

ORANGE COUNTY
BOARD OF COUNTY COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT
Meeting Date: December 15, 2009

Action Agenda
Item No. 4-f

SUBJECT: Unified Development Ordinance (UDO) Table of Contents

DEPARTMENT: Planning and Inspections **PUBLIC HEARING: (Y/N)** No

ATTACHMENT(S):

INFORMATION CONTACT:

1. Draft Table of Contents

Michael D. Harvey, Planner 245-2607
Craig Benedict, Director 245-2592

PURPOSE: To accept and approve the formatting and organizational structure of a draft version of the table of contents for the proposed Unified Development Ordinance (UDO).

BACKGROUND: At the August 24, 2009 Quarterly Public Hearing, staff was authorized to begin development of a UDO. As part of this project staff will also be developing a synopsis of potential future amendments to address other identified issues for the Board's review and comment.

Part of the approved work plan included the development of a draft table of contents to provide the BOCC with an idea of how the UDO might look. It needs to be remembered that this is a draft table of contents and that sections might be moved, renumbered, and re-titled before the presentation of the draft UDO in August 2010.

The proposed methodology for numbering the sections, however, will likely remain the same. It is staff's intention to place the adopted UDO into the County's existing Ordinance framework for easier reference and for greater ease at codifying the UDO. Staff will also be coordinating how this may be codified and the associated numbering scheme. The County Attorney's office will be handling the codification of all County ordinances.

Staff is requesting that the Board approve the proposed formatting methodology (i.e. numbering, general organizational structure, etc.) so that staff can proceed.

FINANCIAL IMPACT: This request has been reviewed by various County departments who have determined the approval of the request will not create the need for additional funding for the provision of County services.

RECOMMENDATION: The Manager recommends the Board:

- 1. Accept the update from staff regarding the UDO table of contents; and
- 2. Approve the proposed organizational framework.

DRAFT**CHAPTER FIFTY (50) – ORANGE COUNTY CODE OF ORDINANCES – UNIFIED
DEVELOPMENT ORDINANCE (UDO):****PART I – ADMINISTRATION:****ARTICLE I: How to Use this Manual:**

- Section 50-1: General Layout and Organization
- Section 50-2: Frequently Asked Questions
- Section(s) 50-3 through 50-9 RESERVED**

ARTICLE II: Comparative Table:

(This section is designed to outline where old regulations have been relocated within the revised format)

ARTICLE III: General Provisions:

- Section 50-10: Title
- Section 50-11: Authority
- Section 50-12: General Purpose and Intent
- Section 50-13: Applicability and Jurisdiction
- Section 50-14: Conformance with Adopted Plans
- Section 50-15: Regulation of Farming and Bona-fide farm activities
- Section 50-16: Relationship with Other Laws, Covenants, or Deed Restrictions
- Section 50-17: Coordination with Other Regulations
 - a. Generally
 - b. Zoning
 - c. Subdivision
 - d. Erosion Control/Stormwater Management
 - e. Rules of Construction
- Section 50-18: Official Zoning Map
- Section 50-19: Transitional Provisions
- Section 50-20: Vested Rights
- Section 50-21: Rules of Construction
- Section 50-22: Development Approvals
- Section 50-23: Severability

Section(s) 50-24 through 50-29 RESERVED

ARTICLE IV: Administration:

- Section 50-30: Administrative and Decision-Making Bodies
- Section 50-31: Planning Director
- Section 50-32: Board of County Commissioners
- Section 50-33: Planning Board
- Section 50-34: Board of Adjustment
- Section 50-35: Development Advisory Committee

Section(s) 50-36 through 50-39 RESERVED

ARTICLE V: Definitions:

ARTICLE VI: Enforcement:

- Section 50-40: In General
- Section 50-41: Responsibility for Enforcement
- Section 50-42: Responsibility for Violations
- Section 50-43: Compliance Required
- Section 50-44: Violations
- Section 50-45: Enforcement Procedures
- Section 50-46: Penalties, Remedies, and Enforcement Powers
- Section 50-47: Appeals

Section(s) 50-48 through 50-59 RESERVED

PART II – SUBDIVISION DESIGN AND IMPROVEMENTS:

ARTICLE VII: Subdivisions:

- Section 50-60: In General
 - a. Jurisdiction; Applicability
 - b. Activities that Constitute a Subdivision
 - c. Activities that Do Not Constitute a Subdivision; Exemptions
 - d. Review and Approval of Subdivisions
 - e. Compliance with Plans and Other Applicable Regulations
 - f. Phasing
- Section 50-61: Improvements
 - a. Improvements Required
 - b. Completion of Improvements

- c. Performance Guarantees
- d. Maintenance of Required Improvements
- e. Maintenance Guarantees
- f. Property Owners Associations

Section 50-62: Design Standards

- a. Natural and Historic/Cultural Resources
- b. Lots
- c. Roads
- d. Pedestrian, Bicycle and Trail
- e. Water and Wastewater Systems
- f. Fire Hydrants
- g. Stormwater Drainage
- h. Easements
- i. Recreation Area Land Contributions
- j. Subdivision Names
- k. Monuments
- l. Reserve Strips and Non-Access Reservations
- m. Lakes and Dams
- n. Special Requirements in Water Supply Watersheds

Section 50-63: Classifications of Major Subdivisions

Section(s) 50-64 through 50-79 RESERVED

PART III – LAND USE AND DEVELOPMENT:

ARTICLE VIII: Orange County Zoning Districts

Section 50-80: Residential Districts

- a. Rural Buffer
- b. Agricultural Residential
- c. Rural Residential One
- d. Low and Medium Density Residential
- e. High Density Residential

Section 50-81: Commercial Districts

- a. Local Commercial One
- b. Neighborhood Commercial Two
- c. Community Commercial Three
- d. General Commercial Four
- e. Existing Commercial Five

Section 50-82: Industrial Districts

- a. Light Industrial
- b. Medium Industrial
- c. Heavy Industrial
- d. Existing Industrial

Section 50-83: Economic Development Districts

- a. Buckhorn/I-85
- b. Hillsborough
- c. Eno

Section 50-84: Overlay Districts

- a. Watershed Protection
- b. Special Flood Hazard Area
- c. Nodes
 - i. Rural Community Activity
 - ii. Rural Neighborhood
 - iii. Rural Industrial
- d. Major Transportation Corridor (MTC)
- e. Efland/Cheeks Overlay District (ECOD)
- f. Stoney Creek Basin

Section 50-85: Conditional Use Districts

- a. Agricultural Services
- b. Rural Economic Development (REDA)
- c. Public Interest

Section(s) 50-86 through 50-89 RESERVED

ARTICLE IX: Use Standards

Section 50-90: Permitted Use Table

- a. Explanation of Use Table
- b. Use Table

Section 50-91: Use Classification System

- a. Residential Use Group
- b. Commercial Use Group
- c. Industrial Use Group

d. Other

Section 50-92: Accessory Uses and Structures

Section 50-93: Use Standards

Section(s) 50-94 through 50-99 RESERVED

ARTICLE X: Lot and Building Standards

Section 50-100: Residential Districts

Section 50-101: Commercial Districts

Section 50-102: Industrial Districts

Section 50-103: Economic Development Districts

Section 50-104: Conditional Use Districts

Section(s) 50-105 through 50-109 RESERVED

ARTICLE XI – Development Standards

Section 50-110: Off-Street Parking and Loading

Section 50-111: Landscaping and Tree Protection Standards

Section 50-112: Open Space Management

Section 50-113: Fences and Walls

Section 50-114: Outdoor Lighting

Section 50-115: Signage

Section 50-116: Traffic Impact Analysis

Section 50-117: Community Form Standards

Section 50-118: Commercial Design Standards

Section 50-119: Multi-Family Design Standards

Section(s) 50-120 through 50-129 RESERVED

PART IV – ENVIRONMENTAL MANAGEMENT:

Section 50-130: Stream Buffers

- a. Purpose
- b. Buffer Location and Width
- c. Activities Allowed Within Protected Buffers
- d. Setbacks from Buffers
- e. Platting of Lots Encumbered by Stream Buffers

- Section 50-131: Erosion Control
- a. Jurisdiction
 - b. Purpose and Scope
 - c. Applicability
 - d. Land Disturbing Activities
 - e. Stormwater Outlet Protection
 - f. Special Use and Cape Fear River Basin Regulations
 - g. Maintenance

- Section 50-132: Stormwater Management
- a. Purpose and Scope
 - b. Exemptions
 - c. Maximum Curve and Number after Development
 - d. Compliance with Neuse and Cape Fear River Basin Rules
 - e. Stormwater Design Standards
 - f. Party Responsible for Completion of Improvements
 - g. Assurance that Improvements will be Completed
 - h. Assurance that Improvements will be Maintained

Section(s) 50-133 through 50-139 RESERVED

PART V – NONCONFORMITIES:

- Section 50-140: Classification of Non-Conformities
- Section 50-141: Intent Concerning Non-conformities Generally
- Section 50-142: Intent Concerning Completion of Non-Conforming Projects
- Section 50-143: Intent Concerning Non-Conforming Uses
- Section 50-144: Intent Concerning Non-Conforming Signs
- Section 50-145: Special Permit Uses not to be Considered Non-Conforming
- Section 50-146: Non-Conforming Lots
- Section 50-147: Non-Conforming Uses of Land Without Structures or with Minor Structures
- Section 50-148: Non-Conforming Uses of Major Structures, or Structures and Premises in Combination
- Section 50-149: Non-Conforming Structures, Other than Signs
- Section 50-150: Signs
- Section 50-151: Non-Conforming Characteristics of Use
- Section 50-152: Repairs and Maintenance
- Section 50-153: Non-Conforming Structures Unsafe for Reasons other than Lack of Maintenance

Section(s) 50-153 through 50-159 RESERVED

PART VI – APPROVALS:

Section 50-160: In General

- a. Preapplication Conferences
- b. Form of Application and Filing Fees
- c. Application Completeness
- d. Withdrawal of Applications
- e. Timely Processing of Applications
- f. Burden of Proof
- g. Review and Decision-making Summary

Section 50-161: Zoning Related Procedures

- a. Unified Development Ordinance Text Amendments
- b. Zoning Map Amendments (Rezoning)
- c. Permitted Use Permit Review
- d. Special Use
- e. Conditional Use
- f. Zoning Variances
- g. Interpretations/Appeals
- h. Exceptions

Section 50-162: Subdivision Related Procedures

- a. Exempt Subdivisions
- b. Minor Subdivisions
- c. Regular Subdivisions—Generally
- d. Regular Subdivision—Preliminary Plan
- e. Regular Subdivision—Construction Plan Review
- f. Regular Subdivision—Record Plat Review
- g. Modifications and Waivers of Subdivision Standards
- h. Appeals of Decisions on Subdivision Matters
- i. Subdivision Plat Vacations

Section 50-163: Erosion Control Related Procedures

Section 50-164: Flood Hazard Management

Section 50-165: Other

Section(s) 50-166 through 50-169 RESERVED

PART VII: APPENDICIES: