transported to the site on a truck and erected, assembled, or joined there. Tiny Homes may be built and classified as modular homes.

Motor Vehicle Maintenance and Repair

An establishment where the following services are available:

- a) Body work,
- b) Straightening of body parts,
- c) Painting,
- d) Welding,
- e) Storage of motor vehicles not in operating condition.

Motor Vehicle Repair Garage

An establishment where the following services are available: major mechanical repairs, including engine overhaul, and transmission work. Repair garages can also offer services similar to service stations.

Motor Vehicle Service Station

An establishment where gasoline, diesel oil and/or other fuel for internal combustion engines is supplied and dispersed at retail and where, in addition, the following services may be rendered and sales made and no other:

- a) Sale and servicing of spark plugs, batteries and/or distributors and ignition systems parts;
- b) Sale, servicing and repair of tires, but not recapping or regrooving;
- c) Replacement of mufflers, tail pipes, water hoses, fan belts, brake fluid, light bulbs, windshield wipers and blades, grease retainers, wheel bearings and the like;
- d) Radiator cleaning, flushing and fluid replacement;

Public Body

Any government or governmental agency of the Orange County, the State of North Carolina, or the United States of America.

Public Interest Area

Land which contains public or quasi-public uses such as state parks, research forests or known archaeological or historical sites.

Public Safety Hazard and/or Nuisance

Anything, which is injurious to the safety or health of an Orange County neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Public Vehicular Areas

Street in a platted subdivision which are open for vehicular traffic and have been offered for dedication to the public and where the offer for dedication has not been accepted.

Recreation Space

Exterior area appropriately improved for common recreational use. Part of total and livability open space.

Recreation Space Ratio

Recreation space ratio is the minimum square footage of open space in residential areas, suitable by location, size, shape, access and improvements, required for each square foot of gross land area. This area is a public or private exterior area improved for recreation of all residents, having a least dimension of 50 feet, and average dimension of 100 feet and a minimum area of 10,000 square feet.

Recreation Vehicle (RV)

A self-propelled or towed vehicle, qualified to be licensed by the appropriate State Agency, and is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, providing short term recreational living accommodations, designed primarily not for use as a permanent dwelling, but as temporary living quarters (i.e., for 180 days or less) for recreational, camping, travel, or seasonal use. RVs shall be connected to temporary utility service connections, or if connected to permanent utility services, converted to Mobile Home standards, designs, and specifications as set forth by the Orange County UDO HUD and NC Codes. A Tiny Home may be classified as an RV so long as it is built or converted to the RV standard.

Recreational Vehicle Park

A parcel of land under single ownership which has been planned and improved in compliance with Sections 2.5; 3.4; 3.8; 5.5.4; and 5.5.5 for the use of RVs on a temporary basis (i.e., less than 180 days) with temporary connections to fixed pedestals for electric, water, and sanitary septic and/or sewer hook-ups.

Recreational Facilities

A use of property occurring indoors and/or outdoors providing recreational amenities, activities, or services for compensation. Activities shall include, but not be limited to: sports played on a court, amusement arcades, bowling alleys, skating rinks, shooting ranges, billiard and pool halls, paintball, rope climbing or obstacle courses, go-kart or motor cross tracks, exercise centers including aerobic and yoga studios, athletic facilities, and gymnasiums.

Reference level