Orange County, NC
Code of Technical Ordinances

Unified Development Ordinance
(UDO)

Adopted April 5, 2011
(As amended, see summary table)

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Chronological Summary of UDO Amendments Since 04.05.2011 Adoption Date

Adoption Date	Amendment Ordinance	Effective Date	Amended Provisions
May 17, 2011	2011-019	May 17, 2011	Section 5.2 – Table of Permitted Uses Section 5.14 – Standards for Automotive / Transportation Related Uses Section 5.15 – Standards for Miscellaneous Uses
June 21, 2011	2011-023	June 21, 2011	Section 3.4 – Office/Institutional Zoning District Section 5.2 – Table of Permitted Uses Article 10 – Definitions (Open Space Ratio & Recreation Space Ratio)
October 18, 2011 January 24, 2012 (Corrected Ordinance)	2011-036	October 18, 2011	Section 5.1.4(E) – Conditional Uses-Exclusions Section 5.2.1 – Table of Permitted Uses-General Use Zoning Districts Section 5.2.3 – Table of Permitted Uses-Conditional Zoning Districts Section 5.6 – Standards for Commercial Uses Article 10 – Definitions (Kennel, Class I; Kennel, Class II; Riding Stable)
October 18, 2011	2011-037	October 18, 2011	Article 10 – Definitions (Commercial-Industrial Transition Activity Node Land)
October 18, 2011	2011-038	October 18, 2011	Section 2.5.3 – Plan Specifications
February 7, 2012	2012-004	February 7, 2012	Section 2.5.3 – Plan Specifications Section 2.5.7 – Additional Requirements for Overlay Districts Section 2.5.8 – Additional Requirements for Economic Development Districts Section 2.16 – Subdivisions in Economic Development, Commercial and/or Commercial-Industrial Nodes Section 3.4 – General Commercial Districts Section 3.5 – Industrial Districts Section 3.6 – Other Districts Section 3.7 – Economic Development Districts Section 3.7.2 – Establishment of Geographic Areas and Intent of Each District Section 4.2.5 – Impervious Surface and Detention Pond Requirements for Residential Uses Table 4.2.5.1: Impervious Surface/Detention Pond Requirements (Residential) Section 4.2.6 – Impervious Surface, Detention Pond, and Lot Size Requirements for Non-Residential Uses Table 4.2.6: Impervious Surface/Detention Pond Requirements Section 6.2.2 – Modifications of Dimensional Requirements Section 6.2.5 – Principal Uses Section 6.2.6 – Principal Structures Section 6.3.1 – Applicability Section 6.3.7 – Impervious Surface Ratio [deleted] Section 6.3.8 – Site Volume Ratio [deleted]

Adoption Date	Amendment Ordinance	Effective Date	Amended Provisions
			Table 6.4.3.B: Commercial, Industrial, and Conditional Zoning Districts Maximum Permitted Sound Levels Table 6.4.3.C: Economic Development Zoning Districts Maximum Permitted Sound Levels Section 6.4.5 – Air Pollution Section 6.4.7 – Hazardous Materials Section 6.4.8 – Utilities Section 6.5.1 – Economic Development Transition Activity Nodes, Commercial Transition Activity Nodes, Commercial-Industrial Transition Activity Nodes, Rural Community Activity Nodes, and Rural Neighborhood Activity Nodes Section 6.5.2 – Efland-Cheeks Highway 70 Corridor Overlay District (ECOD) [relocated to Section 6.6.2] Section 6.6.2 – Highway 70 / ECOD Section 6.6.3 – Major Transportation Corridor (MTC) Section 6.7.5 – Specific Standards for Hillsborough EDD Section 6.8.5 – Landscaping Standards Table 6.8.6.D: Land Use Buffers Section 6.8.12 – Additional Standards for Economic Development Districts Table 6.8.12.C: Land Use Buffer Schedule Table 6.8.12.E.1: Hillsborough EDD Plant Size & Distribution Table 6.8.12.E.2: Buckhorn and Eno EDD Plant Size and Distribution Section 6.9.10 – Off-Street Parking Design Standards Section 6.10 – Roadway Improvements & Multi-Modal Transportation Section 6.12.12 – Signs Permitted in Specific Zoning Districts Section 6.12.14 – Additional Standards for Economic Development Districts Article 10 – Definitions (Open Space-(land use intensity); Research Facility; Space Ratio, Open [deleted])
February 21, 2012	2012-006	February 21, 2012	Article 10 – Definitions (Industrial, Light; Industrial, Medium; Industrial, Heavy)
April 17, 2012	2012-011	April 17, 2012	Section 1.1.9 – Relationship with Other Laws, Covenant, or Deed Restrictions Section 2.20: Stream Buffers - Use Authorization Certificate [new Section title] Section 2.21: Stormwater Management [All Sections that follow in Article 2 renumbered] Section 6.14: Stormwater Management
April 17, 2012	2012-012	April 17, 2012	Section 2.25.5 – Board of County Commissioners Decisions [formerly Section 2.24.5]

Adoption Date	Amendment Ordinance	Effective Date	Amended Provisions
April 17, 2012	2012-013	April 17, 2012	Section 6.12.5 – Exempt Signs Section 6.12.6 – Prohibited Signs
April 17, 2012	2012-015	April 17, 2012	Section 5.1.4 – Conditional Uses Section 5.2: Table of Permitted Uses [Conditional Use District note and EDB-1 Zoning District Only]
May 1, 2012	2012-017	May 1, 2012	Section 5.2: Table of Permitted Uses ['Telecommunication Towers' only] Section 5.10: Standards for Telecommunication Facilities
June 5, 2012	2012-020	June 5, 2012	Section 6.20: Public Sewer Connection [new] Article 10: Definitions (Designated Public Sewer Service Area [new])
June 5, 2012	2012-021	June 5, 2012	Section 3.8: Conditional Districts [REDA-CZ-1 only] Section 5.2.3 – Table of Permitted Uses – Conditional Zoning Districts [REDA-CZ-1 only] Section 5.7.5 – Race Track (Motorized, etc.) and Go-Kart Track Facilities [new]
August 21, 2012	2012-030	August 21, 2012	Section 3.4: General Commercial Districts (LC-1, NC-2, CC-3, and GC-4 charts) Section 3.5 Industrial Districts (I-1, I-2, I-3 charts)
November 8, 2012	2012-047	November 8, 2012	Section 5.1.2 – Uses Permitted As a Matter of Right Section 5.2.1: Table of Permitted Uses – General Use Zoning Districts Section 5.2.2: Table of Permitted Uses – Economic Development Districts Section 5.2.3: Table of Permitted Uses – Conditional Zoning Districts Section 5.9.2 - Electrical Substations, Switching and Metering Stations, and Associated Transmission Lines, Where Incoming Voltage Does Not Exceed 100 Kilovolts (kv) Section 5.9.3 - Public Utility Stations and Substations, Including Electric Substations, Metering, and Switching Stations Receiving More Than 100 Kilovolts (kv) of Electricity, Water Treatment, Sewage Treatment Plant, Telephone Exchanges Section 5.9.4 - Elevated Water Storage Tanks Section 5.9.5 - Electric, Gas and Liquid Fuel Transmission Lines Section 5.9.6 [new section] – Solar Array Article 10: Definitions (Concentrating Solar Thermal (CST) Devices [new]); (Glare [revised]); (Photovoltaic (PV) [new]); (Solar Array – Accessory Use, Solar Array – Large Facility, Solar Array – Public Utility [all new])
January 24, 2013	2013-003	January 24, 2013	Section 1.1.2 – Authority Section 1.1.3 – Flood Damage Prevention

Adoption Date	Amendment Ordinance	Effective Date	Amended Provisions
			Authority Section 1.1.8 – Regulation of Farming and Bona Fide Farm Activities Section 1.4.1 – Responsibilities Section 1.6.6 – Notification on Meetings Section 1.8.1 – Establishment Section 1.8.5 – Conduct and Notification of Meetings Section 2.8.7 – Notice of Public Hearings Section 2.22.5 – Appeals Section 2.23.9 – Appeals Section 2.24.2 – Environmental Impact Statements Section 4.2.1 – Purpose and intent Section 4.2.2 – Applicability Section 5.3.1 – In General Section 5.8.4 – Schools: Elementary, Middle and Secondary Section 6.2.6 – Principal Structures Section 6.15.4 – Exclusions Section 6.16.4 – Environmental Impact Statement Section 9.5.4 – Appeals Section 9.8.5 – Revocation of Land Disturbing Permit Section 9.9.1 – Inspections and Investigations Article 10: Definitions (Child Care)
January 24, 2013	2013-004	January 24, 2013	Section 6.11.1 – Purpose and Intent Section 6.11.2 – Applicability Section 6.11.3 – Exemptions Section 6.11.4 – Prohibitions Section 6.11.6 – General Standards Section 6.11.7 – Specific Standards Section 6.11.8 – Additional Standards for Economic Development Districts Article 10: Definitions (Flood Lamp; Floodlight; Footcandle; Full Cutoff Fixture; Lamp; Light Source; Light Trespass; Lumen; Luminaire; Outdoor Lighting; Outdoor Lighting, Foot-candle; Outdoor Lighting, Full Cutoff Fixture; Outdoor Lighting, Glare; Outdoor Lighting, Lumen; Outdoor Lighting, Luminaire; Outdoor Lighting, Mercury Vapor Luminaries; Outdoor Lighting, Sodium Vapor Luminaries; Outdoor Lighting, Tube Lighting)
April 9, 2013	2013-014	April 9, 2013	Section 1.6.5 - Rules of Procedure
May 7, 2013	2013-016	May 7, 2013	Section 2.4.1 – Applicability Section 2.5.1 – Review and Approval Flow Chart Section 2.5.2 – Application Requirements Section 7.6.3 – Land Suitability
November 5, 2013	2013-044	November 5, 2013	Section 2.22.5 – Appeals Section 2.23.9 – Appeals Section 2.24 – Governmental Uses [new

Adoption Date	Amendment Ordinance	Effective Date	Amended Provisions
			section] Section 2.25 – Review of Environmental Documents [renumbered section] Section 2.26 – Appeals [renumbered section] Section 5.2.2 – Table of Permitted Uses – Economic Development Districts Section 9.5.4 – Appeals Section 9.6.6 – Stop Work Order Section 9.7.2 – Order to Take Corrective Action Section 9.8.5 – Revocation of Land Disturbing Permit
January 23, 2014	2014-001	January 23, 2014	Section 2.10.1 – Purpose Section 2.10.3 – Authorized Variances Section 2.10.10 – Conditions of Approval Section 2.11.3 – Stay on Further Proceedings Section 2.12.2 – Quasi-Judicial Proceedings Section 2.12.3 – Evidence and Testimony Section 2.12.4 – Quorum and Vote Required Section 2.12.5 – Notification of Board Action Section 2.26.4 – Board of Adjustment Decisions Section 2.26.5 – Board of County Commissioners Decisions
January 23, 2014	2014-002	January 23, 2014	Section 2.7.14 – Changes to Approved Plans Section 5.10.6 – Administrative Approval of Certain Telecommunication Facilities Section 5.10.8 – Wireless Telecommunications Support Structures – Submittal and Review Requirements Section 10.1 - Definitions
March 6, 2014	2014-010	March 6, 2014	Section 2.10.3 – Authorized Variances Section 2.11.3 – Stay on Further Proceedings
April 15, 2014	2014-017	April 15, 2014	Section 5.6.5 – Kennels (Class II)
May 20, 2014	2014-007	July 1, 2014	Section 2.22.1 – Application Requirements Section 5.4.3 – Special Events Section 5.5.3 – Home Occupations Article 10: Definitions (Home Occupation, Major and Minor)
May 20, 2014	2014-022	May 20, 2014	Section 2.4.3 – Plot Plan Specifications Section 2.5.2 – Application Requirements Section 3.8 – Conditional Districts Section 5.1.4 – Conditional Uses Section 5.2.1 – Table of Permitted Uses – General Use Zoning Districts Section 5.2.3 – Table of Permitted Uses – Conditional Zoning Districts Section 5.3.1 – In General (Application of Use Standards) Section 5.6.- Standards for Commercial Uses (numerous subsections) Section 5.7.6 – Guest Ranch Section 5.8.4 – Schools: Elementary, Middle and Secondary Section 5.13 – Standards for Agricultural Uses

Adoption Date	Amendment Ordinance	Effective Date	Amended Provisions
			(numerous subsections) Section 5.14 – Standards for Manufacturing, Assembly & Processing (numerous subsections) Section 5.16 – Standards for Medical Uses (all subsections) Section 5.17 – Standards for Miscellaneous Uses (numerous subsections) Section 6.2.5 – Principal Uses Section 6.2.6 – Principal Structures Section 6.4.10 – Service & Outdoor Storage Section 6.8.6 – Land Use Buffers Section 6.9.7 – Off-Street Parking Requirements Article 10: Definitions (numerous definitions added; Stable, Commercial modified; Commercial Feeder Operation removed)
November 18, 2014	2014-043	November 18, 2014	Section 2.7.5 – Neighborhood Information Meeting (Added; Renumbering of Subsequent Subsections Occurred) Section 2.9.1(D) – Neighborhood Information Meeting Section 2.9.2(D) – Neighborhood Information Meeting Section 5.10.6(C) – Neighborhood Information Meeting Section 5.10.8(B)(2) – Balloon Test
April 7, 2015	2015-006	April 7, 2015	Section 2.5.7 – Additional Requirements for Overlay Districts Section 4.4.2 – Applicability Section 4.4.3 – Non-residential Development Section 4.4.5 – Lot and Use Requirements for Non-Residential Development Section 4.5 (Major Transportation Corridor) renumbered to Section 4.7 Section 4.6 (Stoney Creek Basin) renumbered to Section 4.8 Section 4.5 (new) – Efland Interstate Section 4.6 (new) – Efland Village Section 4.7.1 - (Major Transportation Corridor) Intent Section 6.6.3 (Major Transportation Corridor) renumbered to 6.6.5 Section 6.6.3 (new) – Efland Interstate Section 6.6.4 (new) – Efland Village Section 6.8.12 – Additional Standards for Economic Development Districts Section 7.13.2 - Applicability
May 5, 2015	2015-011	May 5, 2015	Section 2.5.4 – Procedures and Timeframes Section 2.7.4 – Staff Review Section 2.8.5 – Review, Analysis and Recommendation Section 3.8 – Conditional Districts (ASE-CZ Chart) Section 5.2.1 – Table of Permitted Uses – General Use Zoning Districts Section 5.2.3 – Table of Permitted Uses –

Adoption Date	Amendment Ordinance	Effective Date	Amended Provisions
			Conditional Zoning Districts Section 5.13.2 – Agricultural Processing Facility, Community Section 5.14.2 – Microbrewery, production only Section 5.14.4 – Winery, production only Section 5.16.1 – Veterinary Clinic Section 5.16.2 – Veterinary Clinic, mobile Section 5.17.7 – Rural Heritage Museum Section 5.17.8 – Rural Special Events Section 6.2.2 – Modifications of Dimensional Requirements
June 16, 2015	2015-016	June 16, 2015	Section 4.2.5 – Impervious Surface and Detention Pond Requirements for Residential Uses Section 4.2.6 – Impervious Surface, Detention Pond, and Lot Size Requirements for Non-Residential Uses Section 4.2.8 – Modifications of the Impervious Surface Ratio
November 5, 2015	2015-031	January 1, 2016	Section 1.6.2 – Tenure and Membership Expectations Section 2.1 – Review and Decision Making Authority – Summary table Section 2.2.9 – Manner of Review Section 2.3 – Comprehensive Plan Amendments (numerous subsections) Section 2.7 – Special Use Permits (numerous subsections) Section 2.8 – Zoning Atlas and Unified Development Ordinance Amendments (numerous subsections) Section 2.9.1 – Conditional Use District (CUD) Section 2.9.2 – Conditional Zoning District (CZD) Section 2.11.6 – Notice Requirements Section 2.12.6 – Notice Requirements for Matters Before the Board Section 5.10.2 – Master Telecommunications Plan (“Plan”)
January 21, 2016	2016-001	January 21, 2016	Section 5.2.1 – Table of Permitted Uses – General Use Zoning Districts Section 5.2.2 - Table of Permitted Uses – Economic Development Districts Section 5.2.3 - Table of Permitted Uses – Conditional Zoning Districts Section 5.5.1 - Accessory Structures and Uses Section 5.7.1 - Recreational Uses as Accessory Uses [new] Section 5.7.2 - Recreational Facilities Section 10.1 – Definitions (Recreational Facilities)
February 2, 2016	2016-004	February 2, 2016	Section 5.2.1 – Table of Permitted Uses – General Use Zoning Districts Section 5.6.15 - Sexually Oriented Businesses

Adoption Date	Amendment Ordinance	Effective Date	Amended Provisions
			Section 8.1.1 – Generally [Intent] Section 10.1 – Definitions (numerous additions pertaining to sexually oriented businesses)
February 2, 2016	2016-005	February 2, 2016	Section 5.2.1 – Table of Permitted Uses – General Use Zoning Districts Section 5.15.1 Motor Vehicle Sales / Rental (New & Used)
February 18, 2016	2016-006	February 18, 2016	Section 2.7.5 - Neighborhood Information Meeting Section 2.9.1(D) – Conditional Use District (CUD) Section 2.9.2(D) – Conditional Zoning District (CZD) Section 2.15.2(D) – Concept Plan Section 2.24.2 – Neighborhood Information Meeting
February 18, 2016	2016-007	February 18, 2016	Section 5.2.1 – Table of Permitted Uses – General Use Zoning Districts Section 5.2.2 - Table of Permitted Uses – Economic Development Districts Section 5.2.3 - Table of Permitted Uses – Conditional Zoning Districts Section 5.4.4 - Temporary Use of a Residential Mobile Home Section 5.5.9 - Temporary Custodial Care Units Section 10.1 – Definitions (Family, Temporary Custodial Care Unit, Temporary Residential Mobile Home)

MASTER TABLE OF CONTENTS

ARTICLE 1: ADMINISTRATION 1-1

SECTION 1.1: GENERAL PROVISIONS 1-1
1.1.1 Title 1-1
1.1.2 Authority 1-1
1.1.3 Flood Damage Prevention Authority 1-1
1.1.4 Purpose and Intent 1-1
1.1.5 Statement of Intent - Amendments 1-2
1.1.6 Applicability and Jurisdiction 1-2
1.1.7 Conformance with Adopted Plans 1-2
1.1.8 Regulation of Farming and Bona Fide Farm Activities 1-3
1.1.9 Relationship with Other Laws, Covenant, or Deed Restrictions 1-3
1.1.10 Coordination with Other Regulations 1-4
1.1.11 Delegation of Authority 1-4
1.1.12 Headings and Illustrations 1-4
1.1.13 Tenses, Usage, and Conjunctions 1-4
1.1.14 Transitional Provisions 1-5
1.1.15 Vested Rights 1-5
1.1.16 Severability 1-5
1.1.17 Repeal of Existing Regulations 1-5
1.1.18 Interpretation 1-6
1.1.19 Disclaimer of Liability – Flood Regulations 1-6
1.1.20 Errors 1-6
1.1.21 Administrative Regulations 1-6
1.1.22 Interim Development Standards 1-6

SECTION 1.2: OFFICIAL ZONING ATLAS 1-7
1.2.1 Generally 1-7
1.2.2 Interpretation of Zoning District Boundaries 1-7

SECTION 1.3: BOARD OF COUNTY COMMISSIONERS 1-8
1.3.1 Responsibilities 1-8

SECTION 1.4: PLANNING DIRECTOR 1-9
1.4.1 Responsibilities 1-9
1.4.2 Conditions on Authority 1-9

SECTION 1.5: PLANNING DEPARTMENT 1-10
1.5.1 Duties and Responsibilities 1-10

SECTION 1.6: PLANNING BOARD 1-10
1.6.1 Establishment and Intent 1-10
1.6.2 Tenure and Membership Expectations 1-11
1.6.3 Duties 1-11
1.6.4 Staffing 1-12
1.6.5 Rules of Procedure 1-12
1.6.6 Notification of Meetings 1-12
1.6.7 Meeting Minutes 1-12

SECTION 1.7: COMPREHENSIVE PLAN 1-12
1.7.1 Intent 1-12
1.7.2 Elements 1-13
1.7.3 Area Plans 1-13

SECTION 1.8: BOARD OF ADJUSTMENT 1-14
1.8.1 Establishment 1-14
1.8.2 Tenure and Membership 1-14
1.8.3 Duties 1-14
1.8.4 Rules of Procedure 1-14
1.8.5 Conduct and Notification of Meetings 1-15
1.8.6 Record of Meetings 1-15

SECTION 1.9: DEVELOPMENT ADVISORY COMMITTEE 1-15
1.9.1 Establishment and Intent 1-15
1.9.2 Duties and Responsibilities 1-15
1.9.3 Membership 1-16
1.9.4 Meetings 1-16

MASTER TABLE OF CONTENTS

1.9.5 Reports 1-16
SECTION 1.10: FLOODPLAIN ADMINISTRATOR 1-16
1.10.1 Designation 1-16
1.10.2 Duties and Responsibilities 1-16
SECTION 1.11: EROSION CONTROL OFFICER 1-18
1.11.1 Designation 1-18
1.11.2 Duties and Responsibilities 1-18

ARTICLE 2: PROCEDURES 2-1
SECTION 2.1: REVIEW AND DECISION MAKING AUTHORITY – SUMMARY TABLE 2-1
SECTION 2.2: APPLICATIONS 2-1
2.2.1 Authority to File Applications 2-1
2.2.2 Timely Processing of Applications 2-2
2.2.3 Burden Of Proof 2-2
2.2.4 Form of Application and Filing Fees 2-2
2.2.5 Pre-application Conference 2-2
2.2.6 Application Completeness 2-3
2.2.7 Withdrawal of Applications 2-3
2.2.8 Effect of Denial on Subsequent Applications 2-3
2.2.9 Manner of Review 2-4
SECTION 2.3: COMPREHENSIVE PLAN AMENDMENTS 2-4
2.3.1 Review and Approval Flow Chart 2-4
2.3.2 Generally 2-4
2.3.3 Initiation of Amendments 2-4
2.3.4 Public Hearing Required 2-5
2.3.5 Notice Requirements for Planning Board Meetings and Public Hearings 2-5
2.3.6 Consideration of Amendments 2-5
2.3.7 Application Requirements 2-5
2.3.8 Analysis and Recommendation 2-6
2.3.9 Planning Board Review 2-6
2.3.10 Action by Board of County Commissioners 2-6
SECTION 2.4: ZONING COMPLIANCE PERMITS 2-7
2.4.1 Applicability 2-7
2.4.2 Requirements and Conditions 2-7
2.4.3 Plot Plan Specifications 2-8
SECTION 2.5: SITE PLAN REVIEW 2-8
2.5.1 Review and Approval Flow Chart 2-8
2.5.2 Application Requirements 2-8
2.5.3 Plan Specifications 2-10
2.5.4 Procedures and Timeframes 2-11
2.5.5 Vesting of Site Plan 2-12
2.5.6 Guarantee of Improvements 2-12
2.5.7 Additional Requirements for Overlay Districts 2-12
2.5.8 Additional Requirements for Economic Development Districts 2-13
SECTION 2.6: FLOODPLAIN DEVELOPMENT PERMIT AND CERTIFICATE REQUIREMENTS 2-13
2.6.1 Requirements for Special Flood Hazard Area Overlay District 2-13
2.6.2 Plans and Application Requirements 2-13
2.6.3 Data Requirement 2-15
2.6.4 Certification Requirements 2-15
SECTION 2.7: SPECIAL USE PERMITS 2-16
2.7.1 Generally 2-16
2.7.2 Review and Approval Flow Chart 2-16
2.7.3 Application Requirements 2-16
2.7.4 Staff Review 2-18
2.7.5 Neighborhood Information Meeting 2-18
2.7.6 Notice Requirements for Class A Special Use Permits 2-19
2.7.7 Notice Requirements for Class B Special Use Permits 2-19
2.7.8 Nature of Proceedings 2-19
2.7.9 Review and Decision 2-20

MASTER TABLE OF CONTENTS

2.7.10 Standards of Evaluation 2-21
2.7.11 Required Findings 2-21
2.7.12 Conditions of Approval 2-22
2.7.13 Notification of Board Action 2-22
2.7.14 Time Limits and Extensions 2-22
2.7.15 Changes to Approved Plans 2-22
SECTION 2.8: ZONING ATLAS AND UNIFIED DEVELOPMENT ORDINANCE AMENDMENTS 2-24
2.8.1 Review and Approval Flow Chart 2-24
2.8.2 Amendment Initiation 2-24
2.8.3 Contents of Application 2-24
2.8.4 Applications for Amendment – Joint Planning Area 2-26
2.8.5 Review, Analysis and Recommendation 2-26
2.8.6 Public Hearing Required 2-26
2.8.7 Notice Requirements for Planning Board Meetings and Public Hearings 2-26
2.8.8 Planning Board Review 2-27
2.8.9 Action by Board of County Commissioners 2-27
2.8.10 Text Revisions Pertaining to Soil Erosion and Sedimentation Control Provisions 2-28
2.8.11 Text Revisions Pertaining to Stormwater Provisions 2-28
SECTION 2.9: CONDITIONAL DISTRICTS 2-28
2.9.1 Conditional Use District (CUD) 2-28
2.9.2 Conditional Zoning District (CZD) 2-31
2.9.3 Public Hearing and Notification Requirements – CUD and CZD 2-34
SECTION 2.10: VARIANCES 2-34
2.10.1 Purpose 2-34
2.10.2 Application Requirements 2-34
2.10.3 Authorized Variances 2-34
2.10.4 Additional Criteria for Authorized Variances – Special Flood Hazard Area Overlay Zoning District 2-35
2.10.5 Additional Criteria for Authorized Variances –Watershed Protection Overlay District 2-36
2.10.6 Procedure for Certain Stream Buffer Variance Requests 2-37
2.10.7 Unauthorized Variances 2-39
2.10.8 Review Procedures 2-39
2.10.9 Findings of Fact 2-39
2.10.10 Conditions of Approval 2-39
2.10.11 Notice Requirements 2-39
SECTION 2.11: INTERPRETATIONS 2-39
2.11.1 Generally 2-39
2.11.2 Application Requirements 2-39
2.11.3 Stay on Further Proceedings 2-40
2.11.4 Review Procedures 2-40
2.11.5 Findings of Fact 2-40
2.11.6 Notice Requirements 2-40
SECTION 2.12: BOARD OF ADJUSTMENT 2-40
2.12.1 General Provisions 2-40
2.12.2 Quasi-Judicial Proceedings 2-41
2.12.3 Evidence and Testimony 2-41
2.12.4 Quorum and Vote Required 2-41
2.12.5 Notification of Board Action 2-42
2.12.6 Notice Requirements for Matters Before the Board 2-42
SECTION 2.13: EXEMPT SUBDIVISIONS 2-42
2.13.1 Generally 2-42
2.13.2 Review and Action 2-42
SECTION 2.14: MINOR SUBDIVISIONS 2-43
2.14.1 Review and Decision Process Flow Chart 2-43
2.14.2 Concept Plan 2-43
2.14.3 Final Plat 2-44
SECTION 2.15: MAJOR SUBDIVISIONS 2-47

MASTER TABLE OF CONTENTS

2.15.1 Review and Decision Process Flow Chart 2-47
2.15.2 Concept Plan 2-48
2.15.3 Preliminary Plat 2-50
2.15.4 Final Plat 2-56
2.15.5 Certificate of Adequacy of Public School Facilities 2-57
SECTION 2.16: SUBDIVISIONS IN THE ECONOMIC DEVELOPMENT, COMMERCIAL, AND/OR COMMERCIAL-INDUSTRIAL NODES 2-58
SECTION 2.17: VACATION OF RECORDED PLATS AND ROAD ABANDONMENT 2-58
2.17.1 Generally 2-58
2.17.2 Initiation 2-59
2.17.3 Application Requirements 2-59
2.17.4 Decision 2-59
2.17.5 Approval Criteria 2-59
2.17.6 Recording 2-60
SECTION 2.18: LAND DISTURBING PERMITS 2-60
2.18.1 Generally 2-60
2.18.2 Application Requirements 2-60
2.18.3 Exemptions 2-60
2.18.4 Erosion Control Plan Required 2-61
2.18.5 Expiration of Permits 2-61
SECTION 2.19: SOIL EROSION AND SEDIMENTATION CONTROL PLANS 2-61
2.19.1 Generally 2-61
2.19.2 Application Requirements 2-61
2.19.3 Components of Complete Erosion Control Plan 2-61
2.19.4 Review by the Soil & Water Conservation District 2-62
2.19.5 Review and Response to Erosion Control Plans 2-63
2.19.6 Timeframe for Review of Erosion Control Plan 2-63
2.19.7 Required Revisions 2-63
2.19.8 Timeframe for Review of Revised Erosion Control Plan 2-63
2.19.9 Timeframe for Response to Review Comments 2-63
2.19.10 Erosion Control Plan Amendments 2-64
2.19.11 Consideration of Applicant's Past Performance 2-64
2.19.12 Erosion Control Plan Available of Site 2-64
2.19.13 Notice of Activity Initiation 2-64
2.19.14 Preconstruction Conference 2-64
SECTION 2.20: STREAM BUFFERS –USE AUTHORIZATION CERTIFICATE 2-65
2.20.1 Use Authorization Certificate 2-65
SECTION 2.21: STORMWATER MANAGEMENT 2-65
2.21.1 Stormwater Management Plan 2-65
SECTION 2.22: HOME OCCUPATIONS 2-66
2.22.1 Application Requirements 2-66
2.22.2 Conditions of Approval 2-66
2.22.3 Application Approval 2-67
2.22.4 Application Denial 2-67
2.22.5 Appeals 2-67
SECTION 2.23: DAY CARE CENTER IN A RESIDENCE 2-67
2.23.1 Application Requirements 2-67
2.23.2 Application Review 2-67
2.23.3 Conditions of Approval 2-67
2.23.4 Application Approval 2-68
2.23.5 Application Denial 2-68
2.23.6 Annual Review 2-68
2.23.7 Minor Changes to Approval 2-68
2.23.8 Changes in Operation 2-68
2.23.9 Appeals 2-68
SECTION 2.24: GOVERNMENTAL USES 2-68
2.24.1 Applicability 2-68
2.24.2 Neighborhood Information Meeting 2-68
SECTION 2.25: REVIEW OF ENVIRONMENTAL DOCUMENTS 2-69

MASTER TABLE OF CONTENTS

2.25.1 Environmental Assessment 2-69
2.25.2 Environmental Impact Statements 2-70
SECTION 2.26: APPEALS 2-71
2.26.1 Generally 2-71
2.26.2 Planning Director Decisions 2-71
2.26.3 Planning Board Decisions 2-72
2.26.4 Board of Adjustment Decisions 2-72
2.26.5 Board of County Commissioners Decisions 2-72
2.26.6 Water Supply Watershed Critical Area Boundary Line 2-73
2.26.7 Special Flood Hazard Overlay District 2-73
2.26.8 Soil Erosion and Sedimentation Control 2-73
2.26.9 Stormwater Management Plan 2-74
2.26.10 Appeal of Stop Work Orders Regarding Stormwater Management Provisions 2-75
2.26.11 Appeals from Final Decisions Regarding Soil Erosion and Sedimentation Control Civil Penalties 2-75

ARTICLE 3: BASE ZONING DISTRICTS 3-1
SECTION 3.1: INTENT 3-1
SECTION 3.2: REQUIRED CONFORMANCE TO DISTRICT REGULATIONS AND PROJECTS APPROVED AS PLANNED DEVELOPMENTS 3-1
3.2.1 Required Conformance to District Regulations 3-1
3.2.2 Projects Approved as Planned Developments 3-1
SECTION 3.3: RESIDENTIAL DISTRICTS 3-2
SECTION 3.4: GENERAL COMMERCIAL DISTRICTS 3-20
SECTION 3.5: INDUSTRIAL DISTRICTS 3-34
SECTION 3.6: OTHER DISTRICTS 3-42
SECTION 3.7: ECONOMIC DEVELOPMENT DISTRICTS 3-43
3.7.1 Purpose 3-43
3.7.2 Establishment of Geographic Areas and Intent of Each District 3-43
SECTION 3.8: CONDITIONAL DISTRICTS 3-62
3.8.1 Generally 3-62
3.8.2 Purpose and Intent 3-62
3.8.3 Districts Established 3-63
3.8.4 Where Permitted 3-63

ARTICLE 4: OVERLAY ZONING DISTRICTS 4-1
SECTION 4.1: GENERALLY 4-1
4.1.1 Description, Standards, and Conflicts 4-1
SECTION 4.2: WATERSHED PROTECTION 4-1
4.2.1 Purpose and Intent 4-1
4.2.2 Applicability 4-1
4.2.3 Land Use Restrictions 4-5
4.2.4 Residential Density 4-5
4.2.5 Impervious Surface and Detention Pond Requirements for Residential Uses 4-6
4.2.6 Impervious Surface, Detention Pond, and Lot Size Requirements for Non-Residential Uses 4-7
4.2.7 Placement of Streets, Driveways, and Buildings 4-8
4.2.8 Modifications of the Impervious Surface Ratio 4-9
4.2.9 Water Supply / Sewage Disposal Facilities 4-11
SECTION 4.3: SPECIAL FLOOD HAZARD AREA (SFHA) 4-11
4.3.1 Intent 4-11
4.3.2 Objectives 4-12
4.3.3 Findings of Fact 4-12
4.3.4 Applicability 4-12
4.3.5 Basis for Establishment 4-12
4.3.6 Compliance 4-13
SECTION 4.4: EFLAND-CHEEKS HIGHWAY 70 CORRIDOR 4-13

MASTER TABLE OF CONTENTS

4.4.1 Intent 4-13
4.4.2 Applicability 4-13
4.4.3 Non-residential Development 4-13
4.4.4 Permitted Uses 4-14
4.4.5 Lot and Use Requirements for Non-Residential Development 4-14
SECTION 4.5: EFLAND INTERSTATE 4-15
4.5.1 Intent 4-15
4.5.2 Applicability 4-15
4.5.3 Permitted Uses and Dimensional and Ratio Standards 4-15
SECTION 4.6: EFLAND VILLAGE 4-15
4.6.1 Intent 4-15
4.6.2 Applicability 4-16
4.6.3 Permitted Uses and Dimensional and Ratio Standards 4-16
SECTION 4.7: MAJOR TRANSPORTATION CORRIDOR 4-16
4.7.1 Intent 4-16
4.7.2 Applicability 4-17
4.7.3 Permitted Uses 4-17
4.7.4 Building Setback and Yard Requirements 4-17
SECTION 4.8: STONEY CREEK BASIN 4-18
4.8.1 Intent 4-18
4.8.2 Applicability 4-18
4.8.3 Land Use Intensities 4-18
4.8.4 Applicable Regulations Pertaining to Flexible Developments 4-19

ARTICLE 5: USES 5-1
SECTION 5.1: ESTABLISHMENT OF USE REGULATIONS 5-1
5.1.1 Prohibited Uses 5-1
5.1.2 Uses Permitted As a Matter of Right 5-1
5.1.3 Special Uses 5-1
5.1.4 Conditional Uses 5-2
SECTION 5.2: TABLE OF PERMITTED USES 5-5
5.2.1 Table of Permitted Uses – General Use Zoning Districts 5-5
5.2.2 Table of Permitted Uses – Economic Development Districts 5-12
5.2.3 Table of Permitted Uses – Conditional Zoning Districts 5-21
SECTION 5.3: APPLICATION OF USE STANDARDS 5-28
5.3.1 In General 5-28
5.3.2 Special Uses 5-28
SECTION 5.4: STANDARDS FOR TEMPORARY USES 5-32
5.4.1 Yard Sale 5-32
5.4.2 Temporary Fund Raising Activity 5-32
5.4.3 Special Events 5-32
5.4.4 Temporary Use of a Residential Mobile Home 5-34
5.4.5 Buildings for Temporary Use 5-34
SECTION 5.5: STANDARDS FOR RESIDENTIAL USES 5-35
5.5.1 Accessory Structures and Uses 5-35
5.5.2 Efficiency Apartment 5-35
5.5.3 Home Occupations 5-35
5.5.4 Mobile Home Parks 5-40
5.5.5 Existing Mobile Home Parks 5-45
5.5.6 Mobile Homes on Individual Lots 5-45
5.5.7 Group Care Facility 5-46
5.5.8 Residential Hotel, Dormitory, Fraternity, Sorority, and Religious Quarters 5-47
5.5.9 Temporary Custodial Care Units 5-47
SECTION 5.6: STANDARDS FOR COMMERCIAL USES 5-48
5.6.1 Nightclubs, Bars and Pubs 5-48
5.6.2 Massage Business 5-48
5.6.3 Garden Center 5-48
5.6.4 Junkyards 5-49
5.6.5 Kennels (Class II) 5-49

MASTER TABLE OF CONTENTS

5.6.6 Rural Guest Establishment: Bed & Breakfast 5-50
5.6.7 Rural Guest Establishment: Bed & Breakfast Inn 5-52
5.6.8 Rural Guest Establishment: Country Inn 5-55
5.6.9 Microbrewery with Minor Events 5-57
5.6.10 Microbrewery with Major Events 5-58
5.6.11 Taxidermy 5-59
5.6.12 Winery with Minor Events 5-59
5.6.13 Winery with Major Events 5-60
5.6.14 Country Store 5-61
5.6.15 Sexually Oriented Businesses 5-62

SECTION 5.7: STANDARDS FOR RECREATIONAL USES 5-63

5.7.1 Recreational Uses as Accessory Uses 5-63
5.7.2 Recreational Facilities 5-63
5.7.3 Golf – Driving and Practice Range 5-65
5.7.4 Golf Courses 5-66
5.7.5 Camp / Retreat Center 5-74
5.7.6 Race Track (Motorized, etc.) and Go-Kart Track Facilities 5-75
5.7.7 Guest Ranch 5-77

SECTION 5.8: STANDARDS FOR CHILDCARE & EDUCATIONAL FACILITIES 5-77

5.8.1 Daycare Center in a Residence 5-77
5.8.2 Child Care Facilities 5-78
5.8.3 Non-Profit Educational Cooperative 5-79
5.8.4 Schools: Elementary, Middle and Secondary 5-81

SECTION 5.9: STANDARDS FOR UTILITIES 5-85

5.9.1 Telephone Exchanges (without business offices), subscriber loop huts, pressure regulator stations, water and sanitary sewer pumping stations 5-85
5.9.2 Electrical Substations, Switching and Metering Stations, and Associated Transmission Lines, Where Incoming Voltage Does Not Exceed 100 Kilovolts (kv) 5-86
5.9.3 Public Utility Stations and Substations, Including Electric Substations, Metering, and Switching Stations Receiving More Than 100 Kilovolts (kv) of Electricity, Water Treatment, Sewage Treatment Plant, Telephone Exchanges 5-87
5.9.4 Elevated Water Storage Tanks 5-88
5.9.5 Electric, Gas and Liquid Fuel Transmission Lines 5-88
5.9.6 Solar Array 5-89

SECTION 5.10: STANDARDS FOR TELECOMMUNICATION FACILITIES 5-93

5.10.1 Intent 5-93
5.10.2 Master Telecommunications Plan ("Plan") 5-93
5.10.3 Annual Telecommunications Projection Meeting (ATPM) 5-94
5.10.4 Existing Wireless Telecommunications Support Structures 5-95
5.10.5 Wireless Telecommunications Support Structures and Equipment as Principal or Accessory Uses 5-95
5.10.6 Administrative Approval of Certain Telecommunication Facilities 5-95
5.10.7 Antennas Not Located on Wireless Telecommunications Support S ..... tructures 5-96
5.10.8 Wireless Telecommunications Support Structures – Submittal and Review Requirements 5-98
5.10.9 Removal of Wireless Support Structures and Facilities 5-114

SECTION 5.11: STANDARDS FOR WASTE MANAGEMENT FACILITIES 5-115

5.11.1 Solid Waste Collection Facilities Owned and Operated by A Public Agency for the Purpose of Disposal of Household Waste by Orange County Residents 5-115
5.11.2 Landfills 5-116
5.11.3 Waste Management Facility, Hazardous and Toxic 5-118

SECTION 5.12: STANDARDS FOR EXTRACTIVE USES 5-118

5.12.1 Borrow Pits for Federal and State Highway Projects 5-118
5.12.2 Extraction of Earth Products 5-119

SECTION 5.13: STANDARDS FOR AGRICULTURAL USES 5-122

5.13.1 Agricultural Processing Facility 5-122

5.13.2 Agricultural Processing Facility, Community 5-123
5.13.3 Cold Storage Facility 5-123
5.13.4 Community Farmers' Market 5-123
5.13.5 Composting Operation 5-124
5.13.6 Cooperative Farm Stand 5-124
5.13.7 Equestrian Center 5-125
5.13.8 Farm Equipment Rental, Sales and Service 5-125
5.13.9 Farm Supply Store 5-126
5.13.10 Feed Mill 5-127
5.13.11 Greenhouses with On Premise Sales 5-127
5.13.12 Meat Processing Facility, Community 5-127
5.13.13 Meat Processing Facility, Regional 5-128
5.13.14 Non-Farm Use of Farm Equipment 5-129
5.13.15 Stables, Commercial 5-129
5.13.16 Stockyards / Livestock Markets 5-130
SECTION 5.14: STANDARDS FOR MANUFACTURING, ASSEMBLY & PROCESSING 5-131
5.14.1 Metal Fabrication Shop 5-131
5.14.2 Microbrewery, production only 5-131
5.14.3 Sawmills 5-131
5.14.4 Winery, production only 5-132
SECTION 5.15: STANDARDS FOR AUTOMOTIVE/TRANSPORTATION RELATED USES 5-132
5.15.1 Motor Vehicle Sales / Rental (New & Used) 5-132
SECTION 5.16: STANDARDS FOR MEDICAL USES 5-133
5.16.1 Veterinary Clinic 5-133
5.16.2 Veterinary Clinic, mobile 5-133
5.16.3 Veterinary Hospital 5-133
SECTION 5.17: STANDARDS FOR MISCELLANEOUS USES 5-134
5.17.1 Churches 5-134
5.17.2 Community Center 5-134
5.17.3 Commercial Cemeteries 5-134
5.17.4 Historic Sites Non Residential Reuse/Mixed Use 5-135
5.17.5 General Aviation Airports, STOL and Heliports 5-136
5.17.6 Major Subdivision 5-137
5.17.7 Rural Heritage Museum 5-142
5.17.8 Rural Special Events 5-142

ARTICLE 6: DEVELOPMENT STANDARDS 6-1
SECTION 6.1: GENERAL STANDARDS 6-1
6.1.1 Establishment of Dimensional Requirements 6-1
6.1.2 Town of Chapel Hill Land Development Standards 6-1
6.1.3 Town of Carrboro Land Development Standards 6-1
SECTION 6.2: LOT & BUILDING STANDARDS 6-1
6.2.1 Regulations Encumbering Land Required to Satisfy Regulations 6-1
6.2.2 Modifications of Dimensional Requirements 6-1
6.2.3 Clustering 6-2
6.2.4 Irregular Lots 6-2
6.2.5 Principal Uses 6-2
6.2.6 Principal Structures 6-3
6.2.7 Corner Lot Setback on the Side Street 6-3
6.2.8 Additional Setbacks Required in for Non-Residential Lots Abutting Residential Zoning Districts 6-4
6.2.9 Permitted Projections Into Required Open Space 6-4
6.2.10 Visibility at Intersections 6-4
6.2.11 Open Space and Building Spacing For Attached Residential, Multi-Family Residential, and Lodging Units 6-5
SECTION 6.3: LAND USE INTENSITY MEASURES 6-8
6.3.1 Applicability 6-8
6.3.2 Floor Area 6-8
6.3.3 Open Space 6-8

MASTER TABLE OF CONTENTS

6.3.4 Livability Space 6-8
6.3.5 Recreation Space 6-9
6.3.6 Pedestrian / Landscape Space 6-9
SECTION 6.4: PERFORMANCE STANDARDS 6-9
6.4.1 Applicability 6-9
6.4.2 Electrical Disturbance or Interference 6-9
6.4.3 Noise 6-10
6.4.4 Vibration 6-11
6.4.5 Air Pollution 6-13
6.4.6 Disposal of Liquid Wastes 6-13
6.4.7 Hazardous Materials 6-13
6.4.8 Utilities 6-14
6.4.9 Solid Waste 6-14
6.4.10 Service & Outdoor Storage 6-15
6.4.11 Construction and Maintenance in Economic Development Districts 6-15
SECTION 6.5: ARCHITECTURAL DESIGN STANDARDS 6-16
6.5.1 Economic Development Transition Activity Nodes, Commercial Transition Activity Nodes, Commercial-Industrial Transition Activity Nodes, Rural Community Activity Nodes, and Rural Neighborhood Activity Nodes 6-16
SECTION 6.6: ADDITIONAL STANDARDS FOR OVERLAY DISTRICTS 6-20
6.6.1 Special Flood Hazard Areas (SFHA) 6-20
6.6.2 Highway 70 / ECOD 6-27
6.6.3 Efland Interstate 6-31
6.6.4 Efland Village 6-33
6.6.5 Major Transportation Corridor (MTC) 6-36
SECTION 6.7: ADDITIONAL STANDARDS FOR MPD-CZD 6-37
6.7.1 Master Plan 6-37
6.7.2 Permitted Adjustments 6-39
6.7.3 Final Development Plans 6-41
6.7.4 Start of Construction & Extensions 6-41
6.7.5 Specific Standards for Hillsborough EDD 6-41
SECTION 6.8: LANDSCAPING, BUFFERS & TREE PROTECTION 6-43
6.8.1 Purpose and Intent 6-43
6.8.2 Applicability 6-43
6.8.3 Variations 6-43
6.8.4 Protection of Existing Vegetation 6-44
6.8.5 Landscaping Standards 6-45
6.8.6 Land Use Buffers 6-47
6.8.7 Planting Requirements 6-49
6.8.8 Credits for Existing Vegetation 6-52
6.8.9 Screening 6-52
6.8.10 Landscape and Tree Preservation Plan 6-53
6.8.11 Request for Extension of Compliance 6-54
6.8.12 Additional Standards for Economic Development Districts 6-55
SECTION 6.9: PARKING, LOADING & CIRCULATION 6-59
6.9.1 Purpose & Intent 6-59
6.9.2 Applicability 6-59
6.9.3 Prohibited Within Special Flood Hazard Areas 6-59
6.9.4 Use of Required Parking and Loading Spaces 6-59
6.9.5 Expansion and Increased Intensity of Existing Use 6-59
6.9.6 Change of Use 6-59
6.9.7 Off-Street Parking Requirements 6-59
6.9.8 Determination For Unlisted Uses 6-64
6.9.9 Fractional Results 6-64
6.9.10 Off-Street Parking Design Standards 6-64
6.9.11 Joint Parking Facilities 6-68
6.9.12 Satellite Parking 6-68
6.9.13 Off-Street Loading Requirements 6-69
6.9.14 Off-Street Loading Design Standards 6-69

MASTER TABLE OF CONTENTS

SECTION 6.10: ROADWAY IMPROVEMENTS & MULTI-MODAL TRANSPORTATION 6-70
SECTION 6.11: OUTDOOR LIGHTING 6-71
6.11.1 Purpose and Intent 6-71
6.11.2 Applicability 6-72
6.11.3 Exemptions 6-72
6.11.4 Prohibitions 6-73
6.11.5 Lighting Plan 6-73
6.11.6 General Standards 6-75
6.11.7 Specific Standards 6-76
6.11.8 Additional Standards for Economic Development Districts 6-78
SECTION 6.12: SIGNS 6-79
6.12.1 Purpose and Intent 6-79
6.12.2 Outdoor Advertising 6-79
6.12.3 General Requirements 6-80
6.12.4 Determination of Sign Area 6-80
6.12.5 Exempt Signs 6-81
6.12.6 Prohibited Signs 6-82
6.12.7 Submittal Requirements 6-83
6.12.8 Expiration of Permits 6-83
6.12.9 Permit Revocation 6-83
6.12.10 Maintenance 6-84
6.12.11 Signs Permitted in All Zoning Districts 6-84
6.12.12 Signs Permitted in Specific Zoning Districts 6-85
6.12.13 Sign Standards for Specific Uses 6-90
6.12.14 Additional Standards for Economic Development Districts 6-93
SECTION 6.13: STREAM BUFFERS 6-95
6.13.1 Purpose 6-95
6.13.2 Applicability 6-95
6.13.3 Calculating Width of Stream Buffer 6-96
6.13.4 Minimum Buffer Widths for Watershed Protection Overlay Districts 6-97
6.13.5 Areas Outside of Watershed Protection Overlay Districts 6-98
6.13.6 Uses Allowable Within Stream Buffers 6-98
6.13.7 Diffuse Flow Requirement 6-100
6.13.8 Land Disturbance and Planting of Vegetation 6-100
SECTION 6.14: STORMWATER MANAGEMENT 6-100
6.14.1 Introduction 6-100
6.14.2 Purpose 6-100
6.14.3 Jurisdiction-Wide and Inter-Local Approaches 6-100
6.14.4 General Methods 6-101
6.14.5 Applicability 6-102
6.14.6 Review Criteria 6-102
6.14.7 Nutrient Load 6-103
6.14.8 Peak Runoff Volume 6-104
6.14.9 Stormwater Management Plan 6-105
6.14.10 Operation and Maintenance of Structural Stormwater Measures 6-105
6.14.11 Amendments to Approved Plans and Specifications 6-110
6.14.12 Stormwater Discharges 6-110
SECTION 6.15: SOIL EROSION AND SEDIMENTATION CONTROL 6-114
6.15.1 Purpose and Intent 6-114
6.15.2 Applicability 6-115
6.15.3 Erosion Control Standards 6-115
6.15.4 Exclusions 6-116
6.15.5 General Requirements for Areas Other Than University Lake, Cane Creek, and Upper Eno Watersheds 6-117
6.15.6 General Requirements for University Lake, Cane Creek, and Upper Eno Watersheds 6-117
6.15.7 Design and Performance Standards 6-118
6.15.8 Stormwater Outlet Protection 6-126
6.15.9 Responsibility for Installation and Maintenance 6-128

MASTER TABLE OF CONTENTS

6.15.10 Existing Uncovered Areas 6-129
SECTION 6.16: ENVIRONMENTAL IMPACT REPORTS 6-129
6.16.1 Purpose and Intent 6-129
6.16.2 Exemptions 6-130
6.16.3 Environmental Assessment 6-130
6.16.4 Environmental Impact Statement 6-131
SECTION 6.17: TRAFFIC IMPACT ANALYSIS 6-133
6.17.1 Purpose 6-133
6.17.2 Applicability 6-133
6.17.3 Exemptions 6-134
6.17.4 Scoping Meeting 6-134
6.17.5 General Requirements and Standards 6-134
6.17.6 Submission and Implementation 6-137
SECTION 6.18: AFFORDABLE HOUSING 6-138
6.18.1 Purpose and Intent 6-138
6.18.2 General Provisions 6-139
6.18.3 Applicability 6-139
6.18.4 Contract for Sale of Single-Family Residences 6-139
6.18.5 Contract for Rental of Duplex or Multi-Family Units 6-140
6.18.6 Disclosure of Contract Terms to Potential Home-Buyers 6-141
6.18.7 Conveyance of Property to Orange County 6-141
SECTION 6.19: ADEQUATE PUBLIC FACILITIES: SCHOOLS 6-141
6.19.1 Purpose 6-141
6.19.2 General Provisions 6-141
6.19.3 Applicability 6-142
6.19.4 Service Levels 6-142
6.19.5 Certificate of Adequate Public School Facilities 6-142
6.19.6 Expiration of Certificates of Adequate Public School Facilities 6-142
6.19.7 Exemption From CAPS 6-143
6.19.8 Previously Approved Projects and Projects Pending Approval 6-143
6.19.9 Appeal of School District Denial of a CAPS 6-144
6.19.10 Information Required From Applicants 6-144
SECTION 6.20: PUBLIC SEWER CONNECTION 6-145
6.20.1 Required Use of Public Sewer Service 6-145

ARTICLE 7: SUBDIVISIONS 7-1
SECTION 7.1: GENERAL PROVISIONS 7-1
7.1.1 Purpose 7-1
7.1.2 Jurisdiction and Applicability 7-1
7.1.3 Compliance with Plans and Other Applicable Regulations 7-1
SECTION 7.2: CLASSIFICATION OF SUBDIVISIONS 7-1
7.2.1 Exempt Subdivisions 7-2
7.2.2 Minor Subdivisions 7-2
7.2.3 Major Subdivisions 7-2
SECTION 7.3: PHASING OF MAJOR SUBDIVISIONS 7-3
SECTION 7.4: IMPROVEMENTS AND PERFORMANCE GUARANTEES 7-3
7.4.1 Generally 7-3
7.4.2 Improvements Required 7-3
7.4.3 Completion of Improvements 7-4
7.4.4 Performance Guarantees 7-4
7.4.5 Maintenance of Required Improvements 7-5
7.4.6 Property Owners' Association 7-5
7.4.7 Assumption of Maintenance Responsibilities by Property Owner's Association 7-6
7.4.8 Maintenance Guarantees – Public Roads 7-6
SECTION 7.5: SUBDIVISION AGREEMENTS 7-7
SECTION 7.6: GENERAL DESIGN STANDARDS 7-7
7.6.1 Minimum Lot Size 7-8
7.6.2 Residential Density 7-8

MASTER TABLE OF CONTENTS

7.6.3 Land Suitability 7-8
SECTION 7.7: LOTS 7-9
7.7.1 Generally 7-9
7.7.2 Shape and Orientation 7-9
7.7.3 Relationship to Street 7-10
7.7.4 Flag Lots 7-10
SECTION 7.8: ACCESS AND ROADWAYS 7-12
7.8.1 Streets – General Standards 7-12
7.8.2 Public Streets – Where Required 7-13
7.8.3 Public Streets - Construction Standards 7-13
7.8.4 Private Roads – When Permitted 7-13
7.8.5 Private Road Standards 7-16
7.8.6 Alleys 7-27
SECTION 7.9: RESERVATION OF SPACE FOR UTILITIES 7-27
7.9.1 Easements Required 7-27
7.9.2 Subdivisions in Transition Areas 7-28
7.9.3 Terms and Conditions of Easements 7-28
SECTION 7.10: RESERVATION OF SCHOOL SITES 7-28
7.10.1 Applicability 7-28
7.10.2 Method of Reservation 7-28
7.10.3 Acquisition of Reserved Site 7-28
SECTION 7.11: RECREATIONAL FACILITIES 7-29
7.11.1 Applicability 7-29
7.11.2 Area Requirements 7-29
7.11.3 Site Suitability 7-30
7.11.4 Site Improvements 7-31
7.11.5 Method of Provision or Dedication 7-33
7.11.6 Payments in Lieu of Dedication 7-34
SECTION 7.12: CLUSTER DEVELOPMENTS 7-34
7.12.1 Generally 7-34
7.12.2 Criteria in the Rural Buffer (RB) Zoning District 7-35
7.12.3 Reductions in Lot and Setback Requirements 7-35
7.12.4 Ownership of and Conveyance of Cluster Recreation/Open Space 7-36
7.12.5 Criteria for Approval of Major Subdivision Preliminary Plan or Minor Subdivision Final Plat 7-36
7.12.6 Additional Submittal Requirements 7-37
SECTION 7.13: FLEXIBLE DEVELOPMENTS 7-37
7.13.1 Purpose 7-37
7.13.2 Applicability 7-38
7.13.3 Open Space Standards 7-38
7.13.4 Development Standards 7-45
7.13.5 Street Standards 7-53
7.13.6 Water Supply and Sewage Disposal Facilities 7-54
7.13.7 Design Guidelines 7-54
7.13.8 Evaluation Criteria 7-56
7.13.9 Density Bonuses 7-58
SECTION 7.14: SPECIFICATIONS FOR PLAT DRAWINGS 7-59
7.14.1 Minor Subdivisions 7-59
7.14.2 Major Subdivisions 7-60
7.14.3 Final Plat Specifications 7-66

ARTICLE 8: NONCONFORMITIES 8-1
SECTION 8.1: INTENT 8-1
8.1.1 Generally 8-1
SECTION 8.2: CLASSIFICATION 8-1
SECTION 8.3: COMPLETION OF NON-CONFORMING PROJECTS 8-1
8.3.1 Valid Permit Issued 8-1
SECTION 8.4: NON-CONFORMING USES INCOMPATIBLE WITH PERMITTED USES 8-3
SECTION 8.5: NON-CONFORMING SIGNS 8-3

MASTER TABLE OF CONTENTS

8.5.1 Timeframe for Abatement 8-3
SECTION 8.6: SPECIAL PERMIT USES 8-3
SECTION 8.7: NON-CONFORMING LOTS 8-3
SECTION 8.8: NON-CONFORMING USES OF LAND WITHOUT STRUCTURES OR WITH MINOR STRUCTURES 8-3
SECTION 8.9: NON-CONFORMING USES OF MAJOR STRUCTURES, OR STRUCTURES AND PREMISES IN COMBINATION 8-4
SECTION 8.10: NON-CONFORMING STRUCTURES, OTHER THAN SIGNS 8-4
SECTION 8.11: NON-CONFORMING CHARACTERISTICS OF USE 8-5
SECTION 8.12: REPAIRS AND MAINTENANCE 8-5
SECTION 8.13: UNSAFE NON-CONFORMING STRUCTURES 8-5

ARTICLE 9: ENFORCEMENT 9-1
SECTION 9.1: INTENT 9-1
SECTION 9.2: VIOLATIONS 9-1
9.2.1 Violations Specifically 9-1
SECTION 9.3: VIOLATORS 9-1
9.3.1 Specifically 9-1
9.3.2 Charges and Entities 9-2
SECTION 9.4: ADMINISTRATION OF PERFORMANCE STANDARDS 9-2
SECTION 9.5: ENFORCEMENT PROCEDURE 9-2
9.5.1 Responsibility for Enforcement 9-2
9.5.2 Inspections and Investigations 9-2
9.5.3 Initial Notice of Violation 9-2
9.5.4 Appeals 9-3
9.5.5 Timeline for Abatement 9-3
9.5.6 Final Notice of Violation and/or Correction Order 9-4
9.5.7 Recurring Violations 9-4
9.5.8 Performance Standards 9-4
9.5.9 Failure to Comply 9-5
SECTION 9.6: PENALTIES, REMEDIES, AND ENFORCEMENT POWERS 9-5
9.6.1 In General 9-5
9.6.2 Permit Revocation 9-5
9.6.3 Permit Denial or Conditioning 9-6
9.6.4 Injunctive and Abatement Relief in Superior Court 9-6
9.6.5 Criminal Penalties 9-6
9.6.6 Stop Work Order 9-6
9.6.7 Civil Penalty 9-6
SECTION 9.7: ADDITIONAL PROCEDURES – SPECIAL FLOOD HAZARD AREA OVERLAY DISTRICT 9-7
9.7.1 Actions in Event of Violation 9-7
9.7.2 Order to Take Corrective Action 9-8
9.7.3 Failure to Comply with Order 9-8
SECTION 9.8: SOIL EROSION AND SEDIMENTATION CONTROL 9-8
9.8.1 Inspections and Investigations 9-8
9.8.2 Penalties 9-10
9.8.3 Injunctive Relief 9-11
9.8.4 Restoration of Areas Affected by Failure to Comply 9-12
9.8.5 Revocation of Land Disturbing Permit 9-12
SECTION 9.9: STORMWATER MANAGEMENT 9-12
9.9.1 Inspections and Investigations 9-12
9.9.2 Penalties 9-14
9.9.3 Injunctive Relief 9-15

ARTICLE 10: DEFINITIONS 10-1
SECTION 10.1: DEFINITIONS 10-1

ARTICLE 1: ADMINISTRATION TABLE OF CONTENTS

SECTION 1.1: GENERAL PROVISIONS 1-1
1.1.1 Title 1-1
1.1.2 Authority 1-1
1.1.3 Flood Damage Prevention Authority 1-1
1.1.4 Purpose and Intent 1-1
1.1.5 Statement of Intent - Amendments 1-2
1.1.6 Applicability and Jurisdiction 1-2
1.1.7 Conformance with Adopted Plans 1-2
1.1.8 Regulation of Farming and Bona Fide Farm Activities 1-3
1.1.9 Relationship with Other Laws, Covenant, or Deed Restrictions 1-3
1.1.10 Coordination with Other Regulations 1-4
1.1.11 Delegation of Authority 1-4
1.1.12 Headings and Illustrations 1-4
1.1.13 Tenses, Usage, and Conjunctions 1-4
1.1.14 Transitional Provisions 1-5
1.1.15 Vested Rights 1-5
1.1.16 Severability 1-5
1.1.17 Repeal of Existing Regulations 1-5
1.1.18 Interpretation 1-6
1.1.19 Disclaimer of Liability – Flood Regulations 1-6
1.1.20 Errors 1-6
1.1.21 Administrative Regulations 1-6
1.1.22 Interim Development Standards 1-6
SECTION 1.2: OFFICIAL ZONING ATLAS 1-7
1.2.1 Generally 1-7
1.2.2 Interpretation of Zoning District Boundaries 1-7
SECTION 1.3: BOARD OF COUNTY COMMISSIONERS 1-8
1.3.1 Responsibilities 1-8
SECTION 1.4: PLANNING DIRECTOR 1-9
1.4.1 Responsibilities 1-9
1.4.2 Conditions on Authority 1-9
SECTION 1.5: PLANNING DEPARTMENT 1-10
1.5.1 Duties and Responsibilities 1-10
SECTION 1.6: PLANNING BOARD 1-10
1.6.1 Establishment and Intent 1-10
1.6.2 Tenure and Membership Expectations 1-11
1.6.3 Duties 1-11
1.6.4 Staffing 1-12
1.6.5 Rules of Procedure 1-12
1.6.6 Notification of Meetings 1-12
1.6.7 Meeting Minutes 1-12
SECTION 1.7: COMPREHENSIVE PLAN 1-12
1.7.1 Intent 1-12
1.7.2 Elements 1-13
1.7.3 Area Plans 1-13
SECTION 1.8: BOARD OF ADJUSTMENT 1-14
1.8.1 Establishment 1-14
1.8.2 Tenure and Membership 1-14
1.8.3 Duties 1-14
1.8.4 Rules of Procedure 1-14
1.8.5 Conduct and Notification of Meetings 1-15
1.8.6 Record of Meetings 1-15
SECTION 1.9: DEVELOPMENT ADVISORY COMMITTEE 1-15
1.9.1 Establishment and Intent 1-15
1.9.2 Duties and Responsibilities 1-15
1.9.3 Membership 1-16
1.9.4 Meetings 1-16
1.9.5 Reports 1-16
SECTION 1.10: FLOODPLAIN ADMINISTRATOR 1-16

ARTICLE 1: ADMINISTRATION TABLE OF CONTENTS

1.10.1 Designation 1-16
1.10.2 Duties and Responsibilities 1-16
SECTION 1.11: EROSION CONTROL OFFICER 1-18
1.11.1 Designation 1-18
1.11.2 Duties and Responsibilities 1-18

ARTICLE 1: ADMINISTRATION

SECTION 1.1: GENERAL PROVISIONS

1.1.1 Title

The official title of this document is 'Unified Development Ordinance of Orange County, North Carolina'. For convenience, it shall be referred to throughout this document as 'this Ordinance', 'the Ordinance', ' the/this Unified Development Ordinance' or 'the/this UDO'.

1.1.2 Authority

This Ordinance is adopted pursuant to the statutory authority provided in the North Carolina General Statues (NCGS), specifically the provisions of:

(A) Chapter 153A, Article 18,

(B) Chapter 4,

(C) Chapter 160A, Article 19,

(D) Chapter 39, Article 5A,

(E) §47-30, and

(F) §143 214.5.

For the purpose of establishing comprehensive development regulations for designated portions of Orange County and providing for administration, enforcement and amendment thereof in accord with the aforementioned provisions.

1.1.3 Flood Damage Prevention Authority

(A) The Legislature of the State of North Carolina has delegated authority to county governments to adopt regulations to promote the public health, safety, and general welfare of its citizenry in the following sections of the North Carolina General Statutes:

(1) Part 6, Article 21 of Chapter 143,

(2) Parts 2, 3 and 4 of Article 18 of Chapter 153A, and

(3) § 153A-121.

(B) Flood Insurance Rate Maps (FIRM), specifically FIRM Map Index 37135 CINDOC with an effective date of May 16, 2008 as well as all FIRM panels contained therein, developed by FEMA under a Cooperating Technical State agreement with the State of North Carolina and the Flood Insurance Study are hereby established as shown on the Official Zoning Atlas as the Special Flood Hazard Area Overlay Zoning District, and

(C) The Board of Adjustment as established by Orange County shall hear and decide requests for variances from the requirements of the Orange County Special Flood Hazard Area Overlay Zoning District.

1.1.4 Purpose and Intent

(A) In order to protect and promote the health, safety and general welfare of the County and its residents, this Ordinance is hereby adopted by the Orange County Board of Commissioners.

(B) The purpose of the regulations set out in this Ordinance shall be to accomplish compatible development of the land within Orange County in a manner which will best promote the health, safety, and general welfare, as well as to:

(1) Provide for efficiency and economy in the process of development;

(2) Make adequate provisions for traffic;

(3) Secure safety from fire, panic, and other hazards;

(4) Provide for light and air;

(5) Prevent the overcrowding of land;

(6) Avoid undue concentration of populations;

(7) Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;

(8) Provide for the protection of the surface and underground water resources of the County;

(9) Provide for efficient use of renewable and non-renewable sources of energy;

(10) Promote desirable living conditions and the sustained stability of neighborhoods;

(11) Protect property against blight and depreciation; and

(12) For other purposes in accordance with the Comprehensive Plan for the County.

(C) It is the further purpose that all material included herein by reference and all material used for the administration of this Ordinance, does not take any property, does not unduly restrict property rights or use, nor convert any of these to public use except by due process of law.

(D) The Ordinance is further designed to provide for residential, commercial, and industrial growth in Orange County by the establishment of districts within which each type use can develop properly and profitably and not interfere with the use of land in adjacent parcels or districts.

1.1.5 Statement of Intent - Amendments

For the purpose of establishing and maintaining sound, stable and desirable development within Orange County this Ordinance shall not be amended except to:

(A) Correct a manifest error in the Ordinance, or

(B) Extend the boundary of an existing zoning district, because of changed or changing conditions in a particular area or in the county generally, or

(C) Rezone an area either to a different zoning district, conditional zoning district, or conditional use district, or

(D) Change the regulations and restrictions thereof.

Amendments shall be reasonably necessary to promote the public health, safety, and general welfare and to achieve the purposes of the adopted Comprehensive Plan or part thereof.

1.1.6 Applicability and Jurisdiction

Except as otherwise expressly stated, this Ordinance applies to all development, public or private, within the unincorporated area of Orange County or outside of existing municipal extra-territorial jurisdictional boundaries, or established Joint Planning Areas, approved by the County Board of Commissioners, to the extent allowed by law.

1.1.7 Conformance with Adopted Plans

(A) The provisions of this Ordinance, and any proposed amendment thereto, shall be consistent with the goals and policies included in the Orange County Comprehensive Plan and/or any specialized study approved by the Orange County Board of Commissioners relating to land use development within the County's planning jurisdiction.

(B) The enforcement, interpretation, and application of the standards contained herein shall be consistent with the goals and policies of the Comprehensive Plan and shall not create a situation that is inconsistent with the goals and policies contained therein.

1.1.8 Regulation of Farming and Bona Fide Farm Activities

The provisions of this Ordinance which are adopted under Chapter 153A, Article 18, Part 3 do not apply to property used for bona fide farm purposes, as defined within North Carolina General Statutes, except as follows:

(A) Any non-farm use of farm property,

(B) Compliance with all regulations required to be imposed by the Federal Emergency Management Agency (FEMA) through the National Flood Insurance Program including all applicable Flood Insurance Rate Maps (FIRM), and

(C) Compliance with the Orange County Special Flood Hazard Area Overlay Zoning District as detailed within this Ordinance.

1.1.9 Relationship with Other Laws, Covenant, or Deed Restrictions

(A) If the provisions of this Ordinance are inconsistent with those of state and/or federal law, the more restrictive provision governs, to the extent permitted by law. The more restrictive provision is the one that imposes greater restrictions or more stringent controls.

(B) If the provisions of this Ordinance are inconsistent or conflict with provisions found in other adopted ordinances or regulations of the County, the more restrictive provision governs. The more restrictive provision is the one that imposes greater restrictions or more stringent controls.

(C) In accordance with this Ordinance, a property owner may be required to record deed restrictions, covenants, or other legal documentation outlining development limitations or imposing regulatory standards on the perpetual development and/or use of property. While the County may require such legal documents to be recorded as part of the normal development review process, the County has no enforcement authority over private covenants or deed restrictions that are not based on development limitations imposed by this Ordinance. This Ordinance is not intended to interfere with, abrogate or annul any easement, covenant, deed restriction or other agreement between private parties. Orange County does not enforce private agreements.

(D) Town of Chapel Hill Land Development Standards: The regulations governing the use of land and structures as contained in the Town of Chapel Hill Land Development Ordinance are hereby adopted by reference as fully as though set forth herein. The regulations shall be applicable to that portion of the Transition Area located within the Chapel Hill Joint Development Review Area as prescribed in the adopted Joint Planning Area Land Use Plan and the adopted Joint Planning Area Land Use Map.

(E) Town of Carrboro Land Development Standards: The regulations governing the use of land and structures as contained in the Town of Carrboro Land Use Ordinance are hereby adopted by reference as fully as though set forth herein. The regulations shall be applicable to that portion of the Transition Area located within the Carrboro Joint Development Review Area as prescribed in the adopted Joint Planning Area Land Use Plan and the adopted Joint Planning Area Land Use Map.

(F) The Jordan Water Supply Nutrient Strategy Rules and riparian buffer protection rules (Jordan Lake Rules) of 15A NCAC 02B .0265, .0267 and .0268, Section 3.(d) of Session Law 2009-216, and Section 6.(g) of Session Law 2009-216, found in Section 7.(b) of Session Law 2009-484 apply to all lands within the Jordan Lake Watershed portion of Orange County. Wherever standards of the Jordan Lake Rules and the standards listed in this ordinance differ, the more restrictive provisions shall apply.

(G) The Neuse River Basin Nutrient Sensitive Waters Management Strategy rules and the riparian buffer protection rules (Neuse Rules) of 15ANCAC 02B .0235, .0240, .0233,

.0241, and .0242 apply to all lands within the Neuse River Basin portion of Orange County. Wherever standards of the Neuse Rules and the standards listed in this ordinance differ, the more restrictive provisions shall apply.

(H) The Falls Reservoir Water Supply Nutrient Strategy: Stormwater Management for New Development Rule of 15A NCAC 02B .0277 applies to all lands within the Falls Lake Watershed portion of Orange County, except where standards in this Ordinance are more restrictive.

(I) The Jordan Water Supply Nutrient Strategy: Stormwater Management for New Development Rule of 15A NCAC 02B .0265 applies to all lands within the Jordan Lake Watershed portion of Orange County, except where standards in this Ordinance are more restrictive.

1.1.10 Coordination with Other Regulations

All references contained within the Ordinance to other municipal, county, state, or federal regulations are for informational purposes only and do not constitute a complete list of such regulations. These references do not imply that the county is responsible for enforcing municipal, state, or federal regulations.

1.1.11 Delegation of Authority

Provisions of this Ordinance requiring an officer, employee, board or commission to perform an act or duty, shall be interpreted as authorizing the referenced officer, employee, board or commission to delegate that responsibility to others over whom they have authority.

1.1.12 Headings and Illustrations

Headings and illustrations contained herein are provided for convenience and reference only and do not define or limit the scope of any provision of this Ordinance. In case of any difference of meaning or implication between the text of this Ordinance and any heading, drawing, table, figure, or illustration, the text controls.

1.1.13 Tenses, Usage, and Conjunctions

(A) Tenses and Usage

(1) Words used in the singular include the plural. The reverse is also true.

(2) Words used in the present tense include the future tense. The reverse is also true.

(3) The words: ‘must’, ‘will’, ‘shall’, ‘may not’, ‘will not’, and shall not’ are mandatory.

(4) The word ‘may’ is permissive.

(5) The word ‘should’ is advisory, not mandatory.

(6) When used with numbers, ‘up to X’, ‘not more than X’, and ‘a maximum of X’ all include that specified number.

(B) Conjunctions

(1) Unless the context clearly indicates otherwise, conjunctions have the following meanings:

(a) ‘And’ indicates that all connected items or provisions apply; and

(b) ‘Or’ indicates that the connected items or provisions may apply singularly or in combination.

1.1.14 Transitional Provisions

(A) The adoption of this Ordinance does not require a change in the plans, construction, or designated use of any building for which actual construction was lawfully begun before April 5, 2011 and on which actual construction has been diligently pursued. For the purpose of this provision, actual construction includes the erection of construction materials in permanent position and fastened in a permanent manner; and/or the de-construction, elimination, and removal of an existing structure in connection with such construction, provided that actual construction work must be diligently pursued until completion of the building.

(B) Building permits, variances, special use permits, subdivision plans, site plan approvals, and other similar development approvals that are valid on April 5, 2011, will remain valid until their expiration date. Development may be completed in accordance with such approvals, even if such building, development or structure does not fully comply with provisions of this Ordinance. If building is not commenced and diligently pursued in the time allowed under the original approval or any extension granted, then the building, development or structure must meet the standards of this Ordinance in effect at the time of re-application.

(C) Applications for building permits, variances, special use permits and other similar development approvals that were submitted in complete form and were pending approval on April 5, 2011 shall be reviewed under the terms of the ordinance(s) in effect at the time the application was deemed complete. Any re-application for an expired approval must meet the standards of the ordinance(s) in effect at the time of re-application.

1.1.15 Vested Rights

In accordance with the provisions of NCGS 153A-344.1 a property owner may seek a vested right designation on any site-specific development plan consistent with the standards and requirements detailed herein.

1.1.16 Severability

It is the legislative intent of the Board of County Commissioners in adopting this Ordinance that all provisions and sections thereof shall be liberally construed to protect and preserve the peace, health, safety and general welfare of the inhabitants of Orange County and, further, that should any provision, portion, section, or subsection of this Ordinance be held to be construed as affecting the validity of any of the remaining provisions, portions, sections or subsections, it is the intent of the Board of County Commissioners that this Ordinance shall stand, notwithstanding the invalidity of any provision, or section or part thereof.

1.1.17 Repeal of Existing Regulations

All existing regulations now contained within this Ordinance are hereby repealed. The adoption of this Ordinance, however, shall not affect nor prevent any pending or future prosecution of, or action to abate, an existing violation of said regulations, as amended.

(A) Status of Prior Violations

(1) All violations of the regulations repealed by the adoption of this Ordinance shall remain violations of the ordinances of Orange County and all penalties and enforcement remedies set forth herein shall be available as though the violation were a violation of this Ordinance.

(2) However, if the effect of this Ordinance is to make a formerly unlawful or nonconforming use become lawful and/or conforming, then no enforcement action shall be taken except for the imposition and collection of penalties for the violations that occurred prior to the effective date of this Ordinance.

(B) Effect on Rights and Liabilities under the Flood Damage Prevention Ordinance

(1) Portions of the ordinance come forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance (FDPO) enacted March 2, 1981, as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued under the FDPO are reserved and may be enforced.

1.1.18 Interpretation

In the interpretation and application of this Ordinance, all provisions shall be:

(A) Considered as minimum requirements;

(B) Liberally construed in favor of the governing body; and

(C) Deemed to neither limit nor repeal any other powers granted under State statutes.

1.1.19 Disclaimer of Liability – Flood Regulations

The degree of flood protection required by this Ordinance is considered reasonable but does not imply total flood protection.

1.1.20 Errors

The issuance of a permit, based on approved plans and specifications, shall not prevent the Planning Director, Chief Building Official, Erosion Control Officer, or Floodplain Administrator from thereafter requiring the correction of errors in such plans and specifications or preventing building operations from being carried on in violation of this Ordinance, other County ordinances, or the North Carolina Building Code.

1.1.21 Administrative Regulations

The County Manager is authorized and directed to propose and promulgate administrative regulations, including but not limited to the type and amount of data required for a completed application, in order to implement the provisions of this Ordinance.

1.1.22 Interim Development Standards

(A) For the purpose of preventing further development in an area where plans are being prepared for the use of land and/or the preservation of natural resources, and/or development standards are being considered with which to implement such plans, interim development standards may be established which permit development that is in accord with the contemplated plans or standards to proceed.

(B) The establishment of interim development standards shall be governed by the procedures contained in Article 2 of this Ordinance.

(C) Form and Content

Interim development standards enacted pursuant to this Section shall be temporary measures established in accordance with the following criteria:

(1) The standards shall be in effect only for the period of time necessary to achieve the purposes of the contemplated plan and/or its implementing mechanisms;

(2) The standards shall limit development to the type that would be permitted under the existing standards contained in this Ordinance and/or to that which is in accord with the contemplated plan or its implementing mechanisms;

(3) The standards may be in effect only in the area affected by the contemplated plan and/or in which its implementing mechanisms will apply; and

(4) The standards may limit the nature and type of development applications and projects which are approved throughout the duration of the standards.

SECTION 1.2: OFFICIAL ZONING ATLAS

1.2.1 Generally

(A) The Orange County planning and zoning jurisdiction shall be, and hereby is, divided into Zoning Districts as detailed in Article 3 of this Ordinance.

(B) The boundaries of said Zoning Districts are hereby established as shown on the Official Zoning Atlas which accompanies this Ordinance and which, with all notations, references, and other information shown thereon, shall be as much a part of this Ordinance as it is fully described herein. Maps and descriptions accompanying enacted amendments shall be displayed by the Planning Department adjacent to the Official Zoning Atlas until such time as the official copy is corrected.

(C) The Official Zoning Atlas and any subsequent amendments shall be authenticated by the Clerk to the Board of County Commissioners and kept on file in the Planning Department.

(D) Copies of the Official Zoning Map Atlas, or portions thereof, may be made from time to time. These copies are for informational purposes only and the Official Zoning Atlas, as described herein, shall be the final and sole authority as to the zoning status of land within the zoning jurisdiction of Orange County.

(E) The Planning Director shall be responsible for entering amendments to the Official Zoning Atlas.

(F) The Planning Director shall authenticate the entry of each amendment to the Official Zoning Atlas and shall maintain a record of the nature and date of entry of each amendment.

(G) Changes to the Official Zoning Atlas, other than those authorized by duly approved amendments to this Ordinance, shall not be made. The making of unauthorized changes to the Official Zoning Atlas shall be considered a violation of this Ordinance.

(H) Amendments to this Ordinance that result in the change in classification of any piece of land shall become effective immediately upon enactment by the Board of County Commissioners. The Board of County Commissioners, upon a finding of due cause, may extend the effective date of any such amendments.

(I) When all or part of the Official Zoning Atlas becomes damaged, lost, destroyed, worn or hard to interpret by reason of its age, condition, number of changes or otherwise, the Atlas shall be replaced by the Planning Director. This new edition of the Official Zoning Atlas may not change the zoning status of any property. Such replacements shall be authenticated by the Clerk of the Board of County Commissioners and shall bear the date of replacement.

1.2.2 Interpretation of Zoning District Boundaries

When there is any uncertainty as to the intended location of any zoning district boundary on the Zoning Atlas, the Planning Director shall make an interpretation of the Atlas upon request of any person. Any person aggrieved by any such interpretation may appeal such interpretation to the Board of Adjustment. The Planning Director and the Board of Adjustment, in interpreting the Zoning Atlas or deciding any appeal, shall apply the following standards:

(A) Boundaries indicated as approximately following the centerlines of streets; highways or alleys shall be construed as following such centerlines;

(B) Boundaries indicated as approximately following lot lines shall be construed as following such lot lines;

(C) Boundaries indicated as approximately following City Limits shall be construed as following such City Limits;

(D) Boundaries indicated as following railroad lines shall be construed to be the center line of the main track;

(E) Boundaries indicated as following shorelines shall be construed to follow such shorelines; in the event of change in the shoreline, the boundary shall be construed as moving with the actual shorelines;

(F) Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed as following such centerlines;

(G) Boundaries shown as approximately following designated flood hazard area limits shall be construed as following such limits;

(H) Boundaries indicated as parallel to or extensions of features indicated in Subsections A through E above shall be so construed. Distances not specifically indicated on the Zoning Atlas shall be determined by reference to the scale of the Atlas; and

(I) Where physical or cultural features existing on the ground are at variance with those shown on the Zoning Atlas, or in other circumstances not covered by Subsections A through F above, the Board of Adjustment shall interpret the district boundaries.

In addition, the following guidelines shall be required in determining the boundaries of the Special Flood Hazard Area Overlay District:

(J) The boundaries of the Special Flood Hazard Area Overlay District shall be determined utilizing the Flood Insurance Study;

(K) In areas between official cross sections, the Special Flood Hazard Overlay District shall be determined by scaling the distances on Flood Insurance Study maps; and

(L) The regulatory flood protection elevation must in all cases be the controlling factor in locating the outer limits of the Special Flood Hazard Area Overlay District.

SECTION 1.3: BOARD OF COUNTY COMMISSIONERS

1.3.1 Responsibilities

The Orange County Board of Commissioners shall have the following responsibilities in relation to the administration of this Ordinance:

(A) Hear and decide applications for amendments to the text, schedules, and map portions of this Ordinance, which shall be processed in accordance with the provisions detailed herein. In exercising this power, the Board is bound by the State enabling legislation, the terms of this Ordinance, and applicable court decisions in carrying out its legislative function.

(B) Hear and decide applications for the approval of Class A Special Use permit as noted in the Schedule of Permitted Uses as requiring approval of the Board of Commissioners, which shall be processed in accordance with the provisions detailed herein. In exercising this power, the Board is bound by the State enabling legislation, the terms of this Ordinance, and applicable court decisions in carrying out its decision making function within a quasi-judicial capacity and shall make its decisions based on substantial evidence contained in its record of proceedings and shall be bound by the general and specific standards and requirements of the particular Special Use as defined herein.

(C) Hear and decide applications appealing those decisions appealed to the Board of County Commissioners.

(D) Establish Rules of Procedure for the conduct of hearings and other proceedings before the Board of County Commissioners in exercising responsibilities identified herein.

(E) Make the necessary appointments to the Planning Board and Board of Adjustment.

(F) Provide, by appropriation, funds for the administration of this Ordinance.

SECTION 1.4: PLANNING DIRECTOR

1.4.1 Responsibilities

(A) The Planning Director, or his/her designee, shall have the responsibility for the administration, interpretation, and enforcement of this Ordinance.

(B) Within this Ordinance, 'Planning Director' is synonymous with the individual actually serving in that capacity or a designated employee unless otherwise specified.

(C) The Planning Director is an employee of the County hired by and reporting to the County Manager and shall have the following duties in respect to this Ordinance:

(1) Administering all provisions of this Ordinance for which administrative responsibilities are not otherwise expressly assigned;

(2) Making interpretations of the provisions of this Ordinance;

(3) Reviewing all applications submitted in accordance with the requirements of this Ordinance to ensure compliance with the provisions of this Ordinance;

(4) Coordinating County staff's compliance with duties and responsibilities specified in this Ordinance;

(5) Preparing reports for, submitting recommendations to, and seeking input from, the Planning Board for all matters for which this Ordinance requires review and approval by the Planning Board;

(6) Maintaining records of the Planning Board's meetings and actions;

(7) Ensuring the text of this Ordinance and the zoning atlas are modified to reflect any amendments approved by the Board of County Commissioners and maintaining up-to-date originals and copies of these documents;

(8) Conducting on-going regular reviews of the text of this Ordinance and proposing amendments necessary to implement and ensure consistency with the policy objectives of the County;

(9) Maintaining records of the Board of Adjustment's meetings and actions;

(10) Reporting any variances or interpretations of the location of the boundary of an area of special flood hazard area to the Federal Insurance Administration upon request; and

(11) Granting Zoning Compliance Permits, making inspections of buildings or premises, revoking permits, and any other procedures necessary to carry out the enforcement of this Ordinance.

1.4.2 Conditions on Authority

When rendering decisions on the approval of development projects, the interpretation of this Ordinance, or the issuance of permits, the Planning Director shall determine if the application is consistent with the requirements of this Ordinance and issue all appropriate permits or other approvals. The following limitations apply:

(A) Issuance of a permit authorizing the excavation, construction, moving, alteration, or use of land shall in no case be construed as waiving any provision of this Ordinance.

(B) Under no circumstances is the Planning Director permitted to grant exceptions to the actual meaning of any clause, standard, or regulation contained in this Ordinance to any person making application to excavate, construct, move, alter, or use either building, structures or land.

(C) Under no circumstances is the Planning Director permitted to make changes to this Ordinance or to vary the terms of this Ordinance in carrying out assigned duties.

(D) The Planning Director shall issue a permit when an applicant demonstrates that the standards established by this Ordinance are complied with regardless of whether the use of the permit would violate contractual or other arrangements (including, but not by way of limitation, restrictive covenants) among private parties.

(E) The Planning Director shall revoke a zoning compliance permit if it is found to be issued in violation of any of the provisions of this Ordinance, or if the conditions as stated on the permit are not carried out.

(F) If an application for a permit is disapproved, the Planning Director shall state in writing the cause for such disapproval.

(G) The Planning Director shall issue a Stop Work Order pursuant to Article 9 of this Ordinance if it is determined that irreparable injury will occur if an alleged violation is not terminated immediately.

SECTION 1.5: PLANNING DEPARTMENT

1.5.1 Duties and Responsibilities

The Planning Department is an administrative department of the County Government headed by the Planning Director. The Planning Department shall have, under the authority of the Planning Director, the following responsibilities in relation to this Ordinance:

(A) The administration and enforcement of the Ordinance.

(B) The issuance of any required permits and certificates as authorized by this Ordinance.

(C) Administrative, technical and professional support to the Board of County Commissioners, Planning Board, Board of Adjustment and any advisory committee set up hereunder.

(D) The preparation of written staff reports and recommendations on all proposed amendments to this Ordinance, application of approval of Special Uses, applications for all planned developments, applications of approval of plats, applications for variances and appeals from orders, decisions, determinations and requirements made in enforcing this Ordinance.

(E) Liaison with other County departments, representatives of other local governmental units and units of the State of North Carolina and of the United States.

(F) The maintenance of data, maps, and other information necessary to discharge of its responsibilities.

(G) Provide appropriate services to encourage the participation of citizens of Orange County in the discharge of its responsibilities.

(H) Perform such other duties as may be directed by the Board of County Commissioners.

SECTION 1.6: PLANNING BOARD

1.6.1 Establishment and Intent

(A) The Orange County Board of Commissioners under the authority of Chapter 153A, Article 18, Part 1 of the General Statutes of North Carolina, as amended, for the purposes and advantages described herein, creates a County Planning Board to embark upon a continuing planning program, including but not limited to the preparation and maintenance of a Comprehensive Plan for Orange County, in protection of the public health, safety, and general welfare of present and future residents, landowners and visitors.

(B) The Planning Board shall consist of at least 12 members who shall be residents of Orange County. Members shall serve without compensation except for incidental expenses incurred in connection with official duties as approved by the Board of County Commissioners.

(C) Each Township within the County shall be represented in the membership of the Board by at least one resident.

(D) The Board of County Commissioners may by resolution establish rules related to the requirements for volunteer service on the Planning Board, appointment and removal of Planning Board members, and rules of procedure.

(E) In establishing the Planning Board and its program, the Board of Commissioners intends that the Planning Board be guided by the following principle:

(1) The Comprehensive Plan, and any ordinances or other measures to effectuate it, shall be made with the general purpose of guiding and accomplishing a coordinated, and harmonious development of the County which will, in accordance with present and future needs, best promote health, safety and the general welfare, as well as efficiency in the process of development; including, among other things, adequate provisions for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of populations, the promotion of good civic design, wise and efficient expenditure of public funds, and adequate provision of public utilities, services, and other public requirements, and conservation of significant natural and man-made resources within the County.

1.6.2 Tenure and Membership Expectations

(A) The tenure of office shall be three years. Members are eligible for reappointment for a second consecutive full term. After two consecutive terms a member shall be ineligible for reappointment for one year after the expiration of the previous terms.

(B) Appointments shall be made so that one-third of the terms expire in March of each calendar year.

(C) Appointments made to fill vacancies shall be for the unexpired term and shall not be counted as a term in determining eligibility for reappointment.

(D) A member whose term has expired shall continue to serve on the Board until his/her respective successor has been appointed.

(E) Attendance at the regular meetings of the Board and at quarterly public hearings shall be considered a prerequisite for maintenance of membership on the Planning Board. The Board of County Commissioners may declare a vacancy on the Planning Board because of a member's non-attendance, in accordance with the Planning Board Rules of Procedure.

(F) Absence due to sickness, death of an immediate family member or similar reason shall be considered approved absences and shall not affect the member's status. In the event of long illness or other cause for prolonged absence, the member shall be replaced.

(G) The Board of County Commissioners may by resolution establish rules related to tenure and membership expectations. If the terms of such resolution, or policy created thereby, conflict with the terms of this section 1.6.1 or 1.6.2 the terms of the resolution or policy shall control.

1.6.3 Duties

As provided for in 153A-321 of the General Statutes of North Carolina, as amended, the Planning Board shall have the following general Powers and Duties:

(A) Make studies of Orange County and surrounding areas;

(B) Determine objectives to be sought in the development of Orange County;

(C) Propose and recommend plans for achieving these objectives;

(D) Develop and recommend policies, ordinances, administrative procedures and other means for carrying out plans in a coordinated and efficient manner;

(E) Advise the Board of County Commissioners concerning the use and amendment of means for carrying out plans;

(F) Exercise such functions in the administration and enforcement of various means for carrying out plans that the Board of Commissioners may direct;

(G) Perform other related duties that the Board of County Commissioners may direct;

(H) Approve and recommend for adoption by the Board of County Commissioners a Comprehensive Plan for the development of the county, as well as amendments thereto; and

(I) The Planning Board, working with the Planning Director, shall from time to time, at intervals of not more than five years, examine the provisions of this Ordinance and the location of Zoning District boundary lines and shall submit a report to the Board of County Commissioners recommending changes and amendments, if any, which are desirable in the interest of public health, safety, and general welfare, mindful of the intent expressed in Subsection 1.1.5.

1.6.4 Staffing

(A) The Planning Director, under the direction of the County Manager or his/her designee, shall serve as the professional staff to the Planning Board and shall be primarily responsible for completing any work product necessary to assist the Board in carrying out its duties.

(B) The Board of County Commissioners must approve all work assignments or projects requested by the Planning Board outside of work product associated with this Ordinance prior to the commencement of work.

1.6.5 Rules of Procedure

The Planning Board shall conduct its affairs in accordance with the “Orange County Board of County Commissioners Advisory Board Policy” and the “Planning Board Policies and Procedures”.

1.6.6 Notification of Meetings

All meetings shall be open to the public. The Planning Director shall cause notices to be given as required under:

(A) Article 33C, Chapter 143 of the North Carolina General Statutes;

(B) 143-318.11 of the North Carolina General Statutes; and

(C) Article 2 of this Ordinance.

1.6.7 Meeting Minutes

The Planning Board shall cause minutes of its meetings to be maintained as a permanent public record. Such minutes shall record the attendance of its members, its findings, recommendations, and a summary of information, data and comments presented to it.

SECTION 1.7: COMPREHENSIVE PLAN

1.7.1 Intent

(A) The Comprehensive Plan shall constitute an internally consistent and compatible statement of policies for the long-term, physical development of that portion of Orange County under County jurisdiction.

(B) The Comprehensive Plan shall consist of a statement of development policies and shall include maps and text setting forth objectives, principles, standards and plan proposals for physical development.

(C) Land use regulations are intended to be consistent with the adopted Comprehensive Plan.

1.7.2 Elements

The Comprehensive Plan shall be comprised of the following elements:

(A) Economic Development

(B) Housing

(C) Land Use

(D) Natural and Cultural Systems, including:

- **(1)** Agriculture,
- **(2)** Air and Energy Resources,
- **(3)** Cultural and Historic Resources,
- **(4)** Natural Areas, Wildlife Habitat and Prime Forests,
- **(5)** Water Resources,

(E) Parks and Recreation,

(F) Services and Community Facilities, including:

- **(1)** Water and Wastewater,
- **(2)** Erosion Control and Stormwater Management,
- **(3)** Solid Waste and Recycling,
- **(4)** Public Safety and Telecommunications,
- **(5)** Library Service,
- **(6)** Education,

(G) Transportation,

(H) County Profile (Data), and

(I) Such additional elements dealing with other subjects which in the judgment of the Board of Commissioners relate to the physical development of the county. Such elements may include, but not be limited to, the subjects of historic preservation, community or rural design, growth management, etc.

1.7.3 Area Plans

As part of the Comprehensive Plan, area plans may be prepared which focus on a portion of the County such as a township, a watershed or an interstate highway interchange. Likewise, technical information and/or task force reports prepared as part of a plan element or an area plan may be incorporated as part of the appendix of or as a supplement to the Comprehensive Plan.

In preparation and adoption of a plan element, area plan or other similar document, the Board of Commissioners shall ever be mindful of the need to balance the public interest with the needs of private interests, particularly in the conservation of surface and underground water resources, soil resources, and natural growth resources of the county and the efficient use of the renewable and non-renewable sources of energy.

SECTION 1.8: BOARD OF ADJUSTMENT

1.8.1 Establishment

(A) The Orange County Board of Commissioners under the authority of §153A-345 of the General Statutes of North Carolina, as amended, for the purposes and advantages described herein creates a Board of Adjustment.

(B) The Board shall consist of five members and two alternates who shall be residents of Orange County's Planning Jurisdiction. Members shall serve without compensation except for incidental expenses incurred in connection with official duties as approved by the Board of County Commissioners.

(C) The Board of County Commissioners may by resolution establish rules related to the requirements for volunteer service on the Board of Adjustment, appointment and removal of Board of Adjustment members, and rules of procedure.

1.8.2 Tenure and Membership

(A) The members shall be appointed by the Board of County Commissioners for terms of three years. A member whose term has expired shall continue to serve on the Board until his/her respective successor has been appointed and qualified.

(B) Members' terms shall be staggered so that all terms will not expire simultaneously.

(C) In cases where an individual is appointed to serve the unexpired portion of a Board member's term, the appointment shall be for the time period of the unexpired term only and shall not be counted as a regular term for that member.

(D) A member may be appointed for a second successive term, but after two consecutive terms a member shall be ineligible for reappointment until one calendar year has elapsed from the date of completion of the second term.

(E) An alternate member shall only vote in the absence of a regular member.

1.8.3 Duties

The Board of Adjustment shall have the following duties:

(A) Hear, review, and decide appeals of any order requirement, decision, or determination made by the Planning Director in the performance of official duties.

(B) Hear and decide applications for the approval of Class B Special Use permit applications in accordance with the rules and conditions laid down in this Ordinance.

(C) Hear and decide appeals for variances from the dimensional regulations of this Ordinance in accordance with provisions detailed herein. Nothing in this Ordinance shall be construed to authorize the Board of Adjustment to permit a use in a district where that use is neither a Permitted Use nor a Special Use.

(D) Pass upon, decide or determine such other matters as may be required by this Ordinance.

1.8.4 Rules of Procedure

The Board shall adopt Rules of Procedure and Regulations for the conduct of its affairs. The rules shall be maintained in the office of the Planning Director. Except as otherwise expressly stated in this Ordinance, the rules adopted by the Board of Adjustment shall provide for:

(A) Selection of officers, specifically a Chair and Vice-Chair, whose term of office shall be one year, with eligibility for re-election.

(B) Attendance requirements.

(C) Establishment of a quorum, which shall be a majority of the appointed members, to allow the Board to conduct business.

(D) Establishment of a date and time for a regular meeting.

(E) A procedure for calling special meetings as the need of the Board requires.

1.8.5 Conduct and Notification of Meetings

All meetings of the Board shall be conducted in compliance with:

(A) North Carolina General Statutes Chapter 143, Article 33C,

(B) This Ordinance

The Planning Director shall give notice of Board meetings as provided in NCGS Chapter 143, Article 33C. Notice of meetings shall be given to Board of Adjustment members as provided in the Rules of Procedure adopted by the Board as well as the provisions of this Ordinance.

1.8.6 Record of Meetings

The Planning Director shall keep a record of Board meetings to be maintained as a permanent public record. This record shall include minutes from each meeting including the vote of each member on every question, the Board's findings on required items, recommendations, and a complete summary of the evidence submitted to the Board including all documents, data, and testimony presented.

SECTION 1.9: DEVELOPMENT ADVISORY COMMITTEE

1.9.1 Establishment and Intent

(A) Establishment

There is hereby established a Development Advisory Committee (DAC) to assist the Planning Department in the execution of its functions with respect to processing applications submitted in accordance with the provisions of this Ordinance.

(B) Intent

The DAC is an informal advisory committee to allow various entities to review and discuss issues associated with a submitted application in order to assist with the development of a formal recommendation as to the disposition of the request by the Planning Department.

1.9.2 Duties and Responsibilities

The Development Advisory Committee has the following duties and responsibilities. The Committee shall:

(A) Review proposed text and atlas amendments, Conditional Districts, Special Use permits, rezonings, subdivisions or other similar technical issues that may be referred to the Committee.

(B) Review in cooperation with the Planning Director the relationship between the Comprehensive Plan and this Ordinance.

(C) Produce, as required, for all County governing bodies and planning boards a report on such proposed text and atlas amendments, Conditional Districts, Special Use permits, rezonings, subdivisions or other similar technical issues that may be referred to the Committee.

(D) Render technical advice and recommendations related to this Ordinance and its operation.

1.9.3 Membership

The DAC may consist of representatives from:

(A) Orange County Planning Department (including Erosion Control, Building Inspections, Floodplain Management, Transportation, Comprehensive Planning, etc.),

(B) Orange County Health Department,

(C) Orange County Department of Environment, Agriculture, Parks and Recreation,

(D) Orange County Economic Development Department,

(E) Orange County Emergency Services Department,

(F) N.C. DOT District,

(G) Town of Chapel Hill,

(H) Town of Carrboro,

(I) Town of Hillsborough,

(J) City of Mebane,

(K) Orange Water and Sewer Authority,

(L) Orange-Alamance Water District,

(M) Public Utilities,

(N) Natural Resource Conservation Service, and

(O) Boards of Education; Orange County and/or Chapel Hill-Carrboro.

1.9.4 Meetings

The Planning Director is to convene and chair meetings of the Development Advisory Committee. The minutes of each meeting of the Committee are to be maintained as a separate document in the nature of a public record in the office of the Planning Director. Meetings shall not be open to the public.

1.9.5 Reports

The Development Advisory Committee shall prepare its report on a proposed amendment, Special Use permit, rezoning, Conditional Districts, or subdivision on the basis of the petition, if any, and supporting documentation as well as any public plans, studies, or data for inclusion within the official review file of the given project.

SECTION 1.10: FLOODPLAIN ADMINISTRATOR

1.10.1 Designation

The Planning Director shall be referred to as the “Floodplain Administrator” when administering aspects of this Ordinance related to the Special Flood Hazard Area. The Floodplain Administrator shall hereby be appointed to administer and implement the provisions of this Ordinance relating to the development and enforcement of various provisions associated with:

(A) Special Flood Hazard Area Overlay District, and

(B) State and Federal regulations concerning floodplain development.

1.10.2 Duties and Responsibilities

Duties of the Floodplain Administrator shall include, but not be limited to:

(A) Review all floodplain development applications and issue permits for all proposed development within flood prone areas to ensure that the requirements of this Ordinance have been satisfied.

(B) Advise permittee that additional Federal or State permits (i.e., Wetlands, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.) may be required, and if specific Federal or State permits are known, require that copies of such permits be provided and maintained on file with the floodplain development permit.

(C) Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the NFIP prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.

(D) Ensure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

(E) Prevent encroachments within floodways and non-encroachment areas unless the certification and flood hazard reduction provisions comply with this Ordinance.

(F) Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) of all attendant utilities of all new or substantially improved structures, as required by this Ordinance.

(G) Obtain the actual elevation (in relation to mean sea level) to which the new or substantially improved structures and all utilities have been flood proofed, as contained within this Ordinance.

(H) Obtain actual elevation (in relation to mean sea level) of all public utilities, as contained within this Ordinance.

(I) When flood proofing is utilized for a particular structure, obtain certifications from a North Carolina licensed Professional Engineer or Architect, as contained within this Ordinance.

(J) Where interpretation is needed as to the exact location of boundaries of the SFHAs (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided for within this Ordinance.

(K) When BFE data have not been provided in accordance with this Ordinance, obtain, review, and reasonably utilize any BFE data, along with floodway data and/or non-encroachment area data available from a Federal, State, or other source, including data developed pursuant to Section 6.6.1(B), in order to administer the provisions of this Ordinance.

(L) When BFE data is provided, but no floodway nor non-encroachment area data has been provided in accordance with Section 4.3.5, obtain, review, and reasonably utilize any floodway data, and/or non-encroachment area data available from a Federal, State, or other source in order to administer the provisions of this Ordinance.

(M) When the exact location of boundaries of the SFHAs conflict with the current, natural topography information at the site, the property owner may apply and be approved for a Letter of Map Amendment (LOMA) by FEMA. The Floodplain Administrator in the floodplain development permit file will maintain a copy of the LOMA issued from FEMA.

(N) Permanently maintain all records pertaining to the administration of this Ordinance and make these records available for public inspection during normal business hours.

(O) Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of

proper credentials, to enter on any premises within the jurisdiction of the Orange County at any reasonable hour for the purposes of inspection or other enforcement action.

(P) Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and/or other official flood maps/studies adopted under Section 4.3.5 of this Ordinance, including any revisions thereto including LOMA, issued by State and/or FEMA.

(Q) Notify State and FEMA of mapping needs.

(R) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this Ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work and the owner shall be sent a copy via the U.S. mail. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a Class 3 misdemeanor.

(S) Revocation of floodplain development permits, as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.

(T) Make periodic inspections throughout all SFHAs within the Orange County jurisdiction. The Floodplain Administrator and each member of the Planning and Inspections Department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

(U) Follow through with additional procedures of Section 9.7.

(V) Coordinate and process with other County departments, State agencies, and FEMA, all requests for modification of Federal Insurance Rate Map (FIRM) and/or Flood Insurance Study (FIS) data including, but not limited to, Letter of Map Amendment (LOMA), Letters of Map Revision (LOMR), and 'No Impact' findings on specific projects.

SECTION 1.11: EROSION CONTROL OFFICER

1.11.1 Designation

The position of Orange County Erosion Control Officer is hereby designated.

1.11.2 Duties and Responsibilities

The Orange County Erosion Control Officer shall be responsible for carrying out the provisions of this Ordinance related to erosion and sedimentation control and stormwater management. The Orange County Erosion Control Officer shall work with the planning boards and the elected governing boards of the planning jurisdictions within Orange County in administering and enforcing the portions of this Ordinance related to erosion and sedimentation control.

ARTICLE 2: PROCEDURES TABLE OF CONTENTS

SECTION 2.1: REVIEW AND DECISION MAKING AUTHORITY – SUMMARY TABLE 2-1
SECTION 2.2: APPLICATIONS 2-1
2.2.1 Authority to File Applications 2-1
2.2.2 Timely Processing of Applications 2-2
2.2.3 Burden Of Proof 2-2
2.2.4 Form of Application and Filing Fees 2-2
2.2.5 Pre-application Conference 2-2
2.2.6 Application Completeness 2-3
2.2.7 Withdrawal of Applications 2-3
2.2.8 Effect of Denial on Subsequent Applications 2-3
2.2.9 Manner of Review 2-4
SECTION 2.3: COMPREHENSIVE PLAN AMENDMENTS 2-4
2.3.1 Review and Approval Flow Chart 2-4
2.3.2 Generally 2-4
2.3.3 Initiation of Amendments 2-4
2.3.4 Public Hearing Required 2-5
2.3.5 Notice Requirements for Planning Board Meetings and Public Hearings 2-5
2.3.6 Consideration of Amendments 2-5
2.3.7 Application Requirements 2-5
2.3.8 Analysis and Recommendation 2-6
2.3.9 Planning Board Review 2-6
2.3.10 Action by Board of County Commissioners 2-6
SECTION 2.4: ZONING COMPLIANCE PERMITS 2-7
2.4.1 Applicability 2-7
2.4.2 Requirements and Conditions 2-7
2.4.3 Plot Plan Specifications 2-8
SECTION 2.5: SITE PLAN REVIEW 2-8
2.5.1 Review and Approval Flow Chart 2-8
2.5.2 Application Requirements 2-8
2.5.3 Plan Specifications 2-10
2.5.4 Procedures and Timeframes 2-11
2.5.5 Vesting of Site Plan 2-12
2.5.6 Guarantee of Improvements 2-12
2.5.7 Additional Requirements for Overlay Districts 2-12
2.5.8 Additional Requirements for Economic Development Districts 2-13
SECTION 2.6: FLOODPLAIN DEVELOPMENT PERMIT AND CERTIFICATE REQUIREMENTS 2-13
2.6.1 Requirements for Special Flood Hazard Area Overlay District 2-13
2.6.2 Plans and Application Requirements 2-13
2.6.3 Data Requirement 2-15
2.6.4 Certification Requirements 2-15
SECTION 2.7: SPECIAL USE PERMITS 2-16
2.7.1 Generally 2-16
2.7.2 Review and Approval Flow Chart 2-16
2.7.3 Application Requirements 2-16
2.7.4 Staff Review 2-18
2.7.5 Neighborhood Information Meeting 2-18
2.7.6 Notice Requirements for Class A Special Use Permits 2-19
2.7.7 Notice Requirements for Class B Special Use Permits 2-19
2.7.8 Nature of Proceedings 2-19
2.7.9 Review and Decision 2-20
2.7.10 Standards of Evaluation 2-21
2.7.11 Required Findings 2-21
2.7.12 Conditions of Approval 2-22
2.7.13 Notification of Board Action 2-22
2.7.14 Time Limits and Extensions 2-22
2.7.15 Changes to Approved Plans 2-22
SECTION 2.8: ZONING ATLAS AND UNIFIED DEVELOPMENT ORDINANCE AMENDMENTS 2-24
2.8.1 Review and Approval Flow Chart 2-24
2.8.2 Amendment Initiation 2-24
2.8.3 Contents of Application 2-24

ARTICLE 2: PROCEDURES TABLE OF CONTENTS

2.8.4 Applications for Amendment – Joint Planning Area 2-26
2.8.5 Review, Analysis and Recommendation 2-26
2.8.6 Public Hearing Required 2-26
2.8.7 Notice Requirements for Planning Board Meetings and Public Hearings 2-26
2.8.8 Planning Board Review 2-27
2.8.9 Action by Board of County Commissioners 2-27
2.8.10 Text Revisions Pertaining to Soil Erosion and Sedimentation Control Provisions 2-28
2.8.11 Text Revisions Pertaining to Stormwater Provisions 2-28

SECTION 2.9: CONDITIONAL DISTRICTS 2-28
2.9.1 Conditional Use District (CUD) 2-28
2.9.2 Conditional Zoning District (CZD) 2-31
2.9.3 Public Hearing and Notification Requirements – CUD and CZD 2-34

SECTION 2.10: VARIANCES 2-34
2.10.1 Purpose 2-34
2.10.2 Application Requirements 2-34
2.10.3 Authorized Variances 2-34
2.10.4 Additional Criteria for Authorized Variances – Special Flood Hazard Area Overlay Zoning District 2-35
2.10.5 Additional Criteria for Authorized Variances –Watershed Protection Overlay District 2-36
2.10.6 Procedure for Certain Stream Buffer Variance Requests 2-37
2.10.7 Unauthorized Variances 2-39
2.10.8 Review Procedures 2-39
2.10.9 Findings of Fact 2-39
2.10.10 Conditions of Approval 2-39
2.10.11 Notice Requirements 2-39

SECTION 2.11: INTERPRETATIONS 2-39
2.11.1 Generally 2-39
2.11.2 Application Requirements 2-39
2.11.3 Stay on Further Proceedings 2-40
2.11.4 Review Procedures 2-40
2.11.5 Findings of Fact 2-40
2.11.6 Notice Requirements 2-40

SECTION 2.12: BOARD OF ADJUSTMENT 2-40
2.12.1 General Provisions 2-40
2.12.2 Quasi-Judicial Proceedings 2-41
2.12.3 Evidence and Testimony 2-41
2.12.4 Quorum and Vote Required 2-41
2.12.5 Notification of Board Action 2-42
2.12.6 Notice Requirements for Matters Before the Board 2-42

SECTION 2.13: EXEMPT SUBDIVISIONS 2-42
2.13.1 Generally 2-42
2.13.2 Review and Action 2-42

SECTION 2.14: MINOR SUBDIVISIONS 2-43
2.14.1 Review and Decision Process Flow Chart 2-43
2.14.2 Concept Plan 2-43
2.14.3 Final Plat 2-44

SECTION 2.15: MAJOR SUBDIVISIONS 2-47
2.15.1 Review and Decision Process Flow Chart 2-47
2.15.2 Concept Plan 2-48
2.15.3 Preliminary Plat 2-50
2.15.4 Final Plat 2-56
2.15.5 Certificate of Adequacy of Public School Facilities 2-57

SECTION 2.16: SUBDIVISIONS IN THE ECONOMIC DEVELOPMENT, COMMERCIAL, AND/OR COMMERCIAL-INDUSTRIAL NODES 2-58

SECTION 2.17: VACATION OF RECORDED PLATS AND ROAD ABANDONMENT 2-58
2.17.1 Generally 2-58

ARTICLE 2: PROCEDURES TABLE OF CONTENTS

2.17.2 Initiation 2-59
2.17.3 Application Requirements 2-59
2.17.4 Decision 2-59
2.17.5 Approval Criteria 2-59
2.17.6 Recording 2-60
SECTION 2.18: LAND DISTURBING PERMITS 2-60
2.18.1 Generally 2-60
2.18.2 Application Requirements 2-60
2.18.3 Exemptions 2-60
2.18.4 Erosion Control Plan Required 2-61
2.18.5 Expiration of Permits 2-61
SECTION 2.19: SOIL EROSION AND SEDIMENTATION CONTROL PLANS 2-61
2.19.1 Generally 2-61
2.19.2 Application Requirements 2-61
2.19.3 Components of Complete Erosion Control Plan 2-61
2.19.4 Review by the Soil & Water Conservation District 2-62
2.19.5 Review and Response to Erosion Control Plans 2-63
2.19.6 Timeframe for Review of Erosion Control Plan 2-63
2.19.7 Required Revisions 2-63
2.19.8 Timeframe for Review of Revised Erosion Control Plan 2-63
2.19.9 Timeframe for Response to Review Comments 2-63
2.19.10 Erosion Control Plan Amendments 2-64
2.19.11 Consideration of Applicant's Past Performance 2-64
2.19.12 Erosion Control Plan Available of Site 2-64
2.19.13 Notice of Activity Initiation 2-64
2.19.14 Preconstruction Conference 2-64
SECTION 2.20: STREAM BUFFERS –USE AUTHORIZATION CERTIFICATE 2-65
2.20.1 Use Authorization Certificate 2-65
SECTION 2.21: STORMWATER MANAGEMENT 2-65
2.21.1 Stormwater Management Plan 2-65
SECTION 2.22: HOME OCCUPATIONS 2-66
2.22.1 Application Requirements 2-66
2.22.2 Conditions of Approval 2-66
2.22.3 Application Approval 2-67
2.22.4 Application Denial 2-67
2.22.5 Appeals 2-67
SECTION 2.23: DAY CARE CENTER IN A RESIDENCE 2-67
2.23.1 Application Requirements 2-67
2.23.2 Application Review 2-67
2.23.3 Conditions of Approval 2-67
2.23.4 Application Approval 2-68
2.23.5 Application Denial 2-68
2.23.6 Annual Review 2-68
2.23.7 Minor Changes to Approval 2-68
2.23.8 Changes in Operation 2-68
2.23.9 Appeals 2-68
SECTION 2.24: GOVERNMENTAL USES 2-68
2.24.1 Applicability 2-68
2.24.2 Neighborhood Information Meeting 2-68
SECTION 2.25: REVIEW OF ENVIRONMENTAL DOCUMENTS 2-69
2.25.1 Environmental Assessment 2-69
2.25.2 Environmental Impact Statements 2-70
SECTION 2.26: APPEALS 2-71
2.26.1 Generally 2-71
2.26.2 Planning Director Decisions 2-71
2.26.3 Planning Board Decisions 2-72
2.26.4 Board of Adjustment Decisions 2-72
2.26.5 Board of County Commissioners Decisions 2-72
2.26.6 Water Supply Watershed Critical Area Boundary Line 2-73
2.26.7 Special Flood Hazard Overlay District 2-73

ARTICLE 2: PROCEDURES TABLE OF CONTENTS

2.26.8 Soil Erosion and Sedimentation Control 2-73
2.26.9 Stormwater Management Plan 2-74
2.26.10 Appeal of Stop Work Orders Regarding Stormwater Management Provisions..... 2-75
2.26.11 Appeals from Final Decisions Regarding Soil Erosion and Sedimentation Control Civil Penalties..... 2-75

ARTICLE 2: PROCEDURES

SECTION 2.1: REVIEW AND DECISION MAKING AUTHORITY – SUMMARY TABLE

The following table provides a brief synopsis of the review and decision-making processes for development applications.

TABLE 2.1: REVIEW AND DECISION MAKING AUTHORITIES

R=REVIEW DM=DECISION MAKER PH=PUBLIC HEARING

ZONING/DEVELOPMENT REVIEW RELATED PROCEDURES	PLANNING DIRECTOR	EROSION CONTROL OFFICER	DEVELOPMENT ADVISORY COMMITTEE (DAC)	BOARD OF ADJUSTMENT	PLANNING BOARD	BOCC
Zoning Compliance Permits	R and DM	R	R			
Soil Erosion and Sedimentation Control Permits		R and DM				
Stormwater Management Plans		R and DM				
UDO Text Amendments	R		R		R [1]	DM and PH
Zoning Atlas Amendments	R		R		R [1]	DM and PH
Special Use Permits	R	R	R	DM and PH Class B	R [1] Class A	DM and PH Class A
Zoning Variances	R		R	DM and PH		
Conditional Use	R	R	R		R [1]	DM and PH
Appeals/Interpretations	R		R	DM and PH		
Comprehensive Plan Amendments	R				R [1]	DM and PH
Subdivision Related Procedures						
Exempt	R and DM					
Minor	R and DM	R	R			
Major	R	R	R		R and DM [2]	R and DM
Conditional Use	R	R	R		R [1]	R, DM, and PH
Appeal						

NOTES
[1] The Planning Board reviews applications and makes a recommendation prior to the public hearing held by the Board of County Commissioners. The Board of County Commissioners may choose to refer an application back to the Planning Board at the conclusion of the public hearing.
[2] The Planning Board approves the Concept Plan for a Major Subdivision and then makes a recommendation on the Preliminary Plat to the BOCC.

SECTION 2.2: APPLICATIONS

2.2.1 Authority to File Applications

(A) Applications submitted under this Ordinance shall be submitted by the landowner, as identified by the records of the Orange County Tax Office, or their authorized agent.

(B) If the applicant is not the owner, or sole owner, of the land, a notarized letter signed by the owner(s) consenting to the submission of the application shall be submitted along with all required application information and materials.

2.2.2 Timely Processing of Applications

The Planning Director, Planning Board, Board of Adjustment, Board of County Commissioners and all other authorized review and decision-making bodies shall make every reasonable effort to process, review, and act on applications in a timely manner, consistent with the need to fully consider the application's proposed impact and ensure that it is consistent with the spirit and intent of the Orange County Comprehensive Plan and otherwise advances the public health, safety, and general welfare.

2.2.3 Burden Of Proof

The burden of demonstrating that an application complies with applicable submittal, review, and approval criteria is on the applicant.

2.2.4 Form of Application and Filing Fees

(A) Unless a greater number is specified herein for a specific review procedure, three copies of all applications, including required supporting documentation, shall be submitted by the applicant. Applications detailing the submittal requirements for each type of application are available in the Planning Department office.

(B) Officials responsible for accepting applications shall maintain a list specifying the materials and information to be submitted with each application filed. The list shall be made available to all applicants and to any other person who requests a copy.

(C) The Planning Director is authorized to propose and promulgate administrative regulations, including but not limited to the type and amount of data required for a completed application, in order to implement the provisions of this Ordinance.

(D) Applications must be accompanied by the fee amount that has been established by Board of County Commissioners. Application fees are nonrefundable.

2.2.5 Pre-application Conference

(A) Prior to submittal of an application for review and approval of a:

(1) Non-residential development,

(2) Special Use Permit (SUP),

(3) Conditional Use District (CUD),

(4) Conditional Zoning District (CZD), and/or

(5) Major Subdivision.

The applicant shall schedule a pre-application conference with the Planning Department.

(B) In preparation for the pre-application conference, the applicant shall submit a sketch plan illustrating the location, size and major design elements of the proposed development no later than five working days prior to the pre-application meeting.

(C) The Planning Department may request that representatives of other public agencies be present at the pre-application conference, including, but not limited to:

(1) Planning Board,

(2) Building Inspections,

(3) Health Department,

(4) Engineering,

(5) Parks and Recreation,

(6) The municipalities of Chapel Hill, Carrboro, Hillsborough, Mebane, and Durham,

(7) North Carolina Department of Transportation (NCDOT), and

(8) Utility Providers.

(D) The applicant will be advised of the various development standards and review/approval processes for the project as well as any preliminary concerns regarding the project.

2.2.6 Application Completeness

(A) An application shall be considered complete and ready for processing only if it is submitted in the required form and quantity, includes all required information, and is accompanied by the required filing fee.

(B) The Planning Director shall review all submitted applications to determine compliance with all submittal requirements.

(C) The Planning Director shall accept or reject an application within five business days from the date of submittal. If the application is not acted upon within this time frame, the applicant shall receive a full refund of all filing fees if the application is rejected.

(D) The Planning Director shall notify the applicant, in writing, of any deficiencies in the application and invite the applicant to revise the application to correct identified deficiencies. If or when the application complies with all submittal requirements, the Planning Director shall accept the application as complete and notify the applicant of its acceptance.

(E) No further processing of incomplete applications will occur until deficiencies are corrected.

2.2.7 Withdrawal of Applications

(A) Submission of Request

Any request for withdrawal of an application subject to a public hearing shall be submitted in writing to the Planning Director, or shall be made through a verbal request at a public hearing.

(B) Prior to Notice of Public Hearing

The Planning Director shall approve a request for withdrawal of an application if it has been submitted prior to public notification of the application in accordance with public notification requirements for the specific application type.

(C) Subsequent to Notice of Public Hearing

Withdrawal of an application subsequent to public notification of the application in accordance with public notification requirements for the specific application type shall be considered, for the purposes of this Article, a denial of the application.

(D) Fees

Fees shall not be refunded for withdrawn applications.

2.2.8 Effect of Denial on Subsequent Applications

(A) If the Board of County Commissioners denies an application, or the application is withdrawn subsequent to notice of the public hearing thereon, no application for the same or similar amendment, affecting the same property or a portion of it, may be submitted for a period of one year. Said one year period begins on the date of denial or withdrawal, as appropriate.

2.2.9 Manner of Review

Applications requiring a public hearing shall be reviewed using either a legislative process or a quasi-judicial process as follows:

(A) Comprehensive Plan amendments – legislative

(B) Special Use Permits – quasi-judicial

(C) Zoning Atlas and Unified Development Ordinance amendments – legislative

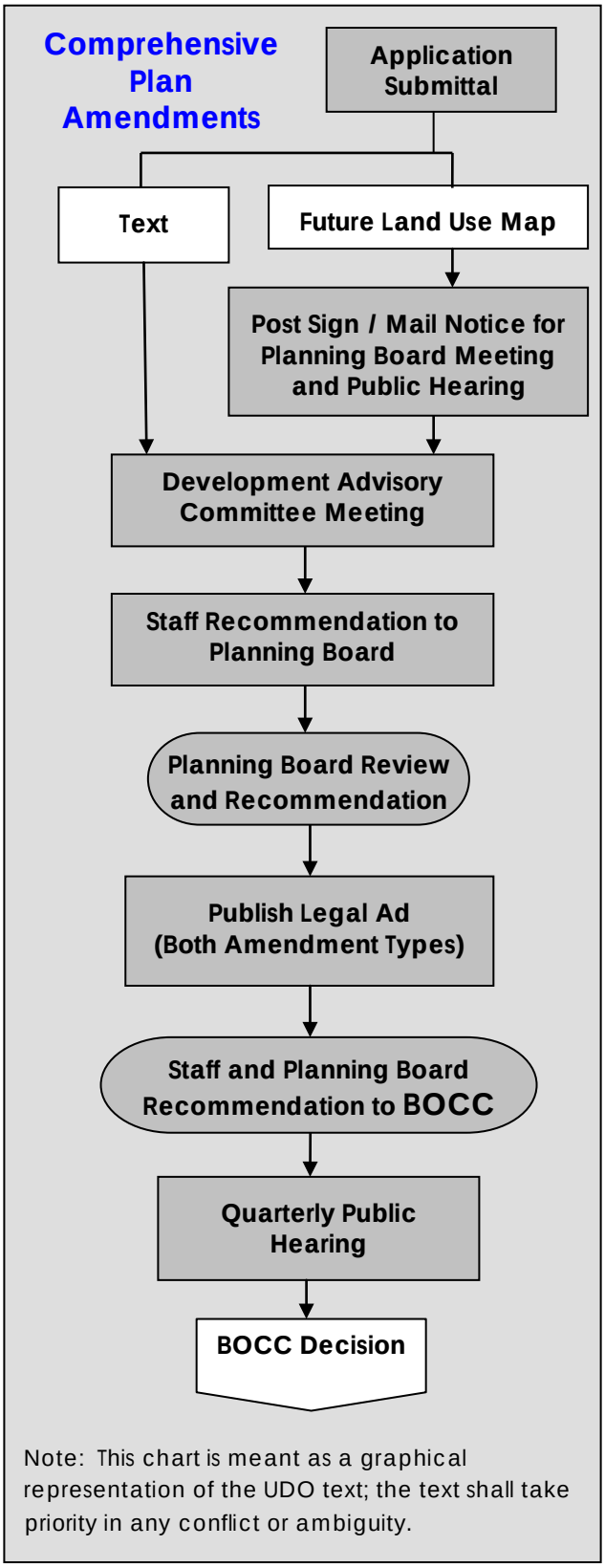
(D) Conditional Use District (CUD) – rezoning portion is legislative; Special Use Permit portion is quasi-judicial

(E) Conditional Zoning District (CZD) - legislative

SECTION 2.3: COMPREHENSIVE PLAN AMENDMENTS

2.3.1 Review and Approval Flow Chart

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



2.3.2 Generally

(A) The Comprehensive Plan shall be so prepared that all or individual elements and parts thereof may be adopted and/or amended by the Board of Commissioners.

(B) For the purpose of establishing and maintaining sound, stable, and desirable development within Orange County, the Comprehensive Plan or portion thereof shall not be amended except as follows:

(1) Because of changed or changing conditions in a particular area or areas of the County;

(2) To correct an error or omission; or

(3) In response to a change in the policies, objectives, principles or standards governing the physical development of the County.

2.3.3 Initiation of Amendments

(A) An amendment to the Comprehensive Plan or portion thereof may be initiated by:

(1) The Board of Commissioners on its own motion;

(2) The Planning Board;

(3) Application, by any person or agency, which accurately and completely sets forth the reason(s) for the proposed amendment as prescribed in Section 2.3.2(B); or

(4) The Planning Director.

(B) Once initiated, all amendments shall be referred to the Planning Board.

2.3.4 Public Hearing Required

A public hearing shall be held before adoption of any proposed Comprehensive Plan amendment. The Board of County Commissioners shall hear applications and receive public comment for proposed Comprehensive Plan amendments in a Quarterly Public Hearing.

2.3.5 Notice Requirements for Planning Board Meetings and Public Hearings

(A) The Planning Director shall provide notice of Planning Board meetings at which the Planning Board is to review and make a recommendation on Future Land Use Map amendments and Quarterly Public Hearings at which an amendment to the Future Land Use Map is to be reviewed. Notifications of proposed Future Land Use Map amendments shall occur as follows:

(1) Notice of the Planning Board meeting and public hearing shall be posted on the affected parcel or on an adjacent public right of way a minimum of ten days prior to the Planning Board meeting. Said notice shall contain the time and location of both the Planning Board meeting and public hearing.

(a) When multiple parcels are affected, a posting on each individual parcel is not required, but sufficient notices shall be posted to provide reasonable notice to interested persons.

(2) Written notice of the Planning Board meeting and public hearing shall be sent by first-class mail to all property owners, as listed in the Orange County tax records, whose property is affected or within one thousand feet of the affected parcel(s). Said notice shall be mailed at least 15 days prior to the date of the Planning Board meeting and shall include the times and locations of both the Planning Board meeting and public hearing. The outside of the envelope or postcard shall be marked “Notice of Public Hearing.”

(B) The Planning Director shall provide public notice for any Comprehensive Plan amendment to be heard at a Quarterly Public Hearing. The notice shall include the time and location of the public hearing.

(C) For all proposed amendments, notice of the public hearing shall be given by publishing said notice at least twice in a newspaper of general circulation in the County, stating the time and place of such hearing and the substance of the proposed amendment.

(1) This notice shall appear in said newspaper for two consecutive weeks with the first notice appearing not less than ten days nor more than 25 days before the date set for the public hearing. In computing the notice period, the day of publication is not to be included, but the day of the hearing is to be included.

(2) The minimum published size of the notice shall be 25 square inches.

2.3.6 Consideration of Amendments

(A) A proposed amendment may be considered in conjunction with a rezoning request for the same property.

2.3.7 Application Requirements

(A) Generally

(1) All applications for amendments to the Comprehensive Plan shall be submitted on forms supplied by the Planning Department and shall be signed.

(2) Three copies of the application shall be submitted to the Planning Director.

(3) Before accepting any amendment application, the Planning Director shall ensure that it contains all required information, as specified in this Ordinance. Applications which are not complete, or otherwise do not comply with the provisions of this Ordinance, shall not be accepted by the Planning Director, but shall be returned to the applicant, with a notation by the Planning Director of the deficiencies in the application.

(B) Contents of Application

Applications for amendments to the Comprehensive Plan, without limiting the right to file additional material, shall contain at least the following:

(1) For amendments to the Future Land Use Map within the Land Use Element, a map at a legible scale adequately illustrating the land which would be covered by the proposed map amendment, and a complete list of Property Identification Numbers (PIN) for the properties;

(2) For amendments to the Comprehensive Plan text, a copy of the existing text provision(s) which the applicant proposes for amendment, and a written statement which describes in detail changes which the applicant proposes to make to the text of the Comprehensive Plan and the rationale for the proposed amendment consistent with the standards established in this Ordinance; and

(3) All other circumstances, factors and reasons which the applicant offers in support of the proposed Comprehensive Plan amendment.

2.3.8 Analysis and Recommendation

The Planning Director shall 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.

2.3.9 Planning Board Review

(A) The Planning Board shall allow public comments at its meeting and those comments shall be taken into consideration by the Planning Board in making its recommendation.

(B) The Planning Board shall review and comment on applications and shall make one of the following recommendations prior to the quarterly public hearing:

(1) Recommend approval,

(2) Recommend denial,

(3) Recommend approval but with specified changes.

(4) Recommend the Planning Board be given extended time to consider the matter.

(C) Should the Planning Board fail to make a recommendation prior to the quarterly public hearing, the application shall be forwarded to the Board of County Commissioners without a Planning Board recommendation.

2.3.10 Action by Board of County Commissioners

(A) The Board of County Commissioners shall hold a public hearing after the Planning Board either makes its recommendation or takes no action on the application within 30 days of its referral.

(B) After the Board of County Commissioners closes the public hearing, the Board of County Commissioners shall do one of the following:

(1) defer a decision to a later Board of County Commissioners meeting date, or

(2) make a decision.

(C) In making its decision, the Board of Commissioners shall consider comments made at the public hearing, the Planning Board's recommendation, and the Planning Director's recommendation.

SECTION 2.4: ZONING COMPLIANCE PERMITS

2.4.1 Applicability

(A) As required by this Ordinance, a Zoning Compliance Permit must be issued before any new site development, building, structure, or vehicular use area may be erected, constructed or used.

(B) Submittal and approval of a site plan (see Section 2.5) is required for issuance of a Zoning Compliance Permit except for:

(1) Single-family detached dwellings and duplexes, and accessory structures to those residential uses shall require a plot plan as detailed within Section 2.4.3 of this Ordinance.

In those instances, however, where the proposed level of land disturbance exceeds established thresholds as detailed within Section 6.14.5 of the Ordinance a formal site plan, prepared in accordance with Section 2.5, shall be required for submittal and approval. This site plan shall contain all required elements associated with obtaining a Zoning Compliance, Erosion Control, and Stormwater permit as detailed herein.

(2) Interior renovation or repair of an existing structure, provided the use of the lot and/or structure has not changed.

(C) Issuance of a Zoning Compliance Permit is required prior to beginning the excavation for the construction, moving, alteration, or repair, except ordinary repairs, of any building or other structure, including an accessory structure. The Zoning Compliance Permit shall include a determination that plans, specifications and the intended use of the structure conforms to the provisions of this Ordinance.

(D) Issuance of a Zoning Compliance Permit is required to change the type of use or type of occupancy of any building, or to expand any use on any lot on which there is a non-conforming use. The Zoning Compliance Permit shall include a determination that the proposed use conforms to the provisions of this Ordinance.

2.4.2 Requirements and Conditions

(A) In cases where the development and/or commencement of a land use requires the issuance of a Special Use or a Conditional Use Permit, a Zoning Compliance Permit shall not be issued until the aforementioned permit has been issued by the responsible board in accordance with the review and approval procedures detailed herein.

(B) Issuance of a Special Use or Conditional Use Permit does not negate the requirement for a Zoning Compliance Permit.

(C) Issuance of a Zoning Compliance Permit does not establish a vested right to begin and complete construction or change the use/occupancy of a lot or building should regulations change subsequent to issuance of said permit.

(D) Application for Zoning Compliance Permit shall specify 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.

(E) No building, structure, or zoning lot for which a Zoning Compliance Permit has been issued shall be used or occupied until the Building Inspector has, after final inspection, issued a Certificate of Occupancy indicating compliance with all the provisions of this Ordinance.

(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.

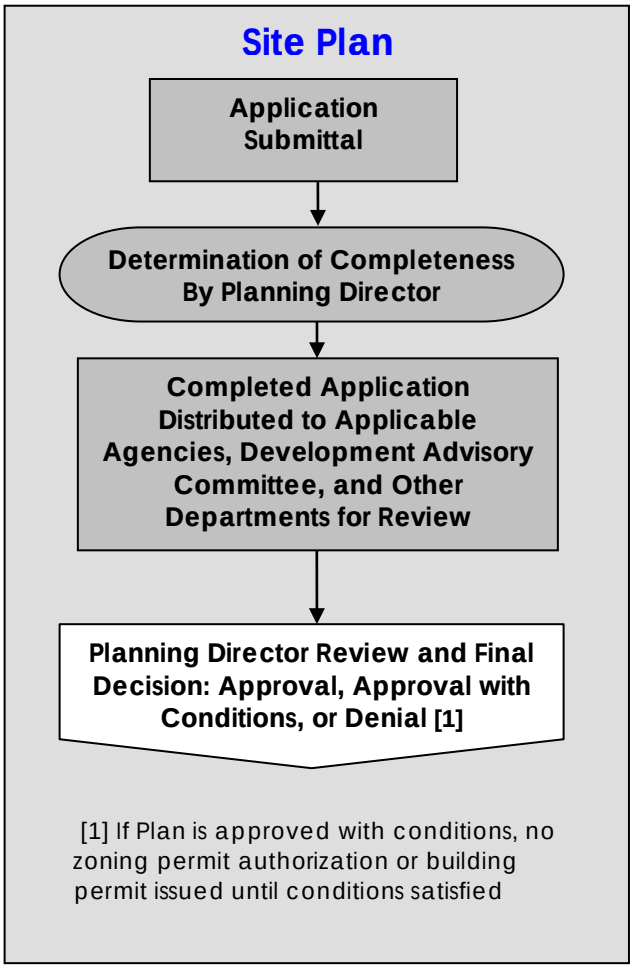
(3) Large day care homes, as defined in Article 10, Definitions.

(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 PERMIT AND CERTIFICATE REQUIREMENTS

2.6.1 Requirements for Special Flood Hazard Area Overlay District

All projects proposing the development of property located within the Special Flood Hazard Area Overlay District 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.

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 4.3.5 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 4.3.5;

(4) The boundary of the floodway(s) or non-encroachment area(s) as determined in Section 4.3.5;

(5) The Base Flood Elevation (BFE) where provided as set forth in Sections 4.3.5, 1.10.2 (K) and (L), and 6.6.1;

(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 mean sea level of the proposed reference level (including basement) of all structures;

(2) Elevation in relation to mean sea level to which any non-residential structure in Zone AE will be flood-proofed; and

(3) Elevation in relation to mean sea level to which any proposed utility systems will be elevated or flood proofed.

(C) If flood proofing, a flood proofing certificate and back-up plans from a registered professional engineer or architect certifying that the non-residential flood proofed development will meet the flood-proofing criteria in Section 6.6.1.

(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 6.6.1(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 6.6.1(B)(5) and (7) of this Ordinance.

(I) If a watercourse is proposed to be altered and/or relocated, a description of the extent of watercourse alteration or relocation, an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map, drawn to scale, (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

2.6.3 Data Requirement

The following information shall be provided at a minimum on the floodplain development permit to ensure compliance with this Ordinance.

(A) A description of the development under the floodplain development permit issuance.

(B) The Special Flood Hazard Area (SFHA) determination for the proposed development per available data specified in Section 4.3.5.

(C) The regulatory flood protection elevation required for the reference level and all attendant utilities.

(D) The regulatory flood protection elevation required for the protection of all public utilities.

(E) All certification submittal requirements with timelines.

(F) A statement that no fill material shall encroach into the floodway or non-encroachment area of any watercourse, if applicable.

(G) If in an AE zone, specify the minimum foundation opening requirements.

(H) State limitations of below BFE enclosure uses (if applicable) such as, parking, building access and limited storage only).

2.6.4 Certification Requirements

(A) An Elevation Certificate (FEMA Form 81-31) or Flood Proofing Certificate (FEMA Form 81-65) is required after the reference level is completed.

(1) Within 21 calendar days of establishment of the reference level elevation, or flood proofing, by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, or flood proofing elevation, whichever is applicable, in relation to mean sea level.

(a) Said certification shall be prepared by, or under the direct supervision of, a North Carolina licensed professional Land Surveyor or Professional Engineer and certified by them.

(b) Any work done within the 21 day calendar period and before submission of the certification shall be at the permit holder's risk.

(2) The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and before further work being permitted to proceed.

(3) Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.

(B) A Final As-Built Elevation Certificate (FEMA Form 81-31) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance.

(1) It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities.

(a) Elevation certification shall be prepared by, or under the direct supervision of, a North Carolina licensed professional Land Surveyor or Professional Engineer and certified by the same.

(2) The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance.

(3) In some instances, another certification may be required to certify corrected as-built construction.

(4) Failure to submit the certification or failure to make said corrections required shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

(C) If a manufactured home is placed within Zone AE and the elevation of the chassis is more than 36 inches in height, an engineered foundation certification is required per Section 6.6.1(B)(3).

(D) If a watercourse is to be altered or relocated, the following shall be submitted by the permit applicant prior to issuance of a floodplain development permit:

(1) A description of the extent of watercourse alteration or relocation;

(2) An engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and

(3) A map, drawn to scale, showing the location of the proposed watercourse alteration or relocation.

(E) Certification Exemptions

The following structures, if located within Zone AE, are exempt from the elevation/flood proofing certification requirements specified in items (A) and (B) above:

(1) Recreational vehicles meeting requirements of Section 6.6.1(B)(5);

(2) Temporary structures meeting requirements of Section 6.6.1(B)(7); and

(3) Accessory Structures with any dimension that is 12 feet or greater in height, width, or depth, meeting requirements of Section 6.6.1(B)(8).

SECTION 2.7: SPECIAL USE PERMITS

2.7.1 Generally

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

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

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

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

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

2.7.2 Review and Approval Flow Chart

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

2.7.3 Application Requirements

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

(B) Applications shall include:

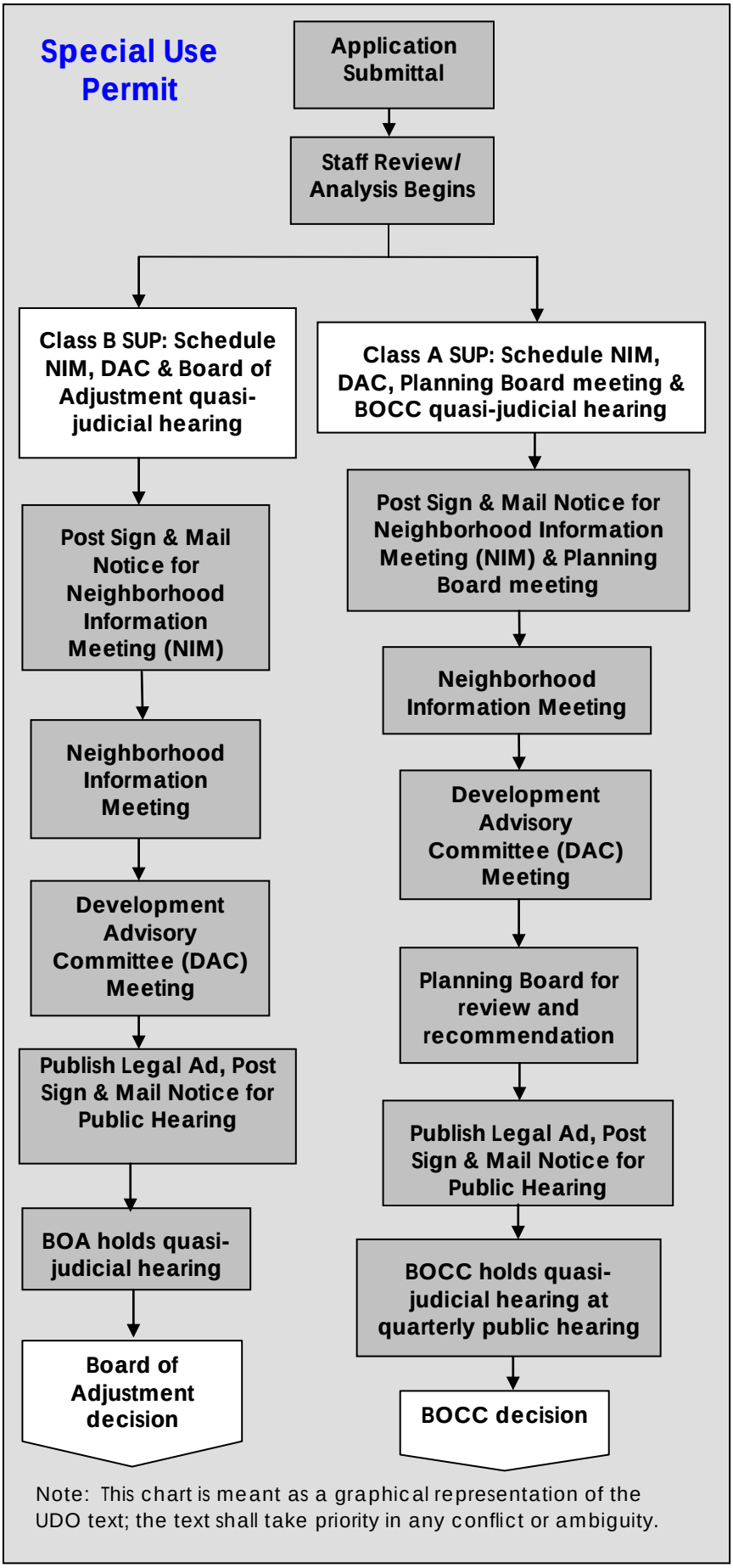
(1) A full and accurate description of the proposed use, including its location, appearance, and operational characteristics.

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

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

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

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



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

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

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

(9) Method of disposal of trees, limbs, stumps and construction debris associated with the permitted activity, which shall be by some method other than open burning.

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

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

2.7.4 Staff Review

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

(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.

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

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

2.7.5 Neighborhood Information Meeting

(A) Before a Public Hearing may be held for a Special Use the applicant is required to schedule a minimum of one neighborhood information meeting. The purpose of the meeting is to obtain surrounding property owner input and comments on the proposed development project and allow staff an opportunity to explain the review process associated with the request.

(B) The applicant shall obtain property owner mailing address information from the Orange County Planning Department, which shall utilize Orange County Land Records data, 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 Special Use has been requested.

(C) The applicant shall mail notice of the Neighborhood Information Meeting a minimum of 14 days prior to the date of the meeting.

(D) 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.

(E) The meeting shall be held a minimum of 45 days prior to the date of the Public Hearing.

(F) Neighborhood information meetings for telecommunication facilities shall be held in accordance with the provisions of Section 5.10.8 (B) (2).

2.7.6 Notice Requirements for Class A Special Use Permits

(A) The Planning Director shall give notice of the date, time and place of the Planning Board meeting at which the Planning Board is scheduled to review a Special Use Permit application.

(1) Written notice shall be sent by first class mail to all adjacent property owners not less than ten days before the Planning Board meeting date. Adjacent property owners are those whose property lies within one thousand feet of the affected property and whose names and addresses are currently listed in the Orange County tax records. The outside of the envelope or postcard shall be marked "Notice of Planning Board Meeting."

(2) The Planning Director shall post on the affected property a notice of the Planning Board meeting at least ten days prior to the date of said meeting.

(3) Notices may be combined with notice of the Neighborhood Information Meeting required in Section 2.7.5.

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

(1) Written notice shall be sent by first class mail to all adjacent property owners at least ten days but not more than 25 days before the hearing date. Adjacent property owners are those whose property lies within one thousand feet of the affected property and whose names and addresses are currently listed in the Orange County tax records. The outside of the envelope or postcard shall be marked "Notice of Public Hearing."

(2) The Planning Director shall post on the affected property a notice of the public hearing at least ten days but not more than 25 days prior to the date of said hearing.

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

2.7.7 Notice Requirements for Class B Special Use Permits

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

2.7.8 Nature of Proceedings

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

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

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

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

(1) Barring the presentation of obvious hearsay evidence,

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

(3) Interrupting digressions into immaterial testimony,

(4) Interrupting repetitive testimony,

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

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

(7) Interrupting personal attacks, and/or

(8) Ordering an end to disorderly conduct.

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

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

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

2.7.9 Review and Decision

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

(1) All applications shall be referred to the Planning Board for review and recommendation after the Neighborhood Information Meeting but prior to the public hearing.

(2) The Planning Board shall make a recommendation and proposed findings of fact on the application, including the findings required in Section 5.3.2 of this Ordinance. The Planning Board's action on an application shall be one of the following:

(a) Recommend approval based on proposed findings of fact,

(b) Recommend denial based on proposed findings of fact,

(c) Recommend approval based on proposed findings of fact but with specified conditions.

(3) Should the Planning Board fail to make a recommendation prior to the public hearing, the application shall be forwarded to the Board of County Commissioners without a Planning Board recommendation.

(4) The Board of County Commissioners shall review the application during a meeting designated as a Quarterly Public Hearing.

(5) All evidence shall be submitted during the public hearing. If additional evidence is requested by the Board of County Commissioners during a hearing which must be submitted at a later date, the hearing shall be continued to a date/time certain in order to receive the additional evidence.

(6) After closing the public hearing, the Board of County Commissioners shall do one of the following:

(a) Defer action to a later Board of County Commissioners meeting date, or

(b) Act upon the application.

(7) Board of County Commissioner action on the application shall include making appropriate findings of fact pursuant to Section 2.7.11, stating whether the board concludes each of the applicable standards have been met and one of the following:

(a) Approval;

(b) Approval but with specified conditions as provided in Section 2.7.12; or

(c) Denial.

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

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

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

(3) After closing the public hearing, the Board of Adjustment shall take action upon the application. This action shall include making appropriate findings of fact pursuant to Section 2.7.11, stating whether the board concludes each of the applicable standards have been met and one of the following:

(a) Approval;

(b) Approval but with specified conditions as provided in Section 2.7.12; or

(c) Denial.

2.7.10 Standards of Evaluation

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

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

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

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

2.7.11 Required Findings

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

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

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

2.7.12 Conditions of Approval

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

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

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

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

2.7.13 Notification of Board Action

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

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

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

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

2.7.14 Time Limits and Extensions

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

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

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

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

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

2.7.15 Changes to Approved Plans

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

(B) The following criteria shall constitute a modification:

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

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

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

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

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

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

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

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

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

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

(11) For telecommunication facilities, a modification shall also include the following:

(a) An increase in the existing vertical height of the structure by more than:

(i) 10% in the height of the tower, or

(ii) The height of 1 additional antenna with separation from the nearest existing antenna not to exceed 20 feet

(b) A substantial change to the physical dimensions of the wireless support structure which alters facts or conditions relied upon by the County when granting the original permit. It shall be the County's burden to demonstrate that such a scenario constitutes a substantial change to the physical dimensions of the wireless support structure.

(c) The addition of an appurtenance to the body of the telecommunication facility that protrudes horizontally from the edge of the wireless support structure the greater of:

(i) More than 20 feet or

(ii) More than the width of the wireless support structure at the level of the appurtenance.

Except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable.

(d) Increasing the square footage of the existing equipment compound by more than 2,500 square feet

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

(D) The Planning Director shall, if it is determined that the proposed action is a minor change, state the findings in writing to the applicant. The applicant shall file an amended site

plan, or written statement, outlining in detail the minor change(s) proposed. The Planning Director shall file the amended site plan or written statement with the approved site plan.

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

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

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

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

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

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

SECTION 2.8: ZONING ATLAS AND UNIFIED DEVELOPMENT ORDINANCE AMENDMENTS

2.8.1 Review and Approval Flow Chart

The review and approval process for a Zoning Atlas and Unified Development Ordinance Amendment is shown in the procedure's flowchart.

2.8.2 Amendment Initiation

(A) An amendment to this Ordinance or the Zoning Atlas may be initiated by:

(1) The Board of County Commissioners on its own motion;

(2) The Planning Board;

(3) Application, by any person or agency, or

(4) The Planning Director.

(B) If a request for consideration of an amendment proposal is submitted directly to the Board of County Commissioners, said Board may decline to consider the request or may refer the amendment proposal to the Planning Director for preparation of an amendment application.

(C) Once initiated, all amendments shall be referred to the Planning Board.

2.8.3 Contents of Application

Applications shall contain the following:

(A) For amendments to the Zoning Atlas:

(1) A map at a legible scale showing the land which would be covered by the proposed amendment, and

(2) A legal description of the land.

(B) For amendments to the Unified Development Ordinance text:

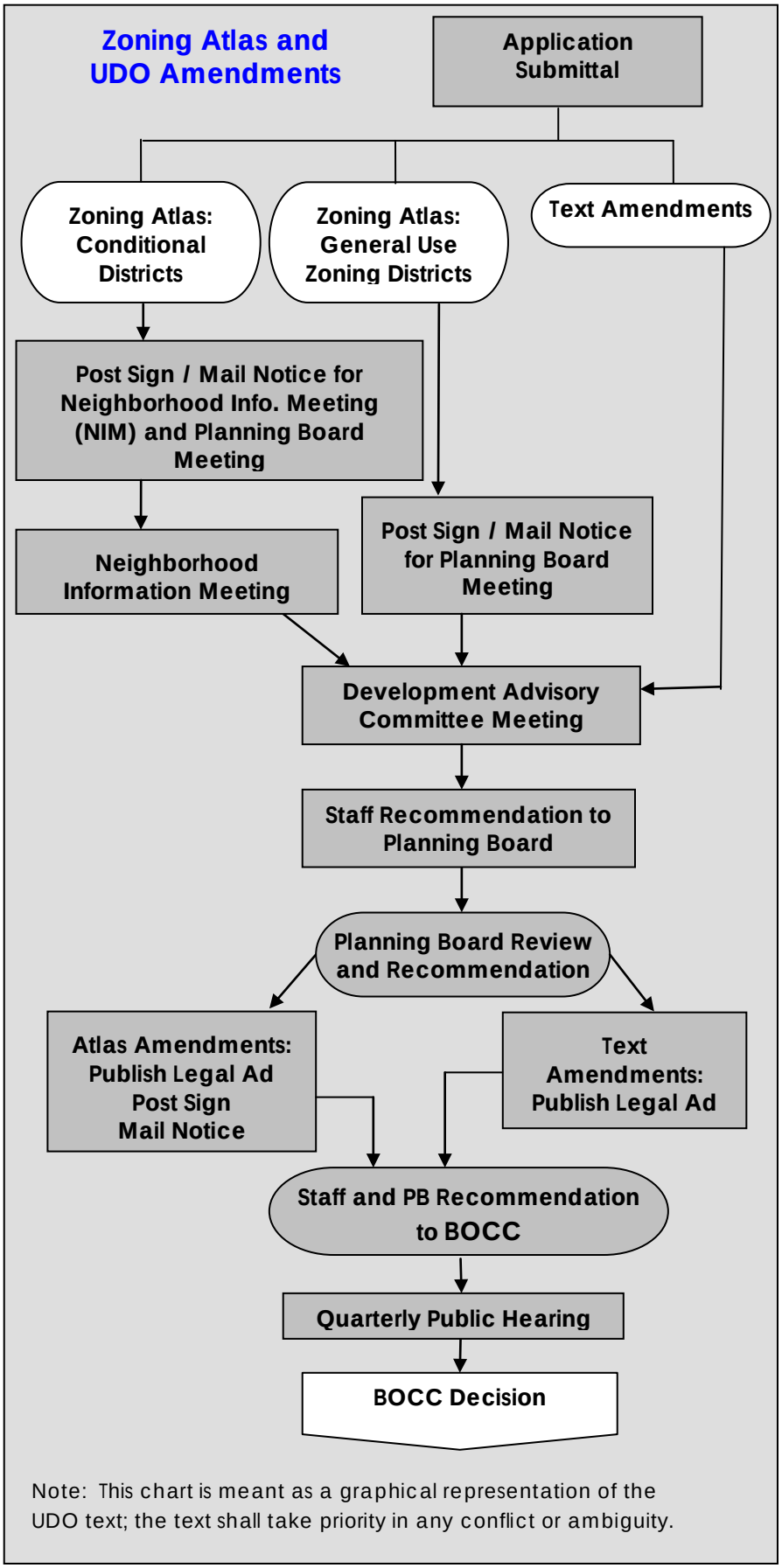
(1) A copy of the existing text provision(s) which the applicant proposes for amendment, and

(2) A written statement which describes in detail the changes the applicant proposes to make.

(C) The alleged error in the Zoning Atlas and/or Unified Development Ordinance text that would be corrected by the proposed amendment with a detailed explanation of such error in the Zoning Atlas and/or Unified Development text and detailed reasons how the proposed amendment will correct the alleged error;

(D) The changed or changing conditions, if any, in the area or in the County generally, which makes the proposed Zoning Atlas and/or Unified Development Ordinance text amendment reasonably necessary to promote the public health, safety and general welfare;

(E) The manner in which the proposed Zoning Atlas and/or Unified Development Ordinance text amendment will carry out the intent and purpose of the



adopted Comprehensive Plan or part thereof; and

(F) A traffic impact study as required by Section 6.17.

(G) For amendments to the Special Flood Hazard Area Overlay District, pertaining to a Letter of Map Amendment:

(1) An elevation certificate with either an MT-1, MT-2, or MT-EZ (forms available through FEMA), or

(2) A "No-Impact" analysis for a Letter of Map Revision.

(H) All other circumstances, factors and reasons that the applicant offers in support of the proposed Zoning Atlas and/or Unified Development Ordinance text amendment.

2.8.4 Applications for Amendment – Joint Planning Area

Applications for amendments to the Orange County Unified Development Ordinance and Zoning Atlas for the purpose of incorporating the provisions of the Chapel Hill Land Development Ordinance (and Zoning Maps) and/or the Carrboro Land Use Ordinance (and Zoning Maps) shall be processed as specified herein and as specified in the Joint Planning Agreement adopted November 2, 1987, and as amended from time to time.

Any text amendments adopted by Orange County shall be adopted by reference as though fully set forth herein. Any map amendments adopted by Orange County shall be officially denoted on the County Zoning Atlas. Where there is inconsistency between the amendment procedures contained herein and those contained in the Joint Planning Agreement, the provisions of the Joint Planning Agreement shall apply.

2.8.5 Review, Analysis and Recommendation

(A) The Planning Director shall 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.

(B) 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.

(1) 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.

(2) 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.

2.8.6 Public Hearing Required

A public hearing shall be held before adoption of any proposed Zoning Atlas Amendment and/or text amendment to this Ordinance. The Board of County Commissioners shall hear applications and receive public comment for Zoning Atlas amendments and/or text amendments to this Ordinance in a Quarterly Public Hearing.

2.8.7 Notice Requirements for Planning Board Meetings and Public Hearings

(A) The Planning Director shall provide notification of Planning Board meetings at which the Planning Board is to review and make a recommendation on Zoning Atlas amendments. Notifications shall be mailed and posted for the Planning Board meeting in the same manner as for the public hearing, as detailed in (C) and (D) below. The notice shall include the time and location of the Planning Board meeting. The outside of the envelope or postcard shall be marked "Notice of Planning Board Meeting."

(B) The Planning Director shall cause notice of the public hearing to review the application and receive public comment to be published at least twice in a newspaper of general circulation in the county, stating the time and place of the hearing and the substance of the proposed amendment.

(1) Said notice shall appear in said newspaper for two successive weeks with the first notice appearing not less than ten days nor more than 25 days before the date set for the public hearing. In computing the notice period, the day of publication is not to be included, but the day of the hearing is to be included.

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

(D) For amendments to the Zoning Atlas, written notice shall be sent by certified mail to the affected property owner and by first class mail to all adjacent property owners at least 15 days, but not more than 25 days, before the public hearing date. Adjacent property owners are those whose names and addresses are currently listed in the Orange County tax records and whose property lies within one thousand feet of the affected property. The outside of the envelope or postcard shall be marked “Notice of Public Hearing.”

(E) The Planning Director shall certify the mailing of all notices to the Board of County Commissioners.

2.8.8 Planning Board Review

(A) The Planning Board shall allow public comments at its meeting and those comments shall be taken into consideration by the Planning Board in making its recommendation.

(B) The Planning Board’s action on an application shall be one of the following:

(1) Recommend approval,

(2) Recommend denial,

(3) Recommend approval but with specified changes, or

(4) Recommend the Planning Board be given extended time to consider the matter.

(C) In making its recommendation, the Planning Board shall also approve a statement describing whether its action is consistent with an adopted comprehensive plan or any other officially adopted plan that is applicable, and briefly explain why the board considers the action taken to be reasonable and in the public interest.

(D) Should the Planning Board fail to make a recommendation prior to the quarterly public hearing, the application shall be forwarded to the Board of County Commissioners without a Planning Board recommendation.

2.8.9 Action by Board of County Commissioners

(A) The Board of County Commissioners shall hold a public hearing after the Planning Board either makes its recommendation or takes no action on the application within 30 days of its referral.

(B) After the Board of County Commissioners closes the public hearing, the Board of County Commissioners shall do one of the following:

(1) defer a decision to a later Board of County Commissioners meeting date, or

(2) make a decision.

(C) In making its decision, the Board of County Commissioners shall consider adopted plans, comments made at the public hearing, the Planning Board’s recommendation, and the Planning Director’s recommendation. The Board of County Commissioners shall also approve a statement describing whether its action is consistent with an adopted comprehensive plan or any other officially adopted plan that is applicable, and briefly

explain why the board considers the action taken to be reasonable and in the public interest.

2.8.10 Text Revisions Pertaining to Soil Erosion and Sedimentation Control Provisions

(A) The Erosion Control Officer shall review all of the North Carolina Sedimentation Control Commission's revisions to the State's Model Soil Erosions and Sedimentation Control Ordinance and, within 90 days of receipt of the recommended revisions, submit draft amendments to the North Carolina Sedimentation Control Commission for its consideration and comments.

(B) Within 150 days after receipt of the North Carolina Sedimentation Control Commission's comments, Orange County shall formally consider proposed amendments and, to the extent deemed necessary by the Board of County Commissioners, incorporate the amendments into this Ordinance.

(C) Text amendments to this Ordinance for soil erosion and sedimentation control provisions shall comply with the requirements in effect for any other text amendment.

2.8.11 Text Revisions Pertaining to Stormwater Provisions

(A) The Erosion Control Officer shall review all of the State Environmental Management Commission's revisions to the State's Model Stormwater Ordinance and, within 90 days of receipt of the recommended revisions, submit draft amendments to the State Environmental Management Commission for its consideration and comments.

(B) Within 150 days after receipt of the State Environmental Management Commission's comments, Orange County shall formally consider proposed amendments and, to the extent deemed necessary by the Board of County Commissioners, incorporate the amendments into this Ordinance.

(C) Text amendments to this Ordinance for stormwater provisions shall comply with the requirements in effect for any other text amendment.

SECTION 2.9: CONDITIONAL DISTRICTS

2.9.1 Conditional Use District (CUD)

(A) Generally

(1) Any use permitted under the CUD process shall conform to all applicable development regulations for the corresponding general use zoning district as well as any specific development standards outlined within this Ordinance.

(2) The Board of County Commissioners, in reviewing a CUD application, may impose such reasonable conditions upon approval of a CUD request as will afford protection of the public health, safety, and general welfare, ensure that substantial justice is done, and ensure equitable treatment.

(3) Only those conditions mutually agreed to by the applicant and the Board of County Commissioners may be imposed on a CUD application.

(4) Within the Economic Development Districts (EDDs), there are specific uses that require approval of a CUD. These uses are noted on the Table of Permitted Uses – Economic Development Districts (Section 5.2).

(B) Applications

Applications to establish a CUD 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) Class A Special Use Permit (Section 2.7), and

(3) The provisions of this Section.

(C) Submittal Requirements

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

(a) A site plan prepared in accordance with the provisions of Section 2.5 including the following:

(i) A detailed description of the proposed use of property including an outline of the proposed operational characteristics of the proposed development,

(ii) 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,

(iii) The appropriate environmental document prepared in accordance with Section 6.16; and

(iv) 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.

(b) A summary of utility services, including processing of wastewater.

(c) A schedule of construction of all elements of the proposal; and

(d) Any other information identified during the pre-application conference deemed essential to demonstrate the project's compliance with these regulations.

(2) 26 copies of the application package required in (1) above shall be submitted by the applicant.

(3) The Planning Board and/or Board of County Commissioners may request additional information in order to evaluate and properly process the application for a CUD.

(D) Neighborhood Information Meeting

(1) Before a Public Hearing may be held on an accepted application for a CUD, 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 CUD 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.

(5) The Neighborhood Information Meeting shall be held a minimum of 45 days prior to the date of the Public Hearing where the application is scheduled for review and public comment.

(E) Review and Evaluation of Application

(1) All CUD applications shall be reviewed and acted upon in accordance with the review procedures for Class A Special Use Permits (Section 2.7).

(2) The following shall be considered when evaluating an application for a CUD:

(a) The policies and objectives of the Orange County Comprehensive Plan, particularly in relation to the use, proposed site, and surrounding area;

(b) The policies and objectives of any adopted Small Area Plan(s) relating to the area; and

(c) The potential impacts to the surrounding area including, but not limited, to: traffic, storm water drainage, compatibility of land use activities, and land values.

(3) The Board of County Commissioners may attach reasonable and appropriate conditions to the location, nature, and extent of the proposed use. Such conditions may address the following:

(a) The characteristics of the proposed use and its relationship to surrounding property and existing land uses,

(b) The proposed support facilities, such as parking, screening and buffer areas,

(c) The timing of the proposed development,

(d) Architectural review and controls,

(e) The Permitted and Special Uses allowed under the existing zoning classification, and,

(f) Other matters that the BOCC may find appropriate or the applicant may propose.

(F) Approval and Conditions

(1) The Board of County Commissioners shall take action on the application in the following manner:

(a) Approve or deny the application to change the zoning designation of the parcel to the appropriate CUD designation,

(b) Approve or deny the Special Use Permit application, and

(c) Approve or deny the CUD permit application.

(2) Specific conditions may be proposed by the applicant or the County, or its agencies, but only those conditions mutually agreed upon by the County and the petitioner may be incorporated into the SUP and/or CUD permit requirements.

(3) The applicant shall have a reasonable opportunity to consider and respond to any requirements/conditions requested by the County prior to final action by the Board of County Commissioners on the disposition of the CUD application. The applicant shall agree in writing to any conditions prior to a final decision on the application.

(G) Issuance of Permit

If an application for a CUD is approved, the Planning Director shall issue a CUD permit authorizing the development of the approved use. The CUD permit, including any conditions, shall become effective after being duly recorded by the applicant in the Orange County Register of Deeds.

Failure by the applicant to record the CUD permit within 180 days from the date of approval shall cause the permit to be deemed null and void.

(H) Effect of Approval

Once approved, the CUD that is established, and any conditions attached to the approval, is binding on the property. All subsequent development and use of the property shall be in accordance with the approved plan and conditions.

(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.

(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.

(5) The Neighborhood Information Meeting shall be held a minimum of 14 days prior to the date of the Public Hearing where the application is scheduled for review and public comment.

(E) Review and Evaluation of Application

The review, processing, and evaluation of a CZD application is a legislative process subject to judicial review using the same procedures and standards of review that apply to general use district zoning decisions.

(F) Approval and Conditions

(1) The Board of County Commissioners shall take action on the application to rezone the property in accordance with the procedures outlined within Section 2.8.

(2) The applicant or the County may recommend that reasonable and appropriate conditions be attached to the approval of the application

(3) Conditions and site-specific standards shall be limited to those that address the conformance of the development to County ordinances, the adopted Comprehensive Plan, or any other relevant plans that address the impacts reasonably expected to be generated by the proposed development. Any such conditions may address:

(a) The compatibility of the proposed development with surrounding property,

(b) Proposed support facilities (i.e. roadways and access points, parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, street and right-of-way improvements, storm water drainage, the provision of open space, etc), and/or

(c) All other matters the County may find appropriate or the petitioner may propose.

(4) Conditions of approval may include dedication to the County or State, as appropriate, of any rights-of-way or easements for streets, water, sewer, or other public utilities necessary to serve the proposed development.

(5) The applicant shall have a reasonable opportunity to consider and respond to any requirements/conditions requested by the County prior to final action by the Board of County Commissioners on the disposition of the application. The applicant shall agree in writing to any conditions prior to a final decision on the application.

(G) Effect of Approval

(1) Approval of a CZD is binding on the property and the development and use of the subject property shall be governed by the Ordinance requirements applicable to the specific CZD district and all approved conditions.

(2) The applicant shall comply with all requirements established in the CZD Ordinance. Only those uses and structures included in the CZD Ordinance and approved site plan shall be allowed on the subject property.

(H) Zoning Atlas Designation

Following approval of the CZD district by the Board of County Commissioners, the subject property shall be identified on the Zoning Atlas by the appropriate district designation.

(I) Alterations to an Approved CZD

(1) Except as provided in Section 6.7.2 for MPD-CZ projects, 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 this Article.

(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.

2.9.3 Public Hearing and Notification Requirements – CUD and CZD

The requirement for a public hearing shall follow the procedures for a Zoning Atlas Amendment in Section 2.8.6. Notice of the public hearing shall follow the procedures in Section 2.8.7.

SECTION 2.10: VARIANCES

2.10.1 Purpose

The procedures of this section authorize the Board of Adjustment to modify or vary regulations of this Ordinance when strict compliance with the regulation or standard would result in unnecessary hardships upon the subject property.

2.10.2 Application Requirements

(A) Applications for a Variance shall be submitted on forms provided by the Planning Department in accordance with Section 2.2 of this Ordinance. Ten copies of the application and supporting documentation shall be submitted.

(B) Applications shall include:

(1) The section reference, and copy of the existing regulatory language, that is the subject of the application,

(2) A description of the specific modification sought by the applicant. For example, if the request is for a modification of a corner lot setback requirement, the applicant shall provide the exact reduction of the established corner lot setback requested as part of the application,

(3) A plot plan, site plan, or other similar document(s) denoting the physical impact of the proposed request on the parcel,

(4) A narrative outlining the answers to the five required findings detailed within Section 2.10.3 of the Ordinance justifying the issuance of the variance, and

(5) Copies of any additional information deemed essential by the applicant justifying the approval of the request.

2.10.3 Authorized Variances

A variance may be approved by the Board of Adjustment in cases where unnecessary hardships would result from carrying out the strict letter of the Ordinance, when substantial evidence in the official record of the application supports all of the following findings:

(A) Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

(B) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or general public, may not be the basis for granting a variance.

(C) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

(D) The requested variance is consistent with the spirit, purpose, and intent of the Ordinance, such that public safety is secured and substantial justice is achieved.

2.10.4 Additional Criteria for Authorized Variances – Special Flood Hazard Area Overlay Zoning District

In addition to the criteria contained within Section 2.10.3, any application for a variance from the Special Flood Hazard Area Overlay Zoning District shall abide by the following additional criteria:

(A) Variances may be issued for the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(B) In considering variances from the requirements of the Special Flood Hazard Area Overlay Zoning District, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:

(1) The danger that materials may be swept onto other lands to the injury of others;

(2) The danger to life and property due to flooding or erosion damage;

(3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(4) The importance of the services provided by the proposed facility to Orange County;

(5) The necessity to the facility of a waterfront location, where applicable;

(6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(7) The compatibility of the proposed use with existing and anticipated development;

(8) The relationship of the proposed use to the Orange County Comprehensive Plan and floodplain management program for the area;

(9) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(10) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

(11) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges; and

(12) The request for a variance is not after-the-fact or for a situation of one’s own making.

(C) A written report addressing each of the above factors shall be submitted with the application for a variance.

(D) Upon consideration of the factors listed above and the purposes of this Ordinance, the Board of Adjustment may attach such reasonable conditions to the granting of variances as it deems necessary to further the purposes of this Ordinance.

(E) Variances shall not be issued within any designated floodway or non-encroachment area if any increase in flood levels during the base flood discharge would result.

(F) Conditions for Variances:

(1) Variances may not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.

(2) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(3) Variances shall only be issued upon:

(a) A showing of good and sufficient cause;

(b) A determination that failure to grant the variance would result in exceptional hardship;

(c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances; and,

(d) That the circumstances on the subject property are unique to the subject property and not to properties in general.

(G) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced reference level elevation. Such notification shall be maintained with a record of all variance actions.

(H) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the FEMA and the State of North Carolina upon request.

2.10.5 Additional Criteria for Authorized Variances –Watershed Protection Overlay District

(A) Minor variances for dimensional requirements of the Watershed Protection Overlay District may be approved by the Board of Adjustment in accordance with Section 2.12 of this Ordinance.

(B) The Board of Adjustment may approve variance applications to allow the use of off-site septic easements for lots created before January 1, 1994, and for non-conforming lots of record.

(C) A description of each project receiving a variance and the reason for granting the variance shall be submitted for each calendar year to the Division of Water Quality on or before January 1st of the following year.

(D) All other local governments having jurisdiction within the watershed area and the entity using the water supply for consumption shall be notified of the variance application at least 15 days prior to action on the application. The Planning Department shall notify other local governments via first class mail.

(E) Modifications of the Impervious Surface Ratio

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

(1) Through variance procedures of the Board of Adjustment, as described in this subsection (2.10.5).

(2) 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.

(a) In such cases, 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. In such instances, the land that 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.

(i) 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, in form, be approved by the County Attorney.

(c) The conservation easement shall, upon its 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.

(i) Orange County shall require the priority of the conservation easement to be certified by and attorney-at-law, licensed to practice law in the State of North Carolina and approved to certify title to real property by a lending institution (bank or savings and loan association) doing business in Orange County.

(d) Orange County approval of a release or termination of the conservation agreement shall be declared on the document releasing or terminating the agreement.

(i) The document shall be signed by the Orange County Manager, upon approval of the Orange County Board of Commissioners.

(ii) 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.

2.10.6 Procedure for Certain Stream Buffer Variance Requests

Requests for variances from stream buffer requirements within 50-feet from the top of the stream bank shall abide by the following procedure:

(A) The Erosion Control Officer shall make a finding of fact as to whether the following requirements have been met:

(1) There are practical difficulties or unnecessary hardships that prevent compliance with the strict letter of the stream buffer protection requirements. Practical difficulties or unnecessary hardships shall be evaluated in accordance with the following:

(a) If the applicant complies with the provisions of the stream buffer requirements, he/she can secure no reasonable return from, nor make reasonable use of, his/her property.

(i) Merely proving that the variance would permit a greater profit from the property will not be considered adequate justification for a variance.

(ii) Moreover, the Erosion Control Officer shall consider whether the variance is the minimum possible deviation from the stream buffer requirements that will make reasonable use of the property possible.

(b) The hardship results from application of the stream buffer requirements to the property rather than from other factors such as deed restrictions or other hardship.

(c) The hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography, which is different from that of neighboring property.

(d) The applicant did not cause the hardship by knowingly or unknowingly violating the stream buffer requirements.

(e) The applicant did not purchase the property after the effective date of the stream buffer requirements, and then request a variance.

(f) The hardship is unique to the applicant's property, rather than the result of conditions that are widespread.

(i) If other properties are equally subject to the hardship created in the restriction, then granting a variance would be a special privilege denied to others, and would not promote equal justice.

(g) The variance is in harmony with the general purpose and intent of the State's riparian buffer protection requirements and preserves its spirit; and

(h) In granting the variance, the public safety and welfare have been assured, water quality has been protected, and substantial justice has been done.

(B) If the Erosion Control Officer determines that a variance request meets the requirements in (A) above, then he/she shall prepare a preliminary finding and submit it to the State's Environmental Management Commission.

(C) Preliminary findings on variance requests sent to the State's Environmental Management Commission shall be reviewed by said Commission within 90 days after receipt by the Director of the Environmental Management Commission.

(D) The purpose of the State Environmental Management Commission's review is to determine if it agrees with the Erosion Control Officer's findings regarding whether that the requirements in subsection (A) have been met.

(E) The following actions shall be taken depending on the State Environmental Management Commission's decision on the variance request:

(a) Upon the State Environmental Management Commission's approval, the Erosion Control Officer shall issue a final decision granting the variance.

(b) Upon the State Environmental Management Commission's approval with conditions or stipulations, the Erosion Control Officer shall issue a final decision, which includes these conditions or stipulations.

(c) Upon the State Environmental Management Commission's denial, the Erosion Control Officer shall issue a final decision denying the variance.

(F) Requests for appeals of determinations made by the State's Environmental Management Commission that the requirements of subsection (A) have not been met shall be made to the State's Office of Administrative Hearings.

2.10.7 Unauthorized Variances

(A) Other than stream buffer variances outside of the first 50-feet from the centerline of a stream, the Board of Adjustment is not authorized to grant variances to any of the standards of:

(1) Article 7 - Subdivision Design and Improvements,

(2) Section 6.15 - Erosion and Sedimentation Control,

(3) Section 6.14 - Stormwater Management, and

(4) Section 6.16 - Environmental Impact Reports

(B) The Board of Adjustment is not authorized to grant a variance that would permit a use in a district where that use is neither a Permitted Use nor a Special Use.

2.10.8 Review Procedures

(A) Applications for a Variance shall be reviewed and acted upon by the Board of Adjustment in accordance with the procedures contained in Section 2.12 of this Ordinance.

(B) The Planning Director shall complete an assessment of the application and provide a recommendation on the disposition of the application.

(C) The assessment shall be introduced at the hearing and become part of the record.

2.10.9 Findings of Fact

(A) Required findings of fact, as listed in Section 2.10.3, shall be made in the indicated order by the Board of Adjustment.

(B) The Board of Adjustment is not empowered to grant a variance without an affirmative finding of fact supported by substantial evidence in the record of proceedings before the Board.

2.10.10 Conditions of Approval

The Board of Adjustment may impose appropriate conditions provided that such conditions are reasonably related to the variance.

2.10.11 Notice Requirements

Notice of matters before the Board of Adjustment shall follow the procedures in Section 2.12.6.

SECTION 2.11: INTERPRETATIONS

2.11.1 Generally

An appeal from an order, requirement, decision or determination of the Planning Director shall be decided by the Board of Adjustment based upon its findings of fact and to achieve the intent of this Ordinance. In exercising this power, the Board of Adjustment shall act in a prudent manner so that the purposes of this Ordinance shall be served. The effect of the decision shall not be to vary the terms of this Ordinance nor add to the list of Permitted Uses in the districts.

2.11.2 Application Requirements

(A) Applications for an appeal of an interpretation of a decision, file determination, directive, Notice of Violation, or other similar determination shall be submitted on forms provided by the Planning Department in accordance with Section 2.2 of this Ordinance. Ten copies of the application and supporting documentation shall be submitted.

(B) Applications must be received by the Planning Director no later than 30 days after the decision, file determination, directive, Notice of Violation, or other similar determination was made.

2.11.3 Stay on Further Proceedings

(A) An appeal to the Board of Adjustment from a decision or determination of the Planning Director stays all proceedings in furtherance of the decision or determination appealed from, except as provided herein.

(B) An appeal to the Board of Adjustment of a determination or decision of the Planning Director shall not stay further proceedings in furtherance of the decision or determination appealed from, if the Planning Director certifies to the Board of Adjustment in an affidavit either:

(1) A stay would cause imminent peril to life or property, or

(2) The situation appealed from is transitory in nature and, therefore an appeal would seriously interfere with enforcement of the Ordinance.

(C) In either instance, the Planning Director shall place in the determination facts to support the conclusion if (B)(1) and/or (B)(2) are invoked.

(D) If (B)(1) and/or (B)(2) are invoked, and approved by the Board of Adjustment, enforcement proceedings shall not be stayed except through the issuance of a restraining order issued by a court of competent jurisdiction. If enforcement proceedings are not stayed, the appellant may file a request for an expedited hearing of the appeal.

2.11.4 Review Procedures

(A) Applications for an appeal of an interpretation shall be reviewed and acted upon by the Board of Adjustment in accordance with the procedures contained in Section 2.12 of this Ordinance.

(B) The conduct of the hearing shall be consistent with the provisions of Section 2.12 of this Ordinance.

(C) The Planning Director shall complete an assessment of the application and provide a recommendation on the disposition of the application. The assessment shall include all relevant facts utilized in rendering the disputed decision and the rationale for the interpretation made by the Planning Director.

(D) The assessment shall be introduced at the hearing and become part of the record.

(E) Upon hearing all evidence associated with the application, the Board of Adjustment shall close the hearing and render a decision on the matter to affirm, modify, or reverse the decision of the Planning Director.

2.11.5 Findings of Fact

The Board of Adjustment shall provide a detailed rationale for its decision in the form of an order to affirm, modify, or reverse the decision of the Planning Director. This order shall provide the necessary justification for the Board's action based on the testimony and evidence entered into the record during the hearing.

2.11.6 Notice Requirements

Notice requirements shall follow Section 2.12.6(A). Other subsections of Section 2.12.6 are not applicable to applications for an appeal of an interpretation.

SECTION 2.12: BOARD OF ADJUSTMENT

2.12.1 General Provisions

(A) The Board shall act on all applications before it.

(B) The Board shall act on any appeal of a Stop Work Order issued by the Planning Director at its next regularly scheduled meeting or at a special meeting called for that purpose.

2.12.2 Quasi-Judicial Proceedings

(A) The Board of Adjustment acts in a quasi-judicial capacity. However, it is not intended that its proceedings be conducted as formally as those before courts.

(B) The rules of procedure and evidence set forth in this Ordinance shall be followed to protect the interests of all parties and the public.

(C) The presiding officer shall administer oaths to all witnesses and shall make rulings necessary to preserve fairness, order, or proper decorum in any matter before the Board of Adjustment. Any person who, while under oath during a proceeding before the Board, willfully swears falsely is guilty of a Class I misdemeanor.

(D) Any member of the Board of Adjustment or any interested party may object to, and the presiding officer may exclude, any evidence, testimony, or statement that is deemed incompetent, irrelevant, immaterial, or unduly repetitious and therefore fails to reasonably address the issues before the Board of Adjustment.

2.12.3 Evidence and Testimony

(A) Interested Party

(1) Any interested party may present evidence or testimony, cross-examine witnesses, inspect documents, and offer evidence or testimony in explanation or rebuttal.

(2) Any member of the Board of Adjustment may question any interested party.

(3) Persons other than interested parties may make competent, relevant, and material comments.

(B) Subpoenas

(1) The Board of Adjustment may subpoena witnesses and compel the production of evidence.

(2) To request issuance of a subpoena, persons with standing as detailed under NCGS 160A-939(d), shall make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas in those cases where testimony or evidence is deemed to be relevant, reasonable in nature and scope, and not oppressive.

(3) The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be appealed to the full Board.

(4) If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the Board of Adjustment, or the party seeking the subpoena, may apply to the General Court of Justice for an order requiring that its order be obeyed, and the Court will have jurisdiction to issue those orders after notice to all proper parties.

(5) No testimony of any witness before the Board of Adjustment, pursuant to a subpoena issued in exercise of the power conferred by this subsection, may be used against the witness in any civil or criminal action, other than a prosecution for false swearing committed on the examination.

(6) Anyone who, while under oath during a proceeding before the Board of Adjustment, willfully swears falsely, is guilty of a Class 1 misdemeanor.

2.12.4 Quorum and Vote Required

(A) A quorum of the Board is necessary to conduct any business and shall consist of four members.

(B) The affirmative vote of four of the members of the Board shall be necessary in order to effect any variation in this Ordinance.

(C) A majority of the members shall be required to decide on the issuance of a Class B Special Use Permit or an appeal application.

2.12.5 Notification of Board Action

(A) Within five working days after Board action, the Planning Director shall have available in the Planning Department's office a notice of decision of the Board's action.

(B) The Planning Director shall notify the parties to an application or appeal of the Board's disposition. This includes the applicant, the property owner if different from the applicant, or any individual who has submitted a written request for a copy prior to the date the decision becomes effective. This notice shall be made by registered or certified mail within five working days of the Board's actions.

(C) The Planning Director shall keep a copy of the Board's action on file.

2.12.6 Notice Requirements for Matters Before the Board

(A) The Board shall give notice of matters coming before it by causing notice to be placed in a newspaper of general circulation in Orange County. The notice shall appear once a week for two consecutive weeks, the first insertion to be not less than ten days nor more than 25 days prior to the meeting date. In computing the notice period, the day of publication is not to be included, but the day of the hearing is to be included.

(B) In the case of application for a Class B Special Use permit or variance the Planning Director shall give written notice by first class mail to adjacent property owners. This notice shall be mailed at least ten days but not more than 25 days prior to the meeting date. Adjacent property owners are those whose property lies within one thousand feet of the affected property and whom are currently listed as property owners in the Orange County tax records. The outside of the envelope or postcard shall be marked "Notice of Public Hearing."

(C) The Planning Director shall post on the affected property a notice of the Board meeting at least ten days but not more than 25 days prior to the meeting date.

(D) In the case of an appeal of a Stop Work Order issued by the Planning Director, the Planning Director shall give written notice by certified mail to the property owner, and/or person(s) engaged in the alleged violation. Notification of adjacent property owners, posting of property, and publication of a hearing notice is not required.

SECTION 2.13: EXEMPT SUBDIVISIONS

2.13.1 Generally

(A) Persons proposing divisions of land that do not constitute a subdivision must request a determination of an exempt subdivision status with the Planning Director. Activities that do not constitute a subdivision are found in Section 7.2.1.

(B) One copy of the final mylar plat and three paper copies of the plat shall be submitted with the request for a determination for an exempt subdivision.

(C) Exempt subdivisions shall comply with all applicable non-plat requirements of this Ordinance.

2.13.2 Review and Action

(A) Following receipt of a request for a determination of an exempt subdivision status, the Planning Director shall make a determination of the land division's exempt or nonexempt status.

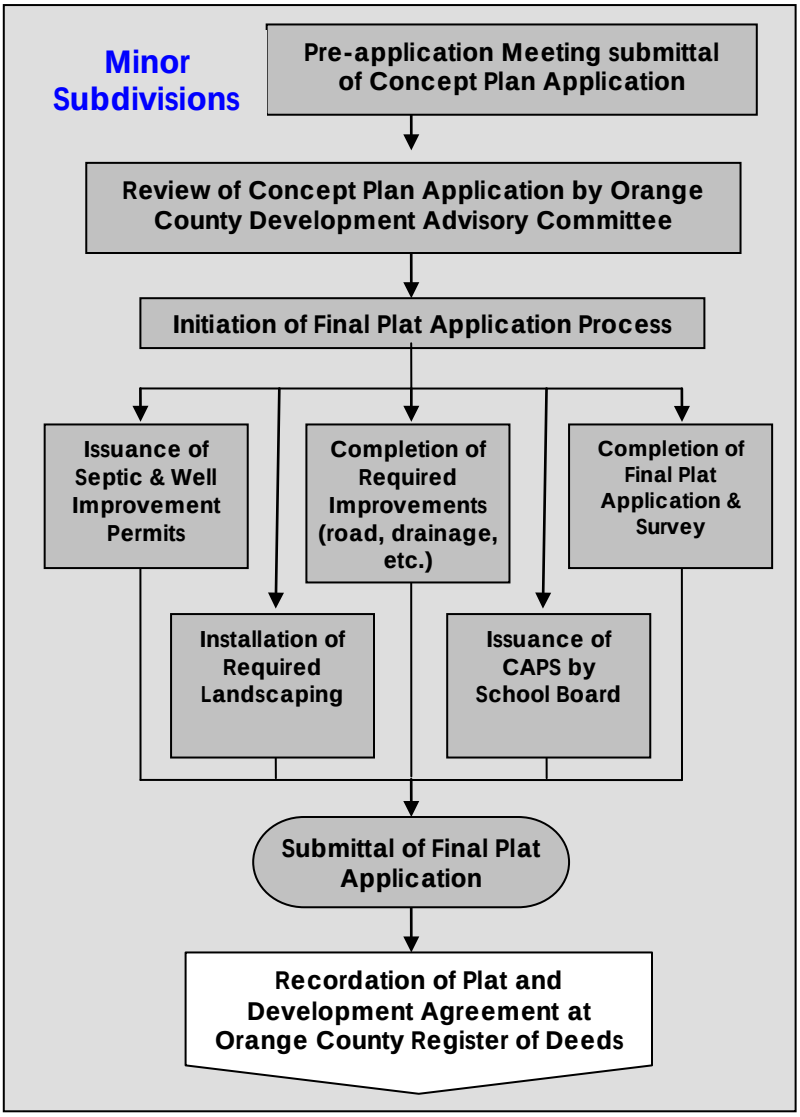
(B) If the Planning Director determines that the proposed land division does not constitute a subdivision, the Planning Director shall certify the proposed land division as exempt and include the necessary statement on the plat certifying same.

(C) If the Planning Director determines that the proposed land division constitutes a subdivision, the applicant shall be informed of such in writing and shall be required to submit the appropriate Subdivision application.

SECTION 2.14: MINOR SUBDIVISIONS

2.14.1 Review and Decision Process Flow Chart

Review and approval of Minor Subdivision applications shall adhere to the process detailed herein. The applicant shall demonstrate compliance with the development standards contained in Article 7 of this Ordinance.



2.14.2 Concept Plan

The applicant shall prepare a sketch plan of the proposed subdivision and schedule an appointment with the Planning Department for initial review and consultation. During this initial meeting the Planning Department shall advise the subdivider or his/her authorized agent of the regulations pertaining to the proposed subdivision, of any obvious changes required in order to comply with the provisions of this Ordinance, and the procedures to be followed in the preparation and submission of the Concept Plan.

(A) Application Requirements

(1) Applications shall be submitted on forms provided by the Planning Department in accordance with Section 2.2 of this Ordinance.

(2) Applications shall include:

(a) Two copies of the scaled Concept Plan, drawn to the specifications outlined in Section 7.14.1.

(b) A vicinity map showing the location of the subdivision in relation to the existing street or highway system.

(c) A soils classification map for the property.

(d) A topography map of the property.

(e) A map showing any environmentally sensitive areas on the property (i.e. streams, wetlands, special flood hazard area zoning overlay districts, conservation easements, etc.).

(B) Review and Action

(1) The Planning Department shall review the Concept Plan for general compliance with the requirements of this Ordinance.

(2) A completed Concept Plan application shall be entered into the permit record and placed on the agenda of the next available meeting of the Development Advisory Committee (DAC).

(3) The DAC shall review the Concept Plan for general compliance with established Subdivision development standards detailed in Article 7 of this Ordinance as well as compliance with other applicable local and State regulations.

(a) The review shall include determining the presence of any sites identified in "An Inventory of Sites of Cultural, Historic, Recreational, Biological and Geological Significance in the Unincorporated Portions of Orange County" and "Inventory of the Natural Areas and Wildlife Habitats of Orange County, North Carolina".

(4) The DAC shall make a recommendation to the Planning Director regarding the application no later than five business days after the DAC meeting.

(5) The Planning Director shall make a final determination on the approval or denial of the application within five business days from the submittal of the DAC recommendation.

(6) If the application is approved, the Planning Director shall issue a letter of approval authorizing the applicant to begin the process of developing the Final Plat application package. The Concept Plan shall for valid for one year from the date of approval.

(7) If the application is denied, the Planning Director shall issue a letter to the applicant detailing the reasons for denial and identifying modifications necessary for potential approval.

2.14.3 Final Plat

Upon approval of the Concept Plan by the Planning Director, the subdivider may proceed with the preparation of the Final Plat.

(A) Application Requirements

(1) Applications shall be submitted on forms provided by the Planning Department in accordance with Section 2.2 of this Ordinance.

(2) Applications shall include:

(a) Ten copies of the Final Plat prepared in accordance with Section 7.14.1(B) of this Ordinance;

(b) A copy of the Final Plat indicating Health Department approval/denial for each lot shown thereon;

(c) Auxiliary documents prepared in accordance with Article 7 of this Ordinance which assure completion and/or maintenance of required improvements. Such documents may include, but not be limited to, a private road maintenance agreement; escrow agreement or letter of credit by an approved institution; and guarantee of installation of any required road signs;

(d) A copy of the Final Plat indicating approval of the plan to control sedimentation and erosion during construction of improvements. Where an erosion control plan is required, it shall comply with the provisions of Section 6.15 of this Ordinance. If an erosion control plan is not required, the copy of the Final Plat must be signed by the Erosion Control Officer certifying that a plan waiver has been approved or the amount of land disturbance on the site is not subject to the provisions of Section 6.15 of this Ordinance; and

(e) A statement describing the methods proposed to protect environmental resources identified in "An Inventory of Sites of Cultural, Historic, Recreational, Biological and Geological Significance in the Unincorporated Portions of Orange County" and/or "Inventory of the Natural Areas and Wildlife Habitats of Orange County, North Carolina".

(B) Review and Action

(1) The Planning Director shall determine if the plat and application conform with all applicable regulations.

(2) Auxiliary documents required by Article 7 shall be submitted by the Planning Director to the County Attorney for review and recommendation.

(3) The Planning Director may submit copies of the Final Plat application and accompanying material to other officials and agencies for review and comment. Other potential reviewers include, but are not limited to:

(a) NC DOT,

(b) Orange County Schools,

(c) Orange County Land Records,

(d) County Attorney,

(e) Orange County Environmental Health,

(f) Orange County Erosion Control,

(g) Orange County Engineering, and

(h) Public Utility Companies.

(4) Reviewers shall provide a certification to the Planning Director of the suitability, provisional suitability, or unsuitability of the proposal. Recommendations of the reviewers may be incorporated as conditions of approval of the subdivision.

(5) The Planning Director shall take action on an application solely on his/her findings as to compliance with applicable regulations and conditions and shall either:

(a) Approve the application; or

(b) Approve the application with conditions; or

(c) Deny the application.

(6) The Planning Director shall notify the applicant of the action in writing.

(C) Action Subsequent to Approval

(1) The applicant shall submit a reproducible mylar original of the Final Plat to the Planning Director for endorsement within one year of Final Plat approval.

(2) The Planning Director may grant an extension of this time limit to one-year from the original date of expiration if the applicant files an extension application in accordance with Section 2.2.

(3) The Planning Director shall obtain all required certification signatures and shall endorse approval of the approved Final Plat on a reproducible mylar original after all other certification signatures have been obtained. The Planning Director shall prepare the Declaration of Restrictions.

(4) The Planning Director shall notify the applicant when all required certification signatures have been obtained and County Attorney review is complete. The applicant shall then make an appointment with the Planning Director to have the approved plat and any associated documents necessary to assure conformance with regulations recorded in the Officer of the Register of Deeds. The approved plat and any associated documents must be recorded within 90 days after the Planning Director's endorsement of approval.

(5) The Planning Director shall accompany the applicant to the Register of Deeds Office to ensure the approved plat and any required documents are recorded in the correct order and to fill in the book and page references, where applicable. Documents shall be numbered in the order they are to be recorded. The order is as follows:

(a) Approved plat

(b) Road Maintenance Agreement, if required

(c) Declaration of Restrictions

(d) Homeowners/Property Owners' Association documents, if required

(6) If the approved plat is not recorded within the specified time period, the plat is void.

(7) The Planning Director may extend the deadline for recordation provided the applicant can demonstrate a good faith effort to comply with the deadline, but for reasons beyond his/her control, fails to meet the requirements for recordation within the specified period.

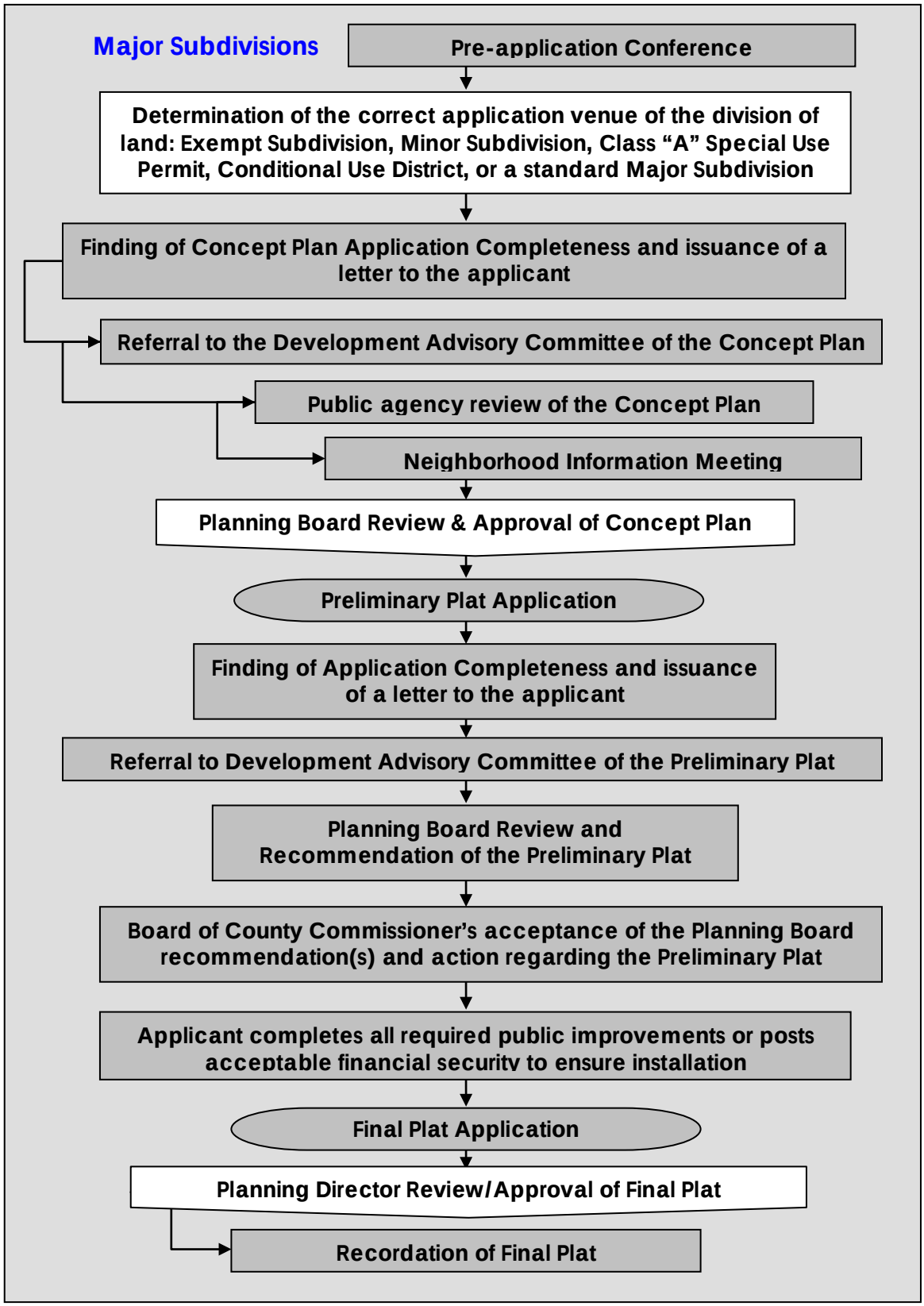
(8) All final plats shall conform to drawing specifications and certification requirements for Final Plats contained in Section 7.14.3 of this Ordinance.

(9) Recordation of the approved final plat, and any required auxiliary documentation shall be with the advice and consent of the Planning Director.

SECTION 2.15: MAJOR SUBDIVISIONS

2.15.1 Review and Decision Process Flow Chart

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



2.15.2 Concept Plan

(A) Pre-Application Review

To promote better communication and avoid unnecessary expense in the design of acceptable subdivision proposals, each subdivider is encouraged to meet with the Planning Department staff prior to submitting an application for Concept Plan approval. The purpose of this informal meeting is to introduce the applicant to the provisions of this Ordinance and discuss his/her objectives in relation thereto.

(B) On-Site Visit

(1) Prior to submission of a Concept Plan application, the applicant shall schedule a mutually convenient time to walk the property with the Planning Director. The purpose of this visit is to familiarize the Planning Director with the property's special features, and to provide an informal opportunity to offer guidance to the applicant regarding the tentative location of Secondary Conservation Areas, potential dwelling locations, and potential street alignments.

(2) Prior to scheduling the on-site visit, the applicant shall have prepared the Site Analysis Map as required in Section 7.14.2(A)(3) and shall submit the Site Analysis Map to the Planning Director when the on-site visit is scheduled.

(3) If the on-site visit is not scheduled before submittal of the Concept Plan application, it shall occur prior to the Neighborhood Information Meeting.

(C) Application Requirements

(1) Applications shall be submitted on forms provided by the Planning Department in accordance with Section 2.2 of this Ordinance.

(2) Applications shall include:

(a) An Orange County Geographic Information Systems (GIS) Map showing the location of the parcel to be subdivided.

(b) 25 copies of a Concept Plan of the proposed major subdivision prepared in accordance with the specifications for Concept Plan drawings as contained in Section 7.14.2(A) of this Ordinance. A Concept Plan shall include the following:

(i) A Site Analysis Map;

(ii) A Conventional Development Option; and

(iii) A Flexible Development Option.

(3) In lieu of a three-part Concept Plan, one Concept Plan may be submitted if the applicant is seeking approval only of a Flexible Development Plan. The applicant may also combine the Site Analysis Map and the Flexible Development Option into a single plan, provided the information required in Section 7.14.2(A) is displayed in a clear and legible form. If an applicant chooses this option, he/she shall comply with the provisions for determining density contained in Section 7.13.7(A).

(4) A comparison of the impacts of the Flexible Development Option to those that would result from the Conventional Development Option.

(5) A checklist identifying consistency with applicable design guidelines as contained in Section 7.13.7.

(6) Number 10 (business) sized envelopes with first class postage affixed addressed to each owner of property within 500 feet of the property proposed to be subdivided. The names and addresses of property owners shall be based on the current listing as shown in the Orange County Land Records System.

(D) Neighborhood Information Meeting

(1) Upon acceptance of a Concept Plan application, the Planning Director shall schedule a Neighborhood Information Meeting (NIM) and mail notices of the meeting to each owner of property within one thousand feet of the property proposed to be subdivided.

(2) Notices of the NIM shall be mailed by first class mail at least ten days prior to the date of the meeting.

(3) The Planning Director shall place a sign on the affected property indicating the total number of lots proposed, the date, time, and location of the NIM; and the Planning Department telephone number. The sign shall be posted on the affected property at least seven days prior to the NIM. The NIM shall be held a minimum of 14 days prior to the Planning Board meeting at which the concept plan is scheduled to be reviewed.

(4) At the NIM, the applicant shall be available to answer questions about the proposed subdivision, and to receive comments from neighboring property owners for the purpose of improving the proposed subdivision design.

(5) The Planning Director shall explain the subdivision approval process and shall identify meeting dates of the Planning Board and Board of Commissioners at which neighboring property owners may speak with regard to specific concerns and/or issues.

(E) Planning Director Review Procedures

(1) The Planning Director shall prepare and submit a recommendation to the Planning Board which shall include the following:

(a) A written analysis of the Concept Plan;

(b) The Concept Plan's general compliance with the requirements of this Ordinance, the Comprehensive Plan, and other applicable codes and ordinances; and

(c) The comments of neighboring property owners expressed at the Neighborhood Information Meeting.

(d) Which Development Option Plan is recommended for eventual Preliminary Plat processing.

(2) The Planning Director shall be permitted to defer the application and recommendation for one meeting beyond the Planning Board meeting at which the application is scheduled to be heard.

(F) Planning Board Review and Approval Procedures

(1) After receiving the Planning Director's report and recommendation, the Planning Board shall consider the Concept Plans and take action on the proposals.

(2) The Planning Board shall base its action on its findings as to the conformity of the proposals with all applicable regulations and shall:

(a) Approve one Development Option;

(b) Approve one Development Option subject to conditions; or

(c) Deny the Development Options.

(3) The Planning Board shall vote on whether the development should proceed as a Conventional Development Option or as a Flexible Development Option.

(a) If that vote approves the Development Option recommended by the Planning Director, the vote by the Planning Board is the final decision on whether the development proceeds as a Conventional Development Option or as a Flexible Development Option.

(b) If the Planning Board vote is other than one approving the Development Plan Option recommended by the Planning Director, the application shall be forwarded to the Board of County Commissioners for a decision on whether the development shall proceed as a Conventional Development Option or as a Flexible Development Option.

(4) If the Planning Board approves a Development Option subject to conditions, such conditions shall be reasonable and shall seek to insure compliance with applicable regulations.

(5) If the Planning Board denies both Development Options, the reasons for the denial shall be stated in writing to the applicant and entered into the minutes of the meeting at which such action was taken.

(6) If the Planning Board fails to take action within two regularly scheduled meetings, or extension thereof to a date certain, if such extension is agreed to by the applicant, the application shall be forwarded to the Board of County Commissioners with the Planning Board minutes and the Planning Director's recommendation.

(G) Actions Subsequent to Approval

(1) If a Concept Plan Development Option is approved or approved with conditions, the Planning Board Chair shall endorse the approval on three copies of the approved Development Option. Two copies of the approved Development Option shall be retained by the Planning Department, and one copy shall be returned to the subdivider or his/her authorized agent. One copy of the unapproved Development Option shall be retained by the Planning Department for its files. The unapproved Development Option shall be stamped "NOT APPROVED".

(2) Upon approval of a Concept Plan Development Option by the Planning Board, the subdivider may then proceed with the preparation of a Preliminary Plat that is consistent with the approved Concept Plan.

(3) The applicant shall have two years from the date of approval of the Concept Plan Development Option by the Planning Board to prepare and file an application for Preliminary Plat approval. If a Preliminary Plat for subdivision has not been submitted within the specified time limit, the Concept Plan Development Option shall become null and void.

2.15.3 Preliminary Plat

(A) Generally

(1) Application and approval procedures specified in this sub-section apply to all Preliminary Plats except and to the extent that applicable Unified Development Ordinance application and approval procedures pertain.

(2) The applicant of a major subdivision not otherwise classified as a Major Subdivision, Class A Special Use (Rural Designated or Urban Designated) or a Major Subdivision, Conditional Use (Rural Designated or Urban Designated) may choose to vest the Preliminary Plat for a longer time period than is otherwise provided by this Section. If the applicant wishes to exercise this option, the application approval procedures required for Class A Special Uses shall apply as specified in Section 2.5 of this Ordinance for a Site Plan Special Use.

(3) Those subdivisions of land which are a Class A Special Use shall comply with all applicable requirements of this Ordinance.

(B) Application Requirements

For every subdivision within the territorial jurisdiction established by Article 1 of this Ordinance, and which does not qualify for exempt or minor subdivision approval

procedures, the subdivider shall submit a Preliminary Plat which shall be reviewed by the Planning Board and approved by the Board of Commissioners before any site disturbance, construction or installation of improvements may begin.

(1) Applications shall be submitted on forms provided by the Planning Department in accordance with Section 2.2 of this Ordinance.

(2) Applications shall include:

(a) Major subdivision checklist form as prescribed by the Planning Department;

(b) 25 copies of the Preliminary Plat of the proposed subdivision prepared in accordance with Section 7.14.2(B) of this Ordinance;

(c) An Orange County Tax Map showing the location of the parcel to be subdivided;

(d) A copy of the Preliminary Plat indicating the Health Department's soils analysis approval/denial for each lot shown thereon;

(e) A written statement by the applicant or his/her authorized representative which sets forth the justification for a private road, if applicable;

(f) Auxiliary documents, in draft form, prepared in accordance with Article 7 of this Ordinance which assure completion and/or maintenance of improvements required by this Ordinance, including, but not limited to: private road maintenance agreement, homeowner's association articles of incorporation, and homeowner's association restrictive covenants;

(g) A statement describing the methods proposed to protect environmental resources identified in "An Inventory of Sites of Cultural, Historic, Recreational, Biological and Geological Significance in the Unincorporated Portions of Orange County" and "Inventory of the Natural Areas and Wildlife Habitats of Orange County, North Carolina"; and

(h) An Orange County Floodplain Development Permit, if applicable.

(C) Planning Director Review Procedures

(1) Upon acceptance of a preliminary plat application, the Planning Director shall determine if the plat and application conform with all applicable regulations, including any applicable conditions of an approved Special Use Permit.

(2) Any required auxiliary documents shall be submitted by the Planning Director to the County Attorney for review and recommendation.

(3) Upon receipt of a complete Preliminary Plat application, the Planning Director shall submit copies of the Preliminary Plat and any accompanying material to the following officials and agencies for review and comment:

(a) The District Engineer of the N.C. Department of Transportation to review proposed public streets, highways and drainage systems;

(b) The Orange County Health Department to review proposed on site water supply and sewage disposal systems;

(c) The Board of Education of the appropriate school district to review the reservation of proposed school sites and the impact of the proposed subdivision on school enrollment capacities;

(d) The Orange County Erosion Control Officer to review the erosion control and stormwater management plan;

(e) The Orange County Department of Environment, Parks and Recreation to review the location, suitability and facilities proposed for required recreation areas and to review any historic and/or cultural resources;

(f) The Orange County Floodplain Administrator to review compliance with Special Flood Hazard Area regulations;

(g) The Planning Department and/or Planning Board of the appropriate municipality where a courtesy review procedure has been established by agreement between the County and the municipality;

(h) The appropriate utility provider where public or community water and/or sanitary sewerage systems are proposed to serve the subdivision;

(i) The Orange Soil and Water Conservation District to review a general soils description and interpretation; and

(j) The County Attorney to review the format and appropriateness of proposed restrictive covenants, homeowners association agreements, road maintenance agreements, performance bonds and other similar documents.

(4) The reviewers designated in (3) shall review the Preliminary Plat and shall provide a report to the Planning Director on the basis of the suitability, provisional suitability, or unsuitability of the proposal.

(5) Where it is determined that alternative measures are required in order for the proposal to be classified as "suitable," a certification of "provisionally suitable" shall be provided. If reviewer approval is withheld on this basis, the reviewer shall identify the reasons for such classification and recommend measures through which the proposal may be made suitable. The Planning Board may recommend, and the Board of County Commissioners may approve, identified measures as conditions of approval of the Preliminary Plat; provided, however, the recommending reviewer has the authority to enforce such measures.

(6) Where no alternatives are available to address the concerns of the reviewer, a classification of "unsuitable" shall be provided. The reviewer shall provide a list of the reasons which resulted in such designation.

(7) Upon receipt of the comments and recommendations from reviewers, the Planning Director shall submit to the Planning Board a written analysis of the application and his/her recommendation.

(8) The Planning Director shall be permitted to defer the application and recommendation for one meeting beyond the Planning Board meeting at which the application is scheduled to be heard.

(D) Planning Board Review and Approval Procedures

(1) The Planning Board shall review the application and the Planning Director's report at a regularly scheduled meeting and shall prepare a written recommendation to the Board of County Commissioners.

(2) All interested persons shall be given the opportunity to speak and ask questions regarding the application at the meeting. The Planning Board may place reasonable and fair limitations on comments, arguments and questions to avoid undue delay.

(3) The Planning Board shall take action on the application solely on its findings of compliance with applicable regulations and conditions and shall recommend:

(a) approval of the application;

(b) approval with conditions; or

(c) denial of the application.

(4) If the Planning Board fails to take action within two regularly scheduled meetings, or extension thereof, if agreed to by the applicant, the application shall be forwarded to the Board of County Commissioners with the Planning Board minutes, and the Planning Director's recommendation, and any conditions.

(5) If the Planning Board approves the application with conditions, such conditions shall be reasonable and shall seek to insure compliance with applicable regulations and the provision of utilities and/or other facilities needed to serve the proposed development.

(6) If the Planning Board recommends approval with conditions, the applicant may amend his/her application to conform to all or some of the conditions, provided the Planning Director reviews the amended application for compliance with applicable regulations and certifies that the amendments conform to the conditions of the Planning Board recommendation. In such cases, the Planning Director may amend his/her report to conform to any or all of the Planning Board's recommendations. The Planning Director shall then forward his/her report and the Planning Board's recommendation to the Board of County Commissioners for consideration at its next available regularly scheduled meeting.

(7) The Planning Board shall also make a recommendation regarding a Resolution of Approval. The Resolution of Approval shall contain items on which clarity and direction to the applicant and/or developer may be necessary. These items include, but are not limited to:

(a) Sewage disposal issues,

(b) Roads and access issues,

(c) Land use buffers and landscaping issues,

(d) Drainage issues,

(e) Parkland and recreation issues, and

(f) Other environmental issues.

(E) Board of County Commissioners Review and Approval Procedures

(1) The Board of County Commissioners shall receive the Planning Director's report and the Planning Board's recommendation.

(2) Preliminary Plat applications shall be placed on a Board of County Commissioners regularly scheduled meeting agenda within 90 days of the Planning Board recommendation. The Board of County Commissioners shall act upon the application within a reasonable amount of time. During deliberations and consideration of the application the Board of County Commissioners may include the reasons for the need for additional analysis and review.

(3) All interested persons shall be given the opportunity to speak and ask questions regarding the application at a regularly scheduled meeting. The Board of County Commissioners may place reasonable and fair limitations on comments, arguments and questions to avoid undue delay. The Board of Commissioners shall base its action on its findings of conformity with all applicable regulations and shall:

(a) Approve the application;

(b) Approve the application with conditions; or

(c) Deny the application.

(4) If the Board of County Commissioners approves the application with conditions, such conditions shall be reasonable and shall seek to insure compliance with applicable regulations and the provision of utilities and/or other facilities needed to serve the proposed development.

(5) If the Board of County Commissioners approves the application with conditions or denies the application, the reasons for such decision shall be stated in writing to the applicant and entered into the minutes of the meeting at which such action was taken.

(6) The Board of County Commissioners shall also take action on the Resolution of Approval.

(F) Actions Subsequent to Approval

(1) Upon approval of the Preliminary Plat by the Board of County Commissioners, the subdivider may proceed with the preparation of the Final Plat, and the installation of or arrangement for required improvements in accordance with the approved Preliminary Plat and the requirements of this Ordinance.

(2) If the application is approved or approved with conditions, the Planning Director may issue applicable development permits required to construct, install, and use improvements approved as part of the Preliminary Plat approval.

(3) No building permits shall be issued to develop any lot or parcel shown on the approved Preliminary Plat until a Final Plat showing such lot or parcel is approved and recorded in compliance with Section 2.15.4.

(4) If the applicant proposes to substantially amend or modify his/her application Preliminary Plat after the Board of County Commissioners have has approved the Preliminary Plat, the applicant shall submit an amended application for review as new application.

(5) The approval of a Preliminary Plat shall be effective for a period of one year from the date of approval by the Board of County Commissioners. By the end of said time period, approval of the Final Plat must have been obtained from the Planning Director, although the plat need not have been recorded in the Office of the Register of Deeds.

(6) Any plat or portion thereof not receiving final plat approval within the time period set forth in (5) above shall be null and void except under the following conditions:

(a) The subdivision is built in sections or phases, and a phasing plan was approved as part of the Preliminary Plat;

(b) The period between the approval date of the Preliminary Plat and the approval date of the Final Plat for the first phase does not exceed one year; and

(c) The period between the approval date of the Final Plat of the first phase and the approval date(s) of the Final Plat(s) of any subsequent phase(s) does not exceed the time limits specified in the phasing plan of the Preliminary Plat. If no phasing plan is indicated, then the period between Final Plat approvals shall not exceed six months.

(7) If a phasing plan for construction of the subdivision is approved, the expiration date of the Preliminary Plat shall be governed by the time period(s) approved as part of the phasing plan.

(G) Administrative Re-Approval

(1) The Planning Director may, within one year of the expiration of a Preliminary Plat, re-approve the expired Preliminary Plat or portions thereof, as long as the subdivision design and conditions of approval are in compliance with subdivision and zoning regulations (where applicable) in effect at the time of application for

re-approval, and any changes to the original design or conditions of approval are considered minor.

(2) A change may be considered a minor change if it does NOT involve any of the following:

(a) Any substantive change in a condition of approval;

(b) An increase in the number of building lots proposed;

(c) Any substantial change in the location of or any decrease in the amount of open space, buffers, or area reserved for recreation use;

(d) Any substantial change in pedestrian and/or vehicular access or circulation including road classification;

(e) Any change in the provision of services such as water supply and wastewater disposal; and/or

(f) Any substantial change in the location of utilities or other easements.

(3) The subdivision shall be subject to review by all applicable review agencies as is required for original preliminary plat approval.

(4) If all changes from the original approval are considered minor changes, the Planning Director may re-approve the preliminary plat. The re-approval shall be stated in a format which substantially conforms to the Resolution of Approval adopted by the Board of County Commissioners when approving a preliminary plat.

(5) Only one administrative re-approval may be approved for any subdivision. If a re-approved Preliminary Plat expires, the subdivider shall be required to resubmit a new Preliminary Plat for the tract or portion thereof for which approval has expired. The new plat shall be subject to all applicable regulations in existence at the time of resubmittal.

(H) Amended Phasing Plan

(1) The development phasing plan approved as part of the Preliminary Plat (hereafter "the phasing plan") may be amended by the Board of County Commissioners upon application by the subdivider.

(2) In determining whether to approve an amended phasing plan, the Board of County Commissioners shall consider:

(a) Whether approval of other diligently pursued regulatory requirements can be obtained before the expiration of the time periods established in the phasing plan;

(b) The quality of and length of time of the experience of the subdivider in managing development projects;

(c) Whether factors other than market conditions and beyond the control of the subdivider caused a delay in meeting the phasing plan;

(d) Whether the development project, if completed consistent with the approved Preliminary Plat, will aid or meet an important public policy goal established by the Board of County Commissioners;

(e) Whether the application for an amended phasing plan was submitted before the previously approved time limit(s) lapsed;

(f) The possibility of and practicality of the subdivider and/or developer completing the development project consistent with Orange County regulations applicable if the phasing plan amendment is not granted; and

(g) Whether the time by which improvements must be completed or installed would be extended by the revised phasing plan.

(3) After consideration of the evidence submitted by the applicant concerning each of the factors listed above, the Board of County Commissioners may, in its discretion and for good cause shown, grant the amendment to the phasing plan unless it concludes that to do so would not maintain or promote, in some specific manner, the public's general health, safety and welfare.

(4) If the Board of County Commissioners approves an amendment to the phasing plan, it may require reasonable additional conditions of approval of the unapproved final plat(s).

2.15.4 Final Plat

(A) Prior to approval of a Final Plat, the subdivider shall have installed the improvements specified in this Ordinance or guaranteed their installation as provided in Section 7.4.

(B) No Final Plat will be accepted for review by the Planning Director unless accompanied by written documentation acknowledging compliance with the improvement and guarantee standards of Section 7.4.

(C) The Final Plat shall constitute only that portion of the Preliminary Plat which the subdivider proposes to record and develop at that time. Such portion shall conform to all requirements of this Ordinance.

(D) Application Requirements

(1) Applications shall be submitted on forms provided by the Planning Department in accordance with Section 2.2 of this Ordinance.

(2) Applications shall include:

(a) Five copies of the Final Plat prepared in accordance with Section 7.14.3 of this Ordinance; and

(b) Auxiliary documents, in final form, prepared in accordance with Article 7 of this Ordinance which assure completion and/or maintenance of improvements required by this Ordinance, including but not limited to: private road maintenance agreement, property owner's association articles of incorporation, and property owner's association restrictive covenants, and a letter of credit or an escrow agreement.

(3) The Final Plat of the subdivision or any portion thereof shall be submitted not more than one year after the date on which the Preliminary Plat was approved unless the subdivision is being developed in accordance with an approved phasing plan under Section 7.3.

(4) If a Final Plat is not submitted within the time period specified in (3), the Preliminary Plat approval shall be null and void. The subdivider shall be required to resubmit a new Preliminary Plat application for the tract or portion thereof for review as a new application.

(E) Review and Approval Procedures

(1) Upon acceptance of a Final Plat application, the Planning Director shall determine if the plat and application conform with all applicable regulations, including any applicable conditions of an approved Special Use Permit.

(2) Auxiliary documents as required by Article 7 shall be submitted by the Planning Director to the County Attorney for review and recommendation.

(3) Upon receipt of the recommendation of the County Attorney, the Planning Director shall take action on an application solely on findings of conformity with all applicable regulations and shall:

(a) Approve the application;

(b) Approve the application with conditions; or

(c) Deny the application.

(4) If the Planning Director approves the application with conditions, such conditions shall be reasonable and shall seek to insure compliance with applicable regulations.

(5) If the Planning Director approves the application with conditions or denies the application, the reasons for such decision shall be stated in writing to the applicant.

(F) Actions Subsequent to Approval

(1) If the application is approved or approved with conditions, the applicant shall submit a reproducible mylar original of the Final Plat to the Planning Director for endorsement within one year of Final Plat approval.

(2) The Planning Director shall obtain all required certification signatures and shall endorse approval of the approved Final Plat on the reproducible mylar original after all other certification signatures have been obtained. The Planning Director shall prepare the Declaration of Restrictions.

(3) The Planning Director shall notify the applicant when all required certification signatures have been obtained and County Attorney review is complete. The applicant shall then make an appointment with the Planning Director to have the approved plat and any associated documents necessary to assure conformance with regulations recorded in the Office of the Register of Deeds. The approved plat and any associated documents must be recorded within 90 days after the Planning Director's endorsement of approval.

(4) The Planning Director shall accompany the applicant to the Register of Deeds Office to ensure the approved plat and any required documents are recorded in the correct order and to fill in the book and page references, where applicable. Documents shall be numbered in the order they are to be recorded. The order is as follows:

(a) Approved plat,

(b) Road Maintenance Agreement, if required,

(c) Declaration of Restrictions,

(d) Homeowners/Property Owners' Association documents, if required, and

(e) Any other associated documents.

(5) If the Final Plat is not recorded within the specified time period, the Final Plat is void.

(6) The Planning Director may extend the deadline for recordation, provided the applicant can demonstrate a good faith effort to comply with the deadline, but for reasons beyond his/her control, fails to meet the requirements for recordation within the specified period.

(7) All Final Plats shall conform to drawing specifications and certification requirements for Final Plats contained in Section 7.14.3 of this Ordinance.

(8) Recordation of the approved final plat, and any required auxiliary documentation shall be with the advice and consent of the Planning Director.

2.15.5 Certificate of Adequacy of Public School Facilities

No approval of a major subdivision preliminary plat or a minor subdivision final plat for a residential development shall become effective unless and until a Certificate of Adequacy of Public School Facilities (CAPS) for the project has been issued by the relevant School District.

See Section 6.19 for standards related to CAPS.

SECTION 2.16: SUBDIVISIONS IN THE ECONOMIC DEVELOPMENT, COMMERCIAL, AND/OR COMMERCIAL-INDUSTRIAL NODES

(A) All subdivisions in the Economic Development, Commercial and/or Commercial-Industrial Nodes, as identified in the Comprehensive Plan, shall submit an application in accordance with the requirements specified in Section 2.15.3(B).

(B) Initial review of all subdivisions in the Economic Development, Commercial and/or Commercial-Industrial Nodes shall be performed by the Planning Department.

(C) Following review by the Planning Department all subdivisions shall follow the major subdivision preliminary plat approval procedures specified in Section 2.15.3.

(D) All roads in the Nodes identified in (A) above are required to be public and constructed to North Carolina Department of Transportation standards.

(E) Final plat approvals shall follow the final plat approval procedures in Section 2.15.4.

(F) Additional Requirements for Hillsborough Economic Development District:

(1) When a MPD-CZ rezoning petition is approved, and the tract that is subject of said rezoning is proposed to be subdivided, all provisions of Article 7 shall be satisfied.

(a) The applicant may obtain approval of the subdivision simultaneously with the approval of the rezoning if sufficient information (i.e. lot lines, lot size, etc) is shown on the site plan or at a later time.

(b) The subdivision shall be consistent with the terms of the MPD-CZ and Special Use Permit, Class A (as applicable) that is approved along with the rezoning petition.

(c) If the Master Plan and Special Use Permit, Class A (as applicable) that is approved along with the MPD-CZ rezoning petition establishes density, floor area, impervious surface, or similar limitations on the tract that is rezoned or any portion thereof, the subdivision final plat that creates lots out of any portion of the tract so encumbered shall indicate on the face of the plat with respect to each lot such limitations or restrictions as are necessary to ensure compliance with the Master Plan and MPD-CZ rezoning approval.

(i) For example, if the Master Plan associated with a MPD-CZ approval shows a ten-acre portion of the tract approved for retail development with a maximum floor area of 100,000 square feet, then if that ten acre area is subdivided, each lot so created shall show on the face of the plat the maximum building area that can be constructed on that lot.

SECTION 2.17: VACATION OF RECORDED PLATS AND ROAD ABANDONMENT

2.17.1 Generally

(A) Lots Unsold

The owner of a parcel subject to an approved plat may vacate the plat at any time before any lot in the plat is sold. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat.

(B) Lots Sold

If lots in the plat have been sold or built upon, the plat, or any part of the plat, may be vacated on the application of all the owners of lots in the plat with approval obtained in the manner prescribed for the original plat.

2.17.2 Initiation

The owner or owners of lots in any approved subdivision must initiate a plat vacation by filing an application with the Planning Director.

2.17.3 Application Requirements

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

(B) Applications shall include:

(1) Copy of the approved/recorded plat,

(2) A narrative outlining the reason(s) for the request,

(3) A legal description of the total area sought to be altered or vacated,

(4) A legal description of any easements or other similar restrictions affecting the property,

(5) A list of those individuals, corporations, or other entities holding an ownership interest in the property,

(6) Documentation denoting all encumbrances, including delinquent taxes or assessments, on the property at the time of application submittal,

(7) If there is a street that has been dedicated to NC DOT for maintenance, the application shall contain a copy of a petition for abandonment of the street,

(8) The legal documentation, including a revised development agreement and deed(s), necessary to complete the vacation process,

(9) If the subdivision is subject to restrictive covenants, the applicant(s) will need to submit either revised covenants, including signed statements from property owner's agreeing to the change, denoting the lot(s) being vacated or legal documents extinguishing the existing covenants in the event the development as a whole is being abandoned,

(10) Five copies of a plat denoting the lot(s) intended to be vacated, and

(11) If there have been lot(s) sold that are part of the proposed vacated plat, the application shall be signed by all owners of property within the development requesting the vacation of the plat.

2.17.4 Decision

(A) Vacated plat

The vacated plat shall be approved under the procedures for which the original plat was approved. The approving entity shall approve or deny an application for a plat vacation.

(B) Road abandonment

(1) A major subdivision road that is dedicated to the public but not yet accepted by NCDOT shall not be abandoned without approval from the Board of County Commissioners.

(2) Roads dedicated to the public, but not open or used within 15 years after dedication, may be withdrawn in accordance with NCGS 136-96 without NCDOT or County approval.

2.17.5 Approval Criteria

(A) No application for a plat vacation shall be approved unless it complies with all applicable requirements of this Ordinance.

(B) The approving entity shall not approve an application for a plat vacation if it will materially injure the rights of any non-consenting property owner or any public rights related to public improvements unless expressly agreed to by the agency with jurisdiction over such improvements.

2.17.6 Recording

(A) After the new plat is approved, the plat must be recorded, within 60 days, with the Register of Deeds Office.

(B) Upon the execution and recording of the new plat, the vacated plat has no effect.

(C) The re-subdivision of the land covered by a plat that is vacated shall be platted in the same manner as is prescribed by this Article for an original plat.

SECTION 2.18: LAND DISTURBING PERMITS

2.18.1 Generally

(A) Before starting a land-disturbing activity greater than 20,000 square feet, or greater than 10,000 square feet if within the University Lake, Cane Creek, or Upper Eno Watersheds, the owner or his/her duly appointed agent shall obtain a Land Disturbing Permit from the Erosion Control Officer.

(B) Land Disturbing Permits must be obtained prior to the start of the land disturbance.

(C) Every permit issued by the Erosion Control Officer shall expressly prohibit open burning of trees, limbs, stumps and construction debris associated with the permitted activity.

(D) If a developer, corporation, private landowner or other person proposes to perform construction/filling activities in or near a lake, stream, creek, tributary or any unnamed body of water and its adjacent wetlands, Federal permit authorization may be required by the U.S. Army Corps of Engineers prior to commencement of earth disturbing activities.

(1) Filling activities include, but are not limited to, construction of road crossings, sewer or utility line installations, grading, placement of spoil from ditching or other excavations, or placement of fill for commercial or residential development.

(2) A wetlands determination and specific permit requirements may be obtained from the Raleigh Field Office of the U.S. Army Corps of Engineers.

2.18.2 Application Requirements

(A) An application for a Land Disturbing Permit shall be filed with the Erosion Control Officer on forms provided by the Planning Department.

(B) Erosion Control Plans must be approved prior to issuance of a Land Disturbing Permit.

2.18.3 Exemptions

No permit is required for the following activities:

(A) For the purpose of fighting fires.

(B) For the stock piling of raw or processed sand, stone, or gravel in material processing plants and storage yards, provided that sediment control measures have been utilized to protect against off-site damage.

(C) For disturbances that do not exceed 20,000 square feet in surface area, or 10,000 square feet if within the University Lake, Cane Creek, or Upper Eno Watersheds. In determining the area, lands under one or diverse ownership being developed as a unit shall be aggregated.

2.18.4 Erosion Control Plan Required

An Erosion Control Plan must be submitted to the Erosion Control Officer when the proposed land disturbance is greater than 20,000 square feet, or greater than 10,000 square feet if within the University Lake, Cane Creek, or Upper Eno Watersheds.

2.18.5 Expiration of Permits

(A) Erosion Control Plan

The Erosion Control Officer may establish an expiration date for Erosion Control Plans approved under this Ordinance. Erosion Control Plan Approvals expire 18 months after the approval date unless the land disturbance is started as defined in (C) below.

(B) Land Disturbing Permits

(1) A Land Disturbing Permit must be obtained before beginning the disturbance and may be obtained at any time as long as the Erosion Control Plan Approval is valid.

(2) Land Disturbing Permits expire with the expiration of the Erosion Control Plan Approval unless the disturbance has begun. Once the disturbance begins, a Land Disturbing Permit is valid for a period of two years starting with the commencement of the disturbance, as defined in (C) below.

(3) The Land Disturbing Permit must be renewed if the disturbance continues more than two years. The renewal fee is one half the original fee and the permit is valid for one year.

(C) Start of Activity

For the purpose of determining the expiration date of the Erosion Control Plan Approval and Land Disturbing Permit, the land-disturbing activity is considered to have started when the pre-construction conference has been held, the necessary erosion control practices have been properly installed, and the site clearing or grading has begun.

SECTION 2.19: SOIL EROSION AND SEDIMENTATION CONTROL PLANS

2.19.1 Generally

An Erosion Control Plan shall be prepared for all land-disturbing activities subject to this Ordinance whenever the proposed activity is to be undertaken on a tract comprising more than 20,000 square feet, if more than 20,000 square feet are to be uncovered.

2.19.2 Application Requirements

(A) An application for approval of an Erosion Control Plan shall be filed with the Erosion Control Officer on forms provided by the Planning Department.

(B) Three copies of the Erosion Control Plan shall be filed with the Erosion Control Officer.

(1) The Erosion Control Officer shall forward one copy of the Erosion Control Plan to the Orange Soil and Water Conservation District at least 30 days prior to the commencement of the proposed activity.

(C) The Erosion Control Officer shall forward one copy of the Erosion Control Plan to the Director of the NC Division of Water Quality for any land disturbing activity that involves the utilization of ditches for the purpose of de-watering or lowering the water table.

2.19.3 Components of Complete Erosion Control Plan

(A) Generally

In order to be considered complete, a plan submitted for approval must contain the proposed Erosion Control Plan, the completed application, the statement of financial

responsibility and ownership, and the plan review fee. The 30-day review period begins when all of the components of the complete plan are received.

(B) Plan Content

(1) The plan required by this section shall contain such architectural and engineering drawings, maps, assumptions, calculations, and narrative statements as are needed to adequately describe the proposed development of the tract and the measures planned to comply with the requirements of this Ordinance.

(2) The plan shall comply with all applicable State and local regulations for erosion and sediment control.

(3) Plan content may vary to meet the needs of specific site requirements.

(C) Review of Other Environmental Documents

(1) Any plan submitted for a land-disturbing activity for which an environmental document (either an assessment or impact statement) is required by the North Carolina Environmental Policy Act (G.S. 113A-1, et seq.) shall be deemed incomplete until a complete environmental document is available for review.

(2) The Erosion Control Officer shall promptly notify the person submitting the plan that the 30-day review period of the plan pursuant to Section 2.19.5 of this Ordinance shall not begin until a complete environmental document is available for review.

(3) The approval of the Erosion Control Plan is conditioned on the applicant's compliance with Federal and State Water Quality laws, regulations, and rules.

(D) Financial Responsibility and Ownership

(1) Plans may be disapproved unless accompanied by an authorized statement of financial responsibility and ownership. This statement shall be signed by the person financially responsible for the land-disturbing activity or his attorney-in-fact.

(2) The statement shall include the mailing and street addresses of the principal place of business of: (1) the person financially responsible, (2) the owner of the land, and (3) any registered agents.

(3) If the person financially responsible is not a resident of North Carolina, a North Carolina agent must be designated in the statement for the purpose of receiving notice of compliance or non-compliance with the plan, the North Carolina Sedimentation Pollution Control Act of 1973, this Ordinance or rules or orders adopted or issued pursuant to this Ordinance.

(4) If the applicant is not the owner of the land to be disturbed, the draft Erosion Control Plan must include the owner's written consent for the applicant to submit a draft Erosion Control Plan and to conduct the anticipated land-disturbing activity.

2.19.4 Review by the Soil & Water Conservation District

(A) The Orange Soil and Water Conservation District shall review the Erosion Control Plan and submit any comments and recommendations to the Erosion Control Officer within 20 days after the Soil and Water Conservation District received the Erosion Control Plan, or within any shorter period of time as may be agreed upon by the District and the Erosion Control Officer.

(B) Failure of the District to submit its comments and recommendations to the Erosion Control Officer within 20 days or any agreed- upon shorter period of time shall not delay final action on the Erosion Control Plan.

2.19.5 Review and Response to Erosion Control Plans

(A) The Erosion Control Officer shall review each complete Erosion Control Plan submitted and within 30 days of receipt thereof will notify the person submitting the plan that it has been:

(1) Approved,

(2) Approved with modifications,

(3) Approved with conditions,

(4) Approved with performance reservations, or

(5) Disapproved.

(B) Examples of conditions of approval are, but not limited to:

(1) Channel stabilization must be successful or another type of lining must be used;

(2) Delineating certain areas to be graded and stabilized within a specified number of days to reduce the potential for erosion and protect critical areas;

(3) Providing a performance security to provide permanent ground cover; and/or

(4) Requiring the person financially responsible to retain the services of a professional engineer or architect to supervise implementation of the approved Erosion Control Plan.

(C) Disapproval of a plan must specifically state in writing the reasons for disapproval.

2.19.6 Timeframe for Review of Erosion Control Plan

Failure to approve, approve with conditions, approve with modifications or disapprove a complete Erosion Control Plan within 30 days of receipt of the complete plan shall be deemed approval.

2.19.7 Required Revisions

(A) If, following commencement of a land-disturbing activity pursuant to an approved plan, the Erosion Control Officer determines that the plan is inadequate to meet the requirements of the soil erosion and sedimentation provisions of this Ordinance, the Erosion Control Officer may require any revision of the plan that is necessary to comply with the soil erosion and sedimentation provisions of this Ordinance.

(B) After approving an Erosion Control Plan, if the Erosion Control Officer, either upon review of such Plan or on inspection of the job site, determines that a significant risk of accelerated erosion or off-site sedimentation exists, the Erosion Control Officer shall require a revised Plan.

(C) Pending the preparation and approval of a revised Erosion Control Plan, work shall cease or shall continue under conditions outlined by the Erosion Control Officer.

2.19.8 Timeframe for Review of Revised Erosion Control Plan

Failure to approve, approve with conditions, approve with modifications, or disapprove a revised Erosion Control Plan within 15 days of receipt shall be deemed approval of the plan.

2.19.9 Timeframe for Response to Review Comments

(A) If the person or firm submitting an Erosion Control Plan fails to respond to comments or correspondence from the Erosion Control Officer with either revised plans or written correspondence within 90 days, the Erosion Control Officer shall assume that the application for plan approval has been abandoned.

(B) The Erosion Control Officer shall give warning in writing to the person or firm submitting the plan before terminating the review.

(C) In accordance with Section 2.2, Erosion Control Plan review fees are not refundable.

2.19.10 Erosion Control Plan Amendments

(A) Application for amendment of an Erosion Control Plan in written and/or graphic form may be made at any time under the same conditions as the original application.

(B) Until such time as said amendment is approved by the Erosion Control Officer, the land-disturbing activities shall not proceed except in accordance with the Erosion Control Plan as originally approved.

(C) The provisions of subsection 2.19.7 (B) and (C) shall also apply to amended Erosion Control Plans.

2.19.11 Consideration of Applicant's Past Performance

(A) The Erosion Control Officer may disapprove an Erosion Control Plan upon a finding that an applicant, or a parent company, subsidiary, or other affiliate of the applicant:

(1) Is conducting or has conducted land-disturbing activity without an approved Erosion Control Plan, or has received notice of violation of an Erosion Control Plan previously approved by the North Carolina Sedimentation Control Commission or a local government pursuant to the North Carolina Sedimentation Pollution Control Act of 1973 and has not complied with the notice within the time specified in the notice;

(2) Has failed to pay a civil penalty assessed pursuant to the North Carolina Sedimentation Pollution Control Act of 1973 or a local ordinance adopted pursuant to the North Carolina Sedimentation Pollution Control Act of 1973 by the time the payment is due;

(3) Has been convicted of a misdemeanor pursuant to G.S. 113A-64(b) or any criminal provision of a local ordinance adopted pursuant to the North Carolina Sedimentation Pollution Control Act of 1973; or

(4) Has failed to substantially comply with State rules or local ordinances and regulations adopted pursuant to the North Carolina Sedimentation Pollution Control Act of 1973.

(B) For purposes of this subsection (2.19.11) an applicant's record may be considered for only the two years prior to the application date.

(C) The Erosion Control Officer shall notify the applicant and the State's Director of the Division of Land Resources of a disapproval issued under the provisions of this subsection within 10 days. The notification shall be in writing and shall include the specific reasons the Erosion Control Plan was disapproved.

2.19.12 Erosion Control Plan Available of Site

A copy of the approved Erosion Control Plan and any amendments and required revisions shall be kept on the job site at all times.

2.19.13 Notice of Activity Initiation

No person may initiate a land-disturbing activity before notifying the Erosion Control Officer of the date that land-disturbing activity will begin.

2.19.14 Preconstruction Conference

When deemed necessary by the Erosion Control Officer a preconstruction conference may be required.

SECTION 2.20: STREAM BUFFERS –USE AUTHORIZATION CERTIFICATE

2.20.1 Use Authorization Certificate

(A) Application Requirements

(1) An application for a Use Authorization Certificate shall be filed with the Erosion Control Officer on forms provided by the Planning Department.

(2) Complete applications shall include the following:

(a) The name, address and phone number of the applicant;

(b) The nature of the activity to be conducted by the applicant;

(c) The location of the activity, including the jurisdiction;

(d) A map of sufficient detail to accurately delineate the boundaries of the land to be utilized in carrying out the activity, the location and dimensions of any disturbance in riparian buffers associated with the activity, and the extent of riparian buffers on the land;

(e) An explanation of why this plan for the activity cannot be practically accomplished, reduced or reconfigured to better minimize disturbance to the riparian buffer, preserve aquatic life and habitat and protect water quality; and

(f) Plans for any best management practices proposed to be used to control the impacts associated with the activity.

(B) Timeframe for Review

(1) All requests shall be reviewed by the Erosion Control Officer and either approved or denied within 60 days of receipt of a complete application.

(2) Failure to issue an approval or denial within 60 days shall constitute that the applicant has demonstrated “no practical alternatives.”

(3) The Erosion Control Officer may attach conditions to the Authorization Certificate that support the purpose, spirit and intent of the riparian buffer protection program.

(C) Disputes

Any disputes over determinations regarding Authorization Certificates shall be referred to the Division of Water Quality of the North Carolina Department of Environment and Natural Resources for a decision.

SECTION 2.21: STORMWATER MANAGEMENT

2.21.1 Stormwater Management Plan

(A) Application Requirements

(1) An application for approval of a Stormwater Management Plan shall be filed with the Erosion Control Officer on forms provided by the Planning Department.

(B) Plan Requirements

(1) Permanent on-site structural stormwater measures must be shown as part of the Stormwater Management Plan and must accompany the Land-Disturbing Plan submittal. Structural stormwater measures are to be in accordance with the NC DWQ Stormwater BMP Design Manual.

(2) All calculations for Nutrient Export (including the nutrient accounting tool), Peak Run-off Volume, and permanent structural stormwater measures designed for Nutrient Removal must be included in the application package.

(3) Structural stormwater measures that are designed, constructed and maintained in accordance with the NC DWQ Stormwater BMP Design Manual, approved accounting tool, and requirements listed in Section 6.14 will be presumed to meet the required performance standards of Section 6.14. Submittals containing measures not designed to these specifications, may be approved on a case by case basis provided the applicant provides adequate data and information showing how the deviations meet the requirements of Section 6.14.

(C) Plan Approval

The Erosion Control Officer is authorized to approve any Stormwater Management Plan which is in conformance with the performance standards specified in the NC DWQ Stormwater BMP Design Manual, and other requirements of this Ordinance.

(D) Approved Plan a Prerequisite

The Erosion Control Officer is not authorized to issue any permits for development on any land that is defined as new development under Section 6.14 of this Ordinance unless and until a Stormwater Management Plan in compliance with the requirements of this Ordinance has been approved.

(E) Design of Permanent Nutrient Export Reduction Structural Stormwater Measures

When a permanent nutrient export reduction structural stormwater measure is required for new development to meet the requirements of this Ordinance, a North Carolina registered professional engineer shall prepare the plan with the Engineer's Certification of Stormwater Management affixed, signed, sealed and dated.

SECTION 2.22: HOME OCCUPATIONS

2.22.1 Application Requirements

(A) An application for a Home Occupation Permit shall be filed with the Planning Director on forms provided by the Planning Department.

(B) Application forms shall be prepared so that when completed a full and accurate description of the proposed use, including its location, appearance, and operational characteristics are disclosed.

(C) An application for a minor home occupation shall include a plot plan that adheres to the requirements of Sections 2.4.3 and 5.5.3.

(D) An application for a major home occupation shall require a Class B Special Use Permit and adhere to the requirements of Sections 2.5.3, 2.7, and 5.5.3.

2.22.2 Conditions of Approval

(A) If conditions are attached to the approval of a permit, they may address deficiencies in meeting specific Ordinance requirements or they may address specific impacts which result from the operation of the home occupation.

(B) If conditions address specific impacts which result from the operation of the home occupation, the conditions may include, but not be limited to the following limitations:

(1) Hours of operation;

(2) Number of vehicles to be parked on the premises;

(3) The location of an accessory building, storage area or parking on the property.

(C) The Planning Director may require greater setbacks and/or additional landscaping or screening to adequately screen the home occupation from adjoining properties.

2.22.3 Application Approval

(A) If the application is approved, either with or without conditions, the Planning Director shall send the applicant a permit letter informing him/her of the approval and of the requirements of the Ordinance that apply to the home occupation.

(B) The permit letter must be signed by the applicant to indicate his/her willingness to operate the home occupation in conformance with the requirements and conditions set forth in the permit letter.

(C) Each permit letter shall be kept on file by the Planning Director and shall constitute the Home Occupation Permit for the particular use in question.

(D) The home occupation may be operated by the applicant as long as it is operated in conformance with the requirements and conditions set forth in the permit letter.

2.22.4 Application Denial

If the application is denied, the Planning Director shall notify the applicant of the denial and shall state the reasons for denial in writing.

2.22.5 Appeals

The applicant may appeal the decision of the Planning Director to the Board of Adjustment as set forth in Section 2.27.

SECTION 2.23: DAY CARE CENTER IN A RESIDENCE

2.23.1 Application Requirements

(A) An application for a day care center in a residence for 3 to 12 children shall be filed with the Planning Director on forms provided by the Planning Department.

(B) Application forms shall be prepared so that when completed a full and accurate description of the proposed use, including its location, appearance, and operational characteristics are disclosed.

(C) An application shall include a plot plan that adheres to the requirements of Sections 2.4.3 and 5.8.1.

2.23.2 Application Review

Upon a determination that the application is complete, the Planning Director shall cause a review of the application to be made. The review shall determine if the proposed day care center in a residence for 3 to 12 children conforms with all requirements of this Ordinance. Based on the review, the application will be approved, approved with conditions, or denied.

2.23.3 Conditions of Approval

(A) If conditions are attached to the approval, they may address deficiencies in meeting specific chapter requirements or they may address specific impacts which result from the operation of the day care center in a residence for 3 to 12 children.

(B) If conditions address specific impacts which result from the operation of the home occupation, the conditions may include, but not be limited to the following limitations:

(1) Hours of operation;

(2) Location of play area;

(3) Number of vehicles to be parked on the premises;

(4) The location of a storage area or parking on the property.

(C) The Planning Director may require greater setbacks and/or additional landscaping or screening to adequately screen the day care center in a residence for 3 to 12 children from adjoining properties.

2.23.4 Application Approval

(A) If the application is approved, either with or without conditions, the Planning Director shall send the applicant a letter informing him or her of the approval and of the requirements of this Ordinance that apply to the day care center in a residence for 3 to 12 children

(B) The letter must be signed by the applicant to indicate his or her willingness to operate the day care center in a residence for 3 to 12 children in conformance with the requirements and conditions set forth in the letter.

(C) Each letter shall be kept on file by the Planning Director and shall constitute the approval for the day care center in a residence for 3 to 12 children in question.

2.23.5 Application Denial

If the application is denied, the Planning Director shall notify the applicant of the denial and shall state the reasons for denial in writing.

2.23.6 Annual Review

Each day care center in a residence for 3 to 12 children approved by the Planning Director shall be reviewed annually by the Planning Director to assure compliance with the standards of evaluation for such facilities.

2.23.7 Minor Changes to Approval

The Planning Director is authorized to approve minor changes in the approved day care center in a residence for 3 to 12 children, provided that the changes are in harmony with the action of the original approval and provided that any change in the operation complies with the standards of evaluation as specified in Section 5.8.1.

2.23.8 Changes in Operation

Any change in the operation of the day care center in a residence for 3 to 12 children that does not comply with the standards for evaluation as specified in Section 5.8.1 shall constitute a modification and shall require the approval of a Class B Special Use Permit by the Board of Adjustment under the provisions of Section 2.7 of this Ordinance.

2.23.9 Appeals

The applicant may appeal the decision of the Planning Director to the Board of Adjustment as set forth in Section 2.27.

SECTION 2.24: GOVERNMENTAL USES

2.24.1 Applicability

The following applies to those land uses permitted within the Governmental Uses land use category as detailed within Section 5.2.

2.24.2 Neighborhood Information Meeting

(A) If a proposed project has not been a part of a previous planning effort that included the opportunity for public comment and input, a neighborhood information meeting shall be held prior to the submittal of a site plan application. The purpose of this meeting is to obtain surrounding property owner input and comments on the proposed development.

(1) Examples of planning efforts that generally include the opportunity for public input are: park master plans, small area plans, solid waste management master plans, library master plans, etc.

(B) The Planning Department shall assist the applicant with the scheduling of the neighborhood information meeting.

(C) The applicant shall obtain property owner mailing address information from the Planning Department, who shall utilize Orange County Land Records data, and shall mail notices of the meeting date, place, and time via first class mail to each property owner within one thousand feet of the subject property.

(D) The notices shall be mailed a minimum of 14 days prior to the date of the meeting.

(E) 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.

(F) The applicant shall submit written certification that the notices were mailed in compliance with the requirements of this subsection. The written certification shall denote the date of the mailing as well as a synopsis of comments from the meeting as part of the site plan application. The applicant shall also provide a written response on what steps, if any, were taken to address said comments.

(G) A neighborhood information meeting shall not be required in cases where an applicant is proposing to expand facilities less than 50% of existing floor area.

SECTION 2.25: REVIEW OF ENVIRONMENTAL DOCUMENTS

2.25.1 Environmental Assessment

(A) Generally

An Environmental Assessment ("EA" in this section) may be submitted prior to submittal of the development application to determine if an Environmental Impact Statement ("EIS" in this section) may be required, provided that:

(1) All information necessary to perform the Assessment is provided, and

(2) The project application, when submitted, is consistent with the project described in the Assessment.

(B) Review Process

(1) The Planning Department shall review the EA for completeness within 5 calendar days of the date of submittal.

(2) If the EA is found to be incomplete, it shall be returned to the applicant with notification of its deficiencies.

(3) Upon acceptance of a complete EA, the applicant shall submit 10 copies to the Planning Department. Additional copies may be required if needed. The EA will be distributed by the Planning Department to other appropriate departments and agencies for review and comment.

(4) Final Action on the EA shall occur within 14 days from the date of acceptance, or such longer time as agreed to in writing by the applicant.

(5) If the EA reveals no "significant environmental impacts", as that term is defined in this Ordinance, the Planning Department shall issue a Finding of No Significant Impact (FONSI).

(6) If significant impacts are identified, the Planning Department shall issue a Finding of Significant Impact and shall require that an Environmental Impact Statement be prepared. The decision of the Planning Department shall be reviewed by the County Manager upon request of the applicant or Planning Department.

(7) The applicant shall be notified if the Planning Department learns of any additional state or local permits which may be required to conduct the proposed activity.

(8) Agencies the Planning Department has knowledge of potentially requiring additional permits shall be notified of the proposed activity by the Planning Department and shall have an opportunity to provide comments.

2.25.2 Environmental Impact Statements

(A) Review Process

(1) The Planning Department shall review the EIS for completeness within 5 working days of submittal.

(2) If the EIS is found to be incomplete, it shall be returned to the applicant with notification of its deficiencies.

(3) Upon acceptance of a complete EIS, the applicant shall submit 10 copies to the Planning Department. Additional copies may be required if needed. The EIS will be distributed by the Planning Department to other appropriate departments and agencies for review and comment.

(4) A notice shall be placed by the Planning Department in a newspaper of general circulation, stating that the EIS will be available for public review at the Planning Department for a period of at least 15 days.

(5) If the proposed activity requires a Mining Permit from the State of North Carolina, or involves the storage of hazardous materials, the EIS shall also be sent to the State Clearinghouse for distribution and review pursuant to Title I, Chapter 25, Section .0200 of the North Carolina Administrative Code.

(6) If an EIS prepared for a State or Federal agency has completed the Federal or State Environmental Review process, including publication in the "Environmental Bulletin" then the EIS and any required addendum thereto shall be advertised as available for public review at the Planning Department, but need not be re-circulated through the State Clearinghouse.

(7) Upon Completion of the advertised 15-day review period, and upon receipt of comments from the State Clearinghouse when applicable, all comments will be compiled and summarized by Planning Staff.

(B) Public Hearing Required

(1) The EIS, along with all comments received during the review period, shall be presented for public hearing concurrently with the development project.

(2) If a public hearing before the Board of County Commissioners is not required for approval of the development project, then a special hearing shall be scheduled. The hearing shall take place no later than 30 days after the close of the public review period or receipt of comments from the State Clearinghouse, whichever is later.

(C) Notice of Public Hearing

(1) Notice of the public hearing to review the EIS and receive public comment shall be published at least twice in a newspaper of general circulation in the county, stating the time and place of the hearing.

(2) Said notice shall appear in said newspaper for two successive weeks with the first notice appearing not less than ten nor more than 25 days before the date set for the public hearing. In computing the notice period, the day of publication is not to be included, but the day of the hearing is to be included.

(D) Board of County Commissioners Action

(1) The Board of County Commissioners shall receive the EIS and all comments as information only. The information presented may be used only to determine compliance with specific development standards established in this Ordinance.

(2) No action shall be taken on the development project until after the EIS has been presented to the Board of County Commissioners.

(E) Effect on Other Permits and Actions

Construction or installation of any major development project shall not commence until subsequent to the filing of a Finding of No Significant Impact or acceptance of the Final EIS by the Board of County Commissioners.

SECTION 2.26: APPEALS

2.26.1 Generally

Appeal applications shall be filed in accordance with Section 2.2 within 30 days of the decision being appealed on forms provided by the Planning Department, if applicable.

2.26.2 Planning Director Decisions

(A) Site Plans or Other Decision Pertaining to this Ordinance

Any decision of the Planning Director regarding a site plan application or other decision pertaining to this Ordinance not listed in (B) through (D) below may be appealed to the Board of Adjustment according to the provisions set forth in Section 2.12 of this Ordinance.

(1) An appeal to the Board of Adjustment from a decision or determination of the Planning Director stays all proceedings in furtherance of the decision or determination appealed from, except:

(a) Situations that, in the opinion of the Planning Director, a stay would cause imminent peril to life and/or property.

(b) That the situation appealed from is transitory in nature and, therefore, an appeal would seriously interfere with enforcement of the Ordinance.

In either instance in (a) and (b) above, the Planning Director shall place in certificate the facts to support the conclusion.

(B) Exempt Subdivisions

(1) The decision of the Planning Director regarding an exempt subdivision application may be appealed to the Board of County Commissioners.

(2) The Board of County Commissioners shall have final approval authority, and, where applicable, all Final Plats shall contain information and/or conditions approved by the Commissioners.

(3) The Board of County Commissioners in all such appeals shall make findings of fact in support of its decision. The subdivider shall be notified, in writing, of the Board's decision.

(C) Minor Subdivisions

(1) The decision of the Planning Director regarding a minor subdivision application may be appealed to the Board of County Commissioners.

(2) The Board of County Commissioners shall have final approval authority, and, where applicable, all Final Plats shall contain information and/or conditions approved by the Commissioners.

(3) The Board of County Commissioners in all such appeals shall make findings of fact in support of its decision. The subdivider shall be notified, in writing, of the Board's decision.

(D) Major Subdivisions – Final Plat

(1) The decision of the Planning Director regarding a Major Subdivision Final Plat application may be appealed to the Board of Commissioners.

(2) The Board of Commissioners shall have final approval authority, and where applicable, all Final Plats shall contain information and/or conditions approved by the Board of Commissioners.

(3) The Board of Commissioners in all such appeals shall make findings of fact in support of its decision.

(4) The applicant shall be notified, in writing, of the Board of Commissioners' decision.

2.26.3 Planning Board Decisions

(A) Major Subdivisions – Concept Plan

(1) The decision of the Planning Board regarding Concept Plan Development Options may be appealed to the Board of Commissioners.

(2) Any notice of appeal shall be filed, in writing, with the Planning Director within 15 days after the date of the Planning Board's decision.

(3) If the appeal involves a plan/map approval, 16 copies of the plan/map shall be submitted along with the written appeal.

(4) The Board of Commissioners shall have final approval authority, and, where applicable, all Concept Plan Development Options shall contain information and/or conditions approved by the Board of Commissioners.

(5) The Board of Commissioners in all such appeals shall make findings of fact in support of its decision. The applicant shall be notified, in writing, of the Board of Commissioners' decision within ten days after said decision is made.

2.26.4 Board of Adjustment Decisions

(A) Every decision of the Board shall be subject to review at the request of any person who has standing as detailed within NCGS 160A-393(d) by the Superior Court by proceedings in the nature of certiorari. The appeal to Superior Court must be filed within 30 days of the availability of the notice of decision (2.12.5(A)).

2.26.5 Board of County Commissioners Decisions

(A) Quasi-Judicial Decisions

(1) Quasi-judicial decisions made by the Board of County Commissioners pursuant to the Ordinance shall be subject to review at the request of any person who has standing as detailed within NCGS 160A-393(d) by the Superior Court by proceedings in the nature of certiorari.

(2) The appeal to the Superior Court must be filed within 30 days of the filing of the decision of the Board of County Commissioners by the Planning Director or the delivery of the notice of the decision to the applicant, whichever is later.

(B) Legislative Decisions

(1) Legislative decisions made by the Board of County Commissioners pursuant to the Ordinance shall be subject to review at the request of any aggrieved party by the Superior Court.

(2) The appeal to the Superior Court must be filed from the date of adoption of said Ordinance within the prescribed period below:

(a) 60 days in cases involving the appeal of an Ordinance amending the Zoning Atlas,

(b) 1 year (365 days) in cases involving the appeal of an Ordinance amendment the UDO,

(c) 3 years (1,035 days) in cases involving an appeal based on an alleged defect in the adoption process of an Ordinance amending the UDO.

2.26.6 Water Supply Watershed Critical Area Boundary Line

Appeal applications disputing the Planning Director's decision regarding the location of a Water Supply Watershed Critical Area boundary line shall be accompanied by:

(A) A survey prepared by a North Carolina registered land surveyor or professional engineer depicting the differences between:

(1) The locational criteria in Section 4.2,

(2) The official Watershed map on file in the Planning Department, and

(3) The boundary line the applicant asserts is correct.

(B) A detailed explanation describing the differences in the three boundary lines contained in (A) above.

2.26.7 Special Flood Hazard Overlay District

(A) Any property owner who has received an order to take corrective action in accordance with Section 9.7 may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten business days following issuance of the final order.

(B) The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

2.26.8 Soil Erosion and Sedimentation Control

(A) Appeal of Erosion Control Plan

Except as provided in subsection (D) below, the appeal of a disapproval, approval with modifications, or approval with conditions of an Erosion Control Plan shall be governed by the following provisions:

(1) The disapproval of, modification of, or conditions of approval attached to any proposed Erosion Control Plan by the Erosion Control Officer shall entitle the person submitting the plan to an appeal of the decision to the Orange County Planning Director.

(2) If the Planning Director upholds the decision, the person shall be entitled to a public hearing if such person submits written demand for a hearing within 15 days after receipt of written notice of disapproval, modification, or conditions of approval.

(B) Hearings

(1) Orange County

(a) This sub-subsection pertains to appeals for land-disturbing activities occurring outside the corporate limits of the Towns of Chapel Hill, Carrboro, and Hillsborough, and the City of Mebane.

(b) Hearings held pursuant to this sub-subsection shall be conducted by the Orange County Planning Board within 30 days after receipt of written demand, as provided for in (A)(2) above.

(c) The Orange County Planning Board shall make recommendations to the Board of County Commissioners within 30 days after the date of the hearing on such Erosion Control Plan.

(d) The Board of County Commissioners will render its final decision on any Erosion Control Plan appeal within 30 days of receipt of the Planning Board recommendation.

(2) Other than Orange County

(a) This sub-subsection pertains to appeals for land-disturbing activities occurring within the corporate limits of the Towns of Chapel Hill, Carrboro, and Hillsborough, and the City of Mebane.

(b) Hearings held pursuant to this sub-subsection shall be conducted by a designated agency of the appropriate town or city board within 30 days after receipt of written demand, as provided for in (A)(2) above.

(c) The said designated agency shall make recommendations to the appropriate town or city board within 30 days after the date of the hearing on such Erosion Control Plan.

(d) The said appropriate town or city board will render its final decision on any Erosion Control Plan appeal within 30 days of the receipt of the recommendations from the said designated agency conducting the hearing.

(C) Appeal from Local Government's Decision

If the local governing body upholds the disapproval, modification, or conditions of approval of a proposed Erosion Control Plan following the public hearing, the applicant shall be entitled to appeal the local government's action to the North Carolina Sedimentation Control Commission as provided in Section 113A-61(c) of the General Statutes and Title 15A NCAC 4B.0118.

(D) Appeal of Erosion Control Plan if Disapproval Based on Applicant's Past Performance

The applicant may appeal disapprovals issued under the provisions of Section 2.19.11 of this Ordinance directly to the North Carolina Sedimentation Control Commission.

(E) Appeal of Land-Disturbing Stop Work Order

(1) The person conducting the land-disturbing activity may appeal a stop work order to the Board of County Commissioners within a period of five days after the order is issued.

(2) Notice of the appeal shall be given in writing to the Board of County Commissioners, with a copy to the Erosion Control Officer.

(3) The Board of County Commissioners shall conduct a hearing at their next scheduled regular meeting at which the appellant and the Erosion Control Officer or Inspector shall be permitted to submit relevant evidence, and shall rule on the appeal as expeditiously as possible.

(4) Pending the ruling by the Board of County Commissioners on an appeal, no further work shall take place in violation of a stop work order.

2.26.9 Stormwater Management Plan

(A) Appeals of the Erosion Control Officer's decision on a Stormwater Management Plan shall be made to the Orange County Planning Director.

(B) If the Planning Director upholds the decision, the applicant shall be entitled to a public hearing if the applicant submits written demand for a hearing within 15 days after receipt of written notice of disapproval, modification, or conditions of approval.

(C) The hearing shall be conducted by the Orange County Planning Board within 30 days after receipt of written demand for a hearing.

(D) The Orange County Planning Board shall make recommendations to the Board of County Commissioners within 30 days after the date of the hearing.

(E) The Board of County Commissioners shall render its final decision on any stormwater management plan upon which a hearing is requested within 30 days of receipt of the recommendations from the Planning Board.

2.26.10 Appeal of Stop Work Orders Regarding Stormwater Management Provisions

(A) The person conducting the development activity may appeal a stop work order to the Board of County Commissioners within a period of five days after the order is issued.

(B) Notice of the appeal shall be given in writing to the Board of County Commissioners, with a copy to the Erosion Control Officer.

(C) The Board of County Commissioners shall conduct a hearing at their next scheduled regular meeting at which the appellant and the Erosion Control Officer or Inspector shall be permitted to submit relevant evidence, and shall rule on the appeal as expeditiously as possible.

(D) Pending the ruling by the Board of County Commissioners on an appeal, no further work shall take place in violation of a stop work order.

2.26.11 Appeals from Final Decisions Regarding Soil Erosion and Sedimentation Control Civil Penalties

(A) Appeal from Board of County Commissioners or Other Governing Body Decisions

Appeal from the final decision of the governing body regarding civil penalties assessed for violations of the soil erosion and sedimentation control provisions of this Ordinance shall be to the Superior Court of the county where the violation occurred, or in the county where the violator’s residence or principal place of business is located.

ARTICLE 3: BASE ZONING DISTRICTS TABLE OF CONTENTS

SECTION 3.1: INTENT 3-1
SECTION 3.2: REQUIRED CONFORMANCE TO DISTRICT REGULATIONS AND PROJECTS APPROVED AS PLANNED DEVELOPMENTS 3-1
3.2.1 Required Conformance to District Regulations 3-1
3.2.2 Projects Approved as Planned Developments 3-1
SECTION 3.3: RESIDENTIAL DISTRICTS 3-2
SECTION 3.4: GENERAL COMMERCIAL DISTRICTS 3-20
SECTION 3.5: INDUSTRIAL DISTRICTS 3-34
SECTION 3.6: OTHER DISTRICTS 3-42
SECTION 3.7: ECONOMIC DEVELOPMENT DISTRICTS 3-43
3.7.1 Purpose 3-43
3.7.2 Establishment of Geographic Areas and Intent of Each District 3-43
SECTION 3.8: CONDITIONAL DISTRICTS 3-62
3.8.1 Generally 3-62
3.8.2 Purpose and Intent 3-62
3.8.3 Districts Established 3-63
3.8.4 Where Permitted 3-63

ARTICLE 3: BASE ZONING DISTRICTS

SECTION 3.1: INTENT

Division of lands under Orange County planning jurisdiction is intended to implement the policies contained in the Orange County 2030 Comprehensive Plan, adopted on November 18, 2008, and amended from time to time. The previous Orange County Comprehensive Plan was adopted on September 2, 1981, and amended from time to time.

The Land Use Element of the 2030 Comprehensive Plan identifies land use categories in which specific types of development are encouraged and a map depicting the geographic locations of the various land use categories. The 2030 Comprehensive Plan contains a matrix identifying which zoning districts are compatible with each land use category.

SECTION 3.2: REQUIRED CONFORMANCE TO DISTRICT REGULATIONS AND PROJECTS APPROVED AS PLANNED DEVELOPMENTS

3.2.1 Required Conformance to District Regulations

Except as otherwise provided in this Ordinance, no structure or land shall hereafter be used or occupied, and no structure, or part thereof, shall be altered, moved, erected, or built except in conformity with the regulations herein specified for the Zoning District in which the structure or land is located.

3.2.2 Projects Approved as Planned Developments

(A) Projects approved as one of the Planned Development (PD) zoning districts (zoning districts included in the former Zoning Ordinance but no longer used) may continue to function under the terms and conditions approved in the Class A Special Use Permit issued as part of the Planned Development approval.

(B) Planned Development (PD) districts shall continue to be depicted on the Zoning Atlas but in no case shall lands be rezoned to PD in the future.

SECTION 3.3: RESIDENTIAL DISTRICTS

RB
RURAL BUFFER

PURPOSE

The purpose of the Rural Buffer (RB) District is to provide locations for rural residential developments and agricultural, silvicultural or horticultural uses which serve to buffer or separate more intensively planned and/or developed portions of Orange County. Development within the Rural Buffer (RB) District is at very low densities (the minimum lot size per dwelling unit is two acres) and relies on individual wells and ground absorption systems for domestic water supply and sewage disposal, respectively.

APPLICABILITY

This district will usually be applied where the following conditions exist:

1. Designated by the adopted Comprehensive Plan as Rural Buffer or by the adopted Joint Planning Area Land Use Plan as Rural Residential or both.

2. Urban services, including water distribution and sewage collection mains, are not likely within 10-20 years.

DIMENSIONAL AND RATIO STANDARDS

Lot Size, min. (square feet)	87,120	
Lot Width, min. (feet)	130	
Front Setback from ROW, min. (feet)	40 [1]	
Corner Side Setback, min. (feet)	40 [2]	
Side Setback, min. (feet)	20 [1]	
Rear Setback, min. (feet)	20 [1]	
Height, max. (feet)	25 [3]	
Floor Area Ratio, max.	R-CU [4]	.058
	NR	.088 [5]
	NR-CU	.100 [5]
Required Open Space Ratio, min.	R-CU NR NR-CU	.84
Required Livability Space Ratio, min.	R-CU	.75
Required Recreation Space Ratio, min.	R	.028
	R-CU	.031
Gross Land Area, min. (square feet)	R-CU NR-CU	174.240
Required Pedestrian/ Landscape Ratio, min.	NR NR-CU	.21

DIMENSIONAL STANDARDS NOTES:
[1] Accessory structures shall not be erected in any required front open space and shall also conform to all other regulations.
[2] Any corner lot having an abutting interior lot on its side street shall observe a front yard setback from both streets provided, however, that this requirement does not reduce the width suitable for a building on said lot to less than 25 feet. (See graphic in Section 6.2.7).
[3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.
[4] R = residential, NR = non-residential, CU = conditional use
[5] Permitted non-residential uses existing as of 5/6/98 shall be limited to a maximum floor area ratio of .141 in the RB, AR, R-1, R-2, R-3, and R-4 zoning districts.

RB DISTRICT SPECIFIC DEVELOPMENT STANDARDS

1. Uses shall be restricted to those indicated for the RB District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ District is approved (see Section 3.8).
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. While the Minimum Lot Size may be 87,120 square feet, the 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 Section 4.2.5 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.
6.	With the exception of Orange County government development projects, wastewater treatment facilities with a design capacity of 3,000 gallons per day or more and package treatment plants for sanitary sewage disposal are prohibited in the RB zoning district unless approved through the Special Use Permit (SUP) process or as a Conditional Use (CU) District.
7.	Proposed subdivisions are subject to all applicable subdivision standards detailed in Article 7. Note that Article 7 provides for different dimensional requirements than those shown in the Dimensional and Ratio Standards table depending upon the type of subdivision proposed and the percentage of open space provided. The “Village Option” for a flexible development is not permitted in the RB district.
8.	Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
9.	The storage of junked or wrecked motor vehicles is prohibited except if the vehicle is stored in an enclosed building that conforms to applicable building code and zoning regulations or if such building is a legal non-conforming use.

AR
AGRICULTURAL RESIDENTIAL

PURPOSE

The purpose of the Agricultural Residential (AR) District is to assist in the preservation of land suitable, as a result of location, existing farming operations, soils and topography, for agricultural, silvicultural or horticultural uses and to protect such uses from the adverse effects of incompatible land uses.

APPLICABILITY

This district will usually be applied where the following conditions exist:

1. Designated by the adopted Comprehensive Plan Agricultural Residential.

2. Urban services, including water distribution and sewage collection mains, are not likely within 10-20 years.

DIMENSIONAL AND RATIO STANDARDS

Lot Size, min. (square feet)	40,000	
Lot Width, min. (feet)	150	
Front Setback from ROW, min. (feet)	40 [1]	
Corner Side Setback, min. (feet)	40 [2]	
Side Setback, min. (feet)	20 [1]	
Rear Setback, min. (feet)	20 [1]	
Height, max. (feet)	25 [3]	
Floor Area Ratio, max.	R-CU [4]	.058
	NR	.088 [5]
	NR-CU	.100 [5]
Required Open Space Ratio, min.	R-CU NR NR-CU	.84
Required Livability Space Ratio, min.	R-CU	.75
Required Recreation Space Ratio, min.	R	.028
	R-CU	.031
Gross Land Area, min. (square feet)	R-CU NR-CU	80,000
Required Pedestrian/ Landscape Ratio, min.	NR NR-CU	.21

DIMENSIONAL STANDARDS NOTES:
[1] Accessory structures shall not be erected in any required front open space and shall also conform to all other regulations.
[2] Any corner lot having an abutting interior lot on its side street shall observe a front yard setback from both streets provided, however, that this requirement does not reduce the width suitable for a building on said lot to less than 25 feet. (See graphic in Section 6.2.7).
[3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.
[4] R = residential, NR = non-residential, CU = conditional use
[5] Permitted non-residential uses existing as of 5/6/98 shall be limited to a maximum floor area ratio of .141 in the RB, AR, R-1, R-2, R-3, and R-4 zoning districts.

AR DISTRICT SPECIFIC DEVELOPMENT STANDARDS

1. Uses shall be restricted to those indicated for the AR District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ District is approved (see Section 3.8).
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. While the Minimum Lot Size may be 40,000 square feet, the 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 Section 4.2.5 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.
6. With the exception of Orange County government development projects, wastewater treatment facilities with a design capacity of 3,000 gallons per day or more and package treatment plants for sanitary sewage disposal are prohibited in the AR zoning district unless approved through the Special Use Permit (SUP)

	process or as a Conditional Use (CU) District.
7.	Proposed subdivisions are subject to all applicable subdivision standards detailed in Article 7. Note that Article 7 provides for different dimensional requirements than those shown in the Dimensional and Ratio Standards table depending upon the type of subdivision proposed and the percentage of open space provided.
8.	Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
9.	The storage of junked or wrecked motor vehicles is prohibited except if the vehicle is stored in an enclosed building that conforms to applicable building code and zoning regulations or if such building is a legal non-conforming use.

R-1
RURAL RESIDENTIAL

PURPOSE

The purpose of the Rural Residential (R-1) District is to provide locations for rural non-farm residential development, at very low intensities, in areas where the short and long-term solutions to domestic water supply and sewage disposal shall be individual wells and ground absorption system.

APPLICABILITY

This district will usually be applied where the following conditions exist:

1. Designated by the adopted Comprehensive Plan as Rural Residential.

2. Urban services, including water distribution and sewage collection mains, are not likely within 10-20 years.

DIMENSIONAL AND RATIO STANDARDS

Lot Size, min. (square feet)	40,000	
Lot Width, min. (feet)	130	
Front Setback from ROW, min. (feet)	40 [1]	
Corner Side Setback, min. (feet)	40 [2]	
Side Setback, min. (feet)	20 [1]	
Rear Setback, min. (feet)	20 [1]	
Height, max. (feet)	25 [3]	
Floor Area Ratio, max.	R-CU [4]	.058
	NR	.088 [5]
	NR-CU	.100 [5]
Required Open Space Ratio, min.	R-CU NR NR-CU	.84
Required Livability Space Ratio, min.	R-CU	.75
Required Recreation Space Ratio, min.	R	.028
	R-CU	.031
Gross Land Area, min. (square feet)	R-CU NR-CU	80,000
Required Pedestrian/ Landscape Ratio, min.	NR NR-CU	.21

DIMENSIONAL STANDARDS NOTES:
[1] Accessory structures shall not be erected in any required front open space and shall also conform to all other regulations.
[2] Any corner lot having an abutting interior lot on its side street shall observe a front yard setback from both streets provided, however, that this requirement does not reduce the width suitable for a building on said lot to less than 25 feet. (See graphic in Section 6.2.7).
[3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.
[4] R = residential, NR = non-residential, CU = conditional use
[5] Permitted non-residential uses existing as of 5/6/98 shall be limited to a maximum floor area ratio of .141 in the RB, AR, R-1, R-2, R-3, and R-4 zoning districts.

R-1 DISTRICT SPECIFIC DEVELOPMENT STANDARDS

1. Uses shall be restricted to those indicated for the R-1 District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ District is approved (see Section 3.8).
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. While the Minimum Lot Size may be 40,000 square feet, the 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 Section 4.2.5 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.
6. Proposed subdivisions are subject to all applicable subdivision standards detailed in Article 7. Note that Article 7 provides for different dimensional requirements than those shown in the Dimensional and Ratio Standards table depending upon the type of subdivision proposed and the percentage of open space

	provided.
7.	Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
8.	The storage of junked or wrecked motor vehicles is prohibited except if the vehicle is stored in an enclosed building that conforms to applicable building code and zoning regulations or if such building is a legal non-conforming use.

R-2
LOW INTENSITY RESIDENTIAL

PURPOSE

The purpose of the Low Intensity Residential (R-2) District is to provide locations for low intensity residential development and supporting recreational, community service and educational uses in areas where urban services are available or are to be provided as part of the development process.

APPLICABILITY

This district will usually be applied where the following conditions exist:

1. Designated by the adopted Comprehensive Plan as a Transition Area, which can reasonably be expected to be annexed by a municipality in the ensuing 10-20 years.

2. Water and sewer lines should exist at site or be assured of installation as part of the development process.

3. Vehicular access must consist of direct access to a street classified as either arterial or collector as designated by the adopted Comprehensive Plan.

DIMENSIONAL AND RATIO STANDARDS

Lot Size, min. (square feet)	20,000	
Lot Width, min. (feet)	100	
Front Setback from ROW, min. (feet)	30 [1]	
Corner Side Setback, min. (feet)	30 [2]	
Side Setback, min. (feet)	15 [1]	
Rear Setback, min. (feet)	15 [1]	
Height, max. (feet)	25 [3]	
Floor Area Ratio, max.	R-CU [4]	.076
	NR	.088 [5]
	NR-CU	.100 [5]
Required Open Space Ratio, min.	R-CU NR-CU	.82
	NR	.83
Required Livability Space Ratio, min.	R-CU	.70
Required Recreation Space Ratio, min.	R	.056
	R-CU	.059
Gross Land Area, min. (square feet)	R-CU NR-CU	45,000
Required Pedestrian/ Landscape Ratio, min.	NR	.208
	NR-CU	.205

DIMENSIONAL STANDARDS NOTES:
[1] Accessory structures shall not be erected in any required front open space and shall also conform to all other regulations.
[2] Any corner lot having an abutting interior lot on its side street shall observe a front yard setback from both streets provided, however, that this requirement does not reduce the width suitable for a building on said lot to less than 25 feet. (See graphic in Section 6.2.7).
[3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.
[4] R = residential, NR = non-residential, CU = conditional use.
[5] Permitted non-residential uses existing as of 5/6/98 shall be limited to a maximum floor area ratio of .141 in the RB, AR, R-1, R-2, R-3, and R-4 zoning districts.

R-2 DISTRICT SPECIFIC DEVELOPMENT STANDARDS

1. Uses shall be restricted to those indicated for the R-2 District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ District is approved (see Section 3.8).
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. While the Minimum Lot Size may be 20,000 square feet, the 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 Section 4.2.5 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.
6.	Proposed subdivisions are subject to all applicable subdivision standards detailed in Article 7. Note that Article 7 provides for different dimensional requirements than those shown in the Dimensional and Ratio Standards table depending upon the type of subdivision proposed and the percentage of open space provided.
7.	Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
8.	The storage of junked or wrecked motor vehicles is prohibited except if the vehicle is stored in an enclosed building that conforms to applicable building code and zoning regulations or if such building is a legal non-conforming use.

R-3
MEDIUM INTENSITY RESIDENTIAL

PURPOSE

The purpose of the Medium Intensity Residential (R-3) District is to provide locations for moderate intensity residential development and supporting recreational, community service and educational uses in areas where urban services are available or are to be provided as part of the development process.

APPLICABILITY

This district will usually be applied where the following conditions exist:

1. Designated by the adopted Comprehensive Plan as a Transition Area, which can reasonably be expected to be annexed by a municipality in the ensuing 10-20 years.

2. Water and sewer lines should exist at site or be assured of installation as part of the development process.

3. Vehicular access must consist of direct access to a street classified as either arterial or collector as designated by the adopted Comprehensive Plan.

DIMENSIONAL AND RATIO STANDARDS

Lot Size, min. (square feet)	15,000	
Lot Width, min. (feet)	100	
Front Setback from ROW, min. (feet)	30 [1]	
Corner Side Setback, min. (feet)	30 [2]	
Side Setback, min. (feet)	15 [1]	
Rear Setback, min. (feet)	15 [1]	
Height, max. (feet)	25 [3]	
Floor Area Ratio, max.	R-CU [4]	.100
	NR	.088 [5]
	NR-CU	.100 [5]
Required Open Space Ratio, min.	R-CU NR-CU	.80
	NR	.81
Required Livability Space Ratio, min.	R-CU	.65
Required Recreation Space Ratio, min.	R	.074
	R-CU	.077
Gross Land Area, min. (square feet)	R-CU NR-CU	30,000
Required Pedestrian/ Landscape Ratio, min.	NR	.203
	NR-CU	.20

DIMENSIONAL STANDARDS NOTES:
[1] Accessory structures shall not be erected in any required front open space and shall also conform to all other regulations.
[2] Any corner lot having an abutting interior lot on its side street shall observe a front yard setback from both streets provided, however, that this requirement does not reduce the width suitable for a building on said lot to less than 25 feet. (See graphic in Section 6.2.7).
[3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.
[4] R = residential, NR = non-residential, CU = conditional use.
[5] Permitted non-residential uses existing as of 5/6/98 shall be limited to a maximum floor area ratio of .141 in the RB, AR, R-1, R-2, R-3, and R-4 zoning districts.

R-3 DISTRICT SPECIFIC DEVELOPMENT STANDARDS

1. Uses shall be restricted to those indicated for the R-3 District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ District is approved (see Section 3.8).
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. While the Minimum Lot Size may be 15,000 square feet, the 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 Section 4.2.5 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.
6.	Proposed subdivisions are subject to all applicable subdivision standards detailed in Article 7. Note that Article 7 provides for different dimensional requirements than those shown in the Dimensional and Ratio Standards table depending upon the type of subdivision proposed and the percentage of open space provided.
7.	Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
8.	The storage of junked or wrecked motor vehicles is prohibited except if the vehicle is stored in an enclosed building that conforms to applicable building code and zoning regulations or if such building is a legal non-conforming use.

R-4
MEDIUM INTENSITY RESIDENTIAL

PURPOSE

The purpose of the Medium Intensity Residential (R-4) District is to provide locations for moderate intensity residential development and supporting recreational, community service and educational uses in areas where urban services are available or are to be provided as part of the development process.

APPLICABILITY

This district will usually be applied where the following conditions exist:

1. Designated by the adopted Comprehensive Plan as a Transition Area, which can reasonably be expected to be annexed by a municipality in the ensuing 10-20 years.

2. Water and sewer lines should exist at site or be assured of installation as part of the development process.

3. Vehicular access must consist of direct access to a street classified as either arterial or collector as designated by the adopted Comprehensive Plan.

DIMENSIONAL AND RATIO STANDARDS

Lot Size, min. (square feet)	10,000	
Lot Width, min. (feet)	75	
Front Setback from ROW, min. (feet)	25 [1]	
Corner Side Setback, min. (feet)	25 [2]	
Side Setback, min. (feet)	10 [1]	
Rear Setback, min. (feet)	10 [1]	
Height, max. (feet)	25 [3]	
Floor Area Ratio, max.	R-CU [4]	.141
	NR	.123[5]
	NR-CU	.141 [5]
Required Open Space Ratio, min.	R-CU NR-CU	.78
	NR	.79
Required Livability Space Ratio, min.	R-CU	.54
Required Recreation Space Ratio, min.	R	.111
	R-CU	.114
Gross Land Area, min. (square feet)	R-CU NR-CU	15,000
Required Pedestrian/ Landscape Ratio, min.	NR	.198
	NR-CU	.195

DIMENSIONAL STANDARDS NOTES:
[1] Accessory structures shall not be erected in any required front open space and shall also conform to all other regulations.
[2] Any corner lot having an abutting interior lot on its side street shall observe a front yard setback from both streets provided, however, that this requirement does not reduce the width suitable for a building on said lot to less than 25 feet. (See graphic in Section 6.2.7).
[3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.
[4] R = residential, NR = non-residential, CU = conditional use.
[5] Permitted non-residential uses existing as of 5/6/98 shall be limited to a maximum floor area ratio of .141 in the RB, AR, R-1, R-2, R-3, and R-4 zoning districts.

R-4 DISTRICT SPECIFIC DEVELOPMENT STANDARDS

1. Uses shall be restricted to those indicated for the R-4 District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ District is approved (see Section 3.8).
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. While the Minimum Lot Size may be 10,000 square feet, the 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 Section 4.2.5 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.
6.	Proposed subdivisions are subject to all applicable subdivision standards detailed in Article 7. Note that Article 7 provides for different dimensional requirements than those shown in the Dimensional and Ratio Standards table depending upon the type of subdivision proposed and the percentage of open space provided.
7.	Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
8.	The storage of junked or wrecked motor vehicles is prohibited except if the vehicle is stored in an enclosed building that conforms to applicable building code and zoning regulations or if such building is a legal non-conforming use.

R-5
HIGH INTENSITY RESIDENTIAL

PURPOSE

The purpose of the High Intensity Residential (R-5) District is to provide locations for high intensity residential development and supporting recreational community, service, or educational uses in areas where the full range urban services are available.

It is further intended that these districts be used to promote economically mixed housing developments and to contribute to the provision of a range of housing types for lower income households.

APPLICABILITY

This district will usually be applied where the following conditions exist:

1. Designated by the adopted Comprehensive Plan as a Transition Area which can reasonably be annexed by a municipality in the ensuing 10-20 years, or within the Chapel Hill Joint Planning Area located at an Activity Node designated by the adopted Comprehensive Plan.

2. Water and sewer lines should exist at site or be assured of installation as part of the development process.

3. Vehicular access must consist of direct access to a street certified either arterial or collector as designated by the adopted Comprehensive Plan.

4. The full range of urban services exist or are proposed at the time of the development including fire, police, recreation, education, commercial and cultural activities.

DIMENSIONAL AND RATIO STANDARDS

Lot Size, min. (square feet)		7,500
Lot Width, min. (feet)		50
Front Setback from ROW, min. (feet)		20 [1]
Corner Side Setback, min. (feet)		20 [2]
Side Setback, min. (feet)		10 [1]
Rear Setback, min. (feet)		10 [1]
Height, max. (feet)		25 [3]
Floor Area Ratio, max.	R [4] NR	.174
	R - CU NR - CU	.200
Required Open Space Ratio, min.	R NR	.77
	R-CU NR-CU	.76
Required Livability Space Ratio, min.	R R-CU	.52
Required Recreation Space Ratio, min.	R	.197
	R-CU	.200
Gross Land Area, min. (square feet)	R-CU NR-CU	10,000
Required Pedestrian/ Landscape Ratio, min.	NR	.195
	NR-CU	.19

DIMENSIONAL STANDARDS NOTES:
[1] Accessory structures shall not be erected in any required front open space and shall also conform to all other regulations.
[2] Any corner lot having an abutting interior lot on its side street shall observe a front yard setback from both streets provided, however, that this requirement does not reduce the width suitable for a building on said lot to less than 25 feet. (See graphic in Section 6.2.7).
[3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.
[4] R = residential, NR = non-residential, CU = conditional use.

R-5 DISTRICT SPECIFIC DEVELOPMENT STANDARDS

1. Uses shall be restricted to those indicated for the R-5 District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ District is approved (see Section 3.8).
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.	While the Minimum Lot Size may be 7,500 square feet, the 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 Section 4.2.5 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.
6.	Proposed subdivisions are subject to all applicable subdivision standards detailed in Article 7. Note that Article 7 provides for different dimensional requirements than those shown in the Dimensional and Ratio Standards table depending upon the type of subdivision proposed and the percentage of open space provided.
7.	Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
8.	The storage of junked or wrecked motor vehicles is prohibited except if the vehicle is stored in an enclosed building that conforms to applicable building code and zoning regulations or if such building is a legal non-conforming use.

R-8
HIGH INTENSITY RESIDENTIAL

PURPOSE

The purpose of the High Intensity Residential (R-8) District is to provide locations for high intensity residential development and supporting recreational community, service, or educational uses in areas where the full range urban services are available.

It is further intended that these districts be used to promote economically mixed housing developments and to contribute to the provision of a range of housing types for lower income households.

APPLICABILITY

This district will usually be applied where the following conditions exist:

1. Designated by the adopted Comprehensive Plan as a Transition Area which can reasonably be annexed by a municipality in the ensuing 10-20 years, or within the Chapel Hill Joint Planning Area located at an Activity Node designated by the adopted Comprehensive Plan.

2. Water and sewer lines should exist at site or be assured of installation as part of the development process.

3. Vehicular access must consist of direct access to a street certified either arterial or collector as designated by the adopted Comprehensive Plan.

4. The full range of urban services exist or are proposed at the time of the development including fire, police, recreation, education, commercial and cultural activities.

DIMENSIONAL AND RATIO STANDARDS

Lot Size, min. (square feet)	5,000	
Lot Width, min. (feet)	50	
Front Setback from ROW, min. (feet)	20 [1]	
Corner Side Setback, min. (feet)	20 [2]	
Side Setback, min. (feet)	8[1]	
Rear Setback, min. (feet)	8 [1]	
Height, max. (feet)	25 [3]	
Floor Area Ratio, max.	R [4] NR	.246
	R - CU NR - CU	.283
Required Open Space Ratio, min.	R NR	.75
	R-CU NR-CU	.74
Required Livability Space Ratio, min.	R	.49
	R-CU	.48
Required Recreation Space Ratio, min.	R	.296
	R-CU	.299
Gross Land Area, min. (square feet)	R-CU NR-CU	7,000
Required Pedestrian/ Landscape Ratio, min.	NR	.088
	NR-CU	.185

DIMENSIONAL STANDARDS NOTES:
[1] Accessory structures shall not be erected in any required front open space and shall also conform to all other regulations.
[2] Any corner lot having an abutting interior lot on its side street shall observe a front yard setback from both streets provided, however, that this requirement does not reduce the width suitable for a building on said lot to less than 25 feet. (See graphic in Section 6.2.7).
[3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.
[4] R = residential, NR = non-residential, CU = conditional use.

R-8 DISTRICT SPECIFIC DEVELOPMENT STANDARDS

1. Uses shall be restricted to those indicated for the R-8 District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ District is approved (see Section 3.8).
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.	While the Minimum Lot Size may be 5,000 square feet, the 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 Section 4.2.5 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.
6.	Proposed subdivisions are subject to all applicable subdivision standards detailed in Article 7. Note that Article 7 provides for different dimensional requirements than those shown in the Dimensional and Ratio Standards table depending upon the type of subdivision proposed and the percentage of open space provided.
7.	Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
8.	The storage of junked or wrecked motor vehicles is prohibited except if the vehicle is stored in an enclosed building that conforms to applicable building code and zoning regulations or if such building is a legal non-conforming use.

R-13
HIGH INTENSITY RESIDENTIAL

PURPOSE

The purpose of the High Intensity Residential (R-13) District is to provide locations for high intensity residential development and supporting recreational community, service, or educational uses in areas where the full range urban services are available.

It is further intended that these districts be used to promote economically mixed housing developments and to contribute to the provision of a range of housing types for lower income households.

APPLICABILITY

This district will usually be applied where the following conditions exist:

1. Designated by the adopted Comprehensive Plan as a Transition Area which can reasonably be annexed by a municipality in the ensuing 10-20 years, or within the Chapel Hill Joint Planning Area located at an Activity Node designated by the adopted Comprehensive Plan.

2. Water and sewer lines should exist at site or be assured of installation as part of the development process.

3. Vehicular access must consist of direct access to a street certified either arterial or collector as designated by the adopted Comprehensive Plan.

4. The full range of urban services exist or are proposed at the time of the development including fire, police, recreation, education, commercial and cultural activities.

DIMENSIONAL AND RATIO STANDARDS

Lot Size, min. (square feet)	3,000	
Lot Width, min. (feet)	50	
Front Setback from ROW, min. (feet)	20 [1]	
Corner Side Setback, min. (feet)	20 [2]	
Side Setback, min. (feet)	8[1]	
Rear Setback, min. (feet)	8 [1]	
Height, max. (feet)	25 [3]	
Floor Area Ratio, max.	R [4]	.348
	R - CU NR - CU	.400
Required Open Space Ratio, min.	R R-CU NR - CU	.72
Required Livability Space Ratio, min.	R	.45
	R-CU	.44
Required Recreation Space Ratio, min.	R	.494
	R-CU	.497
Gross Land Area, min. (square feet)	R-CU NR-CU	5,000
Required Pedestrian/ Landscape Ratio, min.	NR-CU	.18

DIMENSIONAL STANDARDS NOTES:
[1] Accessory structures shall not be erected in any required front open space and shall also conform to all other regulations.
[2] Any corner lot having an abutting interior lot on its side street shall observe a front yard setback from both streets provided, however, that this requirement does not reduce the width suitable for a building on said lot to less than 25 feet. (See graphic in Section 6.2.7).
[3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.
[4] R = residential, NR = non-residential, CU = conditional use.

R-13 DISTRICT SPECIFIC DEVELOPMENT STANDARDS

1. Uses shall be restricted to those indicated for the R-13 District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ District is approved (see Section 3.8).
2. Non-residential uses are permitted only as a Conditional Use (CU) District in the R-13 district.
3. 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.
4.	The 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).
5.	Allowable impervious surface area is based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.5 for a breakdown of the allowable impervious surface area.
6.	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.
7.	Proposed subdivisions are subject to all applicable subdivision standards detailed in Article 7. Note that Article 7 provides for different dimensional requirements than those shown in the Dimensional and Ratio Standards table depending upon the type of subdivision proposed and the percentage of open space provided.
8.	Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
9.	The storage of junked or wrecked motor vehicles is prohibited except if the vehicle is stored in an enclosed building that conforms to applicable building code and zoning regulations or if such building is a legal non-conforming use.

SECTION 3.4: GENERAL COMMERCIAL DISTRICTS

LC-1
LOCAL COMMERCIAL

PURPOSE

The purpose of the Local Commercial-1(LC-1) District is to provide appropriately located and sized sites for limited commercial uses designed to serve a population at the neighborhood and rural level with convenience goods and personal services. Performance standards will be used to insure the absence of adverse impacts beyond the immediate space occupied by the building.

APPLICABILITY

This district will usually be applied where the following conditions exist:

1. Site is located within areas designated by the adopted Comprehensive Plan as either a Commercial Transition Activity Node (CTAN), a Commercial-Industrial Transition Activity Node (CITAN), a Rural Community Activity Node or a Rural Neighborhood Activity Node.

2. Uses would serve a market area population confined to the immediate area and would generally not serve commuters or persons outside the surrounding neighborhood.

DIMENSIONAL STANDARDS NOTES:
[1] Lot size for individual uses shall be appropriate to the method of water supply and sewage disposal.
[2] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district.
[3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.
[4] R = residential, NR = non-residential, CU = conditional use.

DIMENSIONAL AND RATIO STANDARDS

Lot Size, min. (square feet)	None [1]	
Lot Width, min. (feet)	75	
Front Setback from ROW, min. (feet)	15	
Side Setback, min. (feet)	15 [2]	
Rear Setback, min. (feet)	15 [2]	
Height, max. (feet), if located outside of a CTAN or CITAN	25 [3]	
Height, max. (feet), if located within a CTAN or CITAN	35 [3]	
Floor Area Ratio, max., if located outside of a CTAN or CITAN	R-CU [4] NR	.100
	NR-CU	.115
Floor Area Ratio, max., if located within a CTAN or CITAN	R-CU NR	.40
	NR-CU	.45
Required Open Space Ratio, min., if located outside of a CTAN or CITAN	R-CU NR	.80
	NR-CU	.79
Required Open Space Ratio, min., if located within a CTAN or CITAN	.55	
Required Livability Space Ratio, min.	R-CU	.65
Required Recreation Space Ratio, min.	R	.074
	R-CU	.077
Gross Land Area, min./max. (square feet)	R-CU	5,000/ none
	NR-CU	none/ 421,344
Required Pedestrian/ Landscape Ratio, min. , if located outside of a CTAN or CITAN	NR	.20
	NR-CU	.198
Required Pedestrian/ Landscape Ratio, min. , if located within a CTAN or CITAN	NR NR-CU	.05

LC-1 DISTRICT SPECIFIC DEVELOPMENT STANDARDS	
1.	Uses shall be restricted to those indicated for the LC-1 District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ District is approved (see Section 3.8). 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. See Sections 6.2.5 and 6.2.6 if more than one principal use or principal structure is proposed on a non-residential zoning lot.
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. Additionally, Section 4.2.6 may require a larger lot size for non-residential uses than is contained in the Dimensional and Ratio Standards Table.
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.
6.	Proposed subdivisions are subject to all applicable subdivision standards detailed in Article 7. Note that Article 7 provides for different dimensional requirements than those shown in the Dimensional and Ratio Standards table depending upon the type of subdivision proposed and the percentage of open space provided.
7.	Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
8.	Subdivisions in the Economic Development, Commercial and/or Industrial Nodes are subject to the procedure outlined in Section 2.16.
9.	The maximum amount of land zoned LC-1 within Rural Community Activity Nodes shall be limited to ten acres with a five acre limitation imposed within other Nodes, specifically Rural Neighborhood and Rural Industrial Nodes, as defined within the Orange County Comprehensive Plan. In situations where a Node has reached capacity, additional rezoning may be possible through the submittal, processing, and approval of a Conditional Use in accordance with the provisions of this Ordinance. Acreage limitations shall not apply to property zoned Existing Commercial-5 (EC-5), Conditional Use (CU), or MPD-CZ.
10.	All sites designated LC-1 shall have direct access to a street classified either as an arterial or collector as designated by the adopted Comprehensive Plan.

NC-2
NEIGHBORHOOD COMMERCIAL

PURPOSE

The purpose of the Neighborhood Commercial-2 (NC-2) District is to provide appropriately located and sized sites for limited commercial uses designed to serve a population at the neighborhood and rural level with convenience goods and personal services. Performance standards will be used to insure the absence of adverse impacts beyond the lot boundaries of the use.

APPLICABILITY

This district will usually be applied where the following conditions exist:

1. Located within areas designated by the adopted Comprehensive Plan as either a Commercial Transition Activity Node (CTAN), Commercial-Industrial Transition Activity Node (CITAN), Rural Neighborhood Activity Node, or Rural Community Activity Node.

2. Uses would serve a market area population confined to the immediate area and would generally not serve commuters or persons outside the surrounding neighborhood.

DIMENSIONAL STANDARDS NOTES:
[1] Lot size for individual uses shall be appropriate to the method of water supply and sewage disposal.
[2] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district.
[3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.
[4] R = residential, NR = non-residential, CU = conditional use.

DIMENSIONAL AND RATIO STANDARDS

Lot Size, min. (square feet)	2,000 [1]	
Lot Width, min. (feet)	20	
Front Setback from ROW, min. (feet)	50	
Side Setback, min. (feet)	None [2]	
Rear Setback, min. (feet)	None [2]	
Height, max. (feet)	35 [3]	
Floor Area Ratio, max., if located outside of a CTAN or CITAN	R-CU [4] NR	.200
	NR-CU	.230
Floor Area Ratio, max., if located within a CTAN or CITAN	R-CU NR	.40
	NR-CU	.45
Required Open Space Ratio, min ., if located outside of a CTAN or CITAN	R-CU NR	.76
	NR-CU	.75
Required Open Space Ratio, min ., if located within a CTAN or CITAN	.55	
Required Livability Space Ratio, min.	R-CU	.52
Required Recreation Space Ratio, min.	R	.111
	R-CU	.114
Gross Land Area, min./max. (square feet)	R-CU	5,000/ none
	NR-CU	none/ 421,344
Required Pedestrian/ Landscape Ratio, min., if located outside of a CTAN or CITAN	NR	.19
	NR-CU	.188
Required Pedestrian/ Landscape Ratio, min., if located within a CTAN or CITAN	NR NR-CU	.05

NC-2 DISTRICT SPECIFIC DEVELOPMENT STANDARDS	
1.	Uses shall be restricted to those indicated for the NC-2 District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ District is approved (see Section 3.8). Additionally, non-residential uses are restricted based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.3for 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. See Sections 6.2.5 and 6.2.6 if more than one principal use or principal structure is proposed on a non-residential zoning lot.
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. Additionally, Section 4.2.6 may require a larger lot size for non-residential uses than is contained in the Dimensional and Ratio Standards Table.
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.
6.	Proposed subdivisions are subject to all applicable subdivision standards detailed in Article 7. Note that Article 7 provides for different dimensional requirements than those shown in the Dimensional and Ratio Standards table depending upon the type of subdivision proposed and the percentage of open space provided.
7.	Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
8.	Subdivisions in the Economic Development, Commercial and/or Industrial Nodes are subject to the procedure outlined in Section 2.16.
9.	The maximum amount of land zoned NC-2 within Rural Community Activity Nodes shall be limited to ten acres with a five acre limitation imposed within other Nodes, specifically Rural Neighborhood and Rural Industrial Nodes, as defined within the Orange County Comprehensive Plan. In situations where a Node has reached capacity, additional rezoning may be possible through the submittal, processing, and approval of a Conditional Use in accordance with the provisions of this Ordinance. Acreage limitations shall not apply to property zoned Existing Commercial-5 (EC-5), Conditional Use (CU), or MPD-CZ.
10.	All sites designated NC-2 shall have direct access to a street classified either as an arterial or collector as designated by the adopted Comprehensive Plan.

CC-3
COMMUNITY COMMERCIAL

PURPOSE

The purpose of the Community Commercial-3 (CC 3) District is to provide suitably located and sized sites for commercial, office and service uses designed to serve a county-level market area. Performance standards will be used to insure the absence of adverse impacts beyond the zoning district boundaries of the use.

APPLICABILITY

This district will usually be applied where the following conditions exist:

1. Existing community commercial type developments on sites that are within areas designated by the adopted Comprehensive Plan as a Commercial Transition Activity Node (CTAN) or Commercial-Industrial Transition Activity Node (CITAN).

2. In the Chapel Hill Joint Planning Transition area, new developments of a CC-3 nature should be controlled by the appropriate Conditional Use designation.

3. Use would serve a market area population extending to major segments of the county and its municipalities.

4. Generally, for property designated Transition in the adopted Comprehensive Plan urban services such as water supply and sewerage would exist or be made available as part of the development process. For property located in other areas, the water supply and sewage disposal shall be appropriate to the uses proposed and the site conditions.

DIMENSIONAL STANDARDS NOTES:
[1] Lot size for individual uses shall be appropriate to the method of water supply and sewage disposal.
[2] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district.
[3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.
[4] R = residential, NR = non-residential, CU = conditional use.

DIMENSIONAL AND RATIO STANDARDS

Lot Size, min. (square feet)	2,000 [1]	
Lot Width, min. (feet)	20	
Front Setback from ROW, min. (feet)	50	
Side Setback, min. (feet)	None [2]	
Rear Setback, min. (feet)	None [2]	
Height, max. (feet)	45 [3]	
Floor Area Ratio, max., if located outside of a CTAN or CITAN	R-CU [4] NR	.400
	NR-CU	.459
Floor Area Ratio, max., if located within a CTAN or CITAN	R-CU NR	.60
	NR-CU	.65
Required Open Space Ratio, min., if located outside of a CTAN or CITAN	R-CU NR NR-CU	.72
Required Open Space Ratio, min., if located within a CTAN or CITAN	.45	
Required Livability Space Ratio, min.	R-CU	.44
Required Recreation Space Ratio, min.	R	.197
	R-CU	.200
Gross Land Area, min./max. (square feet)	R-CU	5,000/ none
	NR-CU	425,600/ 1,273,544
Required Pedestrian/Landscape Ratio, min., if located outside of a CTAN or CITAN	NR NR-CU	.18
Required Pedestrian/Landscape Ratio, min., if located within a CTAN or CITAN	NR NR-CU	.05

CC-3 DISTRICT SPECIFIC DEVELOPMENT STANDARDS	
1.	Uses shall be restricted to those indicated for the CC-3 District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ District is approved (see Section 3.8). 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. See Sections 6.2.5 and 6.2.6 if more than one principal use or principal structure is proposed on a non-residential zoning lot.
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. Additionally, Section 4.2.6 may require a larger lot size for non-residential uses than is contained in the Dimensional and Ratio Standards Table.
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.
6.	Proposed subdivisions are subject to all applicable subdivision standards detailed in Article 7. Note that Article 7 provides for different dimensional requirements than those shown in the Dimensional and Ratio Standards table depending upon the type of subdivision proposed and the percentage of open space provided.
7.	Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
8.	Subdivisions in the Economic Development, Commercial and/or Industrial Nodes are subject to the procedure outlined in Section 2.16.
9.	Normally, the maximum amount of land zoned CC-3 at any node shall not exceed 29 acres, but 15 acres shall apply in rural areas where population density is lower and distributed more widely than in the Transition Areas. Acreage limitations shall not apply to property zoned Existing Commercial-5 (EC-5), Conditional Use (CU), or MPD-CZ.
10.	All property to be designated for new development under this classification shall have direct access to major collector streets as designated by the adopted Comprehensive Plan.

GC-4
GENERAL COMMERCIAL

PURPOSE

The purpose of the General Commercial-4 (GC 4) District is to provide suitable situated and sized sites that allow a broad range of commercial, office and service uses. Performance standards will be used to insure the absence of adverse impacts beyond the zoning district boundary.

APPLICABILITY

This district will usually be applied where the following conditions exist:

1. The site is within an area designated by the adopted Comprehensive Plan as either a Commercial Transition Activity Node (CTAN), or Commercial-Industrial Transition Activity Node (CITAN).

2. Water and sewer mains exist at the site or are to be made available as part of the development process or the lot size for individual uses are appropriate to the method of water supply and sewage disposal.

DIMENSIONAL STANDARDS NOTES:
[1] Lot size for individual uses shall be appropriate to the method of water supply and sewage disposal.
[2] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district.
[3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.
[4] R = residential, NR = non-residential, CU = conditional use.

DIMENSIONAL AND RATIO STANDARDS

Lot Size, min. (square feet)	40,000 [1]	
Lot Width, min. (feet)	75	
Front Setback from ROW, min. (feet)	35	
Side Setback, min. (feet)	None [2]	
Rear Setback, min. (feet)	None [2]	
Height, max. (feet) ., if located outside of a CTAN or CITAN	45 [3]	
Height, max. (feet) ., if located within a CTAN or CITAN	60 [3]	
Floor Area Ratio, max., if located outside of a CTAN or CITAN	NR [4]	.492
	NR-CU	.566
Floor Area Ratio, max., if located within a CTAN or CITAN	.75	
Required Open Space Ratio, min., if located outside of a CTAN or CITAN	.71	
Required Open Space Ratio, min., if located within a CTAN or CITAN	.40	
Gross Land Area, min./max. (square feet)	NR- CU	425,600/ none
Required Pedestrian/Landscape Ratio, min., if located outside of a CTAN or CITAN	.178	
Required Pedestrian/Landscape Ratio, min., if located within a CTAN or CITAN	.05	

GC-4 DISTRICT SPECIFIC DEVELOPMENT STANDARDS

1. Uses shall be restricted to those indicated for the GC-4 District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ District is approved (see Section 3.8). 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. See Sections 6.2.5 and 6.2.6 if more than one principal use or principal structure is proposed on a non-residential zoning lot.
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. Additionally, Section 4.2.6 may require a larger lot size for non-residential uses than is contained in the Dimensional and Ratio Standards Table.
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.
6. Proposed subdivisions are subject to all applicable subdivision standards detailed in Article 7. Note that Article 7 provides for different dimensional requirements than those shown in the Dimensional and Ratio Standards table depending upon the type of subdivision proposed and the percentage of open space provided.
7. Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
8. Subdivisions in the Economic Development, Commercial and/or Industrial Nodes are subject to the procedure outlined in Section 2.16.
9. All property to be designated for new development under this classification shall have direct access to major collector streets, as designated by the adopted Comprehensive Plan.

EC-5
EXISTING COMMERCIAL

PURPOSE

The purpose of the Existing Commercial-5 (EC 5) District is to provide a
district to be used only during the application of zoning to previously unzoned townships to accommodate existing commercial uses or in zoned townships to previously zoned commercial property which is not located in areas designated as Activity Nodes by the adopted Comprehensive Plan.

APPLICABILITY

This district shall be applied to:

1. Existing commercial uses in previously unzoned townships.
2. Previously zoned commercial property located in areas not designated as Activity Nodes in the adopted Comprehensive Plan.

This designation shall only be applied to property used for existing commercial at the time of application of this Ordinance.

DIMENSIONAL STANDARDS NOTES:
[1] R = residential, NR = non-residential.
[2] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district.
[3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.

DIMENSIONAL AND RATIO STANDARDS

Lot Size, min. (square feet)	40,000 [1]	
Lot Width, min. (feet)	R [1]	180
	NR	75
Front Setback from ROW, min. (feet)	R	40
	NR	35
Side Setback, min. (feet)	R	20
	NR	None [2]
Rear Setback, min. (feet)	R	20
	NR	None [2]
Height, max. (feet)	R	25 [3]
	NR	45 [3]
Floor Area Ratio, max.	NR	.492
Required Open Space Ratio, min.	NR	.71
Required Pedestrian/Landscape Ratio, min.	NR	.178

EC-5 DISTRICT SPECIFIC DEVELOPMENT STANDARDS

1. Uses shall be restricted to those indicated for the EC-5 District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ District is approved (see Section 3.8). 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. See Sections 6.2.5 and 6.2.6 if more than one principal use or principal structure is proposed on a non-residential zoning lot.
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. Additionally, Section 4.2.6 may require a larger lot size for non-residential uses than is contained in the Dimensional and Ratio Standards Table.
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.
6. Proposed subdivisions are subject to all applicable subdivision standards detailed in Article 7. Note that Article 7 provides for different dimensional requirements than those shown in the Dimensional and Ratio Standards table depending upon the type of subdivision proposed and the percentage of open space provided.

7. Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
8. Subdivisions in the Economic Development, Commercial and/or Industrial Nodes are subject to the procedure outlined in Section 2.16.
9. An Existing Commercial-5 (EC-5) District eliminated or reduced to a non-functional zoning lot as a result of a public-entity condemnation or partial taking may be amended by Board of County Commissioner's legislative action provided the following criterion are met:
    a. Rezoning Process:
        i. The amended district acreage shall not be increased in size by more than 10% of the existing parcel(s). The use shall be the same primary use as listed in the Existing Commercial - 5 (EC-5) inventory when the district was originally created.
        ii. The new district shall be contiguous to the existing district.
        iii. Land not rezoned or not included within the new petitioned district shall be petitioned, by the owner(s), to be returned to the zoning classification of the surrounding land. In the event there is more than one adjacent zoning district, the tract shall be returned to the lowest use category of the surrounding adjacent property provided a non-conforming situation is not created on the subject or adjacent parcels.
        iv. Additional property added to an existing parcel shall be recombined by deed into one zoning lot prior to issuance of zoning or building permits.
        v. Conformance with the Comprehensive Plan shall not be mandatory when considering a rezoning/relocation of an EC-5 District, but shall be evaluated.
        vi. If a condemnation results in less than or equal amount of property being taken for public right-of-way than is specified in the Orange County Comprehensive Plan (Transportation Element) for typical right of way dedication, then these criteria shall not be used.
    b. Building Permit Process
        i. All watershed impervious surface limitations shall be met.
        ii. A 20 foot wide landscaped buffer shall be established along the new right-of-way. Design criteria shall meet commercial standards, as required in Section 6.8.
        iii. Economic Development District standards shall be used, where applicable. See Article 6.
        iv. Access points shall be limited to two locations with a maximum width of 26 feet each and a maximum radius of 30-degrees. A driveway permit application shall be submitted along with zoning permit request.
        v. Freestanding monument signs shall be limited to six feet in height and 50 square feet maximum. In the case of gas station uses, only the portion of a sign for fuel pricing may be internally illuminated.
        vi. All current Environmental Health regulations shall be met.
        vii. All other applicable development criteria such as parking, lighting, loading/unloading areas, buffers, etc. shall apply. See Article 6.

O/I
OFFICE / INSTITUTIONAL

PURPOSE

The purpose of the Office/Institutional (O/I) District is to provide locations for medium and high intensity office, service, institutional, and residential land uses in areas where urban services are available or are to be made available as part of the development process. This district is intended to provide for employment centers near transportation routes.

APPLICABILITY

This district will usually be applied where the following conditions exist:

1. Site is located in areas designated by the adopted Comprehensive Plan as Commercial Transition Activity Node or Commercial-Industrial Transition Activity Nodes.

2. Water and sewer mains are existing at the site or are to be made available during the development process.

DIMENSIONAL AND RATIO STANDARDS

Lot Size, min. (square feet)	R [1]	None
	NR NR-CU	5,000
Lot Width, min. (feet)	R NR-CU	None
	NR	50
Front Setback from ROW, min. (feet)	R NR - CU	None
	NR	25
Side Setback, min. (feet)	R	None
	NR	10 [2]
	NR - CU	None [2]
Rear Setback, min. (feet)	R	None
	NR	10 [2]
	NR - CU	None [2]
Height, max. (feet)	35 [3]	
Floor Area Ratio, max.	R - CU NR	.40
	NR-CU	.45
Required Open Space Ratio, min.	.55	
Required Livability Space Ratio, min.	R-CU	.52
Required Recreation Space Ratio, min.	R	.111
	R-CU	.114
Gross Land Area, min./max. (square feet)	R-CU	5,000/ none
	NR-CU	200,000/ none
Required Pedestrian/Landscape Ratio, min.	NR NR-CU	.05

DIMENSIONAL STANDARDS NOTES:

[1] R = residential, NR = non-residential, CU = conditional use.
[2] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district.
[3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.

O/I DISTRICT SPECIFIC DEVELOPMENT STANDARDS

1. Uses shall be restricted to those indicated for the O/I District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ District is approved (see Section 3.8). 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. See Sections 6.2.5 and 6.2.6 if more than one principal use or principal structure is proposed on a non-residential zoning lot.
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. Additionally, Section 4.2.6 may require a larger lot size for non-residential uses than is contained in the Dimensional and Ratio Standards Table.
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.
6. Proposed subdivisions are subject to all applicable subdivision standards detailed in Article 7. Note that Article 7 provides for different dimensional requirements than those shown in the Dimensional and Ratio Standards table depending upon the type of subdivision proposed and the percentage of open space provided.
7. Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
8. Subdivisions in the Economic Development, Commercial and/or Industrial Nodes are subject to the procedure outlined in Section 2.16.
9. Normally, the maximum amount of land zoned to this district shall not exceed five acres.
10. The site shall be located near major transportation corridors and have access to adequate public roadway network.

AS
AGRICULTURAL SERVICE

PURPOSE

The purpose of the Agricultural Service (AS) District is to provide sites in the rural portion of the County for rural non-farm, non-residential uses which support the horticultural, silvicultural, and agricultural uses of the AR districts.

APPLICABILITY

This district will usually be applied where the following conditions exist:

1. Site is within areas designated by the adopted Comprehensive Plan as Agricultural Residential.

DIMENSIONAL STANDARDS NOTES:
[1] Lot size for individual uses shall be appropriate to the method of water supply and sewage disposal.
[2] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district.
[3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.

DIMENSIONAL AND RATIO STANDARDS

Lot Size, min., per use (square feet)	40,000 [1]
Lot Width, min. (feet)	200
Front Setback from ROW, min. (feet)	50
Side Setback, min. (feet)	20 [2]
Rear Setback, min. (feet)	20 [2]
Height, max. (feet)	45 [3]
Floor Area Ratio, max.	None
Required Open Space Ratio, min.	.83
Required Pedestrian/Landscape Ratio, min.	.208

AS DISTRICT SPECIFIC DEVELOPMENT STANDARDS

1. Uses shall be restricted to those indicated for the AS District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ District is approved (see Section 3.8). 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. See Sections 6.2.5 and 6.2.6 if more than one principal use or principal structure is proposed on a non-residential zoning lot.
3. Residential uses are not permitted in this district.
4. Allowable impervious surface area is based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.6 for a breakdown of the allowable impervious surface area. Additionally, Section 4.2.6 may require a larger lot size for non-residential uses than is contained in the Dimensional and Ratio Standards Table.
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.
6. Proposed subdivisions are subject to all applicable subdivision standards detailed in Article 7. Note that Article 7 provides for different dimensional requirements than those shown in the Dimensional and Ratio Standards table depending upon the type of subdivision proposed and the percentage of open space provided.
7. Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed

	in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
8.	Normally, the maximum amount of land zoned AS at any location shall not exceed ten acres.

SECTION 3.5: INDUSTRIAL DISTRICTS

I-1
LIGHT INDUSTRIAL

PURPOSE

The purpose of the Light Industrial-1 (I-1) District is to provide appropriately located and sized sites for limited industrial uses engaged in manufacturing, processing, creating and assembling of goods, merchandise or equipment. Performance standards will be used to insure the absence of adverse impacts beyond the immediate space occupied by the building.

APPLICABILITY

This district will usually be applied where the following conditions exist:

1. Site is located within areas designated in the adopted Comprehensive Plan as either a Commercial-Industrial Transition Activity Node (CITAN) or a Rural Industrial Activity Node.

DIMENSIONAL STANDARDS NOTES:
[1] Lot size for individual uses shall be appropriate to the method of water supply and sewage disposal.
[2] R = residential, NR = non-residential, CU = conditional use.
[3] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district.
[4] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.

DIMENSIONAL AND RATIO STANDARDS

Lot Size, min., per use (square feet), if outside of a CITAN	80,000 [1]	
Lot Size, min., per use (square feet), if within a CITAN	20,000 [1]	
Lot Width, min. (feet)	NR [2]	200
	NR - CU	None
Front Setback from ROW, min. (feet)	NR	50
	NR - CU	None
Side Setback, min. (feet)	NR	50
	NR - CU	None [3]
Rear Setback, min. (feet)	NR	50
	NR - CU	None [3]
Height, max. (feet)	45 [4]	
Floor Area Ratio, max., if located outside of a CITAN	.200	
Floor Area Ratio, max., if located within a CITAN	.60	
Required Open Space Ratio, min. , if located outside of a CITAN	NR	.80
	NR - CU	.75
Required Open Space Ratio, min. , if located within a CITAN	.45	
Gross Land Area, min./max. (square feet)	NR - CU	80,000 / none
Required Pedestrian/Landscape Ratio, min. , if located outside of a CITAN	NR	.20
	NR - CU	.187
Required Pedestrian/Landscape Ratio, min. , if located within a CITAN	.05	

I-1 DISTRICT SPECIFIC DEVELOPMENT STANDARDS

1. Uses shall be restricted to those indicated for the I-1 District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ District is approved (see Section 3.8). 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. See Sections 6.2.5 and 6.2.6 if more than one principal use or principal structure is proposed on a non-residential zoning lot.

3. Residential uses are not permitted in this district.
4. Allowable impervious surface area is based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.6 for a breakdown of the allowable impervious surface area. Additionally, Section 4.2.6 may require a larger lot size for non-residential uses than is contained in the Dimensional and Ratio Standards Table.
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.
6. Access shall consist of direct vehicular access to streets designated either arterial or collector by the adopted Comprehensive Plan. Access to rail service is desirable but not required.
7. Proposed subdivisions are subject to all applicable subdivision standards detailed in Article 7. Note that Article 7 provides for different dimensional requirements than those shown in the Dimensional and Ratio Standards table depending upon the type of subdivision proposed and the percentage of open space provided.
8. Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
9. Subdivisions in the Economic Development, Commercial and/or Industrial Nodes are subject to the procedure outlined in Section 2.16.

I-2
MEDIUM INDUSTRIAL

PURPOSE

The purpose of the Medium Industrial-2 (I-2) District is to provide locations for enterprises engaged in manufacturing, processing, creating, repairing, renovating, painting, cleaning, and assembling of goods, merchandise or equipment. Performance standards will be used to insure the absence of adverse impact beyond the lot boundaries of the use.

APPLICABILITY

This district will usually be applied where the following conditions exist:

1. Site is located within areas designated by the adopted Comprehensive Plan as a Commercial-Industrial Transition Activity Node.

2. Water and sewer mains exist at the site or be made available as part of the development process.

DIMENSIONAL STANDARDS NOTES:
[1] R = residential, NR = non-residential, CU = conditional use.
[2] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district.
[3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.

DIMENSIONAL AND RATIO STANDARDS

Lot Size, min., per use (square feet)	20,000	
Lot Width, min. (feet)	NR [1]	100
	NR - CU	None
Front Setback from ROW, min. (feet)	NR	50
	NR - CU	None
Side Setback, min. (feet)	None [2]	
Rear Setback, min. (feet)	None [2]	
Height, max. (feet)	45 [3]	
Floor Area Ratio, max.	.65	
Required Open Space Ratio, min.	.40	
Gross Land Area, min./max. (square feet)	NR - CU	80,000 / none
Required Pedestrian/Landscape Ratio, min.	.05	

I-2 DISTRICT SPECIFIC DEVELOPMENT STANDARDS

1. Uses shall be restricted to those indicated for the I-2 District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ District is approved (see Section 3.8). 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. See Sections 6.2.5 and 6.2.6 if more than one principal use or principal structure is proposed on a non-residential zoning lot.
3. Residential uses are not permitted in this district.
4. Allowable impervious surface area is based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.6 for a breakdown of the allowable impervious surface area. Additionally, Section 4.2.6 may require a larger lot size for non-residential uses than is contained in the Dimensional and Ratio Standards Table.
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.
6. Access shall consist of direct vehicular access to streets designated either arterial or collector by the adopted Comprehensive Plan. Access to rail service is desirable but not required.
7. Proposed subdivisions are subject to all applicable subdivision standards detailed in Article 7. Note that Article 7 provides for different dimensional requirements than those shown in the Dimensional and Ratio Standards table depending upon the type of subdivision proposed and the percentage of open space

provided.

8. Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
9. Subdivisions in the Economic Development, Commercial and/or Industrial Nodes are subject to the procedure outlined in Section 2.16.

I-3
HEAVY INDUSTRIAL

PURPOSE

The purpose of the Heavy Industrial-3 (I-3) District is to provide locations for enterprises engaged in a broad range of manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise or equipment. Performance standards will be used to insure the absences of adverse impacts beyond the zoning district boundary.

APPLICABILITY

This district will usually be applied where the following conditions exist:

1. Site is located within areas designated by the adopted Comprehensive Plan as a Commercial-Industrial Transition Activity Node.

2. Water and sewer mains exist at the site or be made available as part of the development process.

DIMENSIONAL STANDARDS NOTES:
[1] R = residential, NR = non-residential, CU = conditional use.
[2] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district.
[3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.

DIMENSIONAL AND RATIO STANDARDS

Lot Size, min., per use (square feet)	20,000	
Lot Width, min. (feet)	NR	100
	NR - CU	None
Front Setback from ROW, min. (feet)	NR	50
	NR - CU	None
Side Setback, min. (feet)	None [2]	
Rear Setback, min. (feet)	None [2]	
Height, max. (feet)	45 [3]	
Floor Area Ratio, max.	.70	
Required Open Space Ratio, min.	.40	
Gross Land Area, min./max. (square feet)	NR - CU	80,000 / none
Required Pedestrian/Landscape Ratio, min.	.05	

I-3 DISTRICT SPECIFIC DEVELOPMENT STANDARDS

1. Uses shall be restricted to those indicated for the I-3 District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ District is approved (see Section 3.8). 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. See Sections 6.2.5 and 6.2.6 if more than one principal use or principal structure is proposed on a non-residential zoning lot.
3. Residential uses are not permitted in this district.
4. Allowable impervious surface area is based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.6 for a breakdown of the allowable impervious surface area. Additionally, Section 4.2.6 may require a larger lot size for non-residential uses than is contained in the Dimensional and Ratio Standards Table.
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.
6. Access shall consist of direct vehicular access to streets designated either arterial or collector by the adopted Comprehensive Plan. Access to rail service is desirable but not required.
7. Proposed subdivisions are subject to all applicable subdivision standards detailed in Article 7. Note that Article 7 provides for different dimensional requirements than those shown in the Dimensional and Ratio Standards table depending upon the type of subdivision proposed and the percentage of open space provided.

8.	Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
9.	Subdivisions in the Economic Development, Commercial and/or Industrial Nodes are subject to the procedure outlined in Section 2.16.

EI
EXISTING INDUSTRIAL

PURPOSE

The purpose of the Existing Industrial (EI) district is to provide a district to be used only during the application of zoning, to previously unzoned townships to accommodate existing industrial uses not located in areas designated as Industrial Transition Activity Node or Rural Industrial Activity Node by the adopted Comprehensive Plan.

APPLICABILITY

This district shall only be applied to accommodate existing (at the time of the application of the Zoning Ordinance to previously unzoned Townships) industrial uses located in areas not designated Commercial-Industrial Transition Activity Node or Rural Industrial Activity Node in the adopted Comprehensive Plan.

It is further intended that this district shall not be applied to any use that has adverse

DIMENSIONAL AND RATIO STANDARDS

Lot Size, min., per use (square feet)	80,000
Lot Width, min. (feet)	200
Front Setback from ROW, min. (feet)	50
Side Setback, min. (feet)	50 [1]
Rear Setback, min. (feet)	50 [1]
Height, max. (feet)	45 [2]
Floor Area Ratio, max.	.200
Required Open Space Ratio, min.	.80
Required Pedestrian/Landscape Ratio, min.	.20

DIMENSIONAL STANDARDS NOTES:
[1] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district.
[2] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.

E-I DISTRICT SPECIFIC DEVELOPMENT STANDARDS

1. Uses shall be restricted to those indicated for the EI District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ District is approved (see Section 3.8). 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. See Sections 6.2.5 and 6.2.6 if more than one principal use or principal structure is proposed on a non-residential zoning lot.
3. Residential uses are not permitted in this district.
4. Allowable impervious surface area is based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.6 for a breakdown of the allowable impervious surface area. Additionally, Section 4.2.6 may require a larger lot size for non-residential uses than is contained in the Dimensional and Ratio Standards Table.
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.
6. Proposed subdivisions are subject to all applicable subdivision standards detailed in Article 7. Note that Article 7 provides for different dimensional requirements than those shown in the Dimensional and Ratio Standards table depending upon the type of subdivision proposed and the percentage of open space provided.
7. Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
8. Subdivisions in the Economic Development, Commercial and/or Industrial Nodes are subject to the

procedure outlined in Section 2.16.

SECTION 3.6: OTHER DISTRICTS

PID
PUBLIC INTEREST DISTRICT

PURPOSE

The purpose of Public Interest District (PID) is to preserve and protect certain public land and private educational lands, deemed environmentally sensitive and of major scientific research significance from the impacts of development. In addition, these lands will be managed in ways that will prevent any intentionally generated adverse impacts from affecting surrounding property.

APPLICABILITY

This district will be applied to the following:
1. All Duke Forest lands, the Eno River State Park, all University of North Carolina lands, and all other public or private educational lands deemed to be environmentally sensitive and of major scientific or research significance.

DIMENSIONAL STANDARDS NOTES:
[1] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district.
[2] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.

DIMENSIONAL AND RATIO STANDARDS	
Lot Size, min., per use (square feet)	500,000
Lot Width, min. (feet)	No requirement
Front Setback from ROW, min. (feet)	No requirement
Side Setback, min. (feet)	No requirement [1]
Rear Setback, min. (feet)	No requirement [1]
Height, max. (feet)	25 [2]
Floor Area Ratio, max.	.0125
Required Open Space Ratio, min.	No requirement
Required Pedestrian/Landscape Ratio, min.	No requirement

PID DISTRICT SPECIFIC DEVELOPMENT STANDARDS

1. Uses shall be restricted to those indicated for the PID District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ District is approved (see Section 3.8). 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. See Sections 6.2.5 and 6.2.6 if more than one principal use or principal structure is proposed on a non-residential zoning lot.
3. Residential uses are not permitted in this district.
4. Allowable impervious surface area is based on the Watershed Protection Overlay District in which the property is located. Refer to Section 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.

SECTION 3.7: ECONOMIC DEVELOPMENT DISTRICTS

3.7.1 Purpose

The purpose of Economic Development Districts is to provide locations for a wide range of light industrial, distribution, flex space, office, service, retail, and residential uses. In choosing the location of such districts, the following major factors were considered:

(A) Adjacent and with access to an interstate highway by a major arterial or collector;

(B) Adjacent to rail facilities for the movement of goods and potential transit service;

(C) Public water and sewer service is available or capable of being extended; and

(D) Large, buildable tracts are available for development or division into a range of building site sizes.

3.7.2 Establishment of Geographic Areas and Intent of Each District

Three Economic Development Districts have been established in Orange County:

(A) Buckhorn Economic Development District

Located near the western boundary of the county where Buckhorn Road crosses Interstates 85 and 40. The intent of the Buckhorn District is to create a district allowing a wide range of non-residential uses with limited higher density residential uses.

(B) Eno Economic Development District

Located at the eastern boundary of the county where U.S. Highway 70 and Interstate 85 intersect. The intent of the Eno District is to create a district allowing a wide range of non-residential uses with limited higher density residential uses.

(C) Hillsborough Economic Development District

Located south of the Town of Hillsborough where Old N.C. Highway 86 (Churton Street Extension) crosses Interstate 40. The intent of the Hillsborough district is to create a business park setting while controlling strip commercial development.

EDB-1
ECONOMIC DEVELOPMENT BUCKHORN LOWER INTENSITY

PURPOSE

The purpose of the Economic Development Buckhorn Lower Intensity (EDB-1) District is to provide locations for a range of lower intensity non-residential uses in the designated Buckhorn Economic Development District.

APPLICABILITY

This district will usually be applied where the following conditions exist:
1. Site is located within the designated Buckhorn Economic Development District.
2. Urban services, such as water and sewer mains, are highly desirable, but not required if acceptable alternatives are available. Any proposed use having reasonable access to water or sewer systems shall be required to connect to the systems regardless of the availability of acceptable alternatives.

DIMENSIONAL STANDARDS NOTES:
[1] Evaluated as part of the Site Plan review process.
[2] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district.
[3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.
[4] R = residential, NR = non-residential, CU = conditional use

DIMENSIONAL STANDARDS

Lot size, min., per use (square feet)	No requirement [1]	
Lot Width, min. (feet)	No requirement [1]	
Front Setback from ROW, min. (feet)	Buildings/ Structures	25
	Vehicle Use Areas, Storage Areas, Signs	10
Side Setback, min. (feet)	Buildings/ Structures	25 [2]
	Vehicle Use Areas, Storage Areas, Signs	10 [2]
Rear Setback, min. (feet)	Buildings/ Structures	25 [2]
	Vehicle Use Areas, Storage Areas, Signs	10 [2]
Driveway Setback from Property lines, min. (feet)	10	
Setbacks between Buildings, min. (feet)	20	
Height, max. (feet)	60 [3]	
Floor Area Ratio, max.	R-CU [4] NR	.60
	NR-CU	.70
Required Open Space Ratio, min.	.45	
Required Livability Space Ratio, min.	R-CU	.45
Gross Land Area min./max. (square feet)	None	
Required Pedestrian/Landscape Ratio, min.	NR NR-CU	.05

EDB-1 DISTRICT SPECIFIC DEVELOPMENT STANDARDS

1. Uses shall be restricted to those indicated for the EDB-1 District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ District is approved (see Section 3.8). 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. Uses Permitted by Right require the approval of a Site Plan as outlined in Section 2.5.
2. Development projects unable to meet all Standards required for Site Plan approval may be submitted as a Conditional Use District or as a MPD-CZ (see Section 3.8).
3. The impervious surface limit in this district is 70% if detention ponds are provided. Other requirements for impervious surface are located in Sections 4.2.5 and 4.2.6.

4. 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.
5. Stormwater control for multiple sites may be provided in a combined fashion. Detention basins for individual sites are also allowed.
6. 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. See Sections 6.2.5 and 6.2.6 if more than one principal use or principal structure is proposed on a non-residential zoning lot.
7. 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).
8. Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
9. Subdivisions in the Economic Development, Commercial and/or Industrial Nodes are subject to the procedure outlined in Section 2.16.

EDB-2
ECONOMIC DEVELOPMENT BUCKHORN HIGHER INTENSITY

PURPOSE

The purpose of the Economic Development Buckhorn Higher Intensity (EDB-2) District is to provide locations for a range of light industrial, distribution, retail, office, and services uses in the designated Buckhorn Economic Development District.

APPLICABILITY

This district will usually be applied where the following conditions exist:

1. Site is located within the designated Buckhorn Economic Development District.

2. Urban services, such as water and sewer mains, are highly desirable, but not required if acceptable alternatives are available. Any proposed use having reasonable access to water or sewer systems shall be required to connect to the systems regardless of the availability of acceptable alternatives.

DIMENSIONAL STANDARDS NOTES:
[1] Evaluated as part of the Site Plan review process.
[2] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district.
[3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.
[4] R = residential, NR = non-residential, CU = conditional use

DIMENSIONAL STANDARDS

Lot size, min., per use (square feet)	No requirement [1]	
Lot Width, min. (feet)	No requirement [1]	
Front Setback from ROW, min. (feet)	Buildings/ Structures	25
	Vehicle Use Areas, Storage Areas, Signs	10
Side Setback, min. (feet)	Buildings/ Structures	25 [2]
	Vehicle Use Areas, Storage Areas, Signs	10 [2]
Rear Setback, min. (feet)	Buildings/ Structures	25 [2]
	Vehicle Use Areas, Storage Areas, Signs	10 [2]
Driveway Setback from Property lines, min. (feet)	10	
Setbacks between Buildings, min. (feet)	20	
Height, max. (feet)	60 [3]	
Floor Area Ratio, max.	R-CU [4] NR	.65
	NR-CU	.75
Required Open Space Ratio, min.	.40	
Required Livability Space Ratio, min.	R-CU	.45
Gross Land Area, min./max. (square feet)	none	
Required Pedestrian/Landscape Ratio, min.	NR NR-CU	.05

EDB-2 DISTRICT SPECIFIC DEVELOPMENT STANDARDS

1. Uses shall be restricted to those indicated for the EDB-2 District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ District is approved (see Section 3.8). 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. Uses Permitted by Right require the approval of a Site Plan as outlined in Section 2.5.
2. Development projects unable to meet all Standards required for Site Plan approval may be submitted as a

Conditional Use District or as a MPD-CZ (see Section 3.8).

3. The impervious surface limit in this district is 70% if detention ponds are provided. Other requirements for impervious surface are located in Sections 4.2.5 and 4.2.6.
4. 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.
5. Stormwater control for multiple sites may be provided in a combined fashion. Detention basins for individual sites are also allowed.
6. 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. See Sections 6.2.5 and 6.2.6 if more than one principal use or principal structure is proposed on a non-residential zoning lot.
7. Residential uses in this district are restricted to temporary mobile homes for custodial care and require a Class B Special Use Permit. 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).
8. Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
9. Subdivisions in the Economic Development, Commercial and/or Industrial Nodes are subject to the procedure outlined in Section 2.16.

EDE-1
ECONOMIC DEVELOPMENT ENO LOWER INTENSITY

PURPOSE

The purpose of the Economic Development Eno Lower Intensity (EDE-1) District is to provide locations for a range of lower intensity non-residential uses in the designated Eno Economic Development District.

APPLICABILITY

This district will usually be applied where the following conditions exist:

1. Site is located within the designated Eno Economic Development District.

2. Urban services, such as water and sewer mains, are highly desirable, but not required if acceptable alternatives are available. Any proposed use having reasonable access to water or sewer systems shall be required to connect to the systems regardless of the availability of acceptable alternatives.

DIMENSIONAL STANDARDS

Lot size, min., per use (square feet)	No requirement [1]	
Lot Width, min. (feet)	No requirement [1]	
Front Setback from ROW, min. (feet)	Buildings/ Structures	25
	Vehicle Use Areas, Storage Areas, Signs	10
Side Setback, min. (feet)	Buildings/ Structures	25 [2]
	Vehicle Use Areas, Storage Areas, Signs	10 [2]
Rear Setback, min. (feet)	Buildings/ Structures	25 [2]
	Vehicle Use Areas, Storage Areas, Signs	10 [2]
Driveway Setback from Property lines, min. (feet)	10	
Setbacks between Buildings, min. (feet)	20	
Height, max. (feet)	60 [3]	
Floor Area Ratio, max.	R-CU [4] NR	.60
	NR-CU	.70
Required Open Space Ratio, min.	.45	
Required Livability Space Ratio, min.	R-CU	.45
Gross Land Area, min./max. (square feet)	none	
Required Pedestrian/Landscape Ratio, min.	NR NR-CU	.05

DIMENSIONAL STANDARDS NOTES:
[1] Evaluated as part of the Site Plan review process.
[2] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district.
[3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.
[4] R = residential, NR = non-residential, CU = conditional use

EDE-1 DISTRICT SPECIFIC DEVELOPMENT STANDARDS

1. Uses shall be restricted to those indicated for the EDE-1 District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ District is approved (see Section 3.8). 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. Uses Permitted by Right require the approval of a Site Plan as outlined in Section 2.5.
2. Development projects unable to meet all Standards required for Site Plan approval may be submitted as a Conditional Use District or as a MPD-CZ (see Section 3.8).
3. The impervious surface limit in this district is 70% if detention ponds are provided. Other requirements for

impervious surface are located in Sections 4.2.5 and 4.2.6.

4. 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.
5. 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. See Sections 6.2.5 and 6.2.6 if more than one principal use or principal structure is proposed on a non-residential zoning lot.
6. 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).
7. Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
8. Subdivisions in the Economic Development, Commercial and/or Industrial Nodes are subject to the procedure outlined in Section 2.16.

EDE-2
ECONOMIC DEVELOPMENT ENO HIGHER INTENSITY

PURPOSE

The purpose of the Economic Development Eno Higher Intensity (EDE-2) District is to provide locations for a range of light industrial, distribution, retail, office, and services uses in the designated Eno Economic Development District.

APPLICABILITY

This district will usually be applied where the following conditions exist:

1. Site is located within the designated Eno Economic Development District.

2. Urban services, such as water and sewer mains, are highly desirable, but not required if acceptable alternatives are available. Any proposed use having reasonable access to water or sewer systems shall be required to connect to the systems regardless of the availability of acceptable alternatives.

DIMENSIONAL STANDARDS NOTES:
[1] Evaluated as part of the Site Plan review process.
[2] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district.
[3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.
[4] R = residential, NR = non-residential, CU = conditional use

DIMENSIONAL STANDARDS

Lot size, min., per use (square feet)	No requirement [1]	
Lot Width, min. (feet)	No requirement [1]	
Front Setback from ROW, min. (feet)	Buildings/ Structures	25
	Vehicle Use Areas, Storage Areas, Signs	10
Side Setback, min. (feet)	Buildings/ Structures	25 [2]
	Vehicle Use Areas, Storage Areas, Signs	10 [2]
Rear Setback, min. (feet)	Buildings/ Structures	25 [2]
	Vehicle Use Areas, Storage Areas, Signs	10 [2]
Driveway Setback from Property lines, min. (feet)	10	
Setbacks between Buildings, min. (feet)	20	
Height, max. (feet)	60 [3]	
Floor Area Ratio, max.	R-CU [4] NR	.65
	NR-CU	.75
Required Open Space Ratio, min.	.40	
Required Livability Space Ratio, min.	R-CU	.45
Gross Land Area, min./max. (square feet)	none	
Required Pedestrian/Landscape Ratio, min.	NR NR-CU	.05

EDE-2 DISTRICT SPECIFIC DEVELOPMENT STANDARDS

1. Uses shall be restricted to those indicated for the EDE-2 District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ District is approved (see Section 3.8). 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. Uses Permitted by Right require the approval of a Site Plan as outlined in Section 2.5.

2. Development projects unable to meet all Standards required for Site Plan approval may be submitted as a Conditional Use District or as a MPD-CZ (see Section 3.8).
3. The impervious surface limit in this district is 70% if detention ponds are provided. Other requirements for impervious surface are located in Sections 4.2.5 and 4.2.6.
4. 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.
5. 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. See Sections 6.2.5 and 6.2.6 if more than one principal use or principal structure is proposed on a non-residential zoning lot.
6. Residential uses in this district are restricted to temporary mobile homes for custodial care and require a Class B Special Use Permit. 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).
7. Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
8. Subdivisions in the Economic Development, Commercial and/or Industrial Nodes are subject to the procedure outlined in Section 2.16.

EDH-1
ECONOMIC DEVELOPMENT HILLSBOROUGH LINEAR OFFICE

PURPOSE

The purpose of the Economic Development Hillsborough Linear Office (EDH-1) District is to provide locations for low to moderately intense medical, professional, administrative and government office on small to mid-sized sites in the designated Hillsborough Economic Development District.

The district is intended to be located on the periphery of established residential areas and along major and minor thoroughfares. The district is established to provide convenient locations for offices, the size and operating characteristics of which require limited parking and which generate little traffic.

Standards are designed so that this district may serve as a transitional land use between residential districts and higher, more intense land uses.

APPLICABILITY

This district will usually be applied where the following conditions exist:

1. This district will be applied in the Hillsborough Economic Development District.

2. This district shall only be applied where water and sewer are available at the site or are to be made available to the site as part of the development approval process.

DIMENSIONAL STANDARDS NOTES:
[1] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district.
[2] Any corner lot having an abutting interior lot on its side street shall observe a front yard setback from both streets provided, however, that this requirement does not reduce the width suitable for a building on said lot to less than 25 feet. (See graphic in Section 6.2.7).
[3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.
[4] R = residential, NR = non-residential, CU = conditional use

DIMENSIONAL STANDARDS

Lot size, min., (square feet)	20,000	
Lot Width, min. (feet)	100	
Front Setback from ROW, min. (feet)	50	
Side Setback, min. (feet)	15 [1]	
Corner Setback, min. (feet)	40 [1] [2]	
Rear Setback, min. (feet)	50 [1]	
Height, max. (feet)	30 [3]	
Floor Area Ratio, max.	R-CU[4] NR	.45
	NR-CU	.50
Required Open Space Ratio, min.	.55	
Required Livability Space Ratio, min.	R-CU	.55
Gross Land Area, min./max. (square feet)	none	
Required Pedestrian/Landscape Ratio, min.	NR NR-CU	.05

EDH-1 DISTRICT SPECIFIC DEVELOPMENT STANDARDS	
1.	Uses shall be restricted to those indicated for the EDH-1 District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ District is approved (see Section 3.8). 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. Uses Permitted by Right require the approval of a Site Plan as outlined in Section 2.5.
2.	Development projects unable to meet all Standards required for Site Plan approval may be submitted as a Conditional Use District or as a MPD-CZ (see Section 3.8).
3.	The impervious surface limit in this district is 50%. Other requirements for impervious surface are located in Sections 4.2.5 and 4.2.6.
4.	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.
5.	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. See Sections 6.2.5 and 6.2.6 if more than one principal use or principal structure is proposed on a non-residential zoning lot.
6.	Residential uses are not permitted in this district.
7.	No drive through facilities may be constructed in this district.
8.	A justification for any deviation to development standards must state a public benefit or purpose.
9.	Structures in this district shall not exceed 5,000 square feet in gross floor area.
10.	If the hours of operation are to be outside of the hours of 6:00 a.m. until 11:00 p.m., a Class A Special Use Permit shall be required.
11.	When a site within this district adjoins the exterior boundary of the Hillsborough Economic Development District, the perimeter buffer width along the exterior boundary line may be reduced to 50 feet. Landscaping in accordance with Section 6.8.12 shall be installed.
12.	All parcels shall provide for interconnectivity between parking areas if determined necessary by Planning staff.
13.	Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
14.	Proposed subdivisions shall follow the procedures outlined in Section 2.16.
15.	See Section 5.3.2(C) for standards for uses requiring a Class A Special Use Permit.

EDH-2
ECONOMIC DEVELOPMENT HILLSBOROUGH LIMITED OFFICE

PURPOSE

The purpose of the Economic Development Hillsborough Limited Office (EDH-2) District is to provide locations for low intensity office uses and supporting services in the designated Hillsborough Economic Development District. The district may contain limited commercial uses within employment centers or where vehicular access is provided internally to the development.

APPLICABILITY

This district will usually be applied where the following conditions exist:

1. This district will be applied in the Hillsborough Economic Development District.

2. This district shall only be applied where water and sewer are available at the site or are to be made available to the site as part of the development approval process.

DIMENSIONAL STANDARDS

Lot size, min./max., (acres)	2 / 5	
Lot Width, min. (feet)	200	
Front Setback, from ROW, min. (feet)	50	
Side Setback, min. (feet)	20 [1]	
Corner Setback, min. (feet)	50 [1] [2]	
Rear Setback, min. (feet)	40 [1]	
Height, max. (feet)	60 [3]	
Floor Area Ratio, max.	R-CU [4] NR	.45
	NR-CU	.50
Required Open Space Ratio, min.	.55	
Required Livability Space Ratio, min.	R-CU	.50
Gross Land Area, min./max (square feet)	none	
Required Pedestrian/Landscape Ratio, min.	NR NR-CU	.05

DIMENSIONAL STANDARDS NOTES:
[1] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district.
[2] Any corner lot having an abutting interior lot on its side street shall observe a front yard setback from both streets provided, however, that this requirement does not reduce the width suitable for a building on said lot to less than 25 feet. (See graphic in Section 6.2.7).
[3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.
[4] R = residential, NR = non-residential, CU = conditional use

EDH-2 DISTRICT SPECIFIC DEVELOPMENT STANDARDS

1. Uses shall be restricted to those indicated for the EDH-2 District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ District is approved (see Section 3.8). 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. Uses Permitted by Right require the approval of a Site Plan as outlined in Section 2.5.
2. Development projects unable to meet all Standards required for Site Plan approval may be submitted as a Conditional Use District or as a MPD-CZ (see Section 3.8).

3. The impervious surface limit in this district is 50%. Other requirements for impervious surface are located in Sections 4.2.5 and 4.2.6.
4. 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.
5. 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. See Sections 6.2.5 and 6.2.6 if more than one principal use or principal structure is proposed on a non-residential zoning lot.
6. Residential uses are not permitted in this district.
7. A structure or structures exceeding 20,000 square feet cumulatively on one zoning lot shall only be approved through a Special Use Permit, Class A process regardless of use.
8. All zoning lots greater than 2.0 acres shall only be approved through a Special Use Permit, Class A process regardless of use.
9. Any nonresidential use within two hundred feet of a residential subdivision shall require a Special Use Permit, Class A.
10. Direct driveway access to an arterial or major collector shall be prohibited. A frontage or service road shall be dedicated and constructed to provide access along all arterials or major collectors.
11. No drive through facilities may be constructed in this district.
12. A justification for any deviation to development standards must state a public benefit or purpose.
13. All parcels shall provide for interconnectivity between parking areas if determined necessary by Planning staff.
14. Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
15. Proposed subdivisions shall follow the procedures outlined in Section 2.16.
16. See Section 5.3.2(C) for standards for uses requiring a Class A Special Use Permit.

EDH-3
ECONOMIC DEVELOPMENT HILLSBOROUGH LIMITED OFFICE WITH RESIDENTIAL

PURPOSE

The purpose of the Economic Development Hillsborough Limited Office with Residential (EDH-3) District is to provide locations for low intensity office uses and supporting services in the designated Hillsborough Economic Development District. The district may contain low to moderate density residential uses (1-8 units per acre).

APPLICABILITY

This district will usually be applied where the following conditions exist:

1. This district will be applied in the Hillsborough Economic Development District.

2. This district shall only be applied where water and sewer are available at the site or are to be made available to the site as part of the development approval process. EXCEPTION: Single-family lots located south of I-40 may use ground absorption septic systems on minimum size lots of 40,000 square feet provided at least 33% of the tract is preserved as open space.

DIMENSIONAL STANDARDS NOTES:
[1] Resultant single-family lot sizes shall be a minimum of 7,500 square feet and a maximum of 14,000 square feet if connected to public sewer.
[2] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district.
[3] Any corner lot having an abutting interior lot on its side street shall observe a front yard setback from both streets provided, however, that this requirement does not reduce the width suitable for a building on said lot to less than 25 feet. (See graphic in Section 6.2.7).
[4] R = Residential uses; NR = Non-residential uses.
[5] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.
[6] Multi-family structures shall be limited to a two-story maximum.

DIMENSIONAL STANDARDS

Lot size, min./max., (acres)	2 / 5 [1]	
Lot Width, min. (feet)	200	
Front Setback,from ROW, min. (feet)	50	
Side Setback, min. (feet)	20 [2]	
Corner Setback, min. (feet)	50 [2] [3]	
Rear Setback, min. (feet)	40 [2]	
Height, max. (feet)	R [4]	35 [5] [6]
	NR	60 [5]
Floor Area Ratio, max.	R-CU [4] NR	.50
	NR-CU	.55
Required Open Space Ratio, min.	.50	
Required Livability Space Ratio, min.	R-CU	.45
Gross Land Area, min./max. (square feet)	none	
Required Pedestrian/Landscape Ratio, min.	NR NR-CU	.05

EDH-3 DISTRICT SPECIFIC DEVELOPMENT STANDARDS

1. Uses shall be restricted to those indicated for the EDH-3 District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ District is approved (see Section 3.8). 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. Uses Permitted by Right require the approval of a Site Plan as outlined in Section 2.5.

2. Development projects unable to meet all Standards required for Site Plan approval may be submitted as a Conditional Use District or as a MPD-CZ (see Section 3.8).
3. Parcels existing as of April 17, 2001 containing cumulatively more than 2 acres shall only be developed through a MPD-CZ process or after obtaining a Special Use Permit, Class A approval.
4. The impervious surface limit in this district is 50%. Other requirements for impervious surface are located in Sections 4.2.5 and 4.2.6.
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.
6. 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. See Sections 6.2.5 and 6.2.6 if more than one principal use or principal structure is proposed on a non-residential zoning lot.
7. 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).
8. Single family uses shall adhere to the requirements for Flexible Development Subdivisions in Section 7.13.
9. Duplex and multi-family uses shall be connected to a public water and public sewer system.
10. A structure or structures exceeding 20,000 square feet cumulatively on one zoning lot shall only be approved through a Special Use Permit, Class A process regardless of use.
11. All zoning lots greater than 2.0 acres shall only be approved through a Special Use Permit, Class A process regardless of use.
12. No drive through facilities may be constructed in this district.
13. A justification for any deviation to development standards must state a public benefit or purpose.
14. All parcels shall provide for interconnectivity between parking areas if determined necessary by Planning staff.
15. Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
16. Proposed subdivisions shall follow the procedures outlined in Section 2.16.
17. See Section 5.3.2(C) for standards for uses requiring a Class A Special Use Permit.

EDH-4
ECONOMIC DEVELOPMENT HILLSBOROUGH OFFICE

PURPOSE

The purpose of the Economic Development Hillsborough Office (EDH-4) District is to provide locations for high intensity office uses and supporting services in the designated Hillsborough Economic Development District.

The district is intended to be located on large areas and may contain limited commercial uses within employment centers.

APPLICABILITY

This district will usually be applied where the following conditions exist:

1. This district will be applied in the Hillsborough Economic Development District.

2. This district shall only be applied where water and sewer are available at the site or are to be made available to the site as part of the development approval process.

DIMENSIONAL STANDARDS NOTES:
[1] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district.
[2] Any corner lot having an abutting interior lot on its side street shall observe a front yard setback from both streets provided, however, that this requirement does not reduce the width suitable for a building on said lot to less than 25 feet. (See graphic in Section 6.2.7).
[3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.
[4] R = residential, NR = non-residential, CU = conditional use

DIMENSIONAL STANDARDS

Lot size, min., (acres)	4	
Lot Width, min. (feet)	300	
Front Setback,from ROW, min. (feet)	50	
Side Setback, min. (feet)	20 [1]	
Corner Setback, min. (feet)	50 [1] [2]	
Rear Setback, min. (feet)	40 [1]	
Height, max. (feet)	60 [3]	
Floor Area Ratio, max.	R-CU[4] NR	.65
	NR-CU	.75
Required Open Space Ratio, min.	.40	
Required Livability Space Ratio, min.	R-CU	.45
Gross Land Area, min./max. (square feet)	none	
Required Pedestrian/Landscape Ratio, min.	NR NR-CU	.05

EDH-4 DISTRICT SPECIFIC DEVELOPMENT STANDARDS

1. Uses shall be restricted to those indicated for the EDH-4 District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ District is approved (see Section 3.8). 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. Uses Permitted by Right require the approval of a Site Plan as outlined in Section 2.5.
2. Development projects unable to meet all Standards required for Site Plan approval may be submitted as a Conditional Use District or as a MPD-CZ (see Section 3.8).
3. The impervious surface limit in this district is 50%. Other requirements for impervious surface are located in

Sections 4.2.5 and 4.2.6.

4. 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.
5. 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. See Sections 6.2.5 and 6.2.6 if more than one principal use or principal structure is proposed on a non-residential zoning lot.
6. Residential uses are not permitted in this district.
7. All outparcels within this district shall have internal access to the development.
8. No drive through facilities may be constructed in this district.
9. A justification for any deviation to development standards must state a public benefit or purpose.
10. All parcels shall provide for interconnectivity between parking areas if determined necessary by Planning staff.
11. Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
12. Proposed subdivisions shall follow the procedures outlined in Section 2.16.
13. See Section 5.3.2(C) for standards for uses requiring a Class A Special Use Permit.

EDH-5
ECONOMIC DEVELOPMENT HILLSBOROUGH OFFICE/FLEX

PURPOSE

The purpose of the Economic Development Hillsborough Office/Flex (EDH-5) District is to provide locations for a wide range of assembling, fabricating and light manufacturing activities, and such ancillary industrial activities as warehousing and distribution in the designated Hillsborough Economic Development District.

Some commercial services are also permitted accessory to industrial development provided all access is provided internally. The district is established to provide locations for industrial development which have little or no impact on adjoining properties.

APPLICABILITY

This district will usually be applied where the following conditions exist:

1. This district will be applied in the Hillsborough Economic Development District.

2. This district shall only be applied where water and sewer are available at the site or are to be made available to the site as part of the development approval process.

DIMENSIONAL STANDARDS NOTES:
[1] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district.
[2] Any corner lot having an abutting interior lot on its side street shall observe a front yard setback from both streets provided, however, that this requirement does not reduce the width suitable for a building on said lot to less than 25 feet. (See graphic in Section 6.2.7).
[3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.
[4] R = residential, NR = non-residential, CU = conditional use

DIMENSIONAL STANDARDS

Lot size, min., (acres)	4	
Lot Width, min. (feet)	300	
Front Setback,from ROW, min. (feet)	50	
Side Setback, min. (feet)	20 [1]	
Corner Setback, min. (feet)	50 [1] [2]	
Rear Setback, min. (feet)	40 [1]	
Height, max. (feet)	40 [3]	
Floor Area Ratio, max.	R-CU [4] NR	.65
	NR-CU	.75
Required Open Space Ratio, min.	.40	
Required Livability Space Ratio, min.	R-CU	.45
Gross Land Area, min./max. (square feet)	none	
Required Pedestrian/Landscape Ratio, min.	NR NR-CU	.05

EDH-5 DISTRICT SPECIFIC DEVELOPMENT STANDARDS

1. Uses shall be restricted to those indicated for the EDH-5 District in Section 5.2, unless a Conditional Use (CU) or MPD-CZ District is approved (see Section 3.8). 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. Uses Permitted by Right require the approval of a Site Plan as outlined in Section 2.5.
2. Development projects unable to meet all Standards required for Site Plan approval may be submitted as a Conditional Use District or as a MPD-CZ (see Section 3.8).

3. The impervious surface limit in this district is 50%. Other requirements for impervious surface are located in Sections 4.2.5 and 4.2.6.
4. 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.
5. 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. See Sections 6.2.5 and 6.2.6 if more than one principal use or principal structure is proposed on a non-residential zoning lot.
6. Residential uses are not permitted in this district.
7. No drive through facilities may be constructed in this district.
8. A justification for any deviation to development standards must state a public benefit or purpose.
9. All parcels shall provide for interconnectivity between parking areas if determined necessary by Planning staff.
10. Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
11. Proposed subdivisions shall follow the procedures outlined in Section 2.16.
12. See Section 5.3.2(C) for standards for uses requiring a Class A Special Use Permit.

SECTION 3.8: CONDITIONAL DISTRICTS

3.8.1 Generally

This Ordinance contains regulations that establish zoning districts and assign land uses to one or more of these districts. The Ordinance also provides standards for development that regulate lot size, yards, parking, landscaping, open space management, and other aspects of land use planning.

However, there are certain circumstances when:

(A) A general zoning district designation would not be appropriate for a certain property, but a specific use permitted within the district would be consistent with the objectives of this Ordinance and/or the adopted Comprehensive Plan,

(B) A planning study, adopted by the Board of County Commissioners, indicates there may be opportunities to allow for specific classifications of development within a specific geographic area of the county that is not located within appropriate Land Use Categories to allow for a general use rezoning to occur,

(C) Certain uses, groups of uses, or types of development that, because of their nature or scale, have particular impacts on both the immediate area and the community as a whole and cannot be predetermined or controlled by general use district standards, or

(D) A property owner proposes the development, adoption, and imposition of unified development standards associated with the approval of a master development plan for a specific parcel of property that may or may not involve proposed modification of existing development regulations.

In these circumstances, Conditional Districts may be utilized.

3.8.2 Purpose and Intent

(A) Conditional Districts may be established for specialized purposes where tracts suitable in location, area and character for the use and structures proposed are to be planned and developed on a unified basis.

(B) The suitability of tracts for the development proposed shall be determined primarily by reference to the adopted Comprehensive Plan, any relevant adopted small area plan, and the standards outlined in this Ordinance, but due consideration shall be given to the existing and prospective character of surrounding development.

(C) Conditional Districts offer advantages to both the general public and property owners.

(1) Benefits to the general public include:

(a) A more efficient and effective use of land,

(b) A more efficient use of energy,

(c) The reduction of the costs of continuing maintenance responsibilities,

(d) The master planning of infrastructure development within the region, and

(e) A higher level of amenities in all types of development.

(2) Benefits to property owners include:

(a) Greater flexibility in the development of their land,

(b) The opportunity to utilize new and ingenious development techniques, and

(c) A more prudent use of time, money, effort, and other resources.

(D) A rezoning request to a Conditional District is a voluntary procedure that is intended for firm development proposals.

3.8.3 Districts Established

(A) Conditional Zoning Districts

(1) Conditional Zoning (CZ) Districts are floating zoning districts, permitted within most land use designations allowing for the development of specific land uses, in accordance with established standards.

(2) A CZ requires the approval of a rezoning by the Board of County Commissioners, approval of a site plan or Master Plan, and may include agreed-upon conditions of development.

(3) The following CZ districts are hereby established:

(a) Agricultural Support Enterprises (ASE-CZ)

(b) Mobile Home Park (MHP-CZ)

(c) Master Plan Development (MPD-CZ)

(d) NC Highway 57 Speedway Area Rural Economic Development Area (REDA-CZ-1)

(4) Land uses permitted within CZ districts shall be those uses detailed within Section 5.2 of this Ordinance.

(5) Development standards for each district are located in Article 6 of this Ordinance.

(B) Conditional Use Districts

(1) Conditional Use Districts allow for the development of a specific land use, or land uses, listed on the Table of Permitted Uses in Section 5.2 of this Ordinance, even if such use is not listed as a permitted use or special use under the current zoning designation of the subject property.

(2) Conditional Use Districts shall conform to all applicable development regulations, including uses, for the corresponding general use zoning district, as well as any specific use standards and development standards established in Articles 5 and 6 of this Ordinance.

(3) A Conditional Use District requires the approval of a rezoning by the Board of County Commissioners, approval of a site plan, the issuance of a Class A Special Use Permit, and may include agreed-upon conditions of development.

3.8.4 Where Permitted

(A) Conditional Districts are permitted in any Land Use classification and shall be located consistent with the existing general development pattern and the objectives of the adopted Comprehensive Plan and any adopted small area plan(s).

(B) Conditional Districts are permitted within areas subject to the Joint Planning Agreement (JPA) between Orange County the Towns of Carrboro and Chapel Hill, subject to the terms and standards of the JPA.

(C) Conditional Districts are permitted within the University Lake, Cane Creek, and Upper Eno Protected and Critical Watershed Overlay Districts.

ASE-CZ
AGRICULTURAL SUPPORT ENTERPRISES

PURPOSE

The purpose of the Agricultural Support Enterprises (ASE-CZ) District is to provide for agriculturally-related activities that are not considered bona fide farming activities within the County's planning jurisdiction.

APPLICABILITY

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 development, the relationship of the site and site development plan to adjoining property, and the development itself.

DIMENSIONAL STANDARDS NOTES:
[1] Lot size for individual uses shall be appropriate to the method of water supply and sewage disposal.
[2] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district.
[3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.
[4] The overall development will be evaluated to ensure compatibility with surrounding properties and with planning objectives.

DIMENSIONAL AND RATIO STANDARDS	
Lot size, min., per use (square feet)	40,000 [1]
Lot Width, min. (feet)	150
Front Setback from ROW, min. (feet)	40
Side Setback, min. (feet)	20 [2]
Rear Setback, min. (feet)	20 [2]
Height, max. (feet)	45 [3]
Floor Area Ratio, max	No requirement [4]
Required Open Space Ratio, min.	No requirement [4]
Required Livability Space Ratio, min.	No requirement [4]
Required Recreation Space Ratio, min.	No requirement [4]
Required Pedestrian / Landscape Ratio, min.	No requirement [4]

ASE-CZ DISTRICT SPECIFIC DEVELOPMENT STANDARDS

1. Uses shall be restricted to those indicated for the ASE-CZ District in Section 5.2. Certain uses shall not be approved on parcels located within the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan (refer to Section 5.2.3 for these uses). 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). The ASE-CZ district is not intended for residential uses such as subdivisions. Any residential uses are to be occupied by the operator of the associated farm or the proprietor of the approved use.
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.

MPD-CZ
MASTER PLAN DEVELOPMENT

PURPOSE

The purpose of the Master Plan Development Conditional Zoning (MPD-CZ) District is to provide for unified large scale subdivisions, non-residential, and mixed-use developments that promote economical and efficient land use, improved level of amenities, appropriate and harmonious variety, creative design, and a better environment through the approval of a general concept Master Plan the permits defined flexibility to accommodate land use adjustments in response to evolving market trends.

APPLICABILITY

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 development, the relationship of the site and site development plan to adjoining property, and the development itself.

DIMENSIONAL STANDARDS NOTES:
[1] The MPD-CZ district is intended to allow for flexibility in dimensional standards. The overall development will be evaluated to ensure compatibility with surrounding properties and with planning objectives.
Specific site development standards can be approved with the Master Plan.

DIMENSIONAL AND RATIO STANDARDS	
Tract size, min. (acres)	5
Tract Front Setback from ROW, min. (feet)	No requirement [1]
Tract Side Setback, min. (feet)	No requirement [1]
Tract Rear Setback, min. (feet)	No requirement [1]
Height, max. (feet)	No requirement [1]
Tract Floor Area Ratio, max	No requirement [1]
Required Open Space Ratio, min.	No requirement [1]
Required Livability Space Ratio, min.	No requirement [1]
Required Recreation Space Ratio, min.	No requirement [1]
Required Pedestrian / Landscape Ratio, min.	No requirement [1]

MPD-CZ DISTRICT SPECIFIC DEVELOPMENT STANDARDS

1. MPD-CZ districts shall be limited to Transition Land Use Categories within the Orange County Planning Jurisdiction and Rural Community Nodes, as defined in the Orange County Comprehensive Plan.
2. Uses shall be restricted to those indicated for the MPD-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.
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.
6. 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 or provide creative alternatives that meet the intent and spirit of the regulations.
7.	Within the Rural Buffer (RB) zoning district, only the following types of uses shall be considered for a MPD-CZ: residential uses, institutional uses and professional services. Under no circumstances shall a MPD-CZ be approved for a retail or manufacturing/industrial land use within the RB zoning district.

MHP-CZ
MOBILE HOME PARK

PURPOSE

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.

APPLICABILITY

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.

DIMENSIONAL STANDARDS NOTES:
[1] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.

DIMENSIONAL AND RATIO STANDARDS

Tract size, min./max. (acres)	10/50
Tract Front Setback from ROW, min. (feet)	40
Tract Side Setback, min. (feet)	20
Tract Rear Setback, min. (feet)	20
Individual Mobile Home Space Size, min. (square feet)	5,000
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
Required Recreation Space Ratio, min.	Consistent with residential uses in adjacent zoning districts

MHP-CZ DISTRICT SPECIFIC DEVELOPMENT STANDARDS

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.
6.	A mobile home park shall contain a minimum of ten mobile home spaces.
7.	See Section 5.5.4 for standards pertaining to Mobile Home Parks.
8.	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.

REDA-CZ-1

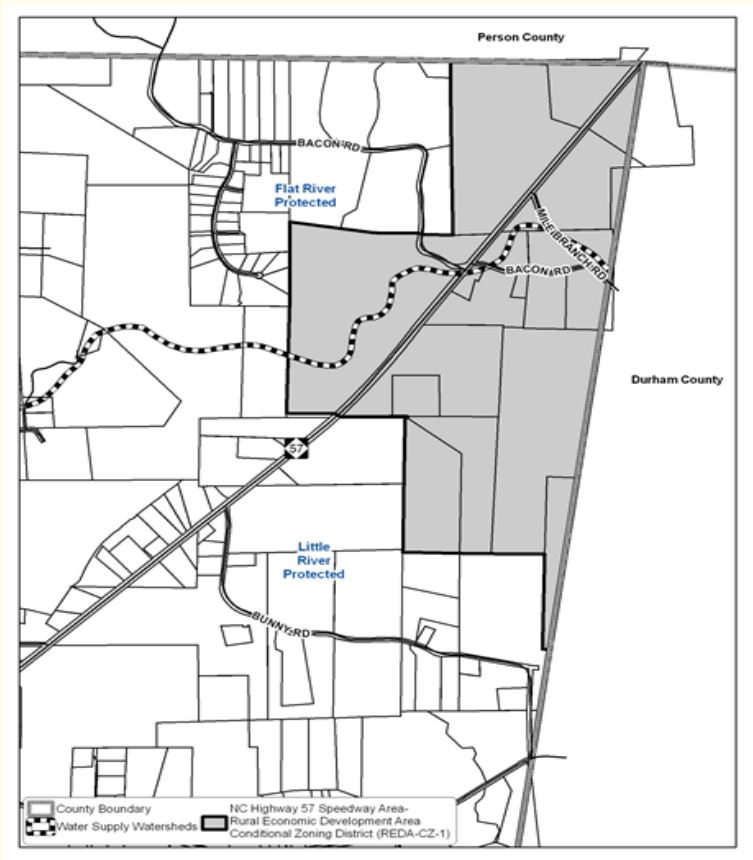
NC HIGHWAY 57 SPEEDWAY AREA RURAL ECONOMIC DEVELOPMENT AREA

PURPOSE

The purpose of the NC Highway 57 Speedway Area Rural Economic Development Area Conditional Zoning (REDA-CZ-1) District is to encourage additional, compatible, and unique non-residential development opportunities in a predefined area of the County as identified within the adopted NC Highway 57 Small Area Plan. Further, this district is intended to provide existing non-conforming land uses an opportunity to become conforming through a development review process so that property owners can upgrade their existing business to address changing needs while recognizing, and being consistent with, local land use regulations.

APPLICABILITY

This district shall be located consistent with the parcels designated as "Rural Economic Development Area" within the aforementioned Small Area Plan, a map of which is provided herein for illustrative purposes only:



DIMENSIONAL AND RATIO STANDARDS

Tract size, min. (acres)	none
Tract Front Setback from ROW, min. (feet)	No requirement [1]
Tract Side Setback, min. (feet)	No requirement [1]
Tract Rear Setback, min. (feet)	No requirement [1]
Height, max. (feet)	No requirement [1]
Tract Floor Area Ratio, max	No requirement [1]
Required Open Space Ratio, min.	No requirement [1]
Required Livability Space Ratio, min.	No requirement [1]

DIMENSIONAL STANDARDS NOTES: [1] The REDA-CZ-1 district is intended to allow for flexibility in dimensional standards. The overall development will be evaluated to ensure compatibility with surrounding properties and with the adopted goal statements, policies, and action statements of the Small Area Plan and with the policies and objectives of this Ordinance. Specific site design standards shall be incorporated into the Planning Department-approved Site Plan.	Required Recreation Space Ratio, min.	No requirement [1]
	Required Pedestrian / Landscape Ratio, min.	No requirement [1]

REDA-CZ-1 DISTRICT SPECIFIC DEVELOPMENT STANDARDS

1. Applications for the REDA-CZ-1 district shall be accepted only for parcels delineated as being suitable for non-residential development within the NC Highway 57 Speedway Area Small Area Plan adopted by the BOCC on August 21, 2007.
2. Potential uses shall be restricted to those listed as permitted for the REDA-CZ-1 District in Section 5.2.3.
3. Specific uses shall be limited to those approved by the Board of County Commissioners. 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.
4. Allowable impervious surface area is based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.6 for a breakdown of the allowable impervious surface area.
5. Development within the conditional zoning district shall be subject to all applicable use standards detailed in Articles 5 and 6 of this Ordinance or provide creative alternatives that meet the intent and spirit of the regulations.
6. Applicants shall complete a comprehensive groundwater study to anticipate future usage to determine the appropriateness of a proposed land use. Such a study shall detail how much water is anticipated to be consumed, what amount of groundwater withdrawal is safe and sustainable in the immediate vicinity of the use, and if other wells will be affected by such withdrawals.
7. All new development shall limit groundwater withdrawals to not more than 240 gallons per day per acre.
8. No new development having a significant negative impact on existing roadways, traffic patterns or surface drainage patterns shall be permitted, unless an appropriate and viable solution has been approved to mitigate these conditions.

CU
CONDITIONAL USE DISTRICT

DIMENSIONAL AND RATIO STANDARDS

Dimensional and Ratio Standards shall conform to the requirements of the corresponding general use zoning district.

PURPOSE

The purpose of the Conditional Use (CU) District is to provide for unified developments that accomplish the purposes of applicable regulations to an equivalent or higher degree than where such regulations are intended to control unscheduled development on individual lots, and to promote economical and efficient land use, improved level of amenities, appropriate and harmonious variety, creative design, and a better environment. Conditional Use Districts are intended to be used for purpose of binding development to a detailed site plan with a list of specific conditions that insures compatibility and harmony with surrounding areas.

APPLICABILITY

1. 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 development, the relationship of the site and site development plan to adjoining property, and the development itself.

2. The Conditional Use (CU) development review process involves the development of a specific land use(s) on a specific parcel of property regardless of the current zoning designation.

CU DISTRICT SPECIFIC DEVELOPMENT STANDARDS

1. CU allows for the development of any land use contained within Section 5.2 of this Ordinance even if such use is not listed as a permitted or special use under the current zoning designation of the subject property.
2. Certain uses are excluded from consideration as a CU. See Section 5.1.4(E) for a list of uses that will not be considered for a CU.
3. 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.
4. 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).
5. 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.
6. 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.
7. Within the Rural Buffer (RB) zoning district, only the following types of uses shall be considered for a CU: residential uses, institutional uses and professional services. Under no circumstances shall a CU be approved for a retail or manufacturing/industrial land use within the RB zoning district.
8. Any use permitted as a CU shall conform to all applicable development regulations for the corresponding general use zoning district as well as the specific development standards outlined in Articles 5 and 6 of this Ordinance.
9. All applications for a CU designation require the approval of a Special Use Permit, and the processing of the request shall be completed in accordance with the provisions of Section 2.9 of this Ordinance.
10. As detailed within Section 2.9, the review and approval of a CU requires:
    a. Approval of a rezoning petition by the Board of County Commissioners, and
    b. The approval and issuance of a Class A Special Use Permit by the Board of County Commissioners which includes the approval of a site plan for the proposed land use. See Sections 2.5 and 2.7.

ARTICLE 4: OVERLAY ZONING DISTRICTS TABLE OF CONTENTS

SECTION 4.1: GENERALLY 4-1
4.1.1 Description, Standards, and Conflicts 4-1
SECTION 4.2: WATERSHED PROTECTION 4-1
4.2.1 Purpose and Intent 4-1
4.2.2 Applicability 4-1
4.2.3 Land Use Restrictions 4-5
4.2.4 Residential Density 4-5
4.2.5 Impervious Surface and Detention Pond Requirements for Residential Uses 4-6
4.2.6 Impervious Surface, Detention Pond, and Lot Size Requirements for Non-Residential Uses 4-7
4.2.7 Placement of Streets, Driveways, and Buildings 4-8
4.2.8 Modifications of the Impervious Surface Ratio 4-9
4.2.9 Water Supply / Sewage Disposal Facilities 4-11
SECTION 4.3: SPECIAL FLOOD HAZARD AREA (SFHA) 4-11
4.3.1 Intent 4-11
4.3.2 Objectives 4-12
4.3.3 Findings of Fact 4-12
4.3.4 Applicability 4-12
4.3.5 Basis for Establishment 4-12
4.3.6 Compliance 4-13
SECTION 4.4: EFLAND-CHEEKS HIGHWAY 70 CORRIDOR 4-13
4.4.1 Intent 4-13
4.4.2 Applicability 4-13
4.4.3 Non-residential Development 4-13
4.4.4 Permitted Uses 4-14
4.4.5 Lot and Use Requirements for Non-Residential Development 4-14
SECTION 4.5: EFLAND INTERSTATE 4-15
4.5.1 Intent 4-15
4.5.2 Applicability 4-15
4.5.3 Permitted Uses and Dimensional and Ratio Standards 4-15
SECTION 4.6: EFLAND VILLAGE 4-15
4.6.1 Intent 4-15
4.6.2 Applicability 4-16
4.6.3 Permitted Uses and Dimensional and Ratio Standards 4-16
SECTION 4.7: MAJOR TRANSPORTATION CORRIDOR 4-16
4.7.1 Intent 4-16
4.7.2 Applicability 4-17
4.7.3 Permitted Uses 4-17
4.7.4 Building Setback and Yard Requirements 4-17
SECTION 4.8: STONEY CREEK BASIN 4-18
4.8.1 Intent 4-18
4.8.2 Applicability 4-18
4.8.3 Land Use Intensities 4-18
4.8.4 Applicable Regulations Pertaining to Flexible Developments 4-19

ARTICLE 4: OVERLAY ZONING DISTRICTS

SECTION 4.1: GENERALLY

4.1.1 Description, Standards, and Conflicts

(A) Overlay districts are supplemental to general zoning district classifications and are applied in combination to address special situations or to accomplish specific planning and land use goals.

(B) Unless otherwise expressly stated, all applicable regulations of the underlying district apply to property in an overlay district.

(C) Unless otherwise stated, all applicable standards of this Ordinance apply to property in an overlay district.

(D) When overlay district standards conflict with standards that otherwise apply in the underlying district, the regulations of the overlay district always govern.

SECTION 4.2: WATERSHED PROTECTION

4.2.1 Purpose and Intent

(A) The purpose of the Watershed Protection Overlay Districts is to prevent significant future water quality deterioration in existing or potential future drinking water reservoirs which receive stormwater runoff from land within Orange County.

(1) Protection of all water supplies within the State in accordance with minimum standards was mandated by NCGS §143-214.5.

(2) The quality of water in drinking water reservoirs can be affected by human activities including farming, construction of highways and roads, subdivision development, industrial development, and other land-disturbing activities. Types of water pollutants resulting from these activities include sediment, bacterial contamination, heavy metals, synthetic organic compounds and low-level radioactivity.

(B) The intent of the Watershed Protection Overlay Districts is to apply a set of regulations involving land use and, in some cases, structural best management practices which protect the watersheds by reducing the pollution from future development which enters drinking water supplies.

(1) Land use management practices involve minimum lot size and impervious surface restrictions, since impervious surfaces such as roads, roof tops and driveways are a major source of pollution.

(2) Structural best management practices allow for more intensive land use by providing for temporary detention of stormwater runoff so that pollutants may settle.

4.2.2 Applicability

(A) The Watershed Protection Overlay Districts as established herein overlay other zoning districts established in this Ordinance. The new use of any land or new structure within any Watershed Protection Overlay District shall comply with the use regulations applicable to the underlying zoning district as well as the requirements of the applicable Watershed Protection Overlay District.

(B) A Watershed Protection Overlay District shall be applied to the Orange County portion of watersheds which have been classified as WS-II, WS-III or WS-IV watersheds by the North Carolina Environmental Management Commission in its implementation of NCGS

§143-214.5. In accordance with the State Mandate, 13 Watershed Protection District Overlays, as listed in the table in subsection (D), are hereby established.

(C) Areas designated as "Critical Area" under the Orange County designation are hereby established using the following criteria:

(1) The land area in the Upper Eno watershed (straight line distance) within one-half mile of the normal pool elevation (NPE), or nearest available contour line used for the calculation, of an existing Class I or Class II reservoir or proposed water supply reservoir designated for protection, or the ridgeline of the sub-watershed, whichever is less; and

(2) The land area within one-half mile on each side for an upstream distance of 2.5 miles (straight line distance) of any fifth order or higher stream flowing into a Class I reservoir, or the ridgeline of the sub-watershed, whichever is less; and

(3) The land area within one-half mile on each side of a fourth order or higher stream flowing between any Class II and Class I reservoir; and

(4) The land area within one-half mile on each side for an upstream distance of 1.5 miles (straight line distance) of a third or fourth order stream flowing directly into any Class I reservoir; and

(5) The land area within one-half mile on each side for an upstream distance of 1.0 mile (straight line distance) of a third or fourth order stream flowing into a fourth order or higher stream that is within 1.0 miles (straight line distance) of a Class I reservoir; and

(6) Any isolated areas within the overall critical area boundary that drain into any of the streams listed above.

(7) Areas designated as Transition Areas on the Land Use Element Map of the Orange County Comprehensive Plan are excluded from designation as a Critical Area, except for land areas located within one-half mile from the normal pool elevation of a Class I reservoir.

(8) The land area north of the centerline of West Ten Road and west of the centerline of the Interstate 85/U.S. 70 Connector is excluded from designation as a Critical Area, except for land areas located within one-half mile from the normal pool elevation of a Class I reservoir.

(D) The designation of "Protected" applies to areas of watersheds classified as WS-II, WSIII, or WS-IV outside of areas designated as "Critical Area."

(E) General Locations of Watershed Protection Overlay Districts

TABLE 4.2.2.E: WATERSHED PROTECTION OVERLAY DISTRICTS

DISTRICT		GENERAL LOCATION
UNIV-CA	University Lake Critical Area	One-half mile from the normal pool elevation of University Lake, or to the ridgeline of the watershed, whichever is less.
UNIV-PW	University Lake Protected Watershed Overlay District	The portion of the drainage basin of University Lake not covered by UNIV-CA.
CANE-CA	Cane Creek Critical Area Overlay District	One-half mile from the normal pool elevation of Cane Creek Reservoir, or to the ridgeline of the watershed, whichever is less.
CANE-PW	Cane Creek Protected Watershed Overlay District	The portion of the drainage basin of Cane Creek Reservoir not covered by CANE-CA.
U-ENO-CA	Upper Eno Critical Area Overlay District	One-half mile from the normal pool elevation, or to the ridgeline of the watershed, whichever is less, of the following Class I reservoirs: Corporation Lake (538' actual NPE, 540' contour line used) and Lake Ben Johnson (515' NPE and contour line used). One-half mile (straight line measurement) from the normal pool elevation, or to the ridgeline of the watershed, whichever is less, of the following Class II

TABLE 4.2.2.E: WATERSHED PROTECTION OVERLAY DISTRICTS		
DISTRICT		GENERAL LOCATION
		reservoirs: Lake Orange (615' NPE and contour line used) and West Fork on the Eno (643' NPE, 640' contour line used); and the land area within one-half mile (straight line measurement) on each side of other streams designated for protection. These protected streams include portions of: Eno River, Seven Mile Creek, West Fork of the Eno River, East Fork of the Eno River, Rocky Run, Stream ID 1625, Stream ID 1498, Dry Run Creek, Crabtree Creek, and Stream ID 2109. (Source of elevation data: Atlantic Technologies Ltd., 1998 planimetric project approved by Orange County GIS).
U-ENO-PW	Upper Eno Protected Watershed Overlay	The portion of the Upper Eno drainage basin not covered by U-ENO-CA.
L-ENO-PW	Lower Eno Protected Watershed Overly	The Orange County portion of the Eno River Watershed within ten miles of the City of Durham Emergency Water Intake east of US 501 (Roxboro Road).
LITTLE-PW	Little River Protected Watershed Overlay District	The portion of drainage basin of the Little River Reservoir which is located in Orange County.
BACK-PW	Back Creek Protected Watershed Overlay District	The portion of the drainage basin of Back Creek which is located in Orange County.
HYCO-PW	South Hyco Creek Protected Watershed Overlay District	The portion of the drainage basin of South Hyco Creek which is located in Orange County.
FLAT-PW	Flat River Protected Watershed Overlay District	The portion of the drainage basin of the Flat River which is located in Orange County.
HAW-PW	Haw River Protected Watershed Overlay District	The portion of the drainage basin for the Haw River which is located in Orange County
JORDAN-PW	Jordan Lake Protected Watershed Overlay District	The Orange County portion of the Jordan Lake Watershed which extends five miles from the normal pool elevation of the impoundment.

(F) Existing Development

The following residential or non-residential structures shall be considered existing development for the purpose of determining compliance with or applicability of Sections 4.2 and 6.13.3, 6.13.4, 6.13.6, 6.13.8, 6.14.4, 6.14.10, 6.14.11, and 6.15.7(B)(3):

(1) Was either constructed prior to, or constructed in accordance with a valid building permit issued prior to, or was included as part of a Site Specific Development Plan approved by the Board of County Commissioners prior to January 1, 1994; or

(2) Was either constructed prior to, or constructed in accordance with a valid building permit issued prior to, or was included as part of a Site Specific Development Plan approved by the Board of County Commissioners prior to October 19, 1999 with respect to the October 19, 1999 amendments related to the CANE-CA and CANE-PW districts, or

(3) Was either constructed prior to, or constructed in accordance with a valid building permit issued prior to, or was included as part of a Site Specific Development Plan approved by the Board of County Commissioners prior to September 19, 2001 with respect to the Stream Buffer/Usable Lot amendments, or

(4) Was either constructed prior to, or constructed in accordance with a valid building permit issued prior to, or was included as part of a Site Specific Development Plan approved by the Board of County Commissioners prior to May 20, 2003 with respect to the Stream Classification Amendments, or

(5) Had otherwise established a vested right under North Carolina Zoning law prior to January 1, 1994, or October 19, 1999 with respect to the October 19, 1999 amendments related to the CANE-CA and CANE-PW districts, or September 19, 2001 with respect to the Stream Buffer/Usable Lot amendments, or May 20, 2003 with respect to the Stream Classification Amendments.

(G) Existing development is hereby deemed to be conforming with respect to requirements of Sections 4.2, 6.13.3, 6.13.4, 6.13.6, 6.13.8, 6.14.4, 6.14.10, 6.14.11, and 6.15.7(B)(3) of this Ordinance. Periodic updates to FEMA maps may affect structures located within the special flood hazard area of specific streams.

(H) Redevelopment

(1) The rebuilding or replacement of residential or nonresidential structures which are defined as existing development according to subsection (F) above is allowed, provided that the rebuilding or replacement does not result in an increase in the amount of impervious surface, and does not encroach any farther into stream buffers or setbacks from reservoirs than the previous development.

(2) A structure which is rebuilt or replaced in accordance with these provisions is deemed conforming with respect to setbacks from streams and reservoirs required by Section 6.13 of this Ordinance.

(I) Existing Lots

(1) An existing lot, for the purpose of determining compliance with Sections 4.2 and 6.13.3, 6.13.4, 6.13.6, 6.13.8, 6.14.4, 6.14.10, 6.14.11, and 6.15.7(B)(3), is defined as:

(a) A lot which was created prior to January 1, 1994, or

(b) A lot within the Cane Creek watershed which was created prior to October 19, 1999, with respect to the October 19, 1999, amendments related to the CANE-CA and CANE-PW districts, or

(c) Non-conforming lots of record.

(2) Stream buffers as required by Section 6.13, and setbacks for septic systems as required by Section 4.2.9 may be reduced to the extent necessary to allow development of the lot, provided that all of the following criteria are met:

(a) The septic system is sized to serve no more than four bedrooms; and

(b) The septic tank, drainfield and repair area (where required) can be accommodated on 20,000 square feet of area or less; and

(c) The Orange County Planning Department, in consultation with Orange County Environmental Health and/or the Orange County Staff Engineer has determined that encroachment of the structure into the stream buffer and/or encroachment of the septic system or repair area into the stream buffer or reservoir setback is necessary in order to provide adequate area for septic disposal and repair while maintaining required separations between wells, septic systems, structures and property lines; and

(d) The Orange County Planning Department, in consultation with Orange County Environmental Health and/or the Orange County Staff Engineer, has determined that the relative locations of the well, septic system and structure maximize the amount of watershed protection that can be achieved while allowing development of the lot. Generally, an exception to setbacks for repair area is preferable to an exception for the initial septic system, and encroachment of structures or gravity septic systems into the setback is preferable to the installation of a septic system pump.

(e) The amount of encroachment into the stream or reservoir buffer is the minimum amount which can be obtained while meeting the criteria in (a) through (d).

4.2.3 Land Use Restrictions

All uses and activities allowed in the underlying zoning district are permitted with the following exceptions:

TABLE 4.2.3 LAND USE RESTRICTIONS

DISTRICT	RESTRICTIONS
UNIV-CA UNIV-PW CANE-CA U-ENO-CA	No new landfills are permitted. No commercial or industrial uses are permitted except for commercial development, in accordance with the provisions of the Ordinance, located within established Nodes as detailed within the Orange County Comprehensive Plan. No new golf courses are permitted
UNIV-CA CANE-CA U-ENO-CA	No residual (sludge/biosolids) application is permitted.
CANE-PW U-ENO-PW HYCO-PW LITTLE-PW BACK-PW FLAT-PW HAW-PW L-ENO-PW JORDAN-PW	No discharging landfills are permitted. Industrial use is limited to nonhazardous light industrial uses characterized by low water use (less than 10,000 gpd, excluding domestic water (25 gpd per employee) and water used for heating and air conditioning).

4.2.4 Residential Density

Maximum residential density shall be as indicated in the Table in this subsection, or as required by the underlying zoning district, whichever is less.

TABLE 4.2.4 RESIDENTIAL DENSITY

DISTRICT	MAXIMUM DENSITY
UNIV-CA UNIV-PW	1 du/five acres. Lots of record existing on October 2, 1989 may contain up to, but no more than, five lots with a density of one du/two acres. Contiguous lots of record existing on October 2, 1989 may be combined into one parcel for development. The number of two-acre lots and the total number of lots in the combined parcel cannot exceed the sum of the number of lots which could be created from each lot of record.
CANE-CA CANE-PW	1 du/ five acres Lots of record existing on October 19, 1999 may contain up to, but no more than, five lots as small as two acres in size. Contiguous lots of record existing on October 19, 1999 may be combined into one parcel for development. The number of two-acre lots and the total number of lots in the combined parcel cannot exceed the sum of the number of lots which could be created from each lot of record.
U-ENO-CA LITTLE-PW	1 du / 2 acres
HYCO-PW FLAT-PW	1 du/ 40,000 square feet (.92 acre)
U-ENO-PW L-ENO-PW HAW-PW JORDAN-PW BACK-PW	Maximum density is as permitted in the underlying zoning district. Structural BMPs are required in some cases where density exceeds 1 dwelling unit per acre. Refer to Section 4.2.5.

4.2.5 Impervious Surface and Detention Pond Requirements for Residential Uses

TABLE 4.2.5.1: IMPERVIOUS SURFACE/DETENTION POND REQUIREMENTS (RESIDENTIAL)

DISTRICT	IMPERVIOUS SURFACE/DETENTION POND REQUIREMENTS (RESIDENTIAL)
UNIV-CA UNIV-PW	6% impervious surface limit. EXCEPT for all lots which existed prior to 4/2/90, which are subject to impervious surface limits as provided in the following Table (entitled Sliding Scale for Residential Impervious Surface Ratios – Univ, Cane, and Little). [1], [2] Lots shall either be a minimum of 2 acres in area, exclusive of any right-of-way or access easement, or created in accordance with established density regulations through the subdivision process to qualify for additional impervious surface allocation as detailed in Section 4.2.8 (C).
CANE-CA CANE-PW	6% impervious surface limit. EXCEPT for lots smaller than two acres which existed prior to 1/1/94, which are subject to impervious surface limits as provided in the following Table (entitled Sliding Scale for Residential Impervious Surface Ratios – Univ, Cane, and Little). [1], [2] Lots shall either be a minimum of 2 acres in area, exclusive of any right-of-way or access easement, or created in accordance with established density regulations through the subdivision process to qualify for additional impervious surface allocation as detailed in Section 4.2.8 (C).
U-ENO-CA	6% impervious surface limit. EXCEPT for lots smaller than five acres which existed prior to 6/1/2010, which are subject to impervious surface limits as provided in the following Table (entitled Sliding Scale for Residential Impervious Surface Ratios – Upper Eno). [1], [2]
LITTLE-PW	6% impervious surface limit. EXCEPT for lots which existed prior to 1/1/94, which are subject to impervious surface limits as provided in the following Table (entitled Sliding Scale for Residential Impervious Surface Ratios - Univ, Cane, and Little). [1], [2] Lots shall either be a minimum of 2 acres in area, exclusive of any right-of-way or access easement, or created in accordance with established density regulations through the subdivision process to qualify for additional impervious surface allocation as detailed in Section 4.2.8 (C).
FLAT-PW HYCO-PW	12% impervious surface limit for new and existing lots. [1], [2]
U-ENO-PW BACK-PW	12% impervious surface limit for existing and new lots outside of Transition Areas as designated in the Orange County Land Use Plan. [1], [2] 30% impervious surface limit for developments which exceed a density 1 du/acre within Transition Areas as designated in the Orange County Land Use Plan. Structural BMPs are required if impervious surface exceeds 12%. 70% impervious surface limit for residential uses developed at "high intensity" densities (R-5, R-8, and R-13) in an Economic Development District as designated in the Land Use Element of the Comprehensive Plan (high-density option) with structural BMPs if ISR exceeds12%.
L-ENO-PW	24% impervious surface limit with curb and gutter. 36% impervious surface limit without curb and gutter. [1], [2] 70% impervious surface limit for residential uses developed at "high intensity" densities (R-5, R-8, and R-13) in an Economic Development District as designated in the Land Use Element of the Comprehensive Plan (high-density option), with structural BMPs required when impervious surface exceeds: 24% (w/ curb and gutter); or 36% (w/o curb and gutter).
HAW-PW JORDAN-PW	24% impervious surface limit. [1], [2]

[1] Allowable impervious surface area may be modified in accordance with Section 4.2.8 of the UDO.
[2] Regardless of the proposed amount of impervious surface area, a stormwater feature/best management practice (BMP) may still be required based on the proposed amount of land disturbance on a given parcel of property in accordance with applicable Orange County Erosion Control and State Stormwater regulations.

(A) Hillsborough Economic Development District

(1) The Hillsborough Economic Development District is located within the Lower Eno - Unprotected watershed. Within the Hillsborough Economic Development District, as designated in the Land Use Element of the Comprehensive Plan, the maximum impervious surface ratio is 50% with detention ponds.

TABLES 4.2.5.2 & 4.2.5.3: SLIDING SCALE FOR RESIDENTIAL IMPERVIOUS SURFACE RATIOS – UNIV, CANE, LITTLE, AND UPPER ENO

LOT SIZE (ACRES)	ISR	SQUARE FEET		LOT SIZE (ACRES)	ISR	SQUARE FEET
Cells in black DO NOT apply to the Upper Eno						
6+	5.0			3.1	9.8	13,234
6.0	5.0	13,068		3.0	10.0	13,068
5.9	5.1	13,107		2.9	10.2	12,885
5.8	5.2	13,138		2.8	10.4	12,685
5.7	5.3	13,159		2.7	10.6	12,467
5.6	5.4	13,172		2.6	10.8	12,232
5.5	5.5	13,177		2.5	11.0	11,979
5.4	5.6	13,172		2.4	11.2	11,709
5.3	5.7	13,159		2.3	11.4	11,421
5.2.	5.8	13,138		2.2	11.6	11,116
5.1	5.9	13,107		2.1	11.8	10,794
5.0	6.0	13,068		2.0	12.0	10,454
4.9	6.2	13,234		1.9	12.2	10,097
4.8	6.4	13,381		1.8	12.4	9,723
4.7	6.6	13,512		1.7	12.6	9,331
4.6	6.8	13,625		1.6	12.8	8,921
4.5	7.0	13,721		1.5	13.0	8,494
4.4	7.2	13,880		1.4	13.2	8,050
4.3	7.4	13,861		1.3	13.4	7,588
4.2	7.6	13,904		1.2	13.6	7,109
4.1	7.8	13,930		1.1	13.8	6,612
4.0	8.0	13,939		1.0	14.0	6,098
3.9	8.2	13,930		0.9	14.2	5,567
3.8	8.4	13,904		0.8	14.4	5,018
3.7	8.6	13,861		0.7	14.6	4,452
3.6	8.8	13,800		0.6	14.8	3,868
3.5	9.0	13,721		0.5	15.0	3,267
3.4	9.2	13,625		0.4	15.2	2,648
3.3	9.4	13,512		0.3	15.4	2,012
3.2	9.6	13,382		0.2	15.6	1,359

4.2.6 Impervious Surface, Detention Pond, and Lot Size Requirements for Non-Residential Uses

Unless otherwise noted in the Table below, minimum lot sizes shall be in conformance with the underlying zoning district.

TABLE 4.2.6: IMPERVIOUS SURFACE/DETENTION POND REQUIREMENTS	
DISTRICT	**IMPERVIOUS SURFACE/DETENTION POND REQUIREMENTS (NON-RESIDENTIAL)**
UNIV-CA CANE-CA	5-acre minimum lot size, with potential of up to five lots as small as two acres for lots of record September 1, 2015 (University Lake) or October 19, 1999 (Cane Creek); AND 6% impervious surface limit. [1], [2]
U-ENO-CA	2-acre minimum lot size AND 6% impervious surface limit. [1], [2]
UNIV-PW CANE-PW	5-acre minimum lot size with potential of up to five lots as small as two acres for lots of record September 1, 2015 (University Lake) or October 19, 1999 (Cane Creek); AND 50% ISR for all fire stations and solid waste collection centers; AND 12% ISR for all other non-residential uses; AND on-site infiltration of the first inch of stormwater runoff; AND a limit of 1.0% of the watershed for non-residential use (139 acres in CANE-PW). [1], [2]
LITTLE-PW	2-acre minimum lot size AND 50% ISR for all fire stations and solid waste collection centers; AND 12% ISR for all other non-residential uses; AND on-site infiltration of the first inch of stormwater runoff; AND a limit of 1.0% of the watershed for non-residential use (406 acres in LITTLE-PW). [1], [2]
U-ENO-PW BACK-PW	70% ISR in Economic Development, Commercial and/or Commercial- Industrial Nodes as designated in the Land Use Element of the Comprehensive Plan (high-density option) with structural BMPs if ISR exceeds 12%; AND 50% ISR for all fire stations and solid waste collection centers outside of Commercial and/or Commercial-Industrial Nodes as designated in the Land Use Element of the Comprehensive Plan, with structural BMPs if ISR exceeds 12%; AND 12% ISR for all other non-residential uses outside of Commercial and/or Commercial-Industrial Nodes as designated in the Land Use Element of the Comprehensive Plan; AND on-site infiltration of the first inch of stormwater runoff; AND A limit of 1,151 acres of non-residential use throughout U-ENO-PW (5.0%) and 163 acres throughout BACK-PW (1%). [1], [2]
HYCO-PW FLAT-PW	50% ISR for all fire stations and solid waste collection centers; AND 12% ISR for all other non-residential uses; AND on-site infiltration of the first inch of stormwater runoff;AND limit of 1% of the watershed for non-residential use (37 acres in HYCO-PW, 66 acres in FLAT-PW). [1], [2]
L-ENO-PW	70% impervious surface, with structural BMPs required when impervious surface exceeds: 24% (w/ curb and gutter); or 36% (w/o curb and gutter). [1], [2]
HAW-PW JORDAN-PW	24% impervious surface limit. [1], [2]

[1] Allowable impervious surface area may be modified in accordance with Section 4.2.8 of the UDO.

[2] For non-residential developments a stormwater feature/best management practice (BMP) shall be required in accordance with applicable local and State standards based on proposed land disturbance and/or a project exceeding impervious surface thresholds as identified herein.

NOTE: Non-residential use impervious acreage limits in watershed with such limits are calculated using the actual amount of impervious surface for non-residential uses throughout the watershed, not by the overall number of acres of non-residential parcels located in a particular watershed.

(A) Hillsborough Economic Development District

(1) The Hillsborough Economic Development District is located within the Lower Eno - Unprotected watershed. Within the Hillsborough Economic Development District, as designated in the Land Use Element of the Comprehensive Plan, the maximum impervious surface ratio is 50% with detention ponds.

4.2.7 Placement of Streets, Driveways, and Buildings

(A) Streets, driveways, and buildings or other structures shall be located, to the extent reasonably possible, so as to take full advantage of the absorptive capacity of the soils

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 expertiese 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 Cointy and other agencies or offficials as 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.

4.2.9 Water Supply / Sewage Disposal Facilities

TABLE 4.2.9: WATER SUPPLY/SEWAGE DISPOSAL FACILITIES

DISTRICT	WATER SUPPLY/SEWAGE DISPOSAL
UNIV-CA UNIV-PW	Water supply and sewage treatment systems shall be limited to individual wells and on-site septic tanks systems or individual on-site alternative disposal systems.
All Watershed Overly Districts	No new treatment system will be permitted where effluent disposal occurs on a separate lot from the source of wastewater generation; provided, however, off-site systems shall be permitted in all Watershed Overlay Districts except the University Lake Protected Watershed (UNIV-PW) and Critical Area (UNIV-CA) when located in a Flexible Development subdivision approved in accordance with Section 7.13 of this Ordinance.
UNIV-CA	New septic tanks and their nitrification fields shall be located outside of any stream buffers, or 300 feet from a reservoir or perennial or intermittent stream as shown on the USGS Quadrangle maps, whichever is further
CANE-CA U-ENO-CA	New septic tanks, pump tanks and their appurtenances shall be located outside of any stream buffers and at least 100 feet from a perennial or intermittent stream as shown on the USGS Quadrangle maps, and at least 150 feet from a reservoir. New nitrification fields shall be located outside of any stream buffers and at least 100 feet from a perennial or intermittent stream as shown on the USGS Quadrangle maps, and at least 300 feet from a reservoir.
CANE-PW CANE-CA U-ENO-CA	Water supply and sewage treatment systems shall be limited to individual wells and septic tanks or individual on-site alternative disposal systems; provided however, off-site systems shall be permitted when located in a Flexible Development subdivision approved in accordance with Section 7.13 of this Ordinance.
UNIV-PW CANE-PW U-ENO-PW HYCO-PW LITTLE-PW BACK-PW HAW-PW JORDAN-PW L-ENO-PW FLAT-PW	New septic tanks and their nitrification fields shall be located outside of any stream buffers and at least 100 feet from a perennial or intermittent stream as shown on the USGS Quadrangle maps.

SECTION 4.3: SPECIAL FLOOD HAZARD AREA (SFHA)

4.3.1 Intent

The intent of this overlay district is to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

(A) Restrict or prohibit uses, which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion, flood heights or velocities;

(B) Require that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;

(C) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;

(D) Control filling, grading, dredging, and all other development, which may increase erosion or flood damage; and

(E) Prevent or regulate the construction of flood barriers, which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

4.3.2 Objectives

The objectives of this overlay district are to:

(A) Protect human life, safety, and health;

(B) Minimize expenditure of public money for costly flood control projects;

(C) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(D) Minimize prolonged business losses and interruptions;

(E) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, cable and other communication facilities, and sewer lines, streets, and bridges located in flood prone areas;

(F) Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and

(G) Ensure that potential homebuyers are notified that property is in a Special Flood Hazard Area.

4.3.3 Findings of Fact

(A) The flood prone areas within the planning jurisdiction of Orange County are subject to periodic inundation, which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(B) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood prone areas by uses vulnerable to floods or hazards to other lands, which are inadequately elevated, flood proofed, or otherwise unprotected from flood damages.

4.3.4 Applicability

Regulations pertaining to this overlay district shall apply to all SFHAs within the planning jurisdiction of Orange County and within the jurisdiction of any municipality within Orange County whose governing body has duly authorized its application within its municipal, or extraterritorial jurisdictional, boundaries in accordance with North Carolina law.

4.3.5 Basis for Establishment

(A) The SFHA are those identified by the FEMA or produced under the Cooperating Technical State agreement between the State of North Carolina and FEMA or Flood Insurance Study (FIS) and its accompanying FIRMs for Orange County dated February 2, 2007, with incorporation of Letters of Map Amendments 07-04-6156R, 08-04-2897A, 08-04-2898A, 08-04-2899A, and 08-04-2900A, Letters of Map Revision 06-04-BQ22P, 06-04-C141P, 07-04-6156R, and 08-04-1666P and Summary of Map Amendment #115-CWG (C) dated May 16, 2008, which with accompanying supporting data, including Letters of Map Amendment or Revision and Summary of Map Amendments, are adopted by reference and declared to be a part of this Ordinance.

(B) The SFHA also include those defined through standard engineering analysis for private developments or by governmental agencies, but not incorporated into the FIRM. This includes, but is not limited to:

(1) Detailed flood data generated as a requirement of Section 1.10.2 (K) and (L) of this Ordinance;

(2) Preliminary FIRMs where more stringent than the effective FIRM; or

(3) Post-disaster Flood Recovery Maps, if available.

4.3.6 Compliance

No structure or land shall hereafter be located, extended, converted, altered, or developed, improved, or maintained in any way without full compliance with the terms of the regulations pertaining to the SFHA and other applicable regulations.

SECTION 4.4: EFLAND-CHEEKS HIGHWAY 70 CORRIDOR

4.4.1 Intent

(A) The Efland-Cheeks Highway 70 Corridor Overlay District (ECOD) is established to provide for compatibility of uses between existing single-family residential land uses and non-residential developments along a designated portion of Highway 70 within Cheeks Township.

(B) The Highway 70 corridor covered under this overlay district is part of the Efland Mebane Small Area Plan, adopted by the Board of County Commissioners on June 27, 2006, which outlines acceptable levels of development within the study area, including allowing for additional non-residential development along Highway 70.

(C) The regulations contained in this Ordinance are designed to preserve and enhance the character of the community while allowing for mixed, but compatible, land uses by permitting logical expansion of existing non-residential developments throughout the corridor.

(D) It is the intent of this overlay district to encourage land use patterns that will:

(1) Protect existing single-family residential land uses,

(2) Protect the character of the area,

(3) Enhance property values,

(4) Maintain the economic viability and carrying capacity of the corridor,

(5) Preserve open vistas whenever possible,

(6) Encourage small businesses to locate in appropriate areas, and

(7) Continue to promote and provide for the general welfare of local citizens and property owners.

(E) Standards are established in Section 6.6.2 to allow for the development of additional non-residential land uses within the ECOD in order to maintain and enhance the economic vitality of the area while protecting the less intensive mixture of existing residential land uses

4.4.2 Applicability

(A) This district is intended for properties adjacent to Highway 70 within Cheeks Township of Orange County in accordance with the boundaries shown on the Orange County Zoning Atlas.

(B) The requirements of this Ordinance pertaining to ECOD apply to all non-residential land uses and developments within the Highway 70 Overlay District except for existing non-residential land uses located within previously established general commercial or Existing Commercial-5 (EC-5) zoning districts.

4.4.3 Non-residential Development

Non-residential development within the Highway 70 Corridor shall be limited to the following and shall be in accordance with the standards contained in this Section and Section 6.6.2:

(A) Pre-designated commercial area as indicated on the Orange County Zoning Atlas, and

(B) Along Highway 70 as depicted on the Orange County Zoning Atlas.

4.4.4 Permitted Uses

Within the ECOD, uses of land and structures shall be permitted as follows:

(A) Non-residential development within the pre-designated commercial area shall adhere to the permitted and special uses outlined for the Neighborhood Commercial - 2 (NC-2) zoning district as contained within Section 5.2 of this Ordinance.

(B) Non-residential uses within the Highway 70 Corridor Overlay District, shall be limited to professional office and similar institutional uses and shall abide by the standards contained in this Section and Section 6.6.2.

(C) No more than 40% of the Highway 70 corridor outside of the pre-designated commercial areas shall be permitted for non-residential uses.

(1) This figure shall be calculated by the sum of the street frontage of lots used for non-residential purposes compared to the total street frontage of all lots on both sides of the roadway outside of the pre-designated commercial areas along the overlay district corridor.

(2) The 40% limitation includes non-residential uses conducted within new or converted/rehabilitated structures that have a residential appearance.

4.4.5 Lot and Use Requirements for Non-Residential Development

In addition to the Development Standards in Section 6.6.2, the following lot and use requirements shall apply to all applicable non-residential development within the pre-designated commercial areas and along the Highway 70 corridor:

(A) Minimum Lot Width

The minimum lot width for all lots created after December 3, 2007 shall be 130 feet, unless the lot is served by public sewer and shared ingress/egress in which case the minimum lot width shall be 75 feet.

(B) Setbacks and Building Height

(1) The setbacks and building heights for all structures, regardless of the proposed land use, shall conform to the setbacks of the underlying zoning district.

(2) If Building Height Limitation modifications are pursued in accordance with Section 6.2.2(A), in no case shall building height exceed 35 feet.

(3) Where applicable, the front yard setback shall be measured from any future right-of-way as designated in the Orange County Comprehensive Transportation Plan.

(C) Floor Area Ratio

(1) The maximum floor area ratio for non-residential uses in the pre-designated commercial area shall be 0.200 with a maximum building square footage total of 20,000 square feet.

(2) The maximum floor area ratio for non-residential uses along the Highway 70 Corridor shall be 0.100 with a maximum building square footage total of 6,000 square feet.

(D) Yard Encroachments

(1) No fences shall be permitted in the front yard of non-residential uses unless a demonstrated need can be shown.

(2) Within the pre-designated commercial area, vinyl-coated chain link fencing shall be permitted for non-residential uses.

(3) Outside of the pre-designated commercial area but within the boundaries of the Highway 70 Overlay District, chain link or similar fencing shall not be permitted for non-residential uses.

SECTION 4.5: EFLAND INTERSTATE

4.5.1 Intent

(A) The Efland Interstate Overlay District is established to provide for a more urban style of development in an area of the county served, or intended to be served, by public water and sewer systems.

(B) The geographic area covered by the Efland Interstate Overlay District is part of the Efland-Mebane Small Area Plan, adopted by the Board of County Commissioners on June 27, 2006, which outlines acceptable levels of development within the study area, including allowing for additional non-residential and residential development in this overlay district.

(C) Standards are established in Section 6.6.3 in order to maintain and enhance the economic vitality of the area while protecting existing land uses. Unless otherwise stated, the standards are in addition to standards contained in this Ordinance, including Sections 6.2 (Lot and Building Standards), 6.5 (Architectural Design Standards) and 6.6.5 (Major Transportation Corridor).

4.5.2 Applicability

(A) This district is intended for all properties located south of the railroad tracks and north of Interstate 85/40 in the general vicinity of Mount Willing Road in accordance with the boundaries shown on the Orange County Zoning Atlas.

(B) The requirements of this Ordinance pertaining to the Efland Interstate Overlay District apply to all residential and non-residential land uses and developments in the designated district except for detached single-family residential land uses and developments.

4.5.3 Permitted Uses and Dimensional and Ratio Standards

(A) Within the Efland Interstate Overlay District, uses of land and structures and Dimensional and Ratio Standards are those permitted in the underlying zoning district or districts. All other requirements for the use of land and structures contained in this Ordinance shall be met unless otherwise provided.

(B) **Minimum Setbacks**

(1) The minimum side and rear setback shall be the width of the required buffer in 6.6.3(B) or the setback required in Article 3 or Section 6.2.8, whichever is less, except as provided in (a).

(a) For parcels subject to the setback and yard requirements in Section 4.7.4, the requirements of said Section shall apply.

SECTION 4.6: EFLAND VILLAGE

4.6.1 Intent

(A) The Efland Village Overlay District is established to provide for an urban village style of development in an area of the county served, or intended to be served, by public water and sewer systems.

(B) The geographic area covered by the Efland Village Overlay District is part of the Efland-Mebane Small Area Plan, adopted by the Board of County Commissioners on June 27, 2006, which outlines acceptable levels of development within the study area, including allowing for additional non-residential and residential development in this overlay district.

(C) Standards are established in Section 6.6.4 in order to maintain and enhance the economic vitality of the area while protecting existing land uses. Unless otherwise stated, the standards are in addition to standards contained in this Ordinance, including Sections

6.2 (Lot and Building Standards), 6.5 (Architectural Design Standards) and 6.6.5 (Major Transportation Corridor).

4.6.2 Applicability

(A) This district is intended for all properties located north of the railroad tracks in a geographic area commonly referred to as "Efland" in accordance with the boundaries shown on the Orange County Zoning Atlas

(B) The requirements of this Ordinance pertaining to the Efland Village Overlay District apply to all residential and non-residential land uses and developments in the designated district except for detached single-family residential land uses and developments.

4.6.3 Permitted Uses and Dimensional and Ratio Standards

(A) Within the Efland Village Overlay District, uses of land and structures and Dimensional and Ratio Standards are those permitted in the underlying zoning district or districts. All other requirements for the use of land and structures contained in this Ordinance shall be met unless otherwise provided.

(B) **Setbacks and Building Height**

(1) In lieu of the front setback required in Article 3, the minimum front yard setback for properties fronting on U.S. Highway 70 shall be 30-feet.

(2) In lieu of the front setback required in Article 3, the front yard setback for parcels located in the overlay district but not fronting on U.S. Highway 70 shall be in keeping with the front setback provided by adjacent uses.

(3) The minimum side and rear setback shall be the width of the required Land Use Buffer (Section 6.8.6) or the setback required in Article 3, whichever is less, but in no case shall be less than 10-feet.

(4) If Building Height Limitation modifications are pursued in accordance with Section 6.2.2(A), in no case shall building height exceed 40 feet.

(C) **Yard Encroachments**

(1) No fences shall be permitted in the front yard of lots used for non-residential uses unless a demonstrated need can be shown.

(2) Fences located in the front yard of residential uses, other than single-family detached dwellings, shall be a maximum of five feet in height.

SECTION 4.7: MAJOR TRANSPORTATION CORRIDOR

4.7.1 Intent

(A) It is the intent of Orange County to protect and enhance those natural and environmental features which constitute important physical, aesthetic, recreational, and economic assets through the provision of special controls of public and private development along major transportation corridors.

(B) The Board of County Commissioners finds as a fact that:

(1) Major transportation corridors serve a key function in the orderly development of Orange County as major traffic movers, as well as serve as entrances to Orange County from outside the area.

(2) These corridors and the character of the development which occurs along them establish for visitors and residents alike an indicator of the quality of life in the County, as well as the efficiency and safety of traffic movement through the area.

(3) In addition, the ability of different areas of the County to attract and accommodate different types of development depends on the capacity of the thoroughfare system and the character and quality of development along major corridors.

(C) The Major Transportation Corridor district is intended to enhance the attractiveness and orderly development of land adjacent to major transportation facilities through the provision of a set of development standards and regulations for application to public and private development of land adjacent to these corridors. The major transportation corridors include the interstate system as designated in the adopted Comprehensive Plan.

(D) The district establishes development standards (see Section 6.6.5) and a site plan review process for development within the district. (See Section 2.5).

4.7.2 Applicability

(A) The Major Transportation Corridor (MTC) district is established as a district which overlays other zoning districts established in this Ordinance. The new use of any land or any new structure within the MTC district shall comply with the use regulations applicable to the underlying zoning district as well as the requirements of the MTC district.

(B) The provisions, requirements and restrictions of this district shall not apply to the use of land within the district for single family or two-family dwellings or to any building or structure existing prior to the creation of this district unless it is structurally altered to the extent of increasing the floor area by 50% or more or is enlarged to any degree to occupy a vacant lot.

(C) This district shall be applied along any interstate highway in the County designated in the adopted Comprehensive Plan as such and to any proposed interstate highway designated in the adopted Comprehensive Plan as such.

(D) The minimum length of the district shall be a continuous distance along the thoroughfare within the County's jurisdiction and outside of the extraterritorial planning jurisdictions of the Towns of Hillsborough, Chapel Hill, and Carrboro and the City of Mebane.

(E) The minimum width of the district is 1,250 feet from the edge of the right-of-way measured along a line which is perpendicular to the edge of the right-of-way on each side of the roadway, except at interstate interchanges where the District shall extend 2,500 feet from the right-of-way on each side of the intersecting road.

4.7.3 Permitted Uses

Within the Major Transportation Corridor (MTC) District, uses of land and structures are those permitted in the underlying zoning district or districts. All other requirements for the use of land and structures contained in this Ordinance shall be met unless otherwise provided.

4.7.4 Building Setback and Yard Requirements

Building setback and required yard areas for the overlay district are as follows:

(A) The front yard requirement shall be 100 feet from the edge of the right-of-way of an interstate highway or 50 feet from the edge of an intersecting road at an interstate interchange.

(B) The rear yard requirement shall be 50 feet from the edge of the rear property line or 100 feet from the edge of the right-of-way of an interstate highway when a rear yard is adjacent to the interstate.

(C) The side yard requirement shall be 50 feet from the side property line or 100 feet from the edge of the right-of-way of an interstate highway where the side property line is adjacent to the interstate.

SECTION 4.8: STONEY CREEK BASIN

4.8.1 Intent

(A) The purpose of the Stoney Creek Basin Overlay District is to implement the Stoney Creek Basin Small Area Plan by:

(1) Encouraging the creation of open space and by limiting density increases within the more rural portions of the area generally defined as the Stoney Creek drainage basin; and

(2) Modifying certain Flexible Development regulations as contained in Section 7.13 of this Ordinance, to encourage the distribution and intensity of development areas and open space as specified in the Plan.

4.8.2 Applicability

(A) Generally

This district shall be applied to all of the areas contained in the Stoney Creek Basin Small Area Plan, except for the portion of the Plan area located within the Rural Buffer (RB) Zoning District. The Stoney Creek Basin Small Area Plan and Map was adopted by the Orange County Board of Commissioners on August 5, 1996.

(B) With Other Regulations

Except for certain provisions as specified in Section 4.6.4, all other regulations for the underlying zoning districts are applicable.

4.8.3 Land Use Intensities

Three levels of land use intensity are contained in the Stoney Creek Basin Small Area Plan. These areas are designated in the Plan as lower, intermediate, and higher intensity areas, which are identified, respectively, as Lower Intensity, Intermediate Intensity, and Higher Intensity Development Areas within the Stoney Creek Basin Overlay Zoning District.

(A) Lower Intensity Development Area

The Lower Intensity Development Area includes land designated as lower intensity area in the Stoney Creek Basin Small Area Plan. The Lower Intensity area best typifies the area's remaining rural character and is proposed to have the lowest average development densities in the future. The current character of the area is residential development on relatively large lots, with a considerable number consisting of large undeveloped tracts (both open and forested), and active farm land. The Lower Intensity area lies mostly in the central and southern part of the study area. A portion also extends north to I-85 in the undeveloped area east of Strayhorn Hills. It contains 2502 acres, 725 of which are contained in Duke Forest or the Stoney Creek wildlife corridor.

(B) Intermediate Intensity Development Area

The Intermediate Intensity Development Area includes land designated as intermediate intensity area in the Stoney Creek Basin Small Area Plan. The Intermediate Intensity area is intended to provide a transition between higher and lower intensity areas. It is envisioned as being predominantly residential with density being determined in large part by the character of existing development. The Intermediate Intensity area contains 1205 acres, and includes the existing residential developments of Strayhorn Hills and Wyngate, areas bordering University Station Road along the eastern side of the Plan area, and area west of NC 86 adjacent to the I-40/Old NC 86 Economic Development District.

(C) Higher Intensity Development Area

The Higher Intensity Development Area includes land designated as higher intensity area in the Stoney Creek Basin Small Area Plan and is generally synonymous with areas

designated in the Land Use Element of the Comprehensive Plan as Ten- or Twenty-Year Transition Area. In the future, land within the Higher Intensity area will likely be annexed into the municipalities of Hillsborough or Durham. A mix of land uses is possible. The Higher Intensity area contains 699 acres, most of which lies in the western and northwestern parts of the Stoney Creek Basin Plan Area, with one smaller portion situated on the eastern tip of the area adjacent to the I-85/US 70 Economic Development District.

4.8.4 Applicable Regulations Pertaining to Flexible Developments

Flexible Development regulations contained in Section 7.13 shall apply within the Stoney Creek Basin Overlay District, except as indicated in the Table below:

TABLE 4.6.4: VARIATIONS FROM FLEXIBLE DEVELOPMENT PROVISIONS OF SECTION 7.13 APPLICABLE IN STONEY CREEK BASIN OVERLAY DISTRICT

		DEVELOPMENT AREA		
STANDARD		LOWER INTENSITY	INTERMEDIATE INTENSITY	HIGHER INTENSITY
Calculation of Open Space		Active recreation area may not be included in open space calculations	50% of active recreation area may be included in open space calculations, per Section 7.13.3 of this Ordinance	
Number of Bonus Units	33.1-50.0% Open Space	One additional dwelling unit per two acres of open space above 33%		
	50+% Open Space	One additional dwelling unit per two acres of open space between 33% and 50%, plus one additional dwelling unit per acre of open space above 50%		
Location of Bonus Units		Bonus units may not be located in the Lower Intensity Development Areas, but may be located in a flexible development in the Intermediate Intensity or Higher Intensity Development Areas.	Bonus units may be located in a flexible development in the Intermediate Intensity or Higher Intensity Development Areas.	Bonus units may only be located in a flexible development in the Higher Intensity Development Area.
Village Option		Village option not permitted.	Village option permitted, but Village Proper limited to 50 acres.	

ARTICLE 5: USES TABLE OF CONTENTS

SECTION 5.1: ESTABLISHMENT OF USE REGULATIONS 5-1
5.1.1 Prohibited Uses 5-1
5.1.2 Uses Permitted As a Matter of Right 5-1
5.1.3 Special Uses 5-1
5.1.4 Conditional Uses 5-2
SECTION 5.2: TABLE OF PERMITTED USES 5-5
5.2.1 Table of Permitted Uses – General Use Zoning Districts 5-5
5.2.2 Table of Permitted Uses – Economic Development Districts 5-12
5.2.3 Table of Permitted Uses – Conditional Zoning Districts 5-21
SECTION 5.3: APPLICATION OF USE STANDARDS 5-28
5.3.1 In General 5-28
5.3.2 Special Uses 5-28
SECTION 5.4: STANDARDS FOR TEMPORARY USES 5-32
5.4.1 Yard Sale 5-32
5.4.2 Temporary Fund Raising Activity 5-32
5.4.3 Special Events 5-32
5.4.4 Temporary Use of a Residential Mobile Home 5-34
5.4.5 Buildings for Temporary Use 5-34
SECTION 5.5: STANDARDS FOR RESIDENTIAL USES 5-35
5.5.1 Accessory Structures and Uses 5-35
5.5.2 Efficiency Apartment 5-35
5.5.3 Home Occupations 5-35
5.5.4 Mobile Home Parks 5-40
5.5.5 Existing Mobile Home Parks 5-45
5.5.6 Mobile Homes on Individual Lots 5-45
5.5.7 Group Care Facility 5-46
5.5.8 Residential Hotel, Dormitory, Fraternity, Sorority, and Religious Quarters ... 5-47
5.5.9 Temporary Custodial Care Units 5-47
SECTION 5.6: STANDARDS FOR COMMERCIAL USES 5-48
5.6.1 Nightclubs, Bars and Pubs 5-48
5.6.2 Massage Business 5-48
5.6.3 Garden Center 5-48
5.6.4 Junkyards 5-49
5.6.5 Kennels (Class II) 5-49
5.6.6 Rural Guest Establishment: Bed & Breakfast 5-50
5.6.7 Rural Guest Establishment: Bed & Breakfast Inn 5-52
5.6.8 Rural Guest Establishment: Country Inn 5-55
5.6.9 Microbrewery with Minor Events 5-57
5.6.10 Microbrewery with Major Events 5-58
5.6.11 Taxidermy 5-59
5.6.12 Winery with Minor Events 5-59
5.6.13 Winery with Major Events 5-60
5.6.14 Country Store 5-61
5.6.15 Sexually Oriented Businesses 5-62
SECTION 5.7: STANDARDS FOR RECREATIONAL USES 5-63
5.7.1 Recreational Uses as Accessory Uses 5-63
I5.7.2 Recreational Facilities 5-63
5.7.3 Golf – Driving and Practice Range 5-65
5.7.4 Golf Courses 5-66
5.7.5 Camp / Retreat Center 5-74
5.7.6 Race Track (Motorized, etc.) and Go-Kart Track Facilities 5-75
5.7.7 Guest Ranch 5-77
SECTION 5.8: STANDARDS FOR CHILDCARE & EDUCATIONAL FACILITIES 5-77
5.8.1 Daycare Center in a Residence 5-77
5.8.2 Child Care Facilities 5-78
5.8.3 Non-Profit Educational Cooperative 5-79
5.8.4 Schools: Elementary, Middle and Secondary 5-81
SECTION 5.9: STANDARDS FOR UTILITIES 5-85
5.9.1 Telephone Exchanges (without business offices), subscriber loop huts, pressure regulator stations, water and sanitary sewer pumping stations 5-85

5.9.2 Electrical Substations, Switching and Metering Stations, and Associated Transmission Lines, Where Incoming Voltage Does Not Exceed 100 Kilovolts (kv) ... 5-86
5.9.3 Public Utility Stations and Substations, Including Electric Substations, Metering, and Switching Stations Receiving More Than 100 Kilovolts (kv) of Electricity, Water Treatment, Sewage Treatment Plant, Telephone Exchanges ... 5-87
5.9.4 Elevated Water Storage Tanks ... 5-88
5.9.5 Electric, Gas and Liquid Fuel Transmission Lines ... 5-88
5.9.6 Solar Array ... 5-89
SECTION 5.10: STANDARDS FOR TELECOMMUNICATION FACILITIES ... 5-93
5.10.1 Intent ... 5-93
5.10.2 Master Telecommunications Plan ("Plan") ... 5-93
5.10.3 Annual Telecommunications Projection Meeting (ATPM) ... 5-94
5.10.4 Existing Wireless Telecommunications Support Structures ... 5-95
5.10.5 Wireless Telecommunications Support Structures and Equipment as Principal or Accessory Uses ... 5-95
5.10.6 Administrative Approval of Certain Telecommunication Facilities ... 5-95
5.10.7 Antennas Not Located on Wireless Telecommunications Support Structures ... 5-96
5.10.8 Wireless Telecommunications Support Structures – Submittal and Review Requirements ... 5-98
5.10.9 Removal of Wireless Support Structures and Facilities ... 5-114
SECTION 5.11: STANDARDS FOR WASTE MANAGEMENT FACILITIES ... 5-115
5.11.1 Solid Waste Collection Facilities Owned and Operated by A Public Agency for the Purpose of Disposal of Household Waste by Orange County Residents ... 5-115
5.11.2 Landfills ... 5-116
5.11.3 Waste Management Facility, Hazardous and Toxic ... 5-118
SECTION 5.12: STANDARDS FOR EXTRACTIVE USES ... 5-118
5.12.1 Borrow Pits for Federal and State Highway Projects ... 5-118
5.12.2 Extraction of Earth Products ... 5-119
SECTION 5.13: STANDARDS FOR AGRICULTURAL USES ... 5-122
5.13.1 Agricultural Processing Facility ... 5-122
5.13.2 Agricultural Processing Facility, Community ... 5-123
5.13.3 Cold Storage Facility ... 5-123
5.13.4 Community Farmers' Market ... 5-123
5.13.5 Composting Operation ... 5-124
5.13.6 Cooperative Farm Stand ... 5-124
5.13.7 Equestrian Center ... 5-125
5.13.8 Farm Equipment Rental, Sales and Service ... 5-125
5.13.9 Farm Supply Store ... 5-126
5.13.10 Feed Mill ... 5-127
5.13.11 Greenhouses with On Premise Sales ... 5-127
5.13.12 Meat Processing Facility, Community ... 5-127
5.13.13 Meat Processing Facility, Regional ... 5-128
5.13.14 Non-Farm Use of Farm Equipment ... 5-129
5.13.15 Stables, Commercial ... 5-129
5.13.16 Stockyards / Livestock Markets ... 5-130
SECTION 5.14: STANDARDS FOR MANUFACTURING, ASSEMBLY & PROCESSING ... 5-131
5.14.1 Metal Fabrication Shop ... 5-131
5.14.2 Microbrewery, production only ... 5-131
5.14.3 Sawmills ... 5-131
5.14.4 Winery, production only ... 5-132
SECTION 5.15: STANDARDS FOR AUTOMOTIVE/TRANSPORTATION RELATED USES ... 5-132
5.15.1 Motor Vehicle Sales / Rental (New & Used) ... 5-132
SECTION 5.16: STANDARDS FOR MEDICAL USES ... 5-133
5.16.1 Veterinary Clinic ... 5-133
5.16.2 Veterinary Clinic, mobile ... 5-133
5.16.3 Veterinary Hospital ... 5-133

SECTION 5.17: STANDARDS FOR MISCELLANEOUS USES 5-134
5.17.1 Churches 5-134
5.17.2 Community Center 5-134
5.17.3 Commercial Cemeteries 5-134
5.17.4 Historic Sites Non Residential Reuse/Mixed Use 5-135
5.17.5 General Aviation Airports, STOL and Heliports 5-136
5.17.6 Major Subdivision 5-137
5.17.7 Rural Heritage Museum 5-142

ARTICLE 5: USES

SECTION 5.1: ESTABLISHMENT OF USE REGULATIONS

Except as otherwise provided herein, regulations governing the use of land and structures are hereby established as shown in the Table of Permitted Uses.

5.1.1 Prohibited Uses

Uses of land or structures which are not expressly listed in the Table of Permitted Uses (Section 5.2), as Permitted Principal Uses, Permitted Accessory Uses or Special Uses in a district are prohibited and shall not be established within that district.

5.1.2 Uses Permitted As a Matter of Right

Within all districts the following uses are permitted as a matter of right:

(A) Above ground and buried utility lines for local distribution of electricity, telephone, and cable television service, accessory and appurtenant apparatus such as poles, guy wires, transformers and switching boxes.

(B) Cabinetized telephone and/or fiber optic equipment associated with the local distribution of services. Setbacks from the right-of-way for such equipment may be reduced to 20 feet in the Agricultural Residential, Rural Residential and Rural Buffer zoning districts provided that the equipment is screened from view by landscape materials.

(C) Bona fide farms.

(D) Buildings and other temporary structures used in connection with the construction of a permanent building. (See Section 5.4.4).

(E) Neighborhood utility facilities located within a public right of way with the permission of the owner of the right of way (State, City or Town).

(F) Off street parking as a required accessory use to a permitted use.

(G) Public and private streets and roads. Railroad rights of way.

(H) Water and sanitary sewer lines, gas and liquid fuel distribution lines.

(I) Telephone exchanges (without business offices), subscriber loop huts, pressure regulator stations, water and sanitary sewer pumping stations. (See Section 5.9.1).

(J) Electrical substations, switching and metering stations and associated transmission lines, where incoming voltage does not exceed 100 kilovolts (kv). (See Section 5.9.2).

(K) Solid waste collection facilities owned and operated by a public agency for the purpose of disposal of household waste by Orange County residents. (See Section 5.11.1).

(L) Borrow pits (including reclamation by landfilling) associated with a State or Federal highway project. (See Section 5.12.1).

5.1.3 Special Uses

(A) It is the intention of the Board of County Commissioners to create, and from time to time amend, a list of Special Uses within the Table of Permitted Uses which, because of their inherent nature, extent and external effects, require special care in the control of their location and methods of operation.

(B) The Board of County Commissioners is aware of its responsibility to protect the public health, safety and general welfare and believe that certain uses which now or in the future may be included on this list are appropriately handled as Special Uses, subject to review in relation to general and specific requirements, rather than as uses permitted by right.

(C) In addition to the listing of such uses, the Board of County Commissioners intends that the general standards and the more specific requirements established herein, shall be used by the Board of Adjustment, the Planning Board and the Board of County Commissioners, as appropriate, to direct deliberations upon application or the approval of Special Uses.

(D) It is the express intent of the Board of County Commissioners to delineate the areas of concern connected with each Special Use and to provide standards by which applications for such Special Use shall be evaluated.

(E) **Establishment of Classes of Special Uses; Authority To Approve or Disapprove**

There are hereby established the following classes of Special Uses which shall be approved or disapproved as shown:

(1) Class A - Approved or disapproved by Board of County Commissioners

(2) Class B - Approved or disapproved by Board of Adjustment

5.1.4 Conditional Uses

(A) The Board of County Commissioners is mindful of its responsibility to protect the public health, safety and general welfare of the residents of Orange County and intends to encourage development within the County consistent with that purpose.

(B) The Board of County Commissioners also recognizes that certain uses are appropriate for development in Orange County but their location and site development specifics cannot be predetermined or regulated through the use of a general zoning district designation and conventional standards.

(C) Conditional Uses and Conditional Use Districts are hereby established and shall be reviewed in accordance with the provisions of this Ordinance.

(D) **Permitted Uses**

(1) Any use listed as Permitted by Right or by Special Use Permit on the Table of Permitted Uses may be approved as a Conditional Use within a Conditional Use District, unless expressly excluded in Section 5.1.4(E) of this Ordinance.

(2) Permitted uses are subject to all general and specific standards of approval for that use, as established within this Section.

(E) **Exclusions**

(1) Unless otherwise noted in Section 5.2, the following uses shall not be considered or approved as a Conditional Use District within the Commercial-Industrial Transition Activity Node or Economic Development Transition Activity Node land use classifications, as designated by the adopted Comprehensive Plan:

(a) Airports, General Aviation, Heliports, S.T.O.L,

(b) Class II Kennels,

(c) Commercial Feeder Operation,

(d) Composting Operation with grinding,

(e) Crematoria,

(f) Extraction of Earth Products,

(g) Junkyards,

(h) Landfills (less than 2 acres),

(i) Landfills (2 acres or more),

(j) Meat Processing Facility, Regional,

(k) Military Installations (National Guard & Reserve Armory),

(l) Residential Hotel (Fraternities, Sororities, and Dormitories),

(m) Sawmills,

(n) Stables, Commercial,

(o) Stockyards / Livestock Markets, and

(p) Waste Management Facility; Hazardous & Toxic

(2) For all land use classifications other than the Commercial-Industrial Transition Activity Node or Economic Development Transition Activity Node, the following uses shall not be considered or approved as a Conditional Use District:

(a) Agricultural Processing Facility

(b) Airports, General Aviation, Heliports, S.T.O.L,

(c) Bus Terminals & Garages,

(d) Class II Kennels,

(e) Commercial Feeder Operation,

(f) Composting Operation with grinding,

(g) Crematoria,

(h) Drive-In Theaters,

(i) Extraction of Earth Products,

(j) Farm Equipment Rental, Sales and Service,

(k) Feed Mill,

(l) Funeral Homes,

(m) Health Services: Over 10,000 square feet,

(n) Hospitals,

(o) Hotels & Motels,

(p) Industrial, Light,

(q) Industrial, Medium,

(r) Industrial, Heavy,

(s) Junkyards,

(t) Landfills (less than 2 acres),

(u) Landfills (2 acres or more),

(v) Meat Processing Facility, Regional,

(w) Military Installations (National Guard & Reserve Armory),

(x) Motor Freight Terminals,

(y) Motor Vehicle Maintenance & Repair (Body Shop),

(z) Motor Vehicle Repair Garage,

(aa) Petroleum Products: Storage & Distribution,

(bb) Research Facility,

(cc) Residential Hotel (Fraternities, Sororities, and Dormitories),

(dd) Sawmills,

(ee) Stables, Commercial

(ff) Stockyards / Livestock Markets,

(gg) Storage of Goods, Outdoor,

(hh) Waste Management Facility; Hazardous & Toxic, and

(ii) Wholesale Sales.

SECTION 5.2: TABLE OF PERMITTED USES

5.2.1 Table of Permitted Uses – General Use Zoning Districts

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	OI	AS	EI	I 1	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)																					
AGRICULTURAL USES																					
Agricultural Processing Facility ~																*		*	*	*	
Agricultural Processing Facility, Community ^	*	*								*	*					*		*			
Agricultural Services Uses													*			*					
Cold Storage Facility																A		*	*	*	
Community Farmers' Market ^	*	*								*	*	*	*			*					
Composting Operation, no grinding																A					
Composting Operation, with grinding ~																A					
Cooperative Farm Stand ^	*	*								*	*					*					
Equestrian Center		A																			
Farm Equipment Rental, Sales and Service ~													*	*		*			*	*	
Farm Supply Store										*	*	*	*			*					
Feed Mill ~																*			*	*	
Greenhouses with On Premises Sales ^		*									*	*	*	*		*					
Meat Processing Facility, Community ^	*	*								*	*					*		*			
Meat Processing Facility, Regional ~																A					
Non-Farm Use of Farm Equipment ^	*	*														*					
Stables, Commercial ~	B	B	B									B	B			B					
Stockyards / Livestock Markets ~																*					
CHILD CARE & EDUCATIONAL FACILITIES																					
Center in a Residence for 3 to 12 Children	*	*	*	*	*	*	*	*	*	*	*	*		*	*						

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~ 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)																					
Child Care Facilities	B	B	B	B	B	B	B	B	B	*	*	*	*	*	*						
Libraries										*	*	*	*		*						
Non-Profit Educational Cooperative		A																			
Schools: Dance, Art & Music										*	*	*	*	*	*						
Schools: Elementary, Middle & Secondary	A	A	A	A	A	A	A	A	A						A						
Schools: Vocational												*	*		*				*	*	
Universities, Colleges & Institutes	*	*	*									*	*		*						
COMMERCIAL USES																					
Banks & Financial Institutions										*	*	*	*	*							
Beauty & Barber Shops										*	*	*	*	*							
Country Store										*	*					*					
Drive In Theaters ~													*								
Funeral Homes ~												*	*								
Garden Center										*	*	*	*			*					
Hotels & Motels ~												*	*								
Junkyards ~													A					A	A		
Kennels, Class II ~ ^	B	B	B									B	B			B					
Laundry & Dry Cleaning Services										*	*	*	*	*							
Massage, Business of												*	*								
Microbrewery with Minor Events ^	B	B																B	B	B	
Nightclubs, Bars, Pubs										*		*	*								
Offices & Personal Services, Class 1										*	*	*	*	*	*			*	*	*	
Offices & Personal Services, Class 2											*	*	*		*			*	*	*	
Offices & Personal Services, Class 3												*	*		*					*	

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~ 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)																					
Repair Service Electronic & Appliance										*	*	*	*								
Restaurants: Carry Out											*	*	*	*							
Restaurants: Drive In												*	*	*							
Restaurants: General											*	*	*	*							
Retail, Class 1										*	*	*	*	*							
Retail, Class 2											*	*	*	*							
Retail, Class 3												*	*								
Rural Guest Establishment: Bed & Breakfast ^	*	*	*																		
Rural Guest Establishment: Bed & Breakfast Inn ^		B	B																		
Rural Guest Establishment: Country Inn ^		A	A																		
Sexually Oriented Businesses																			*	*	
Storage of Goods, Outdoor ~														*				*	*	*	
Storage or Warehousing: Inside Building													*	*	*			*	*	*	
Studio (Art)										*	*	*	*		*			*	*	*	
Taxidermy ^		B								*	*	*	*					*			
Tourist Home						*	*	*	*						*						
Wholesale Trade ~												*	*	*	*			*	*	*	
Winery with Minor Events ^	B	B																B	B	B	
EXTRACTIVE USES																					
Extraction of Earth Products ~		A														A		A	A	A	
GOVERNMENTAL USES																					
Governmental Facilities & Office Buildings	*	*	*	*	*	*	*	*	*	*	*	*	*		*			*	*	*	*

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~ 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)																					
Governmental Protective Services (Police & Fire Stations) Rescue Squads, Volunteer Fire Departments	*	*	*	*	*	*	*	*	*		*	*	*	*	*	*		*	*	*	
Military Installations (National Guard & Reserve Armory) ~											*	*	*		*						
MANUFACTURING, ASSEMBLY & PROCESSING																					
Assembly and Packaging Operations Including Mail Order Houses, But Excluding On-Premises Retail Outlets												*			*			*	*	*	
Industrial, Heavy ~																				*	
Industrial, Light ~																	*	*	*	*	
Industrial, Medium ~																			*	*	
Microbrewery, production only ^	B	B																*	*	*	
Printing & Lithography												*	*	*				*	*	*	
Sawmills ~																*					
Winery, production only ^	B	B																*	*	*	
MEDICAL USES																					
Health Services: Over 10,000 Sq. Ft. ~													*								
Health Services: Under 10,000 Sq. Ft.										*		*	*	*	*						
Hospitals ~													*		*						
Veterinary Clinic		B								*	*	*	*	*	*	*		*	*	*	
Veterinary Clinic, mobile		B	B							*	*	*	*	*	*	*		*	*	*	
Veterinary Hospitals												*	*	*	*	*			*	*	
RECREATIONAL USES																					
Botanical Gardens & Arboretums	*	*	*	*	*	*	*	*	*	*	*	*	*		*	*		*	*	*	*
Camp/Retreat Center	B	B	B																		

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~ 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)																					
Golf Driving and Practice Ranges		B										*	*					*			
Parks, Public	*	*	*	*	*	*	*	*	*	*	*	*	*		*			*	*	*	*
Recreational Facilities	B	B	B	B	B	B	B	B	B	B	B	*	*		B			*	*	*	
Golf Course	A	A	A	A	A	A	A	A	A	A	A	A	A		A			A	A	A	
RESIDENTIAL USES																					
Dwelling; Mobile Home	*	*	*	*	*	*	*	*	*	*				*							
Dwelling; Multiple Family				*	*	*	*	*	*		*	*			*						
Dwelling; Single-Family	*	*	*	*	*	*	*	*	*	*	*	*		*							
Dwelling; Two-Family	*	*	*	*	*	*	*	*	*	*	*	*									
Family Care Home	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*						
Group Care Facility	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B						
Rehabilitative Care Facility										*		*	*								
Residential Hotel (Fraternities, Sororities, and Dormitories) ~							A	A	A			A	A								
Rooming House						*	*	*	*						*						
TELECOMMUNICATIONS																					
Telecommunication Tower – Stealth (75 feet or shorter)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Telecommunication Towers (Over 75 feet and under 200 feet)	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Telecommunication Towers (200 feet and higher)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
TEMPORARY USES																					
Buildings, Portable	B	B	B	B	B	B	B	B	B		B	B	B	B	B						

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~ 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)																					
Temporary Mobile Home (Use during construction/installation of permanent residential unit and for 30 days following issuance of Certificate of Occupancy)	*	*	*	*	*	*															
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	
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
WASTE MANAGEMENT																					

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*** = PERMITTED USE A = CLASS A SPECIAL USE B = CLASS B SPECIAL USE Δ = SUBJECT TO SPECIAL STANDARDS**

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	RB	AR	R1	R2	R3	R4	R5	R8	R13	LC1	NC2	CC3	GC4	EC5	OI	AS	EI	I 1	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)																					
Landfills (2 Acres or More) ~	A	A	A													A		A	A	A	
Landfills (Less Than 2 Acres) ~	B	B	B													B		B	B	B	
Waste Management Facility; Hazardous & Toxic ~													A						A	A	
MISCELLANEOUS																					
Accessory Uses	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Airports, General Aviation, Heliports, S.T.O.L ~	A	A	A															A	A	A	
Assembly Facility Greater Than 300												*	*								
Assembly Facility Less Than 300										*		*									
Cemetery	B	*	B	B	B	B	B	B	B												
Church	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		*	*	*	
Clubs or Lodges; Social; Fraternal or Union Clubhouses	*	*	*							*	*	*	*		*						
Community Center	B	B	B	B	B	B	B	B	B	*	*	*			*						
Crematoria ~																		*	*	*	
Historic Sites Non-Residential/Mixed Use	A	A	A																		
Kennels, Class I	*	*	*									*	*			*					
Research Facility ~											*	*	*		*			*	*	*	
Research Lands & Installations, Non-profit																					*
Rural Heritage Museum	B	B								B	B					B					
Rural Special Events ^	*	*														*					
Special Events (Less than 150)												*	*						*		

5.2.2 Table of Permitted Uses – Economic Development Districts

TABLE OF PERMITTED USES – ECONOMIC DEVELOPMENT DISTRICTS * = PERMITTED USE A = CLASS A SPECIAL USE B = CLASS B SPECIAL USE C = CONDITIONAL USE (REZONING & CLASS A SUP)									
USE TYPE	GENERAL USE ZONING DISTRICTS								
	BUCKHORN EDD		ENO EDD		HILLSBOROUGH EDD				
	EDB-1	EDB-2	EDE-1	EDE-2	EDH-1	EDH-2	EDH-3	EDH-4	EDH-5
# Shall be noted on Zoning Atlas as "Zoning District" – CU (e.g., EDB-2-CU)									
AGRICULTURAL USES									
Animal hospital/veterinarian	C#	C#		*					
Kennel, Class I		C#		*					
Kennel, Class II		B		B					
CONSTRUCTION									
Building contractors		*		*					
Construction (Sector 23) (Hillsborough EDD only; all activities must be wholly within building)									*
Plumbing, heating, electrical, and similar trade contractors		*		*					
FINANCE									
Banks, savings and loans, and credit unions	*	*	*	*					
Credit agencies and institutions	*	*	*	*					
Finance & Insurance (Sector 52)					*	*		*	
Insurance carriers and agents	*	*	*	*					
Real estate agents and brokers	*	*	*	*					
Security and commodity brokers, and investment offices	*	*	*	*					
GOVERNMENT USES									
Governmental facilities and office buildings (Including solid waste collection centers)	*	*	*	*	*	*	*	*	*
Governmental protective services (Police and fire stations, rescue squads, and volunteer fire departments)	*	*	*	*	*	*	*	*	*
Parks, public and non-profit	*	*	*	*	*	*	*	*	*

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USE TYPE	GENERAL USE ZONING DISTRICTS								
	BUCKHORN EDD		ENO EDD		HILLSBOROUGH EDD				
	EDB-1	EDB-2	EDE-1	EDE-2	EDH-1	EDH-2	EDH-3	EDH-4	EDH-5
# Shall be noted on Zoning Atlas as "Zoning District" – CU (e.g., EDB-2-CU)									
Public Administration (Sector 92)									*
INFORMATION									
Information (Sector 51)								*	
MANUFACTURING, ASSEMBLY & PROCESSING									
Manufacturing (Sector 31-33) (Hillsborough EDD only; all activities must be wholly within building)									
Electronic Equipment (see listing below)									
• Communications equipment		*		*					
• Electric lighting and wiring equipment		*		*					
• Electric transmission and distribution		*		*					
• Electrical industrial apparatus		*		*					
• Electronic components and accessories		*		*					
• Household appliances		*		*					
• Radio and television receiving equipment		*		*					
Fabricated Metal Products (see listing below)									
• Cutlery and hand tools		*		*					
• Fabricated structural metal products		*		*					
• Heating equipment, except electric and warm air; and plumbing fixture		*		*					
• Metal cans and shipping containers		*		*					
• Nuts, bolts, screws, rivets, and washers		*		*					
Food Products (see listing below)									
• Bakery		*		*					
• Bottling plants		*		*					
• Dairy		*		*					

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USE TYPE	GENERAL USE ZONING DISTRICTS								
	BUCKHORN EDD		ENO EDD		HILLSBOROUGH EDD				
	EDB-1	EDB-2	EDE-1	EDE-2	EDH-1	EDH-2	EDH-3	EDH-4	EDH-5
# Shall be noted on Zoning Atlas as "Zoning District" – CU (e.g., EDB-2-CU)									
• Miscellaneous food preparation; e.g., coffee roasting, condiments, confectionary products, etc.		*		*					
Industrial Machinery (see listing below)									
• Engines and turbines		*		*					
• Farm/garden machinery and equipment		*		*					
• General industrial machinery and equipment; e.g., purification equipment, ball and roller bearings, etc.		*		*					
• Metalworking machinery and equipment		*		*					
• Office, computing, and accounting machines		*		*					
• Special industrial machinery; e.g., textile machinery		*		*					
Instruments (see listing below)									
• Measuring, analyzing, and controlling instruments		*		*					
• Photographic, medical, and optical goods		*		*					
• Watches and clocks		*		*					
Paper Products (see listing below)									
• Converted paper and paperboard products		*		*					
• Paperboard containers and boxes		*		*					
Furniture and Fixtures (see listing below)									
• Household and office furniture		*		*					
• Miscellaneous furniture and fixtures		*		*					
Pharmaceutical Products		*		*					
Printing and Publishing Establishments		*		*					

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	BUCKHORN EDD		ENO EDD		HILLSBOROUGH EDD				
	EDB-1	EDB-2	EDE-1	EDE-2	EDH-1	EDH-2	EDH-3	EDH-4	EDH-5
# Shall be noted on Zoning Atlas as "Zoning District" – CU (e.g., EDB-2-CU)									
Rubber and Plastic Products (see listing below)									
• Miscellaneous plastic products; e.g., plastic pipe, packaging materials, etc.		*		*					
• Rubber and plastic footwear		*		*					
• Rubber and plastic hose and belting		*		*					
Stone, Glass, Clay, and Concrete Products (see listing below)									
• Cut stone products		C#		C#					
• Flat glass		*		*					
• Glass and glassware		*		*					
• Pottery and related products		*		*					
Transportation Equipment (see listing below)									
• Miscellaneous transportation equipment; e.g., motor vehicle components		*		*					
• Motorcycles, bicycles, and parts		*		*					
Miscellaneous Manufacturing Industries (see listing below)									
• Jewelry and silverware		*		*					
• Miscellaneous manufacturing industries; e.g., costume jewelry, novelties, buttons, etc.		*		*					
• Musical instruments		*		*					
• Pen, pencils, office, and artist supplies		*		*					
• Toys, sporting, and athletic goods		*		*					
RECREATION									
Arts, Entertainment & Recreation (Sector 71)								*	
RESIDENTIAL									

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	BUCKHORN EDD		ENO EDD		HILLSBOROUGH EDD				
	EDB-1	EDB-2	EDE-1	EDE-2	EDH-1	EDH-2	EDH-3	EDH-4	EDH-5
# Shall be noted on Zoning Atlas as "Zoning District" – CU (e.g., EDB-2-CU)									
Dwelling, single-family			*				*		
Dwelling, two-family			*				*		
Dwelling, multi-family (6-12 units per acre in the Hillsborough EDD)			*				*		
Dwelling, multi-family (6+ units per acre as part of mixed use development; maximum of 25% of development square footage)	*								
Dwelling, multi-family (6+ units per acre)	C#								
Dwelling, mobile home (For replacement of existing mobile home)			*						
Temporary mobile home (For occupancy during construction of permanent residential unit and for 30 days after issuance of Certificate of Occupancy)			*				*		
RETAIL									
Farm equipment sales	C#	C#		*					
Motor vehicle service station	C#	C#		*					
Motor vehicles, new and used, sales and rental	C#	C#		*					
Nightclubs, bars, and pubs (Only as accessory use to hotel, motel or restaurant)	*	*		*					
Restaurants (carry-out and general) when located in a service building, court or plaza, retail store, or enclosed mall consisting of multiple uses	*	*		*					
Restaurants (carry-out and general) in a separate, free-standing building	*	C#		*					
Restaurants (drive-in) in a separate, free-standing building	C#	C#		*					
Retail Trade (Sectors 44, 45; excluding Subsector 454 Non-store retailers) (Only Hillsborough EDD through Conditional Use District or MPD-CZ)									

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USE TYPE	GENERAL USE ZONING DISTRICTS								
	BUCKHORN EDD		ENO EDD		HILLSBOROUGH EDD				
	EDB-1	EDB-2	EDE-1	EDE-2	EDH-1	EDH-2	EDH-3	EDH-4	EDH-5
# Shall be noted on Zoning Atlas as "Zoning District" – CU (e.g., EDB-2-CU)									
Retail trade, sales and rental of durable and convenience goods, merchandise, and equipment, including mail order houses, in a separate, free-standing building	*	C#		*					
Retail trade, sales and rental of durable and convenience goods, merchandise, and equipment, including mail order houses, when located in a service building, court or plaza, or enclosed mall consisting of multiple uses.	*	*		*					
SERVICES									
Accommodation and Food Service (Sector 72) (Eating and drinking establishments are permitted only as accessory use to hotel, motel or restaurant; Hillsborough EDD only)						*		*	
Administrative & Support Services (Sector 561)					*	*	*	*	
Art/photographic studios	*	C#	*	*					
Assembly facility - 300 or more person capacity		C#		*					
Assembly facility - less than 300 person capacity		C#		*					
Beauty and barber shops	*	*	*	*					
Churches	*	*	*	*					
Clubs and lodges, and social, fraternal, and union clubhouses	C#	C#	C#	C#					
Community center	A	A	A	A					
Day care facility	B	B	*	*					
Educational Services (Sector 61)									
Funeral homes	C#	C#		*					
Golf driving and practice ranges		*		*					
Health Care & Social Assistance (Sector 62)					*	*	*	*	

TABLE OF PERMITTED USES – ECONOMIC DEVELOPMENT DISTRICTS * = PERMITTED USE A = CLASS A SPECIAL USE B = CLASS B SPECIAL USE C = CONDITIONAL USE (REZONING & CLASS A SUP)									
USE TYPE	GENERAL USE ZONING DISTRICTS								
	BUCKHORN EDD		ENO EDD		HILLSBOROUGH EDD				
	EDB-1	EDB-2	EDE-1	EDE-2	EDH-1	EDH-2	EDH-3	EDH-4	EDH-5
# Shall be noted on Zoning Atlas as "Zoning District" – CU (e.g., EDB-2-CU)									
Health services, including doctors and dentists offices, and medical and dental laboratories	*	*	*	*					
Hotels and motels	*	C#		*	*	*	*		
Indoor theaters	*	C#		*	*	*	*		
Large day care home		B	*	*					
Laundry, dry cleaning, and shoe repair services	*	C#	*	*					
Libraries	*	C#	*	*					
Management of Companies & Enterprises (Sector 53)					*	*	*	*	
Motor vehicle maintenance and repair (body shop)		C#		*					
Other offices and personal services; e.g., attorneys, watch and jewelry repair, computer programming and data processing, employment and travel agencies, advertising agencies, and accounting, engineering, architectural, and surveying offices	*	*	*	*					
Professional, Scientific & Technical Services (Sector 54)					*	*	*	*	
Recreational facilities	B	*	B	*					
Repair service, electronic and appliance	C#	C#	*	*					
Research facility		*		*					
Schools, dance, art, and music	*	C#	*	*					
Schools, elementary, middle, and high	A	A	*						
Schools, vocational	C#	C#		*					
Other Services (Hillsborough EDD only)					*		*	*	
TRANSPORTATION									
Bus terminals and garages		C#		*					

TABLE OF PERMITTED USES – ECONOMIC DEVELOPMENT DISTRICTS

*** = PERMITTED USE A = CLASS A SPECIAL USE B = CLASS B SPECIAL USE C = CONDITIONAL USE (REZONING & CLASS A SUP)**

USE TYPE	GENERAL USE ZONING DISTRICTS								
	BUCKHORN EDD		ENO EDD		HILLSBOROUGH EDD				
	EDB-1	EDB-2	EDE-1	EDE-2	EDH-1	EDH-2	EDH-3	EDH-4	EDH-5
# Shall be noted on Zoning Atlas as "Zoning District" – CU (e.g., EDB-2-CU)									
Postal and parcel delivery services		*		*					
Rail/bus passenger shelter	*	*	*	*				*	
Surface and structure parking as principal use (When associated with a local or regional transportation goal such as mass transit or park-and-ride)		*		*				*	
Transportation and Warehousing (Sector 48, 49)									*
WHOLESALE TRADE									
Wholesale Trade (Sector 42)									
Durable Goods (see listing below)									*
• Automotive parts and supplies (In an enclosed building)		*		*					
• Electrical goods		*		*					
• Furniture and home furnishings		*		*					
• Hardware, plumbing, and heating equipment and supplies		*		*					
• Lumber and other construction materials		*		*					
• Machinery, equipment, and supplies		*		*					
• Sporting, recreational, photographic, and hobby goods; toys and supplies		*		*					
Non-Durable Goods (see listing below)									
• Apparel and piece goods		*		*					
• Beer, wine, and distilled alcoholic beverages		*		*					
• Groceries and related products		*		*					
• Paper and paper products		*		*					
• Pharmaceuticals and cosmetics		*		*					

TABLE OF PERMITTED USES – ECONOMIC DEVELOPMENT DISTRICTS * = PERMITTED USE A = CLASS A SPECIAL USE B = CLASS B SPECIAL USE C = CONDITIONAL USE (REZONING & CLASS A SUP)									
USE TYPE	GENERAL USE ZONING DISTRICTS								
	BUCKHORN EDD		ENO EDD		HILLSBOROUGH EDD				
	EDB-1	EDB-2	EDE-1	EDE-2	EDH-1	EDH-2	EDH-3	EDH-4	EDH-5
# Shall be noted on Zoning Atlas as "Zoning District" – CU (e.g., EDB-2-CU)									
MISCELLANEOUS									
Accessory uses	*	*	*	*					
Electric, Gas, and Liquid Fuel Transmission lines	B	B	B	B					
Elevated water storage tank (Permitted as accessory use without Special Use Permit)	B	B		B				*	*
Historic buildings for non-residential/mixed use	A	A	A	A					
Public utility stations and sub-stations, switching stations, and telephone exchanges	A	A	A	A				*	*
Radio and television transmitting and receiving towers	B	B		B					*
Solar Array – Large Facility	B	B	B	B					
Solar Array – Public Utility	A	A	A	A					
Storage and warehousing, inside building		*		*					
Storage of goods, outdoors (Accessory only and subject to screening)		*		*					
Water and sanitary sewer pumping stations	*	*	*	*				*	*

5.2.3 Table of Permitted Uses – Conditional Zoning Districts

TABLE OF PERMITTED USES – CONDITIONAL ZONING DISTRICTS * = PERMITTED USE				
USE TYPE	CONDITIONAL ZONING DISTRICTS			
	ASE-CZ	MPD-CZ	MHP-CZ	REDA-CZ-1
NOTE: Applications for Conditional Zoning Districts must list specific uses for consideration/approval ^: Use shall not be approved on parcels located in the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan.				
AGRICULTURAL USES				
Agricultural Processing Facility ^	*	*		
Agricultural Processing Facility, Community	*			
Agricultural Services Uses	*	*		
Cold Storage Facility	*	*		
Community Farmers' Market	*	*		
Composting Operation, no grinding	*			
Composting Operation, with grinding ^	*			
Cooperative Farm Stand	*	*		
Equestrian Center	*			
Farm Equipment Rental, Sales and Service	*			
Farm Supply Store	*	*		
Feed Mill	*	*		
Greenhouses with On Premises Sales	*	*		
Meat Processing Facility, Community	*			
Meat Processing Facility, Regional ^	*			
Non-Farm Use of Farm Equipment	*			
Stables, Commercial	*	*		
Stockyards / Livestock Markets ^	*			
CHILD CARE & EDUCATIONAL FACILITIES				
Center in a Residence for 3 to 12 Children				
Child Care Facilities		*		
Libraries		*		*

TABLE OF PERMITTED USES – CONDITIONAL ZONING DISTRICTS * = PERMITTED USE				
USE TYPE	CONDITIONAL ZONING DISTRICTS			
	ASE-CZ	MPD-CZ	MHP-CZ	REDA-CZ-1
NOTE: Applications for Conditional Zoning Districts must list specific uses for consideration/approval ^: Use shall not be approved on parcels located in the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan.				
Non-Profit Educational Cooperative				
Schools: Dance, Art & Music		*		
Schools: Elementary, Middle & Secondary		*		
Schools: Vocational		*		
Universities, Colleges & Institutes		*		
COMMERCIAL USES				
Banks & Financial Institutions		*		
Beauty & Barber Shops		*		*
Construction (Sector 23)		*		
Contractors, Building & Trade		*		*
Country Store	*	*		
Finance & Insurance (Sector 52)		*		
Funeral Homes		*		
Garden Center with On Premises Sales	*	*		
Hotels & Motels		*		
Insurance Carriers & Agents		*		
Junkyards				
Kennels, Class I	*			
Kennels, Class II	*			
Laundry & Dry Cleaning Services		*		
Management of Companies & Enterprises (Sector 53)		*		
Massage, Business of		*		
Metal Fabrication Shop	*			
Microbrewery with Minor Events	*	*		
Microbrewery with Major Events ^	*	*		

TABLE OF PERMITTED USES – CONDITIONAL ZONING DISTRICTS * = PERMITTED USE				
USE TYPE	CONDITIONAL ZONING DISTRICTS			
	ASE-CZ	MPD-CZ	MHP-CZ	REDA-CZ-1
NOTE: Applications for Conditional Zoning Districts must list specific uses for consideration/approval ^: Use shall not be approved on parcels located in the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan.				
Nightclubs, Bars, Pubs		*		
Offices & Personal Services, Class 1		*		*
Offices & Personal Services, Class 2		*		
Offices & Personal Services, Class 3		*		
Professional, Scientific & Technical Services (Sector 54)		*		
Real Estate Agents & Brokers		*		*
Repair Service Electronic & Appliance		*		
Restaurants: Carry Out		*		
Restaurants: Drive In		*		
Restaurants: General		*		
Retail, Class 1		*		
Retail, Class 2		*		
Retail, Class 3		*		
Rural Guest Establishment: Bed & Breakfast	*	*		
Rural Guest Establishment: Bed & Breakfast Inn	*	*		
Rural Guest Establishment: Country Inn	*	*		
Storage of Goods, Outdoor	*	*		*
Storage or Warehousing: Inside Building		*		*
Studio (Art)		*		*
Taxidermy	*			
Theater, Indoor or Outdoor (including Drive-ins)		*		*
Tourist Home				
Wholesale Trade		*		
Winery with Minor Events	*	*		
Winery with Major Events ^	*	*		

TABLE OF PERMITTED USES – CONDITIONAL ZONING DISTRICTS * = PERMITTED USE				
USE TYPE	CONDITIONAL ZONING DISTRICTS			
	ASE-CZ	MPD-CZ	MHP-CZ	REDA-CZ-1
NOTE: Applications for Conditional Zoning Districts must list specific uses for consideration/approval ^: Use shall not be approved on parcels located in the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan.				
EXTRACTIVE USES				
Extraction of Earth Products				
GOVERNMENTAL USES				
Governmental Facilities & Office Buildings		*		
Governmental Protective Services (Police & Fire Stations) Rescue Squads, Volunteer Fire Departments		*		
Military Installations (National Guard & Reserve Armory)				
Public Administration (Sector 92)		*		
MANUFACTURING, ASSEMBLY & PROCESSING				
Assembly and Packaging Operations Including Mail Order Houses, But Excluding On-Premises Retail Outlets		*		
Industrial, Heavy		*		
Industrial, Light		*		
Industrial, Medium		*		
Manufacturing (Sector 31-33)		*		
Microbrewery, production only	*	*		
Pharmaceutical Products		*		
Printing & Lithography		*		
Sawmills ^	*			
Winery, production only	*	*		
MEDICAL USES				
Health Services: Over 10,000 Sq. Ft.		*		
Health Services: Under 10,000 Sq. Ft		*		
Hospitals		*		
Veterinary Clinic	*	*		
Veterinary Clinic, mobile	*	*		

TABLE OF PERMITTED USES – CONDITIONAL ZONING DISTRICTS * = PERMITTED USE				
USE TYPE	CONDITIONAL ZONING DISTRICTS			
	ASE-CZ	MPD-CZ	MHP-CZ	REDA-CZ-1
NOTE: Applications for Conditional Zoning Districts must list specific uses for consideration/approval ^: Use shall not be approved on parcels located in the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan.				
Veterinary Hospitals	*	*		
RECREATIONAL USES				
Arts, Entertainment & Recreation (Sector 71)				
Botanical Gardens & Arboretums	*			
Camp/Retreat Center	*			
Golf Driving and Practice Ranges		*		
Guest Ranch	*			
Parks, Public	*	*		
Recreational Facilities		*		
Golf Course		*	*	
Race Track (Motorized, etc.) and Go-Kart Track Facilities				*
RESIDENTIAL USES				
Dwelling; Mobile Home	*		*	
Dwelling; Multiple Family		*		
Dwelling; Single-Family	*	*		
Dwelling; Two-Family		*		
Family Care Home				
Group Care Facility		*		
Rehabilitative Care Facility		*		
Residential Hotel (Fraternities, Sororities, and Dormitories)				
Rooming House				
TELECOMMUNICATIONS				
Telecommunication Tower – Stealth (75 feet or shorter)	*	*		
Telecommunication Towers (150 feet in height or shorter)	*	*		
Telecommunication Towers (greater than 150 in height)	*	*		

TABLE OF PERMITTED USES – CONDITIONAL ZONING DISTRICTS * = PERMITTED USE				
USE TYPE	CONDITIONAL ZONING DISTRICTS			
	ASE-CZ	MPD-CZ	MHP-CZ	REDA-CZ-1
NOTE: Applications for Conditional Zoning Districts must list specific uses for consideration/approval ^: Use shall not be approved on parcels located in the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan.				
TEMPORARY USES				
Buildings, Portable	*			
Temporary Mobile Home (Use during construction/installation of permanent residential unit and for 30 days following issuance of Certificate of Occupancy	*			
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	*	*		
Public Utility Stations & Sub-Stations, Switching Stations, Telephone Exchanges, Water & Sewage Treatment Plants	*	*		
Electric, Gas, and Liquid Fuel Transmission Lines	*	*		
Water & Sanitary Sewer Pumping	*	*		
Solar Array – Large Facility	*	*		
Solar Array – Public Utility	*	*		
WASTE MANAGEMENT				

TABLE OF PERMITTED USES – CONDITIONAL ZONING DISTRICTS * = PERMITTED USE				
USE TYPE	CONDITIONAL ZONING DISTRICTS			
	ASE-CZ	MPD-CZ	MHP-CZ	REDA-CZ-1
NOTE: Applications for Conditional Zoning Districts must list specific uses for consideration/approval ^: Use shall not be approved on parcels located in the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan.				
Landfills (2 Acres or More)				
Landfills (Less Than 2 Acres)				
Waste Management Facility; Hazardous & Toxic				
MISCELLANEOUS				
Accessory Uses	*	*	*	*
Airports, General Aviation, Heliports, S.T.O.L.				
Assembly Facility Greater Than 300 Occupants ^	*	*		
Assembly Facility Less Than 300 Occupants	*	*		*
Cemetery				
Church	*	*		
Clubs or Lodges; Social; Fraternal or Union Clubhouses	*	*		
Community Center	*	*		
Crematoria		*		
Historic Sites Non-Residential/Mixed Use	*	*		
Information (Sector 51)		*		
Research Facility		*		
Research Lands & Installations, Non-profit		*		
Rural Heritage Museum	*			
Rural Special Events	*	*		

SECTION 5.3: APPLICATION OF USE STANDARDS

5.3.1 In General

In addition to the general standards applied to uses in each zoning district and in accordance with the Table of Permitted Uses, Sections 5.4 through 5.17 establish additional standards for specific Permitted Uses, Special Uses, Conditional Uses, and uses permitted in Conditional Zoning Districts.

5.3.2 Special Uses

(A) General Standards

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

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

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

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

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

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

(B) Specific Standards

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

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

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

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

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

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

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

(1) General Provisions

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

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

(2) General Design Standards

(a) Harmonious and efficient organization

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

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

(b) Preservation of natural state

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

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

(c) Enhancement of residential privacy

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

(d) Emergency access

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

(e) Access to public ways

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

(f) Non-motorized circulation

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

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

(g) Design of access and egress drives

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

(h) Coordination with off-site circulation systems

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

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

(i) Stormwater control

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

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

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

(j) Exterior lighting

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

(k) Protection of property values

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

(3) Specific Standards

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

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

(c) Relationship of buildings to site

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

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

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

(iv) All utility services shall be underground.

(d) Relationship of buildings and site to adjoining areas

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

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

(e) Building design

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

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

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

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

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

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

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

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

(f) Landscaping and Site Treatment

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

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

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

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

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

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

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

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

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

(g) Signs

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

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

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

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

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

(h) Maintenance, planning and design factors

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

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

SECTION 5.4: STANDARDS FOR TEMPORARY USES

5.4.1 Yard Sale

(A) General Standards for Evaluation

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

5.4.2 Temporary Fund Raising Activity

(A) General Standards for Evaluation

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

5.4.3 Special Events

(A) Arts and Cultural Special Events

(1) All arts and cultural special events organized, conducted, and affiliated with a 501(c)(3) nonprofit organization or government entity, for example the annual Orange County Open Studio Tour, shall be exempt from the special event review and permitting process.

(B) General Standards of Evaluation

(1) The application shall include a written description of the type of event planned, the number of participants for any single event, the frequency of the events, the anticipated hours of operation, the potential dates for the events, and the method and adequacy of sewage disposal, recycling and waste disposal, access, parking, lighting, and signage;

(2) The plot plan shall be accompanied by written approval from the Orange County Division of Environmental Health regarding the adequacy of the water-supply and wastewater disposal;

(3) The plot plan shall have written approval from the Orange County Fire Marshal;

(4) The applicant shall submit a copy of notification sent to the Orange County Sheriff's Department stating the type of events, number of participants, date(s) and hours of operation, and emergency contact information. A location map must be attached to the notice provided to the Sheriff;

(5) Lot size shall be adequate to accommodate all proposed activities including safe vehicular and pedestrian circulation;

(6) The proposed activity will occur on no more frequently than seven days in a 30-day period, and on no more than 50 days per year; and

(7) Signs shall be permitted in accordance with Section 6.12.11(D).

(C) 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 written description of the exact type of event planned, the maximum number of participants, the frequency of the event, anticipated dates and hours of operation, method and adequacy of sewage disposal, recycling and waste disposal, access, parking, lighting, and signage;

(b) A site plan showing the boundaries of the area to be used for the events, the locations of access points, parking, service areas, activity areas, restrooms, solid waste disposal/recycling facilities, lighting, and signage;

(c) Written comments from the Orange County Health Department, Division of Environmental Health regarding the adequacy of plans restroom facilities and food preparation/handling arrangements; and

(d) Written comments from the Orange County Fire Marshal and Sheriff's Department regarding the adequacy of parking, access, or other factors related to public safety.

(2) Standards of Evaluation

(a) The lot shall contain a minimum of five acres and shall be adequate to accommodate all proposed activities, including safe vehicular and pedestrian circulation, and the maximum number of participants for any single event.

(b) The maximum number of participants at any given time at any event shall be 150 persons.

(c) The proposed activity will occur no more frequently than seven days in a 30-day period, and on no more than 50 days per year.

(d) Signs shall be permitted in accordance with Section 6.12.11(D) of this Ordinance.

(e) All parking shall be on-site.

(f) Noise levels at the boundary of the area included in the special Use Permit shall not exceed 50 decibels between the hours of 7:00 a.m. and 7:00 p.m., or 45 decibels between the hours of 7:00 p.m. and midnight. No Special Event shall begin before 7:00 a.m., or extend beyond midnight.

(g) The site plan shall have the written approval of the Orange County Division of Environmental Health regarding the adequacy of the water supply and wastewater disposal for the specified maximum number of participants for any single event and the written approval of the Orange County Fire Marshal and Orange County Sheriff's Department regarding the adequacy of parking, access or other factors relating to public safety.

(h) The Special Use Permit shall be valid for no more than one year.

5.4.4 Temporary Use of a Residential Mobile Home

(A) General Standards of Evaluation

Residential Mobile Homes may be permitted as a temporary use during construction in accordance with the following:

(1) The property owner shall reside in the temporary residential mobile home during construction of a new residence or the renovation of an existing residence on the same lot.

(2) Prior to placement of the temporary residential mobile home on-site all applicable state and local approvals and permits shall be procured, including but not limited to a zoning compliance permit, building permits, and health department approval.

(3) The temporary residential mobile home must be removed within 90 days of receipt of the certificate of occupancy for the on-site residence.

5.4.5 Buildings for Temporary Use

(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) Site plan showing all existing and proposed structures on the site, existing and proposed topography at a contour interval of five feet, existing and proposed landscaping, parking areas, access points, any officially designated flood plains, and other site details.

(b) A description of the exterior materials, color and construction details.

(c) Statement of proposed use and length of time building will be in use.

(2) Standards of Evaluation –

(a) The temporary building shall not be used for residential purposes.

(b) The temporary building shall not be used by operations offering drive-in services.

(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 contains 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.

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;

b. The location, number, and means of access to required off street parking areas; and

c. The location and type of required landscaping and/or screening.

(ii) A floor plan of the residence and/or accessory building in which the home occupation is to be located showing the location, size, and use of each room or area within the residence and/or accessory building.

(b) Major Home Occupations

(i) A site plan of the property on which the home occupation is to be located. The site 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;

b. The location, number, and means of access to required off street parking areas; and

c. The location and type of required landscaping and/or screening.

(ii) A floor plan of the residence and/or accessory building in which the home occupation is to be located showing the location, size, and use of each room or area within the residence and/or accessory building.

(2) Standards of Evaluation -

(a) All Home Occupations

(i) No home occupation may be operated in a residence except as permitted under this Ordinance and only after a Home Occupation Permit has be issued in accordance with the provisions of Section 2.22 of this Ordinance.

(ii) Home based business operations that conduct only online retail sales and do not include nonresident employees located onsite, signage, or onsite students, customers, and/or clients do not require a home occupation permit.

(iii) Uses Not Permitted

a. Except for the office component of the business operation, the following activities are explicitly prohibited as home occupations:

i. Automotive repair,

ii. Automotive service,

iii. Automotive detailing,

iv. Body shop, and

v. Hauling.

b. The above list is not intended to include all uses which may be unsuitable as a home occupation. Home Occupation applications for other uses may be denied if the Standards of Evaluation listed herein are not fully met.

(iv) No equipment or process shall be employed that will cause noise, vibration, glare, odor or electrical interference detectable to the normal senses at the lot lines in the case of detached dwelling units or outside the dwelling unit, in the case of attached dwelling units.

(v) The on-premises sale and/or delivery of goods which are not produced or modified in a manner that adds value to the product on the premises is prohibited, except in the case of the delivery and sale of goods incidental to the provision of a service. No goods, products, or commodities purchased and secured for the main purpose of onsite resale shall be permitted.

(vi) All events conducted in connection with the home occupation and exceed the number of permitted daily students, customers, and/or clients contained within Sections 5.5.3(A)(2)(b)(i)d and 5.5.3(A)(2)(c)(i)g must adhere to Section 5.4.3, Special Events.

(b) Minor Home Occupations

(i) General Operations

The following requirements apply to minor home occupations in all residential districts:

a. The owner or operator of the home occupation must live in a residence located on the same zoning lot as the home occupation. Minor home occupations shall not exceed three nonresident employees onsite at any one time.

b. In all residential districts no more than 35% of the floor area of the dwelling unit or 750 square feet, whichever is less, may be used for the home occupation.

c. Up to three students, customers, and/or clients shall be permitted onsite at any one time, not to exceed a total of six students, customers, and/or clients per day.

(ii) Limitations on Traffic Generation

a. Traffic generated by employees, students, customers, and/or clients shall not exceed more than twenty trips per day. All deliveries must be made by vehicles of a size normally used for household deliveries.

b. Parking generated by the home occupation shall be met off the street and not in a required yard area.

c. There shall be no use of a vehicle with a gross vehicle weight in excess of 14,000 pounds used in connection with the home occupation.

(iii) Use of Accessory Structures

a. An accessory building containing up to 1,500 square feet may be utilized in the residential zoning districts, detailed in Section 3.3, provided that the structure is built with materials not incompatible with a residential accessory structure.

b. The accessory structure must be screened from view of the road and adjacent property by a densely planted evergreen hedge of shrubs or trees. In lieu of an evergreen hedge, a six foot stockade fence and

deciduous vegetation planted along the outside of the fence may be used for screening purposes. Screening will not be required when:

i. The accessory structure is located 40 feet or more from all property lines; or

ii. Existing vegetation provides suitable screening of the accessory structure from all adjacent properties.

c. New structures built for the purpose of conducting a home occupation shall not exceed 1,500 square feet in area.

d. An existing accessory structure which is larger than 1,500 square feet may be used for the home occupation provided that no more than 1,500 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

a. Up to 500 square feet of outdoor storage area may be permitted only in the RB, AR and R-1 zoning districts provided that it:

i. Is clearly defined on the site plan and on the ground.

ii. Is located at least 40 feet from any lot line or road right-of-way; and

iii. Is totally screened from the view from the road and from adjacent property in the same manner as is required for accessory buildings.

(c) Major Home Occupations

(i) General Operations

The following requirements apply to major home occupations:

a. Major home occupations shall be permitted only in the AR and R-1 zoning districts.

b. All major home occupations shall be located on parcels at least five acres in size.

c. The owner or operator of the home occupation must live in a residence located on the same zoning lot as the home occupation. Up to six permanent and/or temporary nonresident employees may be permitted onsite at any one time with the exact number established in the Special Use Permit.

d. The total amount of square footage permitted for a residential dwelling unit used in conjunction with a major home occupation, which exceeds standards referenced in Section 5.5.3.A.2(b)(i)b, shall be determined with the

approved Special Use Permit, but in no case shall the total exceed 50% of the floor area of the dwelling unit.

e. Up to eight students, customers, and/or clients shall be permitted onsite at any one time, not to exceed a total of fifteen students, customers, and/or clients per day.

(ii) Limitations on Traffic Generation

a. Traffic generated by employees, students, customers, and/or clients shall not exceed more than fifty trips per day. All deliveries must be made by vehicles of a size normally used for household deliveries.

b. All major home occupations shall conform to the standards of Section 5.5.3(A)(2)(b)(ii)c.

c. Parking generated by the home occupation shall be met off the street and set back at least 40 feet from all property lines.

d. Major home occupations located on public roadways may be required to submit a driveway permit prior to approval.

e. Major home occupations located on shared private roadways shall be required to submit a private road maintenance agreement prior to approval.

(iii) Use of Accessory Structures

a. An accessory building containing up to 2,500 square feet may be utilized, with the approval of a major home occupation, on tracts totaling five to ten acres in size. An accessory building containing up to 3,000 square feet may be utilized, with the approval of a major home occupation, on tracts greater than ten acres in size.

b. All accessory structures shall be built with materials not incompatible with a residential accessory structure.

c. Setback standards for all accessory structures shall be determined with the approved Special Use Permit and in no case be less than 40 feet from all property lines.

d. The accessory structure must be screened from view of the road and adjacent property by a densely planted evergreen hedge of shrubs or trees. In lieu of an evergreen hedge, a six foot stockade fence and deciduous vegetation planted on the outside of the fence may be used for screening purposes. Screening will not be required when:

i. The accessory structure is located 80 feet or more from all property lines; or

ii. Existing vegetation provides suitable screening of the accessory structure from all adjacent properties.

e. New accessory structures built for the purpose of conducting a home occupation shall not exceed square footage allowances referenced in Section 5.5.3.A(2)(e)(iii)a.

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 Parks

(A) Standards for MHP-CZ

(1) Permitted Uses and Structures

In addition to Mobile Homes, as defined by this Ordinance, the following accessory structures and uses shall be permitted:

(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) Storage buildings for individual mobile home spaces and intended for the exclusive use of the occupants of the mobile home space.

(f) Fenced, communal storage areas provided by the park operator for boats, campers, and other accessory vehicles belonging to park residents.

(g) Sales of mobile homes already located on approved and established mobile home stand spaces.

(2) Mobile Home Stand Space Requirements

(a) A mobile home park shall be divided into mobile home spaces, each 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.

(b) Only one mobile home and its customary accessory buildings may be erected on any mobile home stand space at one time.

(3) Mobile Home Stand Requirements

Each mobile home must be placed on a permanent stand in accordance with the following specifications:

(a) 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) 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) 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.

(4) Separation Requirements

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

(a) Each mobile home shall be located at least 20 feet from another mobile home 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) 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) 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.

(5) Installation of Individual Mobile Homes

(a) 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.

(b) 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.

(c) 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.

(6) Vehicular Access

(a) Each mobile home space shall abut an improved access drive or street approved by the County.

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

(c) 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.

(d) 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.

(e) All streets within a mobile home park shall be located within a 40 foot right of way

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

(g) 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.

(h) 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.

(i) 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.

(j) No street shall intersect another street at an angle less than 60 degrees.

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

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

(m) 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.

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

(7) Signs

(a) There shall be no more than one double faced sign per park entrance announcing the name of the mobile home park, limited to 16 square feet in area with the top of such sign no higher than ten feet above ground level. In addition to the name of the mobile home park, such signs shall identify the name of the park owner/manager and his or her phone number.

(b) Any sign erected on-site shall comply with the standards established in Section 6.12 of this Ordinance.

(c) 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.

(8) 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 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 stand space 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 the mobile home when the unit is placed on the stand space, 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.

(9) 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.

(10) Mail Facilities

(a) Each mobile home park 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.

(11) Garbage & Refuse Collection

(a) All garbage and refuse for individual mobile homes 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 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 mobile home 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.

(12) Operations

Each applicant shall submit to the Orange County Planning Department tenancy rules and regulations governing the operation of the mobile home park.

(13) 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.

(14) Buffers and Landscaping

(a) Mobile home 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 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.

(15) 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.

(b) 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) 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) 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) All utility systems shall be located underground, and easements necessary for water, sewer, gas, electrical, cable TV, stormwater and other utility systems 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.

(2) 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) 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) Removal and replacement of such units shall not be considered expansion of the non conforming use.

(5) 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 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.

(b) If structural alterations to existing structures or new construction is required, a complete description of the nature and extent of these alterations or new construction.

(2) Standards of Evaluation –

(a) The proposed use is not within 500 feet of another existing Family Care Facility or Group Care Facility.

(b) Structural alterations shall be of such a nature as to preserve the residential character of the building.

(c) If a state license or permit is required to operate such a facility, the standards necessary to qualify for such a permit have been met.

5.5.8 Residential Hotel, Dormitory, Fraternity, Sorority, and Religious Quarters

(A) Standards for Class A 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 facility planned, the number of occupants, and the development schedule.

(b) A site plan showing existing and proposed contours. Proposed buildings, parking, access, service, recreation, landscaped and screened areas.

(c) Other criteria as set forth in sections 6.2.11 and 6.3.

(d) A statement concerning the provision of public services which shall include fire, police and rescue protection.

(2) Standards of Evaluation –

(a) Adequate parking, access and service areas are provided for the site.

(b) Parking, service areas and buildings are adequately screened from adjacent residential uses.

(c) Improved recreational facilities are provided for occupants.

(d) Other criteria as set forth in sections 6.2.11 and 6.3.

(e) Letters from public service agencies attesting to the adequacy of the provision of public services such as fire, police and rescue.

5.5.9 Temporary Custodial Care Units

(A) General Standards

(1) Submittal Requirements

In addition to the information required by Section 2.4, Zoning Compliance Permits, the following information shall be supplied as part of the application for approval of this use:

(a) Certification in writing from a licensed physician stating the necessity of direct care for a mentally or physically impaired person who requires assistance with two or more activities of daily living.

(B) Standards of Evaluation

(a) An existing single family residential dwelling unit must be located on the same parcel as the temporary custodial care unit. Temporary custodial care units shall be classified as an accessory use to a single family detached dwelling unit.

(b) No more than one temporary custodial care unit per lot shall be permitted.

(c) The temporary custodial care unit must meet setback standards where located and shall not be located in any required front yard open space.

(d) Occupancy of a temporary custodial care unit shall be limited to no more than two persons, with at least one of whom is mentally or physically impaired and requires assistance with two or more activities of daily living.

(e) A temporary custodial care unit shall be required to connect to water, wastewater, and electric utilities serving the principal structure on the property.

(f) The Orange County Health Department, or the agency that provides sanitary sewer and water services, shall approve water and wastewater disposal facilities.

(g) All applicable state and local approvals and permits shall be procured including, but not limited to, a zoning compliance permit, building permits, and health department approval.

(h) Approval of the application shall not exceed one year. Annual renewal shall require a new application and recertification from a licensed physician stating the necessity of direct care.

(i) Any approved temporary custodial care unit shall be removed no later than 180 days after the time the mentally or physically impaired person(s) is no longer receiving care or is in need of assistance. If the structure is needed for a different impaired person, the temporary custodial care unit may continue to be used, subject to the requirements of this Ordinance.

(j) The caregiver shall allow inspections of the property by the County at times convenient to the caregiver, during reasonable hours, and upon prior notice for compliance purposes.

(k) A permit for a temporary custodial care unit may be revoked by the Planning Director due to failure of the applicant to comply with any of the above provisions.

SECTION 5.6: STANDARDS FOR COMMERCIAL USES

5.6.1 Nightclubs, Bars and Pubs

(A) General Standards for Evaluation

(1) Buildings for nightclubs, bars and pubs shall not be located within 200 feet of a residence.

5.6.2 Massage Business

(A) General Standards for Evaluation

(1) Must comply with the Ordinance for the Control of Massage and Massage Establishments

(2) The submittal of construction plans for all existing and proposed buildings housing the massage business. The construction plans shall include floor plans and cross sections showing the proposed use of all portions of such buildings.

(3) For existing buildings, certification by the Orange County Building Inspector that the structure(s) complies with the North Carolina Building Code and all related construction codes.

5.6.3 Garden Center

(A) General Standards for Evaluation

(1) Outdoor display and storage of goods will be permitted.

(2) Outdoor storage of bulk goods shall be located to the rear or side of the primary building and screened on three sides by an eight foot high opaque wall or fence.

(3) Outdoor storage for bulk goods shall be limited to 1,500 square feet per acre of the zoning lot.

5.6.4 Junkyards

(A) Standards for Class A 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) Detailed plans and specifications for the site screening proposed.

(b) Description of type and number of motorized machines to be employed upon site.

(c) Indicate on the site plan the extent of area to be used for the storage of junked or wrecked motor vehicles

(2) Standards for Evaluation -

(a) The site shall be screened from adjacent property by a minimum of an eight foot high solid fence or equal, uninterrupted except for required vehicle access points.

(b) No materials shall be stored closer than 50 feet to the public right of way or 30 feet to the property lines.

(c) Site is of adequate size to protect adjacent properties from adverse effects of the junkyard.

5.6.5 Kennels (Class II)

(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) Plans for all kennels, exercise yards, dog runs, pens and related improvements, including signage.

(b) Site plan showing the improvements listed in a) above, other structures on the same lot, and structures on adjacent property.

(2) Standards of Evaluation –

(a) The site is of adequate size to protect adjacent properties from adverse effects of the kennel.

(b) No part of any building, structure, dog run, pen, or exercise yard in which animals are housed or exercised shall be closer than 150 feet from a property line, except property occupied by the owner/operator of the kennel.

(i) The 150 foot setback established by this section shall not apply if all portions of the facility, in which animals are housed, are wholly enclosed within a building.

(ii) For Class II Kennels developed within the EDE-2 zoning district, this setback shall not apply to dog training activities where each dog is under the immediate control of its trainer, owner, or other responsible individual.

(iii) For Class II Kennels developed within the EDE-2 zoning district, all buildings, structures, dog runs, pens, or exercise yards in

which animals are housed or exercised shall observe the principal setbacks established within Section 3.7 of the UDO in those instances where the property abuts other EDE-2 zoned property and US Highway 70.

(c) Any kennel, including primary enclosures or runs, which is not wholly enclosed within a building shall be enclosed by a security fence at least six feet in height.

(d) The site plan shows parking, access areas and screening devices for all buildings and animal boarding facilities existing or proposed for the property.

(e) The site plan shall be reviewed by the Orange County Animal Services Department, and found in conformance with the Animal Control Ordinance.

(f) Building plans for all kennel facilities shall be reviewed and approved by the Orange County Animal Services Department prior to issuance of any building permits.

(g) A sign clearly visible from the ground shall be posted at the main entrance to the facility and shall contain the names, addresses, and telephone numbers where persons responsible for the facility may be contacted at any hour of the day or night. The sign shall comply with dimensional requirements as set forth within this Ordinance.

(h) A Class II Kennel Permit shall be obtained from Orange County Animal Services within the first 30 days of occupancy. Failure to obtain and maintain a valid Class II Kennel Permit or other related permits which may be required by the USDA or Wildlife Resources Commission will result in revocation of the Special Use Permit.

5.6.6 Rural Guest Establishment: Bed & Breakfast

(A) General Standards

(1) Submittal Requirements

(a) A site plan, prepared in accordance with the requirements of Section 2.5, containing the following: (Per Section.2.5.2 professional design and certification is not required for Rural Guest Establishments with three guestrooms or less—bed & breakfasts.)

(i) Location, width, and type of all internal vehicular and pedestrian circulation, and parking requirements.

(ii) Location and dimensions of all on site signage.

(iii) Boundaries of the site.

(iv) Location of well and septic system.

(b) Description of the proposed use(s) of the site and the buildings thereon, including the following:

(i) Amount of area allocated to each use.

(ii) Number of full and part time employees.

(iii) Number of clients and/or occupants expected to use the facility.

(iv) Proposed hours of operation for non residential uses of the site and within buildings thereon.

(c) Building plans for all existing or proposed structures to include floor plans, elevations, and sections showing restoration/rehabilitation proposed.

(d) Landscape plan, at the same scale as the site plan, showing existing or proposed trees, shrubs, ground cover and other landscape materials. (Landscape information is often shown on the base plan for small projects. Each tree does not have to be individually identified; showing an "existing tree line" is often sufficient for large lots, where the bulk of the property remains wooded.)

(e) Statement from the appropriate public service agencies concerning the method and adequacy of water supply and wastewater treatment for the proposed uses.

(f) Statement from the appropriate public service agencies concerning the provision of fire, police and rescue protection to the site and structures.

(g) The proposed development schedule for the site.

(h) Outdoor events (e.g. weddings, receptions, parties) or similar activities conducted for compensation shall be permitted, only if there is sufficient overflow parking available on site. Overflow parking does not have to be paved or graveled but must be on a suitable (even) surface.

(i) Any bed & breakfast establishment that is not located on a state maintained road shall furnish a copy of the deed establishing the ingress/egress easement to the Planning Director. Such documentation shall not be limited to the easement deed, but may also include copies of road maintenance agreements as determined by the Planning Director.

(j) Any application for a bed & breakfast operation that does not include any changes to an existing structure, and therefore does not require a Certificate of Occupancy to begin operations, shall submit documentation from the Fire Marshal and Building Inspections Division that all areas open to the public meet state regulations.

(k) Applicants requesting a full or partial waiver of the right-of-way land use buffer shall submit evidence that the property is listed on the National Historic Register or recognized by the State of North Carolina or the County of Orange as a place of historic interest. Applications incorporating historic sites shall provide a description of how the historical style and character of the building and/or property is to be enhanced through the project.

(2) Standards of Evaluation

(a) Proposed uses and facilities are complementary and compatible with surrounding area, and appropriate in the location proposed given character of surrounding development.

(b) Fire, police and rescue services and water supply and wastewater treatment methods are adequate to serve the proposed uses and facilities.

(c) Recreational areas, service areas, parking and screening are adequate for the proposed use(s).

(d) The site is served by direct access to a State maintained road, or has legal access to a public road by way of a recorded easement.

(e) Internal vehicular and pedestrian circulation is adequate for the proposed use(s).

(f) The proposed use of the historic structure shall be of such a nature so as to preserve the historic character of the site and the building. Development of the site as proposed would have no adverse impact beyond the building except for appropriate parking facilities. Structural alterations of historic structures shall be of such a nature as to preserve the historic character of the building(s) and site.

(g) Bed & Breakfast establishments shall be allowed in all protected watersheds, and critical areas.

(h) Building plans for all building areas intended for public use shall be reviewed and approved by the Fire Marshal and Building Inspections Division prior to issuance of any Certificates of Occupancy.

(i) In those cases where a Certificate of Occupancy is not required, the applicant shall schedule a site inspection with the Fire Marshal and Building Inspections Division and submit documentation of site approval to the Planning Department prior to commencing operation.

(j) The applicant shall be permitted to construct one sign not to exceed 16 square feet in size. Such identifying signs shall be installed with landscaping around the base. All illumination shall be installed as ground lighting to prevent night-time glare.

(k) On-site parking shall be provided in accordance with Section 6.9 of this Ordinance.

(l) The site shall meet the landscaping and buffer requirements established in Section 6.8 of this Ordinance. However, property recognized by the state or the county as a historic site, or as containing a significant historic structure, shall receive a full or partial waiver of the road-front land use buffer to maintain the historic character of the site and the traditional view of the house from the roadside.

(m) The applicant shall be responsible for satisfying all review and permitting requirements of other public agencies, including but not limited to NCDOT driveway permits.

5.6.7 Rural Guest Establishment: Bed & Breakfast Inn

(A) Standards for Class B Special Use Permit

(1) Submittal Requirements

(a) A site plan, prepared by an appropriately licensed professional in accordance with the requirements of Section 2.5, containing the following:

(i) Location, width, and type of all internal vehicular and pedestrian circulation, and parking requirements.

(ii) Location and dimensions of all on site signage.

(iii) Location of well and septic system.

(iv) Boundaries of the site and distance to nearest residential structures.

(b) Description of the proposed use(s) of the site and the buildings thereon, including the following:

(i) Amount of area allocated to each use.

(ii) Number of full and part time employees.

(iii) Number of clients and/or occupants expected to use the facility.

(iv) Proposed hours of operation for non residential uses of the site and within buildings thereon.

(c) Building plans for all existing or proposed structures to include floor plans, elevations, and sections showing restoration/rehabilitation proposed.

(d) Landscape plan, at the same scale as the site plan, showing existing or proposed trees, shrubs, ground cover and other landscape materials. (Landscape information is often shown on the base plan for small projects. Each tree does not have to be individually identified; showing an "existing tree line" is often sufficient for large lots, where the bulk of the property remains wooded.)

(e) Statement from the appropriate public service agencies concerning the method and adequacy of water supply and wastewater treatment for the proposed uses.

(f) Statement from the appropriate public service agencies concerning the provision of fire, police and rescue protection to the site and structures.

(g) The proposed development schedule for the site.

(h) Outdoor events (e.g. weddings, receptions, parties) or similar activities conducted for compensation shall be permitted, only if there is sufficient overflow parking available on site. Overflow parking does not have to be paved or graveled but must be on a suitable (even) surface.

(i) Any bed & breakfast inn that is not located on a state maintained road shall furnish a copy of the deed establishing the ingress/egress easement to the County. Such documentation shall not be limited to the easement deed, but may also include copies of road maintenance agreements as determined by the County.

(j) Any application for a bed & breakfast inn operation that does not include any changes to an existing structure, and therefore does not require a Certificate of Occupancy to begin operations, shall submit documentation from the Fire Marshal and Building Inspections Division that all areas open to the public meet state regulations.

(k) Applicants requesting a full or partial waiver of the right-of-way land use buffer shall submit evidence that the property is listed on the National Historic Register recognized by the State of North Carolina or the County of Orange as a place of historic interest. Applications incorporating historic sites shall provide a description of how the historical style and character of the building and/or property is to be enhanced through the project.

(2) Standards of Evaluation

(a) Proposed uses and facilities are complementary and compatible with surrounding area, and appropriate in the location proposed given character of surrounding development.

(b) Fire, police and rescue services and water supply and wastewater treatment methods are adequate to serve the proposed uses and facilities.

(c) Recreational areas, service areas, parking and screening are adequate for the proposed use(s).

(d) The site is served by direct access to a State maintained road.

(e) Internal vehicular and pedestrian circulation is adequate for the proposed use(s).

(f) The proposed use of the historic structure shall be of such a nature so as to preserve the historic character of the site and the building. Development of the site as proposed would have no adverse impact beyond the building except for appropriate parking facilities. Structural alterations of historic structures shall be of such a nature as to preserve the historic character of the building(s) and site.

(g) Bed & Breakfast Inns shall be considered commercial operations and therefore may not be allowed in all protected watersheds, and critical areas.

(h) Building plans for all building areas intended for public use shall be reviewed and approved by the Fire Marshal and Building Inspections Division prior to issuance of any Certificates of Occupancy.

(i) In those cases where a Certificate of Occupancy is not required, the applicant shall schedule a site inspection with the Fire Marshal and Building Inspections Division and submit documentation of site approval to the Planning Department prior to commencing operation.

(j) The applicant shall be permitted to construct one sign not to exceed 16 square feet in size. Such identifying signs shall be installed with landscaping around the base. All illumination shall be installed as ground lighting to prevent night-time glare.

(k) On-site parking shall be provided in accordance with Sections 6.9 of this Ordinance.

(l) The site shall meet the landscaping and buffer requirements established in Section 6.8 of this Ordinance. However, property recognized by the state or the county as a historic site, or as containing a significant historic structure, shall receive a full or partial waiver of the road-front land use buffer to maintain the historic character of the site and the traditional view of the house from the roadside.

(m) The applicant shall be responsible for satisfying all review and permitting requirements of other public agencies, including but not limited to NCDOT driveway permits.

(n) The minimum lot size for a Bed & Breakfast Inn using a private well and septic system shall be no less than five acres. A Bed & Breakfast Inn may be permitted on lots of less than five acres if the tract is currently served by public water and sewer, subject to the review and approval of the appropriate agencies and the Staff Engineer.

(3) Expiration and Re-Approval of SUP

(a) The Class B Special Use Permit, if approved, shall be valid for six years, but may be renewed or re-approved by the Board of Adjustment after receiving a report from the Planning Department that the use is, and has been continuously since it was issued, in compliance with provisions of the Special Use Permit.

(b) The Orange County Planning Department shall present its report on the compliance of the special use no later than 90 days before the expiration of the Special Use Permit.

(c) The Board of Adjustment shall not renew the Special Use Permit if it is determined that the applicant has failed to comply with the conditions of approval.

(d) If the Board of Adjustment does not renew the permit, the permit shall become null and void upon the expiration of the time limit.

(e) If the Special Use Permit is not renewed or re-approved, then the applicant may submit a new application as if it were a new use.

5.6.8 Rural Guest Establishment: Country Inn

(A) Standards for Class A Special Use Permit

(1) Submittal Requirements

(a) A site plan, prepared by an appropriately licensed professional in accordance with the requirements of Section 2.5, containing the following:

(i) Location, width, and type of all internal vehicular and pedestrian circulation, and parking requirements.

(ii) Location and dimensions of all on site signage.

(iii) Location of well and septic system.

(iv) Boundaries of the site and distance to nearest residential structures.

(b) Description of the proposed use(s) of the site and the buildings thereon, including the following:

(i) Amount of area allocated to each use.

(ii) Number of full and part time employees.

(iii) Number of clients and/or occupants expected to use the facility.

(iv) Proposed hours of operation for non residential uses of the site and within buildings thereon.

(c) Building plans for all existing or proposed structures to include floor plans, elevations, and sections showing restoration/rehabilitation proposed.

(d) Landscape plan, at the same scale as the site plan, showing existing or proposed trees, shrubs, ground cover and other landscape materials. (Landscape information is often shown on the base plan for small projects. Each tree does not have to be individually identified; showing an “existing tree line” is often sufficient for large lots, where the bulk of the property remains wooded.)

(e) Statement from the appropriate public service agencies concerning the method and adequacy of water supply and wastewater treatment for the proposed uses.

(f) Statement from the appropriate public service agencies concerning the provision of fire, police and rescue protection to the site and structures.

(g) The proposed development schedule for the site.

(h) Outdoor events (e.g. weddings, receptions, parties) or similar activities conducted for compensation shall be permitted, only if there is sufficient overflow parking available on site. Overflow parking does not have to be paved or graveled but must be on a suitable (even) surface.

(i) Any application for a Country Inn that does not include any changes to an existing structure, and therefore does not require a Certificate of Occupancy to begin operations, shall submit documentation from the Fire Marshal and Building Inspections Division that all areas open to the public meet state regulations.

(j) Applicants requesting a full or partial waiver of the right-of-way land use buffer shall submit evidence that the property is listed on the National Historic Register recognized by the State of North Carolina or the County of Orange as a place of historic interest. Applications incorporating historic sites shall provide a description of how the historical style and character of the building and/or property is to be enhanced through the project.

(2) Standards of Evaluation

(a) Proposed uses and facilities are complementary and compatible with surrounding area, and appropriate in the location proposed given character of surrounding development.

(b) Fire, police and rescue services and water supply and wastewater treatment methods are adequate to serve the proposed uses and facilities.

(c) Recreational areas, service areas, parking and screening are adequate for the proposed use(s).

(d) The site is served by direct access to a State maintained road.

(e) Internal vehicular and pedestrian circulation is adequate for the proposed use(s).

(f) The proposed use of the historic structure shall be of such a nature so as to preserve the historic character of the site and the building. Development of the site as proposed would have no adverse impact beyond the building except for appropriate parking facilities. Structural alterations of historic structures shall be of such a nature as to preserve the historic character of the building(s) and site.

(g) Country Inns shall be considered commercial operations and therefore may not be allowed in all protected watersheds, an critical areas.

(h) Building plans for all building areas intended for public use shall be reviewed and approved by the Health Department, Fire Marshal, and Building Inspections Division prior to issuance of any Certificates of Occupancy.

(i) In those cases where a Certificate of Occupancy is not required, the applicant shall schedule a site inspection with the Fire Marshal and Building Inspections Division and submit documentation of site approval to the Planning Department prior to commencing operation.

(j) The applicant shall be permitted to construct one sign not to exceed 16 square feet in size. Such identifying signs shall be installed with landscaping around the base. All illumination shall be installed as ground lighting to prevent night-time glare.

(k) On-site parking shall be provided in accordance with Section 6.9 of this Ordinance. The Fire Marshal shall review and approve the site plan to ensure EMS and fire truck accessibility.

(l) The site shall meet the landscaping and buffer requirements established in Section 6.8 of this Ordinance. However, property recognized by the state or the county as a historic site, or as containing a significant historic structure, shall receive a full or partial waiver of the road-front land use buffer to maintain the historic character of the site and the traditional view of the house from the roadside.

(m) The applicant shall be responsible for satisfying all review and permitting requirements of other public agencies, including but not limited to NCDOT driveway permits.

(n) The minimum lot size for a Country Inn using a private well and septic system shall be no less than ten acres. A Country Inn may be permitted on lots of less than ten acres if the tract is currently served by public water and sewer subject to the review and approval of the appropriate agencies, and the Staff Engineer; or if the tract will receive public services as part of a larger development project such as a planned development or village flexible development.

(3) Expiration and Re-Approval of SUP

(a) The Class A Special Use Permit, if approved, shall be valid for six years, but may be renewed or re-approved by the Board of County Commissioners after receiving a report from the Planning Department that the use is, and has been continuously since it was issued, in compliance with provisions of the Special Use Permit.

(b) The Orange County Planning Department shall present its report on the compliance of the special use no later than 90 days before the expiration of the Special Use Permit.

(c) The Board of County Commissioners shall not renew the Special Use Permit if it is determined that the applicant has failed to comply with the conditions of approval.

(d) If the Board of County Commissioners does not renew the permit, the permit shall become null and void upon the expiration of the time limit.

(e) If the Special Use Permit is not renewed or re-approved, then the applicant may submit a new application as if it were a new use.

5.6.9 Microbrewery with Minor Events

(A) Standards for Class B Special Use Permit or ASE-CZ or MPD-CZ Zoning Districts

(1) In addition to the requirements in Section 2.7 or 2.9, as applicable, the following information shall be submitted with the application materials:

(a) Description of special events to be held on-site, including frequency of events, hours of operation, anticipated attendance, and any other pertinent details.

(b) Location of overflow parking area(s) if required parking is not anticipated to accommodate all special events.

(c) A map depicting surrounding uses and the distance to residential structures.

(d) A description of retail sales and facility tours, if proposed.

(e) A comprehensive groundwater study, for facilities expected to use more groundwater on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:

(i) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required

to be included);

(ii) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and

(iii) An analysis of whether other wells in the vicinity of the proposed use are expected to be affected by withdrawals made by the proposed use.

(2) Site shall have direct access to a major road, as classified in the Orange County Comprehensive Plan, and shall use said road as the primary access, unless approved otherwise in the permit.

(3) If located adjacent to residentially zoned property, all structures, facilities, storage areas, and parking areas shall be setback a minimum of 100 feet from all property lines.

(4) Events shall be limited to no more than 150 people at one time and shall occur no more than 12 days per year.

(5) Loudspeakers and public address systems shall not be used before 7 a.m. or after 7 p.m. if an existing residence is located within 1,000 feet of the facility, unless approved otherwise in the permit.

(6) Special events shall cease no later than 9 p.m. on Sunday through Thursday or 11 p.m. on Friday and Saturday, unless approved otherwise in the permit.

(7) Food services are not allowed unless approved in the permit.

(8) Retail sales and facility tours are intended to be minor components of the overall use as a microbrewery that produces craft malt beverages. Retail sales may include complementary items but are intended to be comprised primarily of products produced on-site. The permit may specify limits to these activities.

5.6.10 Microbrewery with Major Events

(A) Standards for ASE-CZ or MPD-CZ Zoning Districts

(1) In addition to the requirements in Section 2.9, the following information shall be submitted with the application materials:

(a) Description of special events to be held on-site, including frequency of events, hours of operation, anticipated attendance, and any other pertinent details.

(b) Location of overflow parking area(s) if required parking is not anticipated to accommodate all special events.

(c) A map depicting surrounding uses and the distance to residential structures.

(d) A description of retail sales and facility tours, if proposed.

(e) A comprehensive groundwater study, for facilities expected to use more groundwater on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:

(i) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);

(ii) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and

(iii) An analysis of whether other wells in the vicinity of the proposed use are expected to be affected by withdrawals made by the proposed use.

(2) Site shall have direct access to a major road, as classified in the Orange County Comprehensive Plan, and shall use said road as the primary access, unless approved otherwise in the permit.

(3) If located adjacent to residentially zoned property, all structures, facilities, storage areas, and parking areas shall be setback a minimum of 100 feet from all property lines.

(4) Major events may attract more than 150 people at one time and may occur more frequently than twelve times per year.

(5) Loudspeakers and public address systems shall not be used before 7 a.m. or after 7 p.m. if an existing residence is located within 1,000 feet of the facility, unless approved otherwise in the permit.

(6) Special events shall cease no later than 9 p.m. on Sunday through Thursday or 11 p.m. on Friday and Saturday, unless approved otherwise in the permit.

(7) Food services are not allowed unless approved in the permit.

(8) The permit may limit the frequency of events.

(9) Retail sales are intended to be comprised primarily of products produced on-site but may include complementary items.

5.6.11 Taxidermy

(A) Standards for Class B Special Use Permit

(1) Enterprises located in an AR zoning district must be located on a bona fide farm.

(2) If located adjacent to residentially zoned property, all buildings, structures, facilities, etc. used in the taxidermy enterprise shall be located a minimum of 100 feet from the property line.

5.6.12 Winery with Minor Events

(A) Standards for Class B Special Use Permit or ASE-CZ or MPD-CZ Zoning Districts

(1) In addition to the requirements in Section 2.7 or 2.9, as applicable, the following information shall be submitted with the application materials:

(a) Description of special events to be held on-site, including frequency of events, hours of operation, anticipated attendance, and any other pertinent details.

(b) Location of overflow parking area(s) if required parking is not anticipated to accommodate all special events.

(c) A map depicting surrounding uses and the distance to residential structures.

(d) A description of retail sales and facility tours, if proposed.

(e) A comprehensive groundwater study, for facilities expected to use more groundwater on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:

(i) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);

(ii) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and

(iii) An analysis of whether other wells in the vicinity of the proposed use are expected to be affected by withdrawals made by the proposed use.

(2) Site shall have direct access to a major road, as classified in the Orange County Comprehensive Plan, and shall use said road as the primary access, unless approved otherwise in the permit.

(3) If located adjacent to residentially zoned property, all structures, facilities, storage areas, and parking areas shall be setback a minimum of 100 feet from all property lines.

(4) Events shall be limited to no more than 150 people at one time and shall occur no more than 12 days per year.

(5) Loudspeakers and public address systems shall not be used before 7 a.m. or after 7 p.m. if an existing residence is located within 1,000 feet of the facility, unless approved otherwise in the permit.

(6) Special events shall cease no later than 9 p.m. on Sunday through Thursday or 11 p.m. on Friday and Saturday, unless approved otherwise in the permit.

(7) Food services are not allowed unless approved in the permit.

(8) Retail sales and facility tours are intended to be minor components of the overall use as a microbrewery that produces craft malt beverages. Retail sales may include complementary items but are intended to be comprised primarily of products produced on-site. The permit may specify limits to these activities.

5.6.13 Winery with Major Events

(A) Standards for ASE-CZ or MPD-CZ Zoning Districts

(1) In addition to the requirements in Section 2.9, the following information shall be submitted with the application materials:

(a) Description of special events to be held on-site, including frequency of events, hours of operation, anticipated attendance, and any other pertinent details.

(b) Location of overflow parking area(s) if required parking is not anticipated to accommodate all special events.

(c) A map depicting surrounding uses and the distance to residential structures.

(d) A description of retail sales and facility tours, if proposed.

(e) A comprehensive groundwater study, for facilities expected to use more groundwater on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:

(i) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);

(ii) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and

(iii) An analysis of whether other wells in the vicinity of the proposed use are expected to be affected by withdrawals made by the proposed use.

(2) Site shall have direct access to a major road, as classified in the Orange County Comprehensive Plan, and shall use said road as the primary access, unless approved otherwise in the permit.

(3) If located adjacent to residentially zoned property, all structures, facilities, storage areas, and parking areas shall be setback a minimum of 100 feet from all property lines.

(4) Major events may attract more than 150 people at one time and may occur more frequently than twelve times per year.

(5) Loudspeakers and public address systems shall not be used before 7 a.m. or after 7 p.m. if an existing residence is located within 1,000 feet of the facility, unless approved otherwise in the permit.

(6) Special events shall cease no later than 9 p.m. on Sunday through Thursday or 11 p.m. on Friday and Saturday, unless approved otherwise in the permit.

(7) Food services are not allowed unless approved in the permit.

(8) The permit may limit the frequency of events.

(9) Retail sales are intended to be comprised primarily of products produced on-site but may include complementary items.

5.6.14 Country Store

(A) General Standards for Evaluation

(1) Outdoor storage of products shall be permitted in the rear yard of the primary structure and shall be screened from view of adjacent properties.

(2) Outdoor storage areas shall not be permitted to encroach upon required parking spaces.

(3) All structures and outdoor storage areas shall be located a minimum of 100 feet

from adjacent residentially zoned property.

(4) The site shall be located on a major road, as classified in the Orange County Comprehensive Plan, unless permitted as an ASE-CZ.

(5) Parking shall not be located in the front yard space.

(6) Application materials shall include a comprehensive groundwater study, for facilities expected to use more groundwater on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:

(a) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);

(b) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and

(c) An analysis of whether other wells in the vicinity of the proposed use are expected to be affected by withdrawals made by the proposed use.

5.6.15 Sexually Oriented Businesses

(A) Submittal Requirements

(1) In addition to the site plan submittal criteria detailed within Section 2.5 of this Ordinance the applicant shall submit proof a license has been issued allowing for the operation of a sexually oriented business in accordance with Chapter 8 of the Orange County Code of Ordinances.

(B) Standards of Evaluation

(1) Sexually oriented business(es) shall not be located in any building, or portion thereof, that is:

(a) Within 1,000 feet of an existing sexually oriented business.

(b) Within 1,000 feet of a:

(i) Residential land use including any open space established as part of the residential subdivision approval process,

(ii) Church and/or place of worship,

(iii) School (public, private, or specialty),

(iv) Public or private library,

(v) State licensed child care facility, or

(vi) Public park or recreational facility.

(c) Measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is conducted to the nearest portion of a building, structure, or open space area of a use listed above.

SECTION 5.7: STANDARDS FOR RECREATIONAL USES

5.7.1 Recreational Uses as Accessory Uses

(A) Residential Land Uses

In addition to the requirements contained within this Ordinance, recreational uses developed as an accessory use to a residence shall abide by the following:

(1) General Standards

(a) Accessory recreational uses shall not be open to the public or serve as a recreation amenity for other lots.

(b) Amenities, equipment, and/or facilities intended for spectators such as bleachers or public address systems shall not be permitted.

(c) Outdoor sports field lighting, as detailed within Section 6.11, shall be prohibited.

(2) Specific Standards

(a) Motor Cross and Go-Kart Tracks

(i) All tracks and/or paths shall be located a minimum of 100 feet from a property line.

(ii) A track or path shall not cross over active septic fields.

(iii) A Type B Land Use Buffer, as detailed in Section 6.8, shall be required around the portion of the property where the track is located.

(B) Non-residential Land Uses

In addition to the requirements contained within this Ordinance, recreational uses developed as an accessory use to a non-residential land use shall abide by the following:

(1) Uses shall not constitute Recreational Facilities.

5.7.2 Recreational Facilities

(A) General Standards of Evaluation

(1) The standards included herein shall be applied to recreational facilities as a principal use of property.

(2) The minimum lot area shall be two acres.

(3) Facilities may include such features as play and training areas, athletic field lights, public address systems, parking for patrons and staff, storage/office facilities, and restroom/locker facilities.

(4) No building shall be closer than 20 feet from any right-of-way or property line or the minimum requirements of the district in which it is located.

(5) Outdoor athletic fields shall comply with the provisions of Section 6.11 and shall be located a minimum of 50 feet from a property line.

(6) All outdoor recreational facilities shall utilize a combination of screens, fences, nets, berms, or vegetation to keep equipment on the property.

(B) Standards for Specific Uses

(1) Shooting Ranges

(a) Shooting ranges, including skeet shooting activities, shall be designed or oriented to keep projectiles on the property.

(b) Outdoor shooting ranges shall:

(i) Be located a minimum of 300 feet from all property lines, street rights-of-way, or access easements;

(ii) Be located a minimum of 1,000 feet from occupied dwelling units external to the property; and

(iii) Direct all stationary target shooting activities into a projectile-proof backstop a minimum of 15 feet in height and 30 feet in depth.

(iv) Operate only from 10:00 a.m. to 6:00 p.m. daily.

(v) Maintain a Type F land use buffer, as detailed in Section 6.8, around the perimeter of the range.

(c) Indoor shooting activities shall:

(i) Be located a minimum of 50 feet from all property lines, street rights-of-way, or access easements;

(ii) Be located a minimum of 500 feet from occupied dwelling units external to the property; and

(iii) Direct shooting activities into a projectile proof backstop to keep the shot within the structure.

(iv) Maintain a Type B land use buffer, as detailed in Section 6.8, around the perimeter of the property.

(d) Nothing in Section 5.7.2 (B) shall be construed as regulating hunting activities or the operation of a shooting range developed for, and exclusively utilized by, local, State, and/or Federal law enforcement agencies.

(e) Nothing in Section 5.7.2 (B) shall be construed as regulating or prohibiting:

(i) Hunting activities or the operation of a shooting range developed for, and exclusively utilized by, local, State, and/or Federal law enforcement agencies.

(ii) The holding of turkey shoots or other similar activities conducted as a fundraiser or community event so long as such activities occur no more than three days in a given calendar year on a parcel of property.

(iii) The incidental discharge of a firearm, the discharge of a firearm in self-defense, or engaging in target shooting activities on a parcel of property no more than 2 days in a given month.

(2) Outdoor Paintball

(a) Areas where outdoor paintball activities occur shall be a minimum of 50 feet from all property lines, street rights-of-way, or access easements.

(b) A Type B land use buffer, as detailed in Section 6.8, shall be required around the perimeter of the portion of property where outdoor paintball activity occurs.

(3) Pitch and Putt Courses

(a) Pitch and putt areas shall be located a minimum of 40 feet from all property lines, street rights-of-way, or access easements.

(b) A Type B land use buffer, as detailed in Section 6.8, shall be required around the perimeter of the portion of property where pitch and putt course activity occurs.

(C) 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 exact type facility planned, the amount of area, including and number of members or participants expected, a site plan showing siting and size of existing and proposed building.

(b) Access, parking, service and recreation areas for all planned facilities or existing facilities.

(c) Plans, and elevation for all proposed and existing structures and descriptions of the color and nature of all exterior materials.

(d) A landscape plan showing, at the same scale as the site plan, existing and proposed trees, shrubs, ground cover and any other landscape materials.

(e) A signed statement from the owners or operators that there shall be no activity allowed that will have adverse effects on adjacent property. The statement shall also include a complete list of all recreational activities that will take place on the site.

(2) Standards of Evaluation

(a) The property shall have direct frontage on, and obtain vehicular access from, a public road.

(b) Lot size shall be adequate for the method of sewage disposal proposed, and for the proposed recreational uses.

(c) The site plan should show the boundaries of the site, the distances to the nearest residential structures, proposed or existing access points, parking and service areas, location of outdoor recreational facilities, and location of existing or proposed buildings.

(d) The landscape plan shall be at the same scale as the site plan and should show how the facilities will be screened from the adjacent properties, in addition to proposed or existing trees, shrubs and ground cover.

(e) Elevations of all structures and buildings. The structure shall be of such a nature as to preserve the residential character of the area.

(f) There are no adverse impacts on the adjacent roads or residential property.

5.7.3 Golf – Driving and Practice Range

(A) Standards for Class B Special Use Permit

(1) Submittal Requirements

In addition to the information required by Section 2.7, the following shall be submitted as part of the application:

(a) A site plan showing the following:

(i) All existing or proposed buildings, tee areas, lawn areas,

(ii) Distances to nearest residential structures,

(iii) Access road(s) to the site, with an indication of type of proposed surface;

(iv) On-site parking and roads, with an indication of type of proposed surface; and

(v) All other requirements as indicated in section 2.5.

(2) Standards of Evaluation

(a) Unless public sewer is proposed to be extended, the adequacy for the method of sewage disposal will be determined by the lot size and soil suitability. Appropriate letters from the Orange County Environmental Health Department, local jurisdictions and/or the State Division of Environmental Management shall be submitted to indicate preliminary approval.

(b) The landscape plan shall show how the facilities will be screened from the adjacent properties. A Type D 50 foot buffer, as indicated in Section 6.8, shall be observed around the perimeter of the property. This buffer shall be located outside of the required dimensional area indicated in d. below.

(c) The site plan, as required in Section 2.7, shall be reviewed by the Orange County Recreation and Parks Director.

(d) The depth of a range along the driving axis shall be not less than 350 yards measured from the locations of the tees and the breadth not less than 200 yards at a distance of 350 yards from the tees.

(e) Service to customers shall be halted at dusk. Lighting of the driving and practice range is not permitted.

5.7.4 Golf Courses

(A) Intent

The purpose of this Subsection is to protect natural, visual, and cultural resources by regulating the location, planning, design, construction, operation, and maintenance of golf courses and associated uses.

(B) Applicability

The standards contained herein shall apply to all new golf courses, whether proposed as a principal use or as an accessory use which is part of a residential subdivision, or included in a Conditional Use District or Conditional Zoning District.

(a) Notwithstanding the provisions of Section 8.6, golf courses which existed prior to May 21, 1997, shall comply with the requirements of this article when 50% or more of the total playable acreage of golf holes is concurrently reconstructed or altered, or if 50% of playable acreage is added to an existing course. Playable acreage includes all tees, greens, fairways, and roughs measured as of May 21, 1997.

(b) Changes to Approved Special Use Permits

In accordance with Section 2.7.1, the Planning Director is authorized to approve minor changes in the approved plans of Special Uses, provided the changes are in harmony with the original approval. Before changes to an approved Special Use Permit may be considered, updates of submittal materials such as the environmental assessment, biological inventory, or resources management plan may be required. In lieu of the criteria established in Section 2.7.3, the following criteria shall be used to determine when proposed changes to a Special Use Permit for a golf course, shall require approval of the Board of County Commissioners:

(i) Any change in a condition of approval, including any reduction in a setback;

(ii) An increase in playable acreage of golf holes by more than 10%. Playable acreage shall include all tees, greens, fairways, and roughs as shown on the first site plan approved;

(iii) Any new use not included in the approved Special Use Permit or substantial expansion of an approved use that does not involve floor area;

(iv) An increase by 25% or more in total floor area of all structures shown on the first site plan approved, either in a new structure or as an addition(s) to an approved structure(s);

(v) An increase in parking by 10% or more of the parking shown on the first site plan approved;

(vi) Substantial changes in pedestrian and/or vehicular access or circulation; and

(vii) A change in the location or extent of street and utility improvements or rights-of-way, including water, sewer and storm drainage facilities, which would provide a different level of service and that is not associated with a less than 10% increase in playable acreage.

(C) 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:

(1) A site plan prepared in accordance with Section 2.5, also illustrating the golf course routing plan. The plan shall show the center line of play, the boundaries of fairways, greens, tees, roughs, hazards, and buffers.

(2) A written and graphic site analysis illustrating soils, depth to water table, slope, hydrology, vegetation, natural areas and habitats of special concern, infrastructure and other manmade features, historic and archaeological sites, and a visual analysis of views into and from the site;

(3) A biological inventory which identifies habitat diversity, species diversity, species of special concern such as those designated as threatened or endangered, last known sighting, candidate species likely to be present which may warrant protection, specimen trees outstanding in size and/or species, and the status and source of the information compiled in the inventory. The biological inventory shall be accompanied by an analysis describing habitat integrity, relationships between habitats and to ecological communities off site, any existing threats to flora and fauna, and potential for habitat enhancement;

(4) An Environmental Assessment as required per Section 6.16 of this Ordinance;

(5) Grading and Erosion Control Plan;

(6) Stormwater Management Plan;

(7) Utilities Plan, including schematic irrigation plan;

(8) Landscape Plan;

(9) Resources Management and Mitigation Plan including, but not limited to, construction policies, methods for protecting water resources and natural areas, pollutant monitoring program, restoration and mitigation plan for wetlands and other habitats, federal permits as may be required for alteration of wetlands, maintenance specifications for on-going site management, including solid waste, water conservation plan;

(10) Integrated Pest Management Program demonstrating a monitoring program for pest problems as well as biological and chemical methods to control weeds, insects, and disease; and

(11) Hazardous Materials Management Plan, including a description of the program for application, storage, and handling of pesticides, fertilizers, swimming pool chemicals, and any other hazardous substances; a Material Safety Data Sheet listing each substance, its known impacts, physical properties, and protective measures; a Tier Two form stating the location and quantity of each substance; and building and site plans showing location and quantities of hazardous materials.

(D) Standards of Evaluation

The following standards are not intended to address every aspect of golf course planning, but should communicate a design objective to be applied throughout the project development. Alternatives to the standards listed may be considered if the applicant can clearly show that the proposal meets the intent of this Ordinance.

(1) Siting Course Components

(a) The style and length of the course proposed shall be designed to fit the existing site conditions with minimal changes. Locations of structures, parking, tees, fairways, greens, and other site elements shall be planned to minimize land disturbance and clearing of existing vegetation;

(b) The minimum setback from street rights-of-way and property/boundary lines to the center line of play of a hole is 150 feet. The minimum setback from the tee shall be 75 feet;

(c) A driving range shall be internally oriented. Tee boxes shall be a minimum of 75 feet from road rights-of-way and property boundaries;

(d) No greens or tees shall be located where the depth to the water table is less than four feet. A minimum depth of four feet shall also be maintained between subsurface drainage systems under turf areas and groundwater or bedrock;

(e) Buildings designated for storage and handling of chemicals and fertilizers shall be located a minimum of 100 feet from water sources, wells, ponds, and streams, or outside a stream buffer, whichever is greater;

(f) Shelters for inclement weather and permanent rest room facilities shall be provided near the mid-point of play of each nine holes; and

(g) No adverse impacts such as noise or glare shall extend beyond the lot boundaries.

(2) Access, Circulation, and Parking

(a) For a golf course proposed as a principal use, access to the site shall be limited to one main entrance and one service entrance per existing road frontage. If multiple uses are proposed with the golf course as part of a Planned Development such as additional recreational facilities and/or residential development, all such uses shall share a common interior access road, which may connect to existing roads more than once;

(b) Parking shall be provided in accordance with Section 6.9 and landscaped as per Section 6.8;

(c) Between all use areas, safe and adequate access for pedestrians including the handicapped is required. Conflicts shall be minimized between pedestrian and vehicular circulation. Caution signs shall be posted at all intersections of roads, cart paths, and pedestrian walkways;

(d) Where a stream or other habitat crossing is unavoidable, a boardwalk or raised bridge with a free-span design shall be used to minimize adverse impacts. Other design solutions may be considered if disturbance is minimal and wildlife mobility is maintained; and

(e) All vehicular and pedestrian surfaces shall be designed, graded, and landscaped as required by Sections 6.8 and 6.9 to minimize visual impact by blending into the surrounding environment.

(3) Maintenance and Storage Areas

(a) Maintenance and storage areas include, but are not limited to, the following:

(i) Maintenance equipment storage and service areas;

(ii) Solid waste collection/recycling sites;

(iii) Golf cart parking and service areas;

(iv) Chemical storage and handling sites; and

(v) Service areas associated with a clubhouse, swimming pool, and tennis courts, or other amenities.

(b) All such uses listed above shall be located and landscaped to minimize visual impact to public roads and adjacent properties;

(c) Runoff from maintenance and storage areas shall be collected and pollutants filtered before release [See also 5.7.3(F)(2)]; and

(d) Facilities shall be provided for composting and recycling organic matter such as branches, clippings, and leaves from course and landscape maintenance and shall be incorporated into a comprehensive solid waste management plan.

(4) Habitat Areas

Habitats identified and evaluated in the required biological inventory (per Section 5.7.3(C)), are subject to the following:

(a) An undisturbed buffer is required around the boundary of habitats of rare, threatened, or endangered species as shown on the biological inventory. Buffer width shall be determined by site evaluation in consultation with the applicant's biologist and officials from the NC Department of Agriculture and/or the NC Department of Environment and Natural Resources;

(b) Habitat enhancements as described in the biological inventory shall be made for a broad range of species to help mitigate the loss of wildlife habitat during construction. Examples include preserving, planting, and maintaining a variety of native vegetation (also dead trees and snags); installing structures conducive for nesting such as bird houses or bat boxes designed and located for various species; or creating wetlands;

(c) Conservation easements are encouraged to protect wetlands and other habitats while insuring proper long-term maintenance; and

(d) Provide barriers or fencing, and signage at the edge of habitat buffers to prohibit vehicular and pedestrian access. Limited public access may be allowed if proposed in a sensitive manner for environmental education purposes.

(5) Landscaping and Buffers

(a) Protection of Existing Vegetation

(i) Existing vegetation shall be preserved as indicated on the approved landscape plan in accordance with the provisions of Section 6.8 of this Ordinance;

(ii) Tree protection measures shall be installed and maintained between all areas of disturbance and trees to be retained as shown on the approved landscape plan. A detail of the tree protection barrier proposed shall be included as part of the landscape plan submitted with the application;

(iii) Corridors connecting habitats identified in the biological inventory shall be preserved along fence rows, streams, buffers, or other wooded areas. If destroyed during construction, such connections shall be restored using appropriate plant materials;

(iv) Stream buffers shall be provided as per Section 6.13 of this Ordinance;

(v) In out of play wooded areas, the mulch layer shall be retained; and

(vi) Trees and stumps cleared for the course, roads, and building construction shall either be used for timber purposes or shredded for landscape mulch, composted, buried, or burned after obtaining appropriate permits.

(b) Parking lots and outdoor storage areas shall be landscaped and screened as per the standards set forth in Section 6.8 of this Ordinance;

(c) Berms, fences and walls may be used with plant materials for screening, provided such features are designed and located in harmony with other site features and functions;

(d) To minimize visual impact by blending architecture into the surrounding landscape, foundation plantings are required at all structures, including free-standing entrance signs; and

(e) Turfgrasses shall be selected using drought, pest, and disease resistant species and/or cultivars.

(6) Stormwater Management

(a) Each golf course shall provide a system of stormwater management designed and constructed in accordance with the standards contained in Section 6.14 of this Ordinance.

(b) The stormwater management plan shall be reviewed and approved in accordance with the provisions of Section 6.14.

(7) Mitigation Plan

(a) A mitigation plan is required when any wetland or other environmentally sensitive area identified in the biological inventory will be altered as a result of construction or operation of the golf course or other facility (including infrastructure) associated with the golf course development.

(b) The mitigation plan shall include the following:

(i) An assessment of the ecological value of resources that will be lost and a statement of how that value will be replaced through mitigation;

(ii) A specific statement of the goals and objectives, i.e., exactly what steps will be taken to compensate for lost habitat, etc.;

(iii) Detailed descriptions in the form of grading plans, construction plans, and planting plans to illustrate how the objectives will be carried out;

(iv) A monitoring and maintenance plan to measure success of the mitigation based on stated objectives. Include a list of parties responsible for monitoring and maintenance, a schedule for each, and how results will be reported at least twice a year to the Planning and Inspections Department;

(v) A plan showing how the site will be protected from impacts by human and unwanted animal intrusion, alternate plant species and construction methods that could be used in the event adjustments or substitutions are needed until the mitigation area is established; and

(vi) A financial guarantee is required for the total cost of the mitigation project. Once the installation is complete, 30% of the amount of the bond, letter of credit, or escrow will be held for 12 months or until the site is established, whichever is greater.

(E) Construction

(1) Drainage

(a) All drainage structures shall be installed and maintained according to the approved Stormwater Management Plan.

(b) Golf courses that include structural stormwater measures shall comply with the requirements in Section 6.14 of this Ordinance.

(2) Grading and Erosion Control

(a) Plans for grading and erosion control must comply with standards contained in this Ordinance and the Orange County Erosion and Sediment Control Manual;

(b) Whenever practical, construction shall be phased to minimize disturbance and sedimentation;

(c) Sediment control measures must be properly installed to filter sediment from runoff during construction and shall be maintained until grading is complete and a permanent vegetative cover has been established and all slopes stabilized; and

(d) Permanent landscaping, groundcover, mulch, etc. must be installed as soon as practical after construction activities for each phase are completed.

(3) Solid Waste Management

(a) The Solid Waste Management Plan submitted as part of the Resources Management Plan shall include the method(s) of disposal and recycling of construction debris.

(F) Operation and Maintenance

(1) Integrated Pest Management (IPM)

(a) An integrated pest management plan (IPM) shall be established based on site conditions, soils, pesticide properties and management practices.

(b) The plan shall be updated as necessary to incorporate changes in pesticide choices, applications, etc.

(c) Revised plans shall be provided to the Planning and Inspections Department within ten days of said change(s).

(d) The IPM plan shall include the following:

(i) Monitoring of potential pest populations;

(ii) Developing and integrating biological, cultural and chemical control strategies which shall include educating and training golf course personnel;

(iii) Timing and spot treatment preferences using biological, cultural and chemical methods;

(iv) Evaluating results on an ongoing basis;

(v) Scouting by qualified personnel trained to recognize pest problems at an early stage;

(vi) Specifying local problems and treatment methods for disease control, insect control and weed control;

(vii) Identifying the pesticides that will be used at the golf course. Include protocols used for selection of the pesticides that are most environmentally sensitive;

(viii) A pesticide safety program including storage, handling, disposal, and application considerations; and

(ix) A spill prevention and response plan for containment of chemicals used to maintain the golf course, swimming pool, or other accessory uses.

(2) Best Management Practices (BMP'S) for Maintenance

As part of the Resources Management Plan, the applicant shall submit a plan to establish best management practices (BMP's) for the golf course and maintenance facilities which shall include the following:

(a) Isolate potential contaminants from the soil and water during delivery, storage and use of such contaminants at the golf course;

(b) Fertilizer storage area shall be covered

(c) Washing of maintenance equipment shall occur in an area that is covered from the elements.

(d) Grass clippings and debris collected from washing may be composted.

(e) Runoff from the wash pad area shall be drained to a common point and either,

(i) Filtered through a grease trap, and recycled;

(ii) Directed through a filtration pond; or

(iii) Discharged to a sewage treatment facility other than a ground absorption system.

(3) Irrigation

(a) Irrigation systems shall be designed and operated according to a water conservation plan described in the Resources Management Plan submitted with the application;

(b) The schematic irrigation plan required by Section 5.7.3(C)7 shall identify the source(s) of water to be used for irrigation, the volume available for that purpose, and expected consumption rates. The system design and plan for operation will be evaluated based on efficiency; and

(c) Use water recycled from stormwater retention ponds, or treated sewage effluent, where it is a safe alternative.

(4) Habitat Maintenance

(a) Habitats identified in the biological inventory and habitats created through mitigation shall be maintained in accordance with the Resources Management Plan and/or a conservation easement agreement; and

(b) Maintenance of habitats shall be minimal, consisting primarily of maintaining buffers and enhancements, removal of exotic (non-native) plant species, and keeping drainage ways functioning properly.

(5) Maintenance of Improvements

(a) All site improvements such as roads, utilities (including irrigation and drainage structures), the golf course, habitat enhancements, recreational amenities, signage, landscaping, etc. shall be maintained in function and appearance.

(b) Maintenance specifications for on-going site management shall be submitted as part of the Resources Management Plan.

(6) Solid Waste Management

(a) The Resources Management Plan shall include a program for the on-going recycling and composting of refuse from course and landscape maintenance, as well as solid waste from other course facilities such as a clubhouse.

(G) Pollutant Monitoring Program

An ongoing environmental monitoring program shall be established as part of the Resources Management Plan to assess the presence of pollutants in surface water, groundwater, and sediment on site. The monitoring program shall include the following:

(1) Base Line and Construction Monitoring

(a) Base line monitoring shall be conducted for the three consecutive months immediately prior to commencement of construction of any component of the golf course development;

(b) A minimum of three surface water sample stations will be established. A minimum of three ground water wells will be installed. A minimum of one sediment sample station will be established; and

(c) Parameters for sampling shall be as provided in Section 5.7.3(G)(3) below.

(d) During construction of the golf course, obtain quarterly samples from the same stations required in Section 5.7.3(G)1(b) above;

(2) Operations Monitoring

(a) The same stations required in Section 5.7.3(G)(1)(b) above shall be used to monitor operation of the golf course;

(b) A minimum of three samples will be taken at each of the surface water sample locations, two groundwater samples at each of the ground water sample locations, and one sediment sample will be taken;

(c) Monitoring will continue on a quarterly schedule for a period of three years from the start of golf course operations. After three years, monitoring may be reduced to two times per year for surface and groundwater. The three-year period may be extended if pollutant levels exceed thresholds established by U.S. Environmental Protection Agency health advisory limits (HAL) and/or standards set by the North Carolina Department of Environment and Natural Resources (NCDENR); and

(d) Parameters for sampling shall be as provided in Section 5.7.3(G)(3) below.

(3) Parameters for Sample Testing

(a) Total phosphorous, nitrate-nitrogen, total suspended solids, turbidity and pesticides will be analyzed for each sample time; and

(b) The Pollutant Monitoring Program submitted with the application as part of the Resources Management Plan shall list the pesticides that will be analyzed and the rationale for such selections, which shall be based on the Tier I risk assessment set forth in Section 5.7.3(F)(1) above.

(4) Reporting

(a) All surface water, ground water and sediment quality monitoring results will be submitted within 45 days of collection to the Orange County Health Department, Division of Environmental Health;

(b) Monitoring results shall be retained on site by the golf course superintendent and shall be available for inspection; and

(c) An annual report will be submitted on a date established by the Planning and Inspections Department.

(5) Management Response to Pollutant Monitoring

(a) If contaminants are found that reasonably may be attributed to the construction, operation, and/or maintenance of the golf course, management plans shall be reviewed to assess the problem. Appropriate adjustments in the resource management and/or integrated pest management plans shall be made to prevent further contamination; and

(b) If sampling and analysis indicate a trend toward increased concentrations of contaminants or if the U.S. Environmental Protection Agency health advisory limits (HAL) or State ground or surface water standards for thresholds are exceeded, then Orange County will notify the appropriate authorities.

5.7.5 Camp / Retreat Center

(A) Standards for Class B Special Use Permit

(1) Submittal Requirements

In addition to the information required by Section 2.7, the following shall be submitted as part of the application:

(a) A site plan prepared in accordance with Section 2.5, also showing the following (existing or proposed):

(i) Buildings,

(ii) Campsites,

(iii) Storage areas,

(iv) Fencing and gates,

(v) Outdoor recreation areas

(vi) Access road(s) to the site, as well as on site roads, with an indication of type of proposed surface.

(b) A description of the type of facility planned, the size, capacity, and use of proposed buildings; a signed statement from the owners or operators that there shall be no activity allowed that will have adverse effects on adjacent property. The statement shall also include a complete list of all recreational activities that will take place on the site.

(c) A phasing plan, when necessary, indicating the area to be developed in each phase with time periods for construction of each phase. This may be indicated on the site plan.

(2) Standards of Evaluation

(a) Unless public sewer is proposed to be extended, the adequacy for the method of sewage disposal will be determined by the lot size and soil suitability. Appropriate letters from the Orange County Environmental Health Department, local jurisdictions and/or the State Division of Environmental Management shall be submitted to indicate preliminary approval.

(b) The site plan shall show the distances to the nearest residential structures.

(c) The landscape plan shall show how the facilities will be screened from the adjacent properties. A minimum 30 foot Type B buffer, as indicated in Section 6.8 shall be observed around the perimeter of the property.

(d) If private recreational facilities are proposed, the improvements must meet the site improvement requirements in Section 7.11 of this Ordinance. The site plan for recreational facilities shall be reviewed by the Orange County Recreation and Parks Director.

(e) Off street parking requirements shall be provided in accordance with Section 6.9 of this Ordinance.

5.7.6 Race Track (Motorized, etc.) and Go-Kart Track Facilities

(A) A formal site plan shall be submitted showing the current and proposed conditions of the property, including:

(1) Existing impervious surface calculations,

(2) Location of stormwater retention sites,

(3) The location of all structures and their distance from all property lines,

(4) The location of the septic field and repair areas,

(5) The location of petroleum storage containers and re-fueling areas,

(6) The location of all existing vegetation and buffer areas,

(7) All parking areas including internal traffic circulation patterns for the property, and

(8) All other required information outlined within Section 2.5 of this Ordinance.

(B) Prior to any land disturbing activity on the property, including the expansion of any existing uses, the property shall be brought into compliance with Section 6.15 of this Ordinance.

(C) A 50-foot wide landscaped buffer shall be installed along any portion(s) of property with public road frontage in accordance with the provisions of Section 6.8 of this Ordinance.

In those instances where there are existing structures or vehicular use areas already encroaching into the required landscaped area, the applicant shall condense the required plantings into the un-encroached landscaped area.

The ultimate intent of this landscape area, for existing and new facilities, is to:

(1) Provide noise attenuation,

(2) Shield the direct view of the activities from surrounding residential uses,

(3) Provide formal, defined, entries into the facility, and

(4) Naturalize the perimeter.

(D) A 200-foot landscape and conservation buffer/easement shall be established along all other property perimeters. The entire forest canopy shall be actively maintained and managed at all height levels as a semi-opaque, intermittent visual buffer. Land use buffers may be modified to improve their appearance, functions and overall condition. Permitted modifications may include reforestation, woodland management, landscape enhancement, or stream buffer protection.

(E) Existing and proposed signage shall comply with Section 6.12 of this Ordinance.

(F) The facility owner shall demonstrate compliance with Section 6.9 of this Ordinance and, specifically, complete the following:

(1) Properly define and delineate the parking and travel lanes on the property, and

(2) Define and delineate emergency vehicle access points and fire lanes on the property.

(G) The facility owner shall work with NCDOT to complete a traffic intersection analysis for access points along any state-maintained road or highway to determine need for access improvements such as left turn lanes or deceleration lanes.

(H) The facility owner shall work with NCDOT, the State Highway Patrol, and County officials to address traffic management issues to coordinate acceleration and deceleration lanes at approved entrance and exit points on the property during major events.

(I) The facility owner shall work with NCDOT and County officials to post proper signage on the property directing traffic through a one-way ingress and egress location.

(J) A litter collection and recycling system shall be developed throughout the grounds and at all points of egress. During events facility employees shall remove trash from the receptacles in a timely manner.

(K) All new facilities shall install noise abatement systems to ensure compliance with applicable County noise regulations.

For existing facilities, the property owner/managers shall provide a noise abatement system to reduce sustained noise levels at the property lines to the lowest practical level.

To accomplish this goal, the owners/managers have the option of employing, either singly or in combination, any of the following:

(1) Requiring all competition vehicles to have functional noise mufflers attached at all times;

(2) Installing a system of noise baffles, berms, or walls on the perimeter of the racetrack facility incorporated into the design and placement of any lighting system and viewing stands, and/or

(3) Depressing the elevation of the raceway track surface, or

(4) Some other innovative noise abatement system.

(L) Limits on racing activities shall be such that no race shall extend beyond 11:00 p.m. on Friday and Saturday nights, or beyond 9:00 p.m. on other evenings. Practice activities shall not commence before 10:00 a.m. on any day and shall cease by 9:00 p.m.

(M) All external lighting fixtures shall comply with Orange County lighting standards (Section 6.11).

(N) No storage of hazardous materials shall be permitted, except for racing fuel and lubricants. Such material storage areas shall be enclosed and posted and the Orange County Fire Marshal shall approve a pollution incident prevention plan for the storage facility prior to final occupancy permits.

(O) If additional or accessory land uses are desired, the facility owner shall cause a new site plan to be created outlining the location and nature of the proposed new land use, demonstrating compliance with this Ordinance.

(P) The County shall approve a construction schedule to complete the items listed above.

5.7.7 Guest Ranch

(A) Standards for ASE-CZ Zoning District

(1) Minimum lot size: 25 acres.

(2) Application materials shall include a comprehensive groundwater study, for facilities expected to use more groundwater on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:

(a) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);

(b) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and

(c) An analysis of whether other wells in the vicinity of the proposed use are expected to be affected by withdrawals made by the proposed use.

(3) Site shall have direct access to a major road, as classified in the Orange County Comprehensive Plan, and shall use said road as the primary access, unless approved otherwise in the permit.

(4) All structures, facilities, storage areas, and parking areas shall be located a minimum of 100 feet from all property lines.

(5) Special events are not allowed unless approved in the permit and may be limited in duration, frequency, number of people in attendance, or other aspects.

(6) Loudspeakers and public address systems shall not be used before 7 a.m. or after 7 p.m. if an existing residence is located within 1,000 feet of the facility, unless approved otherwise in the permit.

(7) All unpaved areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties**.**

SECTION 5.8: STANDARDS FOR CHILDCARE & EDUCATIONAL FACILITIES

5.8.1 Daycare Center in a Residence

(A) Submittal Requirements

(1) In addition to the information required by Section 2.4.3, the plot plan shall show the following:

(a) The location of the residence in which the Daycare Center in a Residence is to be located in relation to existing property lines and adjacent homes;

(b) The location, number, and means of access to required off street parking areas;

(c) The location and type of required landscaping and/or screening; and

(d) A fenced, outdoor play space.

(2) A floor plan of the proposed child care facility, showing the use and dimensions of each room and the location of entrances and exits.

(3) Evidence that the minimum requirements to qualify for a state Center in a Residence for 3 to 12 Children license have been satisfied.

(B) Standards of Evaluation

(1) The Daycare Center in a Residence is to be located in an area, which is free from conditions dangerous to the physical and moral welfare of the children.

(2) The minimum requirements to qualify for a State of North Carolina child care license are satisfied.

(3) There is direct frontage and access on a public state maintained road.

(4) Adequate access to and from the site, as well as adequate space off the road right-of-way, is provided for the safe pickup and discharge of children and is provided in such a manner that traffic generated by the Daycare Center in a Residence is not disruptive to adjacent residentially developed properties.

(5) The plot plan shall show how the facilities will be screened from adjacent properties. A Type B 30-foot buffer shall be provided around the Daycare Center in a Residence and play area in accordance with Section 6.8.6. These buffers will effectively screen the view of any outdoor play area, and reduce noise associated with the child care.

(6) Each Daycare Center in a Residence is required to provide at least 75 square feet of outdoor play space for every child in care. This space may not be located in a required buffer or in an area, which is used or reserved for use as a sewage disposal nitrification field.

(7) Fencing is to be provided around the outdoor space, which ensures the protection of the children receiving child care and protects adjacent residentially developed properties from trespass.

(8) All gates shall be self-closing and self-latching.

5.8.2 Child Care Facilities

(A) Standards in Commercial and Industrial Districts

(1) At least 100 square feet of outdoor play space per child shall be provided.

(2) Outdoor play space shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking area or land unsuited by other usage or natural features for children's play space. All required fences shall comply with the regulations of this Ordinance. The minimum height in any case shall be three feet.

(3) The minimum lot area for the first eight children shall be 10,000 square feet. The minimum additional area for multiples of eight children shall be 2,000 square feet.

(B) Standards for Class B Special Use Permit

(1) Submittal Requirements

In addition to the information required by Section 2.7, the following shall be submitted as part of the application:

(a) Evidence that the minimum requirements to qualify for a State of North Carolina child care facility license have been satisfied.

(b) A floor plan of the proposed child care facility, showing the use and dimensions of each room and the location of entrances and exits.

(2) Standards of Evaluation

(a) The child care facility is to be located in an area which is free from conditions dangerous to the physical and moral welfare of the children.

(b) The minimum requirements to qualify for a State of North Carolina child care facility license are satisfied.

(c) There is direct frontage and access on a public State-maintained road.

(d) Adequate access to and from the site as well as adequate space off the road right of way, is provided for the safe pick up and discharge of children and is provided in such a manner that traffic generated by the child care facility is not disruptive to adjacent residentially developed properties.

(e) All child pick up and drop offs shall be on site, with proper vehicle stacking area equivalent to three cars.

(f) The site plan shall show how the facilities will be screened from adjacent properties. A Type-B, 30-foot buffer shall be provided around child care building and play area in accordance with Section 6.8.6. These buffers will effectively screen the view of any outdoor play area, and reduce noise associated with the child care.

(g) Each child care is required to provide at least 75 square feet of outdoor play space for every child in care. This space may not be located in a required buffer or in an area, which is used or reserved for use as a sewage disposal nitrification field.

(h) Fencing and/or screening is to be provided which ensures the protection of the children receiving child care and protects adjacent residentially developed properties from trespass.

(i) All gates shall be self-closing and self-latching.

(j) Each child care facility approved by the Board of Adjustment shall be reviewed annually by the Planning Director to ensure compliance with the standards of evaluation for such facilities and any conditions attached to the application by the Board of Adjustment. Any change in the operation of the facility, which deviates from the original standards and conditions will constitute a modification and will require the approval of the Board of Adjustment. In determining whether a change in the operation of the facility has occurred, the Planning Director shall be guided by the procedures and criteria contained in Sections 2.7.1 and 5.8.2(B)(2).

5.8.3 Non-Profit Educational Cooperative

(A) Standards for Class A Special Use Permit

(1) Submittal Requirements

In addition to the information required by Section 2.7, the following shall be submitted as part of the application:

(a) The site plan prepared in accordance with Section 2.5, also showing the following:

(i) Location, width and type of all internal vehicular and pedestrian circulation.

(ii) Location and dimensions of all on site signage.

(iii) Boundaries of the site and distance to nearest residential structures.

(b) Description of the proposed use(s) of the site and the buildings therein, including the following:

(i) Amount of area allocated to each use.

(ii) Number of full and part time employees.

(iii) Number of clients expected to use the facility.

(iv) Proposed hours and days of operation.

(c) Building plans for all existing or proposed structures to include floor plans, elevations and sections showing proposed use.

(d) Landscape plan, at the same scale as the site plan, showing existing or proposed trees, shrubs, ground cover and any other landscape materials.

(e) Statement from the appropriate public service agencies concerning the method and adequacy of water supply and wastewater treatment.

(f) Statement from the appropriate public service agencies concerning the provision of fire, police and rescue protection to the site and structures.

(g) Copy of the organization By Laws and/or Articles of Incorporation.

(h) A detailed description of the organization, its staff, membership, affiliations and activities.

(2) Standards of Evaluation

(a) The site plan submitted meets all requirements specified in Subsections 2.7.3 and 5.8.3(A)(1).

(b) Fire, police and rescue services and water supply and wastewater treatment methods are adequate to serve the proposed uses and facilities.

(c) The site has frontage and access on to a paved State maintained road. The developer must show that the existing facilities have the capacity to handle the additional traffic generated by the use or has an agreement with NCDOT to upgrade the facility to accommodate expanded needs.

(d) Internal vehicular and pedestrian circulation is designed to encourage smooth traffic flow and reduce hazards.

(e) All access roads and employee/visitor parking areas shall be paved.

(f) Development of the site as proposed would have no adverse impact beyond the building, except for appropriate parking facilities.

(g) The floor area of a building or group of buildings housing a Non- Profit Educational Cooperative shall not exceed the maximum floor area ratio as permitted in Article 3 of this Ordinance.

(h) All buildings associated with the operation of the cooperative shall be designed to be harmonious with the character of the zoning district and neighborhoods in which it is proposed to be located.

(i) The applicant must demonstrate its compliance with the definition of "Non-Profit Educational Cooperative" as contained in Article 10 of this Ordinance.

5.8.4 Schools: Elementary, Middle and Secondary

(A) Standards for Class A Special Use Permit

(1) Submittal Requirements

In addition to the information required in Sections 2.7.3 and 5.3.2, the following information shall be submitted as part of the application:

(a) 26 copies of the site plan prepared in accordance with Section 2.7.3 of this Ordinance and with the following additional information shown on the plan:

(i) Total student capacity of school as designed;

(ii) Total number of employees at time of greatest shift;

(iii) Number and dimensions of designated parking spaces for school buses;

(iv) Number of designated parking spaces for employees;

(v) Number of visitor parking spaces;

(vi) Number of student parking spaces;

(vii) Location of student drop off points with stacking spaces identified;

(viii) Location of all proposed and future athletic fields and structures, including:

a. Total number of seats for spectators, and
b. Location of concession stands, if any anticipated;

(ix) Proposed public roadway improvements; and

(x) Existing and proposed infrastructure improvements (water and sewer).

(b) 26 copies of a Landscape and Tree Preservation Plan prepared in accordance with Section 6.8 of this Ordinance.

(c) 26 copies of photometric plans prepared in accordance with Section 6.11 of this Ordinance.

(d) Estimated water usage for structures, landscaping and athletic fields.

(e) A Traffic Impact Study, as required by Section 6.17 of this Ordinance.

(f) A Biological Inventory, prepared in accordance with Section 5.17.6(A)(2)(b)of this Ordinance.

(g) A Resources Management Plan, prepared in accordance with the Resources Management Plan definition in Article 10 of this Ordinance.

(2) Standards of Evaluation Within Economic Development Districts (EDD)

If located within an EDD, the application must meet the EDD design standards established in Article 6 of this Ordinance.

(3) Standards of Evaluation in Zoning Districts other than an Economic

Development Districts (EDD)

If located within a zoning district other than an EDD, the applicant must meet the following Standards of Evaluation:

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

(b) The project meets all service provision criteria as set forth below:

(i) Fire – identifies the primary and secondary responders and the source(s) of water.

(ii) Police – identifies the primary and secondary responders.

(iii) Rescue services – identifies the primary and secondary responders.

(iv) Water Supply – identification of public or private utility source and capacity of water supply or identification of water source through a water resource study.

(v) Wastewater Treatment Methods – provider and capacity of wastewater treatment source.

(vi) Solid Waste—as specified in subsection (h) below.

(c) Habitats shall be identified and evaluated in the Biological Inventory and are subject to the following:

(i) An undisturbed buffer is required around the boundary of habitats of rare, threatened, or endangered species as shown on the biological inventory. Buffer width shall be determined by site evaluation in consultation with the applicant's biologist and County staff;

(ii) Habitat enhancements as described in the biological inventory shall be made for a broad range of species to help mitigate the loss of wildlife habitat during construction. Examples include preserving, planting, and maintaining a variety of native vegetation (also dead trees and snags); installing structures conducive for nesting such as bird houses or bat boxes designed and located for various species; or creating wetlands;

(iii) Conservation easements or other acceptable means such as dedication to a public agency, conservancy or a similar agency are required to protect wetlands and other habitats while insuring proper long-term maintenance; and

(iv) Provide barriers or fencing, and signage at the edge of habitat buffers to prohibit vehicular and pedestrian access. Limited access may be allowed if proposed in a sensitive manner for environmental education purposes.

(d) Landscaping and Buffers

(i) Protection of Existing Vegetation

a. Existing vegetation shall be preserved as indicated on the approved landscape plan in accordance with the provisions of Section 6.8 of this Ordinance;

b. Tree protection measures shall be installed and maintained between all areas of disturbance and trees to be retained as shown on the approved landscape plan. A detail of the tree protection barrier proposed shall be included as part of the landscape plan submitted with the application;

c. Corridors connecting habitats identified in the biological inventory shall be preserved along streams, buffers, or other wooded areas. If destroyed during construction, such connections shall be restored using appropriate plant materials;

d. Trees and stumps cleared for roads and building construction shall either be used for timber purposes or shredded for landscape mulch, composted, buried or otherwise disposed of BUT NOT BURNED.

(ii) Berms, fences and landscaping walls may be used with plant materials for screening, provided such features are designed and located in harmony with other site features and functions;

(iii) To minimize visual impact by blending architecture into the surrounding landscape, foundation plantings are required at all freestanding entrance signs;

(iv) Use of xeriscaping principles.

(e) Stormwater Management

(i) A stormwater management plan shall be prepared and reviewed in accordance with the provisions of Section 6.14 of this Ordinance.

(f) Drainage

(i) All drainage structures will be installed and maintained according to the approved Stormwater Management Plan.

(ii) School projects that include structural stormwater measures shall comply with Section 6.14 of this Ordinance.

(g) Grading and Erosion Control

(i) Plans for grading and erosion control shall comply with standards contained in this Ordinance, the Orange County Erosion and Sediment Control Manual, and, if applicable, The North Carolina Erosion and Sedimentation Control Program rules;

(ii) Construction shall be phased to minimize disturbance and sedimentation;

(iii) Sediment control measures shall be properly installed to filter sediment from runoff during construction and maintained until grading is complete and a permanent vegetative cover has been established and all slopes stabilized; and

(iv) Permanent landscaping, groundcover, mulch, etc. shall be installed as soon as practical after construction activities for each phase are completed.

(h) Solid Waste Management

(i) A solid waste management plan, submitted as part of the Resources Management Plan, shall include the method(s) of disposal and recycling of construction debris.

(i) Irrigation

(i) Irrigation systems for the school project are designed and can be operated according to a water conservation plan described in the Resources Management Plan submitted with the application;

(ii) The Resources Management Plan shall identify the source(s) of water to be used for irrigation, the volume available for that purpose, and expected consumption rates. The system design and plan for operation will be evaluated based on efficiency; and

(iii) Water recycled from stormwater retention ponds or treated wastewater effluent may be used for irrigation where it is a legally permitted alternative.

(j) Habitat Maintenance

(i) Habitats identified in the biological inventory and habitats created through mitigation shall be maintained in accordance with the Resources Management Plan and/or a conservation easement agreement; and

(ii) Maintenance of habitats shall be minimal, consisting primarily of maintaining buffers and enhancements, removal of exotic (non-native) plant species, and keeping drainage ways functioning properly.

(k) Public Road Access

(i) Access to the school project shall be via existing public roads and shall conform to and be in compliance with any public road access management plan adopted by Orange County.

(l) Maintenance of Improvements

(i) All site improvements such as roads, utilities (including irrigation and drainage structures), habitat enhancements, recreational amenities, signage, landscaping, open space, etc. will be maintained in function and appearance. Maintenance specifications, if any, for on-going site management (including provisions for handling of storm debris in open space areas) shall be submitted as part of the Resources Management Plan as defined in Definitions (Article 10).

(m) Additional Standards

(i) For non-charter public schools, the minimum lot size shall be, as required by the School Construction Standards adopted from time to time by the Board of County Commissioners, the Orange County Board of Education and the Chapel Hill-Carrboro Board of Education.

(ii) For all schools, the lot size shall be adequate to accommodate all activities. The proposed methods to handle the maximum number of participants and patrons for any single event shall be provided while also adhering to safe vehicular and pedestrian circulation.

(iii) Negative visual impacts shall be minimized along any major roadway. Negative visual impacts include, but are not limited to, loading/unloading areas, delivery areas, air handling units (roof top and other), parking areas for machinery, and storage buildings. Appropriate screening methods shall be used to enhance the aesthetic value of a project.

(iv) Transportation improvements as deemed necessary by the Traffic Impact Study.

(v) The site shall be designed to take advantage of multiple shared use opportunities, which may include a Park and Ride facility for public transportation.

(vi) Site Access

a. There shall be a minimum of two access points to the site.
b. Access points shall separate student drop-off areas and visitor parking from bus traffic.
c. If school buses are used, then at least one access shall be limited to school employee and bus use during normal school hours.
d. All access points shall be located to provide maximum visibility and safety.
e. No driveway shall be permitted in a location that will hinder or congest traffic movement on a public street.

SECTION 5.9: STANDARDS FOR UTILITIES

5.9.1 Telephone Exchanges (without business offices), subscriber loop huts, pressure regulator stations, water and sanitary sewer pumping stations

(A) General Standards

(1) The design of structures shall conform as closely as possible to the character of the area in which it is located.

(2) Building or structures shall conform to the minimum building setback distances for the applicable zoning district and shall not exceed 800 square feet in area.

(3) All buildings and structures shall be landscaped and screened according to the standards that follow:

(a) Buildings and structures which resemble residential accessory structures must be landscaped and maintained in the character of a residential area.

(b) Any outside storage areas must be fenced with a minimum five foot fence and the area screened from adjacent property according to the standards in this section.

(c) Lighting in and around these facilities shall be constructed and shielded so as not to shine directly on adjoining property used for or zoned for residential purposes. Electrical and telephone service to the structure shall be placed underground. Types of lighting to be considered shall include, but not be limited to, indoor lights when visible through windows, outdoor lighting, automobile headlights and signs. Devices to shield lighting may include shades, fences, shrubs, trees and natural conditions.

(d) Parking areas and driveways used in connection with facilities constructed pursuant to this Section shall either be surfaced or shall be located and maintained in a condition so that dust and dirt will not settle on adjoining properties as a result of their use. Driveway entrances shall be located in a manner that will create as few additional traffic hazards as possible.

(e) Screening

(i) Buildings, structures, equipment or material shall be screened by either a durable masonry wall, or a fence, or by natural planting, designed to be compatible with the character of adjoining properties, in order to materially screen the uses within the subject property from the view of adjacent properties.

(ii) Screening shall be required along any portion of the perimeter of the parcel, easement, or leasehold located adjacent to property zoned for residential use, except where such property is owned or leased by a utility, and used by the utility for public utility purposes.

(iii) Where screening is required, walls and fences shall be at least five feet in height, but need not be greater than seven feet in height, measured from the ground along the common lot line of adjoining properties. Walls and fences shall be constructed and maintained in a safe and sound condition.

(iv) Where natural planting is used as screening, a strip of land at least ten feet in width shall be reserved for this purpose. The planting strip shall be composed of an arrangement of shrubs and trees. The shrubs shall be evergreen and shall be arranged in two rows as minimum and planted at an initial height of at least three feet, with distance between shrubs being not more than five feet. The shrubs shall be of such variety that an average height of at least six feet could be expected as normal growth within no more than two years from the time of planting. Trees, which may be eight evergreen or deciduous, shall augment the arrangement of shrubs so that there will be a screening effect of opacity to materially screen the use within the subject property from the view of adjacent properties.

(4) The minimum required lot area for such uses shall be 5,000 square feet. The facility shall be located on a parcel or easement across the parcel, (whether owned or leased by the utility) which has been recorded with the Orange County Register of Deeds.

(5) Access easements extending from an approved public or private road to the facility shall be a minimum width of 30 feet.

5.9.2 Electrical Substations, Switching and Metering Stations, and Associated Transmission Lines, Where Incoming Voltage Does Not Exceed 100 Kilovolts (kv)

(A) General Standards

(1) Perimeter fencing and setbacks for the utility structure shall be provided in accordance with the National Electrical Safety Code.

(2) The components of the facility, including but not limited to towers, transformers, circuit breakers, metering devices, and supporting latticework, shall be contained within a geometric area not to exceed 12,000 square feet.

(3) The facility shall be located on a parcel or easement across the parcel, (whether owned or leased by the utility) which has been recorded with the Orange County Register of Deeds.

(4) Access easements extending from an approved public or private road to the facility shall be a minimum width of 30 feet.

(5) A Type E Land Use Buffer shall be provided along any portion of the perimeter of the parcel, easement, or leasehold located adjacent to property zoned for residential use, except where such property is owned, leased or consists of other utility easements currently used for electrical distribution or transmission purposes or no other purposes.

(6) Existing vegetation within an easement, leasehold or parcel of a public utility may be used to satisfy the landscaping requirements.

(7) Modification to or replacement of existing facilities shall be subject to the requirements set forth in this Section. Pre existing facilities may remain during construction of replacement facilities, but shall be dismantled after the replacement facility is in operation.

(8) The parcel or easement across the parcel, (whether owned or leased by the utility) on which the facility is located shall contain a minimum area of 5000 square feet.

(9) The applicant shall submit proof of liability insurance covering bodily injury and property damage demonstrating a minimum coverage limit of $ 500,000.00 per occurrence.

5.9.3 Public Utility Stations and Substations, Including Electric Substations, Metering, and Switching Stations Receiving More Than 100 Kilovolts (kv) of Electricity, Water Treatment, Sewage Treatment Plant, Telephone Exchanges

(A) Standards for Class A Special Use Permits

(1) Submittal Requirements

In addition to the information required by Section 2.7, the following shall be submitted as part of the application:

(a) A site plan showing all existing or proposed buildings, storage areas, parking and access areas, topography at a contour interval of five feet, any officially designated floodplains or alluvial soils.

(b) Plans and elevations for all proposed structures and descriptions of the color and nature of all exterior materials.

(c) Landscape Plan, at the same scale as the site plan, showing existing and proposed trees, shrubs, ground cover and other landscape material.

(2) Standards of Evaluation

(a) Perimeter fencing and setbacks for the utility structure shall be provided in accordance with the National Electrical Safety Code.

(b) The facility shall be located on a parcel or an easement across the parcel (whether owned or leased by the utility) which has been recorded with the Orange County Register of Deeds.

(c) Access easements extending from an approved public or private road to the facility shall be a minimum width of 30 feet.

(d) Where a building is involved and it is proposed to be located in a residentially zoned district, it shall have the appearance suitable for a residential district, or it shall be screened from adjacent residential land.

(e) Where buildings are set back from road rights of way or from private property lines by a distance of 200 feet, screening for the building will not be required.

(f) A clearly visible voltage warning sign shall be placed at the base of all pad-mounted transformers and substations.

(g) A Type E Land Use Buffer shall be provided along any portion of the perimeter of the parcel, easement area, or leasehold area located adjacent to property zoned or utilized for residential use except where such property is currently used for electrical distribution or transmission purposes.

(h) Existing vegetation may be used to satisfy the landscaping requirements.

(i) The applicant shall submit proof of liability insurance covering bodily injury and property damage demonstrating a minimum coverage limit of $500,000.00 per occurrence.

(j) The site is of adequate size for the sewage disposal system proposed and for the proposed use.

5.9.4 Elevated Water Storage Tanks

(A) Standards for Class B Special Use Permit

(1) Submittal Requirements

In addition to the information required in Section 2.7, the following shall be submitted as part of the application:

(a) A site plan showing the following:

(i) Location and size of all existing and proposed structures,

(ii) Existing and proposed topography at a contour interval of five feet and

(iii) Any officially designated floodways and floodplains, or the presence of alluvial soils.

(b) Plans and elevations for all proposed structures and descriptions of the color and nature of all exterior material.

(c) A Landscape Plan, at the same scale as the site plan, showing existing and proposed trees, plus shrubs, ground cover and other landscape materials.

(2) Standards of Evaluation

(a) Adequate provision has been made, by means of fencing or otherwise, for the security of the site, including the provision of a gate at the access entrance of access roads leading to such facilities.

(b) A minimum lot size shall be adequate for the proposed use.

(c) Adequate provision has been made for the protection of adjacent property from the dangers of collapse, fire, flooding or other menaces to public health and safety.

(d) The applicant shall submit proof of liability insurance covering bodily injury and property damage demonstrating a minimum coverage limit of $500,000.00 per occurrence.

5.9.5 Electric, Gas and Liquid Fuel Transmission Lines

(A) Standards for Class B Special Use Permit

(1) Submittal Requirements

In addition to the information required by Section 2.7, the following shall be submitted as part of the application:

(a) A site plan showing the following:

(i) All existing and proposed structures within the site of the line,

(ii) All existing structures within 50 feet of the boundaries of the site, and

(iii) Officially designated floodways and floodplains.

(b) A plan of erosion and sediment controls for the site.

(c) Typical cross sections for the installation showing elevation of all structures and existing and proposed topography.

(d) Plans and elevations of all proposed structures and descriptions of the color and nature of all exterior materials.

(e) Certification by the applicant that it is a public utility and a statement that the proposed installation is necessary to accomplish its public utility function and that public convenience and necessity will be served by the proposed installation.

(2) Standards of Evaluation

(a) Adequate provision has been made to protect adjacent property from the dangers of explosion, rupture, collapse, fire or other menaces to public health and safety.

(b) The public convenience and necessity shall be served by this proposed installation, if installed as proposed.

(c) The applicant shall submit proof of liability insurance covering bodily injury and property damage demonstrating a minimum coverage limit of $500,000.00 per occurrence.

5.9.6 Solar Array

(A) Standards for Accessory Use

(1) General Standards

Residential and non-residential land uses shall be allowed to develop onsite solar arrays as a customary accessory use subject to submittal of a professionally prepared site plan in accordance with Section 2.5, demonstrating compliance with applicable standards as well as the following:

(a) Nothing detailed herein shall be construed as the County mandating or requiring property owners adjacent, or in close proximity, to a parcel where a solar array is being erected to manage, remove, or otherwise alter foliage to guarantee solar access to a proposed array.

(b) Capacity, Volume, and Area Limits

Solar Arrays, whether building or ground mounted, shall conform to the following limits:

(i) Residential

a. Have a rated capacity consistent with local utility providers net metering policy not to exceed 20 kilowatts (for electricity); or

b. Have a rated storage volume of less than or equal to 240 gallons (for heated water); or

c. Have a collector area of less than or equal to 1,000 square feet (for thermal).

(ii) Non-residential

a. Limits shall be based on the average electricity, storage volume, and thermal collector area necessary to support the needs of the proposed facility,

(c) Device(s) shall provide power for the principal use of the property on which it is located and shall not be installed and/or used solely for income generation purposes where power is sold either to a utility provider or other similar third party entity.

This provision shall be in no way construed as limiting the ability of the property owner to:

(i) Transfer or sell excessive power generated onsite back to the utility provider or other third party entity or

(ii) Receive credit from a local utility provider for the power generated onsite as a means to offset utility bills.

(d) The property owner shall provide the County with written authorization from the local utility company acknowledging and approving the utility connection.

(e) The site plan shall denote the location of any batteries or other similar storage devices onsite.

(f) Panels shall be designed and oriented on the property such that concentrated solar radiation or glare shall not be directed onto nearby properties or road rights-of-way, or otherwise create a safety hazard.

(g) As part of the site plan submittal, the applicant shall be required to submit documentation detailing the proposed array will not alter, or require alteration of, any condition imposed as part of a previous approval allowing for the development and use of the property.

(h) All mechanical equipment associated with, and necessary for, the operation of the array shall be shielded to avoid damage. This shielding may take the form of a small enclosed structure properly vented to allow for air flow, fence, or landscape hedge.

(i) Mechanical equipment shall not be located within the required setback areas for the underlying zoning district as detailed within Article 3 or within required landscaped areas as required under Section 6.8.

(j) Before commencement of earth disturbing activities, the property owner must acknowledge that he/she is the responsible party for owning and ensuring the perpetual maintenance of the solar array.

(k) In cases where a solar array has not been in operation for a period of 6 months due to a malfunction or other defect the property owner shall affect repair(s) to the system within 30 days of notice from the County in accordance with Section 9.5 of the UDO.

In cases were the array has been deemed unsafe it shall be removed or repaired immediately in accordance with Section 9.5.5 of the UDO.

(2) Standards for Building Mounted Devices:

(a) An array may be mounted on the roof of a principal or an accessory structure located on the property.

(b) The array shall be viewed as an extension of the roof structure and, as a result, shall not exceed the maximum building height detailed within Article 3 for the underlying zoning district where the property is located.

(c) As part of the building permit review process, structural engineering shall be provided demonstrating the roof can support the weight of the proposed array.

(3) Standards for Ground Mounted Devices:

(a) Ground mounted system shall not exceed a maximum height of 15 feet from finished grade.

(b) The surface area of a ground mounted system, regardless of the mounted angle, shall be calculated as part of the overall impervious surface area for the parcel in accordance with the provisions of Section 4.2.

(c) Arrays shall be allowed to be erected anywhere on the property outside of established setback areas, designated open space areas, and well/septic system setback areas as identified by Orange County Environmental Health.

(d) Arrays shall observe the principal setback requirements of the underlying zoning district where the property is located as detailed within Article 3.

In the case of an array erected on a non-residentially zoned property, the array shall not be located within any required setback, landscape, or buffer area.

(e) If a ground mounted array is removed, any earth disturbance shall be graded and reseeded within 60 days.

(B) Standards for Solar Array – Large Facility (Class B Special Use Permit)

(1) Submittal Requirements

In addition to the information required by Section 2.7, the following shall be submitted as part of the application:

(a) A site plan showing all existing structures on the property, any proposed buildings or structures that are necessary to support the proposed array, existing and proposed storage areas, parking and access areas, topography at a contour interval of five feet, any officially designated floodplains or alluvial soils.

(b) An assessment of the power needs for all structures on the property and the anticipated power generated by the proposed array.

(c) The proposed arrays distance from all structures located on the property.

(d) Plans and elevations for all proposed structures and arrays as well as descriptions of the color and nature of all exterior materials.

(e) Landscape Plan, at the same scale as the site plan, showing existing and proposed trees, shrubs, ground cover and other landscape material

(f) A soils report denoting the types of soil on the property including detail on the compaction necessary to support the proposed development.

(2) Standards of Evaluation

(a) The proposed array shall not require the alteration of existing land use(s) to accommodate development.

(b) All on-site utility and transmission lines shall, to the extent feasible, be placed underground.

(c) The height of proposed arrays and support structures shall not exceed the height requirements of the underlying zoning district where the property is located as detailed within Article 3.

(d) Individual arrays/solar panels shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties as well as adjacent street rights-of-way.

(e) A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

(f) All mechanical equipment, including any structure for batteries or storage cells, shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate, and provided with screening in accordance with the provisions of Section 6.8.

(g) The applicant shall submit proof of liability insurance covering bodily injury and property damage demonstrating a minimum coverage limit of $500,000.00 per occurrence.

(h) A Type D Land Use Buffer shall be provided along any portion of the perimeter of the parcel, easement, or leasehold area located adjacent to property zoned, or otherwise utilized for, residential use except where such property is owned, leased or consists of other utility easements currently used for electrical distribution or transmission purposes.

Existing vegetation may be used to satisfy the landscaping requirements.

(C) Standards for Solar Array – Public Utility (Class A Special Use Permit)

(1) Submittal Requirements

In addition to the information required by Section 2.7, the following shall be submitted as part of the application:

(a) A site plan showing all existing structures on the property, any proposed buildings or structures that are necessary to support the proposed array, existing and proposed storage areas, parking and access areas, topography at a contour interval of five feet, any officially designated floodplains or alluvial soils.

(b) Plans and elevations for all proposed structures and arrays as well as descriptions of the color and nature of all exterior materials.

(c) Landscape Plan, at the same scale as the site plan, showing existing and proposed trees, shrubs, ground cover and other landscape material

(d) A soils report denoting the types of soil on the property including detail on the compaction necessary to support the proposed development.

(2) Standards of Evaluation

(a) All on-site utility and transmission lines shall, to the extent feasible, be placed underground.

(b) The height of proposed arrays and support structures shall not exceed 40 feet.

(c) Individual arrays/solar panels shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties as well as adjacent street rights-of-way.

(d) A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

(e) All mechanical equipment of principal solar energy systems including any structure for batteries or storage cells, shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate, and provided with screening in accordance with the provisions of Section 6.8.

(f) The applicant shall submit proof of liability insurance covering bodily injury and property damage demonstrating a minimum coverage limit of $ 500,000.00 per occurrence.

(g) A Type D Land Use Buffer shall be provided along any portion of the perimeter of the parcel, easement, or leasehold area located adjacent to property zoned, or otherwise utilized for, residential use except where such property is owned, leased or consists of other utility easements currently used for electrical distribution or transmission purposes.

Existing vegetation may be used to satisfy the landscaping requirements.

(3) Decommissioning

The applicant agrees to the following as conditions in case the utility is to be abandoned:

(a) The owner/operator of the facility is required to notify the Orange County Planning Director in writing 60 days prior to planned the cessation or abandonment of the facility for any reason. This notice shall provide the exact date when the use of the facility will cease.

(b) Documentation shall be provided indicating that the public utility purchasing the power has been made aware of the decision.

(c) The facility shall be removed within 12 months from the date the applicant ceases use of the facility.

(d) Once the infrastructure is removed the property, the owner shall obtain the necessary Erosion Control permits to re-stabilize the property. The time frame for completion shall be determined by the Orange County Erosion Control Officer.

(e) The owner shall provide financial security in form and amount acceptable to the County to secure the expense of dismantling and removing said structures.

(f) Upon removal of the facility, the Department shall cause a notice to be recorded within the Orange County Registrar of Deeds office indicating that the Class A Special Use Permit has been revoked.

SECTION 5.10: STANDARDS FOR TELECOMMUNICATION FACILITIES

5.10.1 Intent

The regulations contained herein are designed to provide for the safe and efficient integration of facilities necessary for the provision of advanced wireless telecommunications services through the community with the goal of establishing reliable wireless service to the public, governmental agencies, and first responders in a manner that provides for the public safety and general welfare of its citizens.

5.10.2 Master Telecommunications Plan ("Plan")

(A) The Plan is intended to assist providers in their search for suitable locations to build their service network. The County may develop the Plan (map), which would display locations within the County's zoning jurisdiction where property owners have expressed formal, written, interest in allowing construction of telecommunications equipment.

(B) Information that may be shown on the base Plan will include, but not limited to:

(1) Existing towers,

(2) Major transmission lines,

(3) County-defined Natural Areas,

(4) Historic properties,

(5) Scenic corridors,

(6) Known bird migratory patterns through the County,

(7) Voluntary Agricultural Districts, and

(8) Publicly-owned or quasi-public lands.

(C) In order to participate in the Plan, all owner(s), or their legally binding representatives, shall submit an application on a form prepared by the Planning Department requesting inclusion.

(D) All telecommunication providers who elect to construct facilities on properties in the Plan shall provide all necessary and requested information to the County's telecommunications consultant.

(E) Modification of the Plan may be considered annually at the first Quarterly Public Hearing of the calendar year, normally held in February. Any applicant requesting modification of the Plan shall make application to the Planning Director on or before December 1st of each year. The fee for modifying the Plan shall be that as set forth in the Orange County Schedule of Fees.

(F) Withdrawal from the Plan is permitted if any owner submits, to the Planning Director, a notarized statement requesting same. Upon receipt of the request, including any fee for modifying the Plan as set forth in the Orange County Schedule of Fees, the Planning Director shall inform interested parties that the property has been withdrawn from consideration. Removal of the property from the Plan shall be processed as a modification as detailed herein.

5.10.3 Annual Telecommunications Projection Meeting (ATPM)

(A) Purpose and Outcome

(1) The purpose of the ATPM meeting is to allow for a complete review of collocation opportunities, address coverage issues, and discuss the location of needed telecommunication support structures with providers who intent on submitting development applications for action by the County. The intended outcome of the meeting is to allow the County and interested parties to develop a plan for facility deployment within the County that provides reasonable coverage based on the needs of the County and its residents, while minimizing the total number of needed telecommunication support facilities, including minimizing the intrusiveness of such facilities, and encouraging the development of a more efficient telecommunication network.

(2) The intended outcome of the meeting is an understanding amongst the Planning Director and providers on areas of the County where telecommunication support facilities are needed and application request for the year should be focused.

(B) Applicability

(1) By December 31st of each calendar year, telecommunication providers shall submit to the Planning Director a plan indicating proposed search rings for anticipated telecommunication support structures. This plan shall identify areas where providers are looking to locate facilities, as well as identify those areas of the County that are underserved by existing facilities.

(2) As of the effective date of this Ordinance amendment any pending applications that have not received a zoning compliance permit or a special use permit shall meet all requirements of this Ordinance, including, but not limited to submission deadlines, application standards and processing, excluding the ATPM requirement.

(C) Meeting Specifics

(1) The meeting shall occur by the end of January of each calendar year.

(2) Attendees shall include all carriers and tower companies who have either filed applications the previous year or anyone who has expressed an interest in filing an application to construct a telecommunication support facility within the County.

(3) The County shall notify each party of the date, time, and place of the meeting no later than 30 days prior to the meeting.

(4) Those individuals/firms intent on submitting development applications are expected to attend the meeting. While a lack of attendance will not prevent the submittal of an application, it will prevent the applicant's ability to participate in the discussions outlining the areas of concentration for the location of telecommunication support structures for that given year.

(D) Applications for the development of telecommunication support structures shall be processed in accordance with the provisions of this Ordinance.

5.10.4 Existing Wireless Telecommunications Support Structures

(1) Telecommunications equipment as accessory uses may be placed on existing wireless support structures in accordance with the provisions of this Ordinance.

(2) Notwithstanding the other provisions of Section 5.10, telecommunications towers in existence as of December 10, 2002, may be replaced with a wireless support structure of equal or less visual impact after approval by the Planning Director. However, if the proposed new wireless support structure would not be consistent with the minimum standards under Section 5.10, replacement must be approved as provided for in this Ordinance.

5.10.5 Wireless Telecommunications Support Structures and Equipment as Principal or Accessory Uses

(A) Wireless telecommunications support structures shall be permitted as a principal or accessory use in accordance with the Table of Permitted Uses and as follows:

(1) On property owned by the County or any public entity, except those designated as historic properties or sites, the County may, in its sole discretion as the owner of the property, authorize the application and use of County property after the applicant executes a lease agreement acceptable to the County.

(2) Wireless telecommunications facilities, as part of existing utility poles shall be permitted as an accessory use. Wireless facilities shall be constructed as part of the existing utility poles or as replacements for the existing utility poles. No freestanding towers constructed exclusively for personal wireless services shall be permitted within utility easements.

(3) The placement of new wireless telecommunications support structures shall be in accordance with the Table of Permitted Uses, except as permitted in the Master Telecommunications Plan ("Plan") or by Section 5.10.6 of this Ordinance.

5.10.6 Administrative Approval of Certain Telecommunication Facilities

(A) Applicability

The following telecommunication facilities may be approved administratively by the Planning Staff provided that all of the provisions contained in Section 5.10 are met:

(1) New stealth telecommunications wireless support structures up to 75 feet in height that are sufficiently disguised so as to minimize visual impact;

(2) Any wireless support structure less than 75 feet in height;

(3) Any wireless support structure less than 200 feet in height located on property that is owned or leased by Orange County; and

(4) Any wireless support structure less than 200 feet in height on which the owner of such facility permits the County to collocate its wireless facilities on the structure at no charge to the County when the location of such facility is of benefit to the County as determined in the sole discretion of the County.

(5) A written decision approving or denying an application for administrative approval of a telecommunication facility under this section shall be issued no later than 45 days following the submission of a complete application.

(6) Collocation applications meeting the following requirements:

(a) The proposed additional facility will not increase the overall height and width of the tower or wireless support structure to which the wireless facilities are to be attached consistent with Section 2.7.14 of the Ordinance.

(b) The proposed additional facility will comply with applicable regulations, restrictions, or conditions, if any, applied to the initial wireless facilities placed on the tower or other wireless support structure.

(c) The proposed additional wireless facilities comply with all federal, State, and local safety requirements.

(d) The proposed additional facility does not exceed the applicable weight limits for the wireless support structure.

(B) Submittal Requirements

All applications for telecommunication facilities that are eligible for administrative approval shall be submitted and reviewed in accordance with the standards of Section 5.10.8 of this Ordinance.

(C) Neighborhood Information Meeting

(1) For all administratively approved wireless support structures, excluding collocations, a neighborhood information meeting shall be scheduled in accordance with the provisions of Section 5.10.8.

5.10.7 Antennas Not Located on Wireless Telecommunications Support Structures

(A) General Standards

(1) To minimize adverse visual impacts, stealth antenna types shall be preferred. If a non-stealth antenna is proposed, the application shall be required to demonstrate, in a technical manner acceptable to the Planning Director, why the stealth antenna (i.e. an antenna incorporated into the architecture of the building or fully screened from view from sight proximate to the antenna) cannot be used for the particular application. This does not preclude a combination of the various types of antennas.

(2) Antenna dimensions shall be subject to approval by the Planning Director. A statement shall be submitted, prepared by a professional engineer competent to evaluate antenna choices, to certify the technical need for the required dimensions.

(3) Prior to the issuance of a Building Permit by the Inspections Division, the application shall provide evidence that the wireless telecommunication support structure or antennas are in compliance with FAA regulations. Where an antenna will not exceed the highest point of the existing structure upon which it is to be mounted, such evidence shall not be required.

(B) Standards for Stealth Rooftop or Building, Water Tower, or Transmission Line Mounted Antennas

In addition to the standards established in Subsection A above, the following are applicable to all Stealth Rooftop or Building, Water Tower, or Transmission Line Mounted Antennas:

(1) Antennas shall not exceed 20 feet above the roofline of the building or support structure, water tank, or transmission line;

(2) Commercial advertising shall not be allowed on an antenna;

(3) Signals, lights, or illumination shall not be permitted on an antenna, unless required by the FCC or the FAA;

(4) Any related unstaffed equipment building shall not contain more than 600 square feet of gross floor area per user or exceed 12 feet in height;

(5) Documentation shall be required denoting that the erection of an antenna will not compromise the structural integrity of the building, water tank, or transmission line;

(6) If an antenna is erected on a transmission line, documentation shall be required outlining that the antenna will not interfere, or be interfered with, by the normal operating characteristics of the transmission line;

(7) If the equipment building is located on the roof of the building, the area of the equipment building shall not occupy more than 25% of the roof area, and shall comply with all State of North Carolina Building Code requirements for the proposed and existing building; and

(8) Approval of the Planning Director to ensure consistency with the definition of stealth facility is required. Each application shall contain a rendering or photograph of the antenna including, but not limited to, colors and screening devices.

(C) Standards for Non-Stealth Rooftop or Building, Water Tank or Transmission Line Mounted Antennas

In addition to the standards established in Sub-Section (A) above, the following are applicable to all Non-Stealth Mounted Antennas:

(1) Antennas shall not exceed 20 feet above the roofline of the subject building or support structure, water tank, or transmission line;

(2) Antennas shall only be permitted on buildings or structures that are at least 33 feet tall. Antennas may be placed on buildings less than 33 feet tall if public safety needs warrant the antenna;

(3) Antennas, and related equipment buildings, shall be located or screened to minimize the visual impact of the antenna upon adjacent properties and shall be of a material or color which matches the exterior of the building or structure upon which it is situated;

(4) Commercial advertising shall not be allowed on an antenna;

(5) Signals, lights, or illumination shall not be permitted on an antenna, unless required by the FCC or the FAA;

(6) Any related unstaffed equipment building shall not contain more than 600 square feet of gross floor area per user or be more than 12 feet in height;

(7) If the equipment building is located on the roof of the building, the area of the equipment building shall not occupy more than 25% of the roof area, and shall comply with all State of North Carolina Building Code requirements for the proposed and existing building;

(8) Antennas may be located on utility poles pursuant to the following regulations:

(a) The maximum height of the pole with antenna shall not exceed 70 feet in height.

(b) The utility poles shall be located on public property, within public easements, or public rights-of-way.

(c) The antenna shall be of a size and placement that is structurally compatible with the engineering design of the pole pursuant to the North Carolina State Building Code and attested to by a professional engineer licensed in the State of North Carolina, and competent to evaluate antenna choices.

(d) The antenna shall not extend more than ten feet above the existing pole height. If the pole is replaced to withstand the addition of telecommunications equipment, then the same restriction shall apply except that the utility pole may be 20 feet higher than the adjacent pole heights.

(e) Placement of an antenna on a utility pole shall only be on poles owned or operated by a public utility authorized to operate in the County, a County franchisee, or Orange County.

(f) All relocation costs associated with any relocation of the antenna necessitated by roadway or sidewalk improvements shall be borne by the telecommunications provider.

5.10.8 Wireless Telecommunications Support Structures – Submittal and Review Requirements

(A) General Submittal Requirements for all Telecommunication Support Structures

(1) Submittal Requirements

(a) A site plan and site plan application package prepared in accordance with Section 2.5 shall be presented for approval to the Planning Division including all requirements for site development plan approval as required.

(b) A detailed description of the proposed telecommunication support structure (i.e. monopole, self-supporting lattice, etc.) including a detailed narrative description and explanation of the specific objective(s) for the new facility including a description as to the coverage and/or capacity, technical requirements, and the identified boundaries of the specific geographic area of intended coverage for the proposed telecommunication support structure.

(c) Elevation drawings and color renderings of the proposed tower showing:

(i) The vertical rendition of the telecommunication support structure(s) identifying all users and attachments,

(ii) All related fixtures, structures, appurtenances and apparatus including the height of said structures above the lowest adjacent pre-existing grade,

(iii) The materials that will be used on site for said structures including their color and any proposed lighting and shielding devices, and

(iv) If the facility is intended to be a stealth, as defined herein, the colors and screening devices for the Planning Director to verify consistency with applicable definitions.

(d) A signed statement from the applicant certifying that the proposed telecommunication support structure:

(i) Shall be maintained in a safe manner,

(ii) Is in compliance with all conditions of all applicable permits and authorizations without exception, and

(iii) Is in compliance with all applicable and permissible local, State, and Federal rules and regulations.

(e) A statement, prepared by a professional engineer licensed in the State of North Carolina, which through rational engineering analysis, certifies the tower's compliance with applicable standards as set forth in the State of North Carolina Building Code, and any associated regulations; and describes the tower's capacity, including an example of the number and type of antennas it can accommodate.

(f) A statement stating how the proposed tower will minimize visual intrusiveness to surrounding properties in the area. Criteria that may be used for such evidence may be height and type of existing trees surrounding the proposed tower, and local topography.

(g) A copy of the installed foundation design including a geotechnical sub-surface soils investigation, evaluation report, and foundation recommendation for the proposed wireless support structure.

(h) The existing cell sites (latitude, longitude, power levels) to which this proposed site will be a handoff candidate.

(i) Propagation studies of the proposed site and showing all adjoining planned, proposed, in-service or existing sites. This will include all of the modeling information used to produce the study including, but not limited to, any assumptions made about ambient tree height.

(j) The search ring utilized in finding the proposed site.

(k) The number, type, height, and model of the proposed antennas along with a copy of the applicable specification sheet(s).

(l) The make, model and manufacturer of the tower and antenna(s), antenna heights and power levels of proposed site. This will include documentation establishing the azimuth, size, and centerline height location of all proposed and existing antennas on the structure.

(m) The frequency, modulation and class of service of radio or other transmitting equipment.

(n) The maximum transmission power capability of all radios, as designed, if the applicant is a cellular or functional equivalent carrier, or the maximum transmission power capability, as designed, of all transmission facilities if the applicant is not a cellular or functional equivalent carrier.

(o) The actual intended transmission and the maximum effective radiated power of the antenna(s).

(p) The direction(s) of maximum lobes and associated radiation of the antenna(s).

(q) Certification that the NIER levels at the proposed site are within the threshold levels adopted by the FCC.

(r) Certification that the proposed antenna(s) will not cause interference with other telecommunications devices.

(s) A written affidavit stating why "the proposed site is necessary for their communications service" (e.g., for coverage, capacity, hole-filling, etc.) and a statement that there are no existing alternative sites within the provided search ring and there are no alternative technologies available which could provide the proposed telecommunications service need without the tower.

(t) A copy of the FCC license applicable for the intended use of the facility as well as a copy of the 5 and 10 year building out plan required by the FCC.

Some or all of items listed in (h) through (r) may be required to be provided on a propagation study data form to be provided by the County.

(2) Additional Submittal Requirements – Collocation of Antennas

In addition to the requirements denoted herein, applications for the collocation of antennas on existing structures shall be required to submit the following:

(a) The age of the existing tower in years, including the date of the grant of the original permit or authorization for the existing tower;

(b) For a wireless support structure that is five years old or older, or for a guyed structure that is three years old or older, a copy of the latest ANSI Report done pursuant to the latest edition of ANSI-EIA/TIA 222F – Annex E for any self-supporting tower. If an ANSI report has not been done pursuant to the preceding schedule, an ANSI report shall be done and submitted as part of the application. No Building Permit shall be issued for any wireless support structure where the structure being attached to is in need of remediation, unless and until the County Planning and Inspections Department has approved all remediation work needed has been completed or a schedule for the remediation work.

(c) A Structural Report signed by a Professional Engineer licensed to do business in the State and bearing that engineer's currently valid stamp, showing the structural adequacy of the wireless support structure to accommodate the proposed modification or antenna array Collocation, including any equipment shelter, unless the equipment shelter is located on the lowest floor of a building;

(d) If attaching to a structure other than a tower or where the proposed attachment is within 30 feet of areas to which the public has or could reasonably have or gain access to, documentation shall be provided, including all calculations, proving that the potential exposure to RF radiation (i.e. Non-Ion Emitting Radiation), will be comply with the most recent FCC regulations governing RF radiation and exposure thereto, and further denoting the minimum distance from any antennas an individual may safely stand without being exposed to RF radiation in excess of the FCC's permitted standards and any portion(s) of the structure that would be exposed to RF radiation in excess of the FCC's permitted standards. Compliance with the FCC's regulations, in such an instance the RF radiation from all facilities at that location shall be included in the calculations to show the cumulative effect on any area of the building or structure deemed accessible by the public or workers. Such report or analysis shall be signed and sealed by a Professional Engineer licensed in the State.

(e) If the modification or antenna array collocation is 30 feet or more above ground level, then a signed document such as the FCC's "Checklist to Determine whether a Wireless support structure may be Categorically Excluded" shall be provided to verify that the modification or antenna array collocation will fully comply with the current FCC's RF emissions regulations. If not categorically excluded, a complete RF emissions study is required to enable compliance verification, including providing all calculations so that such may be verified prior to issuance of a Building Permit;

If any section or portion of the structure to be attached to is not in compliance with the FCC's regulations regarding RF radiation, that

section or portion must be barricaded with a suitable barrier to discourage approaching into the area in excess of the FCC's regulations, and be marked off with yellow and black striped warning tape or a suitable warning barrier, as well as placing RF radiation signs as needed and appropriate to warn individuals of the potential danger;

(f) A signed statement that the applicant will expeditiously remedy any physical or RF interference with other telecommunications or wireless devices or services caused by the new installation.

(3) Standards of Evaluation – Collocations and Towers Requiring Administrative Approval

(a) A proposed tower shall not be permitted if it is not substantially necessary for the telecommunications service need identified pursuant to the standards of this Ordinance.

(b) Tower height shall be measured from the base of the tower to the highest point of the proposed antenna(s), with lightening rod, to be located atop the tower structure.

(c) Telecommunications towers shall conform with all of the requirements of this Ordinance.

(d) All towers shall be engineered to allow for collocations. No co-locator shall be refused access for collocation by charging exorbitant lease fees. Public safety provider collocations shall take priority over other co-locators.

(e) A telecommunications consultant shall provide Planning Staff assistance on exorbitant rate leases.

(f) All wireless support structures shall satisfy all applicable public safety, land use, or zoning issues required in this Ordinance, including aesthetics, landscaping, land-use based location priorities, structural design, setbacks, and fall zones.

(g) Applicants shall evaluate the reasonable feasibility of collocating new antennas and equipment on an existing structure or structures within the applicant's search ring.

(h) Prior to issuing a building permit for the collocation of an antenna array on an existing facility, an applicant shall demonstrate that the collocation is located appropriately on the facility with the overall goal being to preserve the carrying capacity of the facility for future collocations and to minimize the visual intrusiveness and impact, including the profile of the facility.

(i) In determining the necessary height for a facility, or the height of a collocation on a facility, the signal strengths analyzed shall be the threshold or lowest signal strength at which the customer equipment is designed to function, which may be required to be determined by the manufacturer's published specifications for the customer equipment.

(j) Approval of the Planning Director to verify consistency with the definition of stealth facility is required.

(k) All telecommunications towers shall be placed in heavily wooded areas on the site to the maximum extent possible so as to lessen the visual intrusiveness of the structure and accessory structures.

(l) No tower shall be permitted to exceed its designed loading capacity. For all wireless support structures attached to existing structures, the engineer certification statement shall include certification that the structure can support the load superimposed from the wireless support

structure. All wireless support structures shall have the capacity to permit multiple users; at a minimum monopole wireless support structures shall be structurally designed to accommodate four users and self-support/lattice or guyed wireless support structures shall, at a minimum accommodate three users.

(B) General Submittal Requirements – Special Use Permits

In addition to the general submittal requirements detailed herein, and the specific submittal requirements for all Special Use Permit applications detailed within Section 2.7 of this Ordinance, applicants shall be required to adhere to the following:

(1) Overall Policy and Desired Goals

The overall policy and desired goals for Special Use Permits for wireless telecommunications support structures shall be promoting and encouraging, wherever possible, the following:

(a) Alternatives to constructing new wireless support structures, including but not limited to the collocation of wireless telecommunications equipment and mitigating the visual effect of a wireless telecommunication support structure to an extent not commercially impracticable; and

(b) The placement, height and quantity of wireless telecommunications towers and equipment in such a manner, including but not limited to the use of stealth technology or camouflage techniques, to minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such wireless telecommunications support structure, which shall mean using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances.

(2) Balloon Test

(a) The applicant shall, at least six weeks prior to a Class B Special Use Permit public hearing and at least 11 weeks prior to a Class A Special Use Permit public hearing, conduct a balloon test whereby the applicant shall arrange to fly, or raise upon a temporary mast, a minimum of 10’3” in length, brightly colored red or orange balloon at the maximum height of the proposed new wireless support structure.

(b) The balloon test shall be flown for at least four consecutive daylight hours starting sometime between 10:00 A.M. and 2:00 P.M. on the dates chosen.

(c) A notice of the dates (including a second date in case of poor visibility, weather or atmospheric conditions on the initial date), times, and location of the balloon test shall be mailed, by certified mail, return receipt requested, by the applicant, to all persons owning property within 1,000 feet of the subject parcel no less than 14 days in advance of the first test date. The data contained within the office of Orange County Land Records shall be used as the primary source for determining which residents are to receive notice of the balloon tests.

This notice shall also inform local residents that a neighborhood information meeting shall be held the day of the balloon test so that the applicant can explain the proposal and Planning staff, including the County’s telecommunications consultant, can explain the Special Use Permit review process.

(d) The primary date shall be on a weekend (excluding legal holidays), but to prevent delays in the processing of the application, and in case of poor weather or atmospheric conditions on the initial date, the secondary date may be a weekday.

(e) The applicant shall inform the County Planning Staff, in writing, of the dates and times of the test at least 14 days in advance.

(f) The applicant shall also post a sign on the subject property, and directional signs posted at locations to be determined by Planning Staff. The signs shall measure no more than nine square feet in area and no less than four square feet in area, giving the contact information of the County Planning Department, the proposed dates, times, and location of the balloon test. The signs shall be posted to meet the same time limits as provided for in the balloon test notification as stated above.

(3) Submittal Requirements

In addition to the information required herein as well as Section 2.7, the following shall be submitted as part of the application:

(a) A site plan showing the following:

(i) The entire site (including property boundary lines) and size of all existing structures within 500 feet of the site,

(ii) Existing and proposed structures on site,

(iii) The fall zone of the tower,

(iv) Existing and proposed topography at a contour interval of five feet and

(v) Any officially designated floodways and floodplains, or the presence of alluvial soils.

(b) Plans, and elevations for all proposed structures and descriptions of the color and nature of all exterior material, along with the make, model, and manufacturer of the proposed structure, maximum antenna heights, and power levels.

(c) A Landscape and Tree Preservation Plan drawn at the same scale as the site plan, showing the existing and proposed trees, shrubs, ground cover and other landscape materials. This plan shall minimize adverse visual effects of wireless telecommunications support structures and antennas through careful design, siting, landscape screening and innovative camouflaging techniques.

(d) Evidence that the applicant has investigated the possibilities of placing the proposed equipment on an existing wireless support structure. Such evidence shall consist of:

(i) A listing of all wireless telecommunications support structures within a two mile radius of the proposed wireless support structure site and a listing of all wireless support structure, utility poles and other structures in the vicinity of the proposed facility that are technically feasible for utilization by the applicant to fill all or a substantial portion of the telecommunications service need identified by the Applicant pursuant to section 5.10.8(A)(1)(s). Documents shall be submitted at the time of application filing that indicates the applicant's ability or inability to co-locate on the identified tower(s) and reasons why.

(ii) Delineation of the boundaries of the maximum search ring within which the telecommunication equipment can function as

intended. The following information shall be provided for all existing wireless support structures within the search ring:

a. Wireless telecommunication support structure height;

b. Existing and planned wireless support structure users;

c. Whether the existing wireless telecommunication support structure could accommodate the telecommunication equipment to be attached to the proposed wireless support structure without causing structural instability or radio frequency interference; and

d. If the proposed telecommunication equipment cannot be accommodated on the existing wireless telecommunication support structure, assess whether the existing wireless support structure could be structurally strengthened or whether the antennas transmitters and related equipment could be protected from electromagnetic interference, and generally describe the means and projected cost of shared use of the existing wireless support structure; and

e. Any restrictions or limitations of the FCC or FAA that would preclude the shared use of the wireless support structure;

f. Propagation studies of all adjoining planned, proposed, in-service, or existing sites, and;

g. Any additional information requested by the County.

(iii) A summary explanation of why proposed telecommunication equipment cannot be located on any of the existing wireless support structures in the search ring.

(e) Documentation from applicable state or federal agencies indicating requirements, which affect the appearance of the proposed wireless support structure, such as lighting and coloring.

(f) Draft bond which will guarantee the removal of the wireless support structure in the event that it is abandoned or unused for a period of 12 months.

(g) A listing of, and current tax map identifying, all property owners within 1,000 feet of the parcel and addressed, first class stamped envelopes to the property owners for notifications of the public hearing in accordance with Sections 2.7.5 and 2.7.6 of this Ordinance.

(h) A report containing any comments received by the applicant in response to the balloon test along with color photographs from various locations around the balloon.

(i) Evidence that the balloon test requirement has been met, including a notarized statement and listing of the property owners notified of the test, a copy of a current Orange County Tax Map showing the subject property and all properties within the notification ring, and copies of the certified mail returned receipts from the mail-out.

(j) A notarized statement that the sign posting requirement has been met.

(k) Photographs of a clearly visible balloon floated at the proposed tower location to the maximum height of the tower, as well as photographs with the proposed tower and associated antennas superimposed upon them showing what the proposed tower will look like. Photographs shall be

taken from locations such as: property lines, and/or nearby residential areas, historic sites, roadways, including scenic roads and major view corridors, and other locations as deemed necessary by the Planning Staff to assess the visual impact of the proposed tower.

(l) The Special Use Permit application shall include a statement that the facility and its equipment will comply with all federal, state and local emission requirements.

(m) An Applicant may be required to submit an Environmental Assessment Analysis and a Visual addendum. Based on the results of the Analysis, including the Visual addendum, the County may require submission of a more detailed visual analysis. The scope of the required Environmental and Visual Assessment will be reviewed at the pre-application meeting.

(n) If required, a Visual Impact Assessment, which shall include:

(i) A “Zone of Visibility Map” shall be provided in order to determine locations from which the tower may be seen.

(ii) Panorama photo simulations of the proposed wireless support structure, superimposed on the existing landscape, to scale, showing “before and after” views including but not limited to State highways and other major roads; State and local parks; other public lands; historic districts; preserves and historic sites normally open to the public; and from any other location where the site is visible to a large number of visitors, travelers or residents

(iii) An assessment of the visual impact of the wireless support structure base, guy wires and accessory buildings from abutting and adjacent properties and streets shall be considered to determine the need of screening.

(o) All applications shall contain a demonstration that the wireless support structure is sited so as to have the least visually intrusive effect reasonably possible and thereby have the least adverse visual effect on the environment and its character, on existing vegetation, and on the residences in the area of the telecommunications tower.

(p) A statement, prepared by a professional engineer licensed in the State of North Carolina, which through rational engineering analysis, certifies the tower's compliance with applicable standards as set forth in the State of North Carolina Building Code, and any associated regulations; and describes the tower's capacity, including an example of the number and type of antennas it can accommodate.

(4) Standards of Evaluation

(a) The telecommunications equipment planned for the proposed wireless support structures cannot be accommodated on an existing wireless support structures due to one or more of the following reasons:

(i) The planned equipment would exceed the structural capacity of existing and approved wireless support structures, considering existing and planned use of those wireless support structures and the wireless support structures cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost.

(ii) The planned equipment would cause radio frequency interference with other existing or planned equipment for these wireless support structures, and the interference cannot be prevented at a reasonable cost.

(iii) Existing or approved wireless support structures do not have space on which the equipment can be placed so it can function effectively and reasonably in parity with similar existing or approved equipment.

(iv) No tower or other suitable facility exists in an area where the equipment to be placed on the tower will function in its intended manner.

(b) Location of Wireless Support Structures

(i) Applicants for facilities shall locate, site and erect said facilities according to the following priorities, in the following order:

a. On existing County-owned facilities without increasing the height of the tower or structure.

b. On existing Facilities without increasing the height of the tower or structure.

c. On County-owned properties or facilities.

d. On properties in areas zoned for commercial or industrial use.

e. On properties in areas zoned Agricultural Residential (AR).

f. On properties in areas zoned for residential use.

(ii) If an Applicant proposes to place telecommunications equipment at a location that is not a preferred priority 1 site, then the Applicant must provide a detailed explanation as to why a higher priority site is not proposed. The explanation shall be in the form of a written report demonstrating the Applicant's review of the above locations in order of priority and the reason(s) for the site selection. The explanation shall, at a minimum, include the information required by section 5.10.8(B)(3)(e).

(iii) The application shall not be approved unless it demonstrates that the telecommunications equipment may not be sited at a higher priority site because of commercial impracticability or because no higher priority site is available that would serve to provide the telecommunications service need identified by the Applicant as provided for in section 5.10.8(A)(1)(s).

(iv) An Applicant may not by-pass sites of higher priority merely because the site proposed is the only site leased or selected. Agreements between providers limiting or prohibiting collocation shall not be a valid basis for any claim of commercial impracticability.

(v) Notwithstanding that a potential site may be situated in an area of highest priority or highest available priority, an application shall not be approved if it conflicts with the provisions and requirements of this Ordinance.

(vi) Wireless support structures shall not be located within one-half (½) mile of any existing monopole, lattice or guyed wireless telecommunications support structure.

a. An exception may be allowed when the applicant can sufficiently demonstrate that:

i. Appropriate space on the existing telecommunication wireless support structure is not available; or

ii. The applicant has made good faith effort to negotiate an agreement with the owner of the existing wireless telecommunication support structure and has been unsuccessful, which must be documented in writing; or

iii. The telecommunication equipment on the existing wireless telecommunication support structure is not compatible with the proposed telecommunication equipment of the applicant; or

iv. Adequate coverage by the applicant cannot be met at the location of the existing wireless telecommunication support structure; or

v. The existing wireless telecommunication support structure cannot be reasonably modified to accommodate additional collocation by the applicant.

b. Exceptions shall only be allowed after a thorough analysis of the search area, provided by the applicant is performed by the County's consultant or Staff, indicating that coverage is not possible on an existing wireless support structure at the four-carrier capacity or other user capacity that can be achieved. There must be an 80% approval vote of the deciding board for this specific finding to pass the exception criteria.

(c) Setbacks

(i) Within or adjacent to residential zoning districts, minimum setbacks from the base of the wireless support structure to the property boundary shall be equal to 110% of the wireless support structure height.

(ii) If the wireless support structure is proposed as an accessory use to a residential use, the setback shall be 110% of the wireless support structure height from any residence or dwelling unit on the subject property.

(iii) Adjacent to non-residential uses or non-residential zoning districts, minimum setbacks from the base of the wireless support structure to the property boundary shall be the greater of 20% of the tower height, or the minimum required setback.

(iv) All buildings and other structures to be located on the same zoning lot as a telecommunication tower wireless support structure shall conform with the setbacks established for the zoning district or as established through the subdivision process, whichever is greater.

(d) Access

(i) At a wireless telecommunications support structure site, an access road, turn around space and parking shall be provided to assure adequate emergency and service access.

(ii) Maximum use of existing roads, whether public or private, shall

be made to the extent practicable.

(iii) Road construction shall, at all times, minimize ground disturbance and the cutting of vegetation.

(iv) Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion.

(e) Landscaping and Buffers

(i) A Type C Landscape Buffer shall be provided between the wireless support structures and its accessory structures and adjoining property/properties.

(ii) Existing vegetation may be removed only to the extent necessary to accommodate the wireless support structures, equipment buildings, and support structures such as guy wires.

(iii) Plantings around the compound perimeter, outside of any fence or wall, shall be composed entirely of fast growing evergreen vegetation.

(iv) New plantings and existing vegetation used for screening shall be at least six feet in height or greater at planting.

(v) Proposed plantings (name, type, height) shall be shown on the Landscape Plan for the facility.

(vi) Landscaping shall provide a screen on a year-round basis.

(f) The visibility of the balloon to adjacent properties and the surrounding area shall not constitute sole justification of denial of a permit application, but is an indication of what location on the site may be less visually intrusive.

(g) The applicant shall demonstrate and provide a description in writing and by drawing how it shall effectively screen from view the base and all related equipment and structures of the proposed facility.

(h) The site plan shall indicate a location for at least two equipment buildings in addition to that proposed for use by the applicant.

(i) All utilities at a facility site shall be installed underground and in compliance with all Laws, ordinances, rules and regulations of the County, including specifically, but not limited to, the National Electrical Safety Code and the National Electrical Code where appropriate.

(j) All wireless support structures shall satisfy all applicable public safety, land use, or zoning issues required in this Ordinance, including aesthetics, landscaping, land-use based location priorities, structural design, setbacks, and fall zones.

(k) Fences and Walls

(i) An eight foot fence or wall shall be required around the base of any wireless support structures. This fence or wall shall encompass all accessory equipment within the compound.

(ii) Fences shall be required around guy wire tie downs

(iii) A fence or wall may be placed around the perimeter of the facility to include guy wire tie downs and associated equipment should the applicant/owner wish to do so.

(l) The communications tower is structurally designed to support additional users as provided for in Section 5.10.8(A)(3)(d), and the Special Use Permit includes a statement that the owner of the wireless support

structure is willing to permit other user(s) to attach communication equipment which do not interfere with the primary purpose of the wireless support structure, provided that such other users agree to negotiate a reasonable compensation to the owner from such liability as may result from such attachment.

(m) To minimize the number of antenna arrays and thus the visual impact, the County may require the use of dual mode antennas to be used, including by two different carriers, unless it can be proven that such will not work technologically and that such would have the effect of prohibiting the provision of service in the County.

(n) Structures shall be galvanized and/or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings.

(o) Both the wireless telecommunications support structure and any and all accessory or associated telecommunication equipment and related facilities shall maximize the use of building materials, colors and textures designed to blend with the structure to which it may be affixed and/or to harmonize with the natural surroundings, this shall include the utilization of stealth technology as may be required by the County.

(p) Antennas

(i) All new or replacement antennas, except omni-directional whip antennas, shall be flush-mounted or as close to flush-mounted as is technologically possible on any facility, so long as such does not have the effect of prohibiting the provision of service to the intended service area, alone or in combination with another site(s), unless the applicant can prove that it is technologically impracticable.

(ii) If attached to a building, all antennas shall be mounted on the facie of the building and camouflaged so as to match the color and, if possible, texture of the building or in a manner so as to make the antennas as visually innocuous and undetectable as is possible given the facts and circumstances involved.

(q) Lighting

(i) The wireless support structures will not be artificially lighted unless required by the FAA, FCC or other federal or state agency. Where such agencies allow a choice between painting the tower or installing strobe lighting, painting shall be the preferred choice.

(ii) If lighting is legally required or proposed, the applicant shall provide a detailed plan for sufficient lighting of as unobtrusive and inoffensive an effect as is permissible under State and federal regulations.

(iii) For any facility for which lighting is required under the FAA's regulations, or that for any reason has lights attached, all such lighting shall be affixed with technology that enables the light to be seen as intended from the air, but that prevents the ground scatter effect so that it not able to be seen from the ground to a height of at least 12 degrees vertical for a distance of at least one mile in a level terrain situation. Such device must be compliant with or not in conflict with FAA regulations. A physical shield may be used, as long as the light is visible from the air, as intended by the FAA.

(iv) All outdoor lighting not regulated by the FCC shall comply with

the Outdoor Lighting Standards set forth in Section 6.11 of this Ordinance.

(r) The tower and antenna will not result in a significant adverse impact on the view of or from any historic site, scenic road, or major view corridor.

(s) Facilities, including antennas, towers and other supporting structures, such as guy anchor points and wires, shall be made inaccessible to individuals and constructed or shielded in such a manner that they cannot be climbed or collided with; and transmitters and telecommunications control points shall be installed in such a manner that they are readily accessible only to persons authorized to operate or service them.

(t) All abandoned communication wireless support structures shall be removed within 12 months of the cessation of use. A bond or other security guaranteeing the removal of the tower in the event that it is abandoned or unused for a period of 12 months shall be posted. A cost estimate shall be provided by a qualified General Contractor licensed in the State of North Carolina. The amount of the security shall be 110% of the estimate.

(u) A determination shall be made that the facility and its equipment will comply with all federal, state and local emission requirements, and the Special Use Permit shall include a statement that the facility and its equipment will comply with all federal, state and local emission requirements.

(v) Electro-Magnetic Radiation Levels

(i) The Special Use Permit shall include a condition that the electro-magnetic radiation levels maintain compliance with requirements of the FCC, regarding emission of electromagnetic radiation.

(ii) Within 30 days of installation of equipment on the tower, and within 30 days of the installation of any additional equipment in the future, the tower owner shall provide documentation of emission levels in relation to FCC standards.

(iii) In addition, the tower owner must provide documentation of emission levels within five working days if so requested by Orange County.

(iv) Orange County may make such requests at any time, not to exceed two times per year.

(w) “High Voltage”, "No Trespassing" and Other Signs

(i) If high voltage is necessary for the operation of the telecommunications tower or any accessory structures, "HIGH VOLTAGE - DANGER" warning signs shall be permanently attached to the fence or wall and shall be spaced no more than 40 feet apart.

(ii) "NO TRESPASSING" warning signs shall be permanently attached to the fence or wall and shall be spaced no more than 40 feet apart.

(iii) The letters for the "HIGH VOLTAGE - DANGER" and "NO TRESPASSING" warning signs shall be at least six inches in height. The two warning signs may be combined into one sign. The warning signs shall be installed at least five feet above the finished grade of the fence.

(iv) The warning signs may be attached to freestanding poles if the

content of the signs would, or could, be obstructed by landscaping. Signs noting federal registration (if required) shall be attached to the tower structure in compliance with federal regulation.

(v) Facilities shall contain a sign no larger than four square feet to provide adequate notification to persons in the immediate area of the presence of RF radiation or to control exposure to RF radiation within a given area.

(vi) A sign no larger than four square feet containing the name(s) of the owner(s) and operator(s) of the antenna(s) as well as emergency phone number(s) shall be installed. The sign shall be on the equipment shelter or cabinet of the applicant and be visible from the access point of the site and must identify the equipment owner of the shelter or cabinet.

(vii) On tower sites, an FCC registration sign, as applicable, is also to be present. The signs shall not be lighted, unless applicable law, rule or regulation requires lighting.

(viii) The use of any portion of a tower for signs or advertising purposes including company name, banners, streamers, etc. shall be strictly prohibited.

(ix) Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on the site of the telecommunication tower, unless repairs to the tower are being made.

(5) Bond Security

(a) The applicant and the owner of record of any proposed facility property site shall, at its cost and expense, be jointly required to execute and file with the County a bond, or other form of security acceptable to the County as to type of security and the form and manner of execution, in an amount of at least $75,000.00 for a tower and with such sureties as are deemed sufficient by the County to assure the faithful performance of the terms and conditions of this Section and conditions of any Special Use Permit issued pursuant to this Section.

(b) The full amount of the bond or security shall remain in full force and effect throughout the term of the Special Use Permit and/or until any necessary site restoration is completed to restore the site to a condition comparable to that, which existed prior to the issuance of the original Special Use Permit.Tower Inspection

(6) Liability Insurance

(a) A holder of a Special Use Permit for a wireless support structure shall secure and at all times maintain public liability insurance for personal injuries, death and property damage, and umbrella insurance coverage, for the duration of the Special Use Permit in the following amounts:

(i) Commercial General Liability covering personal injuries, death and property damage: $1,000,000 per occurrence/$2,000,000 aggregate; and

(ii) Automobile Coverage: $1,000,000.00 per occurrence/ $2,000,000 aggregate; and

(iii) A $3,000,000 Umbrella coverage; and

(iv) Workers Compensation and Disability: Statutory amounts.

(b) For a wireless support structure on County property, the Commercial General Liability insurance policy shall specifically name the County as an additional insured. The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the State and with a Best's rating of at least A.

(c) The insurance policies shall contain an endorsement obligating the insurance company to furnish the County with at least 30 days prior written notice in advance of the cancellation of the insurance.

(d) Renewal or replacement policies or certificates shall be delivered to the County at least 15 days before the expiration of the insurance that such policies are to renew or replace.

(e) Before construction of a permitted facility is initiated, but in no case later than 15 days prior to the grant of the building permit, the holder of the Special Use Permit shall deliver to the County a copy of each of the policies or certificates representing the insurance in the required amounts. A Certificate of Insurance that states that it is for informational purposes only and does not confer rights upon the County shall not be deemed to comply with this Section.

(C) General Building and Inspection Standards for all Telecommunication Support Structures

(1) Tower Inspection

(a) Telecommunication tower owners shall submit a report to the County Inspections Division certifying structural and electrical integrity upon completion of the initial construction and at intervals as specified in this Section.

(b) Inspection records shall be kept by the tower owner and made available upon request to the Inspections Division during regular business hours.

(c) The following inspection schedule shall be followed, except in cases where a tower has no structures other than those associated with telecommunication tower use located within the tower's fall zone.

(i) At least once every 36 months, or 36 months from the date of a collocation approval, a structural engineer who is regularly involved in the maintenance, inspection and/or erection of telecommunications towers shall inspect the tower and submit a report to the Inspections Division within a reasonable time thereafter. At a minimum, this inspection shall be conducted in accordance with the provisions of this Ordinance and in accordance with the tower inspections check list provided in the EIA-222 (as amended from time to time). This is considered a major inspection review.

(ii) At least once every 12 months, a visual inspection from the ground shall be conducted by a properly trained staff member of a tower provider or tower consultant and a report shall be filed with the Inspections Division within a reasonable time thereafter. This inspection shall include, but shall not be limited to, visual inspection of tower foundations, structures, guys, and connections for evidence of settlement or later movement; soil erosion; condition of paint or galvanizing; rust or corrosion, loose or missing bolts, loose or corroded lightning protection connectors; tower plumbness, significant variation in guy sags (i.e. tensions), and other material areas or matters relating to the structural integrity of the tower. This is considered a minor inspection review.

(iii) In addition to the regularly scheduled major and minor inspections set forth herein, a minor inspection, at a minimum, will be conducted if the tower or its appurtenances are noted at any time to be visibly damaged. Additionally, a major inspection shall be conducted if the visible damage to the tower is significant or when, after conducting a minor inspection, significant questions remain about the structural integrity of the tower.

(d) The Inspections Division may conduct periodic inspections of telecommunications towers to ensure electrical integrity. The owner of the telecommunication tower may be required by the County to have more frequent inspections should there be reason to believe that the electrical integrity of the tower is jeopardized. The County reserves the right to require additional inspections if there is evidence that the tower has a safety problem or is exposed to extraordinary conditions.

(e) Any tower found, through inspection by the owner or by inspection of the Inspections Division, to be structurally unsafe and cannot be brought into compliance within 180 days shall be removed at the owner's expense.

(f) Current or former EIA standards shall apply to the addition of antennas or other appurtenances to communications towers under the following conditions:

(i) Additions to towers constructed prior to the effective date of this Ordinance, regardless of whether the additions are accounted for in the original design, shall comply with the current EIA standards, and the wind loading specified therein. Additions to towers constructed subsequent to the effective date of this Ordinance shall comply with standards set forth elsewhere in this Section.

(ii) Existing towers that will not have any additional attached appurtenances shall at a minimum comply with the EIA standards in existence at the time the tower was erected.

(iii) Replacement of antennas or other appurtenances shall at a minimum comply with the EIA standard in existence at the time the tower was erected if the replacement does not add to the original design loading.

(iv) If a structural analysis shows a tower is not in compliance with the appropriate EIA standards, the owner shall submit an application to the Inspections Division with a plan to bring the tower into compliance within six months.

(v) Analysis of Existing Towers

a. Within 12 months of the effective date of this Ordinance an analysis commissioned by tower owners and prepared by a North Carolina Licensed Professional Engineer (P.E. Analysis) shall be performed on all towers in excess of 100 feet in height and shall be submitted to the Inspections Division.

b. The analysis shall determine the tower's compliance or lack thereof with the EIA standard in effect at the time the tower was constructed and when the most recent structural loading change was made.

c. For all towers less than six years old, a current existing P.E. analysis of the tower may be submitted in lieu of the new P. E. analysis required above.

d. If the tower does not meet the aforementioned EIA standards, the letter or existing P.E. analysis shall include the types of modifications that would be required to bring the tower up to standard.

e. All existing towers shall be subject to the annual electrical inspection conducted by the Inspections Division including any associated inspection fees.

f. The Inspections Division shall be notified in writing when a required analysis is complete. A copy of the analysis report shall be made available to the County Inspections Division upon request. That report shall also give details of the net result of any changes made to the tower or its appurtenances since the last inspection.

(D) Fees

(1) A filing fee as set by the Board of County Commissioners shall be paid upon application for a Site Plan/Zoning Compliance Permit Application, a Building Permit application, or Special Use Permit.

(2) An inspection fee is due the County at the time of all required future inspections as detailed within Section 5.10.8(C)(1)(c) of this Ordinance. Such fees may reflect the County's fully allocated costs, and shall not exceed such costs.

(3) Public land or right-of-way lease agreements shall be established by separate instrument and recorded prior to the issuance of Building Permits.

(4) Consultant Fee. Regardless of the type of telecommunication support structure proposed (i.e. administrative approval, special use permit, collocation, etc.) an applicant is required to submit a fee to cover the County's telecommunications consultant to review the application. An escrow account of an amount determined by the Board of County Commissioners, as denoted on the adopted fee schedule, shall be paid by check to Orange County to pay associated consultant review fees during all phases of the application review process. The Board of County Commissioners shall determine the amount of charges or fees assessed to an applicant on account of an outside consultant in advance and incorporate these charges and fees into an application fee that is based on the reasonable costs of the services the County incurs in connection with the application review. The fees and charges paid by the applicant for the services of a consultant shall not exceed what is usual and customary for wireless facilities and support structures. The foregoing does not prohibit the County from imposing additional reasonable cost-based fees for the actual costs incurred by the County for a consultant's review of an application due to amendments or revisions to the original application. The amount of the consultant charges incorporated into the application fee shall be separately identified and disclosed to the applicant upon request. Any unused funds in the account after either the approval of the Certificate of Occupancy (CO), or the expiration of the Special Use Permit approval, whichever is sooner, shall be returned to the designated party.

5.10.9 Removal of Wireless Support Structures and Facilities

(A) The owner of any facility shall be required to provide a minimum of 30 days written notice to the County Clerk prior to abandoning any facility.

(B) County Determination

Under the following circumstances, the County may determine that the health, safety, and welfare interests of the County warrant and require facility removal:

(1) Facilities that have been abandoned (i.e. not used as facilities) for a period exceeding 90 consecutive days or a total of 180 days in any 365 day period, except for periods caused by force majeure or Acts of God, in which case, repair or removal shall commence within 90 days of abandonment;

(2) Permitted facilities fall into such a state of disrepair that it creates a health or safety hazard;

(3) Facilities have been located, constructed, or modified without first obtaining, or in a manner not authorized by, the required Special Use Permit, or any other necessary authorization and the Special Use Permit may be revoked.

(C) If the County makes such a determination as noted above, then the County shall notify the holder of the Special Use Permit for the facility within 48 hours that said facility shall be removed.

(D) The holder of the Special Use Permit, or its successors or assigns, shall dismantle and remove such facility, and all associated structures, from the site and restore the site to as close to its original condition as is possible, such restoration being limited only by physical or commercial impracticability, within 90 days of receipt of written notice from the County. However, if the owner of the property upon which the facility are located wishes to retain any access to the facility, the owner may do so with the approval of the County.

(E) If a facility is not removed or substantial progress has not been made to remove the facilities within 90 days after the permit holder has received notice, then the County may order officials or representatives of the County to remove the facility at the sole expense of the owner or Special Use Permit holder.

(F) If the County removes, or causes to be removed a facility, and the facility owner does not claim and remove it from the site to a lawful location within ten days, then the County may take steps to declare the facility abandoned, and sell them and their components.

(G) Temporary Use Permit/Agreement

(1) Notwithstanding anything in this Section to the contrary, the County may approve a temporary use permit/agreement for the facility, for no more than 90 days, during which time the holder of the Special Use Permit shall develop a suitable plan for facility removal, conversion, or re-location, subject to the approval of the County, and the holder of the Special Use Permit and the County shall execute an agreement to such plan.

(2) If such a plan is not developed, approved and executed within the 90 day time period, then the County may take possession of and dispose of the affected facility in the manner provided in this Section and utilize the bond.

SECTION 5.11: STANDARDS FOR WASTE MANAGEMENT FACILITIES

5.11.1 Solid Waste Collection Facilities Owned and Operated by A Public Agency for the Purpose of Disposal of Household Waste by Orange County Residents

(A) General Standards

(1) The site shall consist of a parcel, or easement across a parcel, (whether owned or leased by the public agency) which has been recorded by the Orange County Register of Deeds.

(2) The parcel or easement across the parcel, (whether owned or leased by the public agency) on which the facility is located shall contain a minimum area of 40,000 square feet.

(3) The parcel or easement shall have frontage on a State maintained road.

(4) A Type B landscape buffer, 30' in width, shall be provided along the perimeter of the parcel or easement.

(5) Fencing at least six feet in height shall be provided between the landscape buffer and the improved portion of the parcel or easement.

(6) An entrance sign shall identify site as a sanitation collection site, and shall identify the responsible public agency. The sign shall contain a maximum of nine square feet and shall not exceed eight feet in height. Instructional signs may be erected as needed within the facility.

(7) The entrance to the site shall contain a travelway a minimum of 30' in width.

5.11.2 Landfills

(A) Standards for Class A and Class B Special Use Permits

(1) Submittal Requirements

In addition to the basic information required by Section 2.7 the following information shall be submitted as part of the application:

(a) Typical cross sections showing extent of overburden, extent of fill and water table elevation, based on mean sea level datum;

(b) Proposed handling and storage areas for overburden, by products and fill materials;

(c) Proposed fencing, screening and gates, parking, service and other areas;

(d) Any areas proposed for ponding; and

(e) Access roads to the site, as well as on site roads, with indication of surface treatment to limit dust, and sight distances on all roads used for access to the site.

(f) An Operations Plan which shall include:

(i) The date of commencement of operations and their expected duration.

(ii) Proposed hours and days of operation.

(iii) Complete description of operation, including source of materials, method of compaction, type of sealing proposed, types and number of equipment to be used.

(iv) Any phasing of operations and relationship among phases.

(v) Operating practices to be followed to ensure compliance with performance standards in Section 2.7.7(E).

(g) A Rehabilitation Plan which shall include:

(i) A statement of planned future use of the site, including detailed methods of accomplishment.

(ii) A map, to the same scale as the Site Plan, showing final proposed topography, landscaping and ground cover proposed and any drainage or other structures proposed.

(iii) A phased plan of rehabilitation, related to the operations plan, showing how the rehabilitation will relate to the fill operations and the date of final completion.

(2) Standards of Evaluation

(a) All operations associated with the fill shall conform to the following performance standards:

(i) Direct illumination resulting from the operation shall not fall upon any land not covered by the application.

(ii) Equivalent sound levels at the boundaries of the fill site shall not exceed the following standards:

TABLE 5.11.2.A.2.I: SOUND LEVEL STANDARDS FOR WASTE MANAGEMENT FACILITIES	
TIME	**DECIBEL LIMIT**
7:00 a.m. to 7:00 p.m.	68 dBA
7:00 p.m. to 7:00 a.m.	58 dBA

(iii) Vibration levels at the boundaries of the fill site shall not exceed the following standards:

TABLE 5.11.2.A.2.II: VIBRATION LEVEL STANDARDS FOR WASTE MANAGEMENT FACILITIES	
TIME	**DECIBEL LIMIT**
Steady State	1.0 inches/second
Impact	2.0 inches/second
[1] The maximum particle velocity shall be the maximum displacement sums of three mutually perpendicular components, recorded simultaneously, multiplied by the frequency in cycles per second. For purposes of this Ordinance, steady state vibrations are vibrations which are continuous, or vibrations in discrete impulses more frequent than 60 per minute. Discrete impulses which do not exceed 60 per minute, shall be considered impact vibrations.	

(b) The Rehabilitation Plan shall be referred to the Orange County Soil and Water Conservation District for review and recommendation, in particular regarding the landscape material specified, the planting and maintenance proposed to ensure continuous growth and development, and the acceptability of the proposals for the handling of lakes, ponds, etc.

(c) The permanent roads, defined as those to be used in excess of one year, within the fill site shall be surfaced with a dust free material, such as soil cement, bituminous concrete or Portland Cement concrete.

(d) Roads other than permanent roads shall be treated with dust inhibitors, to be specified in the Operations Plan, which will reduce to a minimum the generation of dust from the road surfaces as a result of wind or vehicular action. Properly operated water wagons are an acceptable means of dust inhibition.

(e) Where the proposed fill shall take place within 300 feet of a dwelling, school, church, hospital, commercial or industrial building, public building, or public land, a security fence at least six feet high shall be installed.

(f) The Operations Plan and the Rehabilitation Plan shall be coordinated so that the amount of disturbed land is kept to the absolute minimum consonant with good practices and so that rehabilitation proceeds in concert with filling.

5.11.3 Waste Management Facility, Hazardous and Toxic

(A) Standards for Class A Special Use Permit

(1) Submittal Requirements

In addition to the information required in section 2.7, the following shall be supplied as part of the application:

(a) A copy of the application filed with the North Carolina Department of Health and Human Services for a hazardous waste management facility.

(b) A detailed description of the type facility planned. Included in this description will be the size of the project, size of the site, the type storage involved, and the method of permanent disposal anticipated.

(c) Letters from the appropriate agencies that the facility has adequate protection against fire, vandalism and personal injury.

(d) Survey of floodplain and floodway location on the site plan.

(e) An emergency management plan that has been submitted to the appropriate North Carolina State agency, and approved.

(2) Standards of Evaluation

(a) All necessary State permits have been applied for and granted to the applicant.

(b) The description of the type facility planned, including a detailed description of the type wastes to be stored or disposed of on the site, the size of the finished project, method of storage or final disposal.

(c) Adequate fire, police and rescue protection can be provided. The appropriate agencies have written letters confirming adequate protection.

(d) The site is of adequate size to provide a buffer for adjacent properties. The buffer shall also be of sufficient size to prevent adverse effects in adjacent property.

(e) Access to the site is directly from an interstate, arterial, or major collector street.

(f) Accident prevention/emergency management plan approved by the State.

(g) Location of flood plain if any is on site.

(h) The site plan has buffer from streams.

SECTION 5.12: STANDARDS FOR EXTRACTIVE USES

5.12.1 Borrow Pits for Federal and State Highway Projects

(A) General Standards

(1) The borrow pit is located within one-half mile of the construction site;

(2) An Erosion Control Plan has been approved by the Department of Environment, Health and Natural Resources;

(3) The material extracted is to be used solely for a State or Federal road construction project; and

(4) Road construction plans include provision for reclaiming the excavated area. If the reclamation plan involves filling the excavated area, the fill material must be inert material defined as beneficial fill by the Solid Waste Branch of the Department of Environment and Natural Resources, provided that the debris is also associated with a State or Federal Highway road construction project. Inclusion of reusable or recyclable materials in the reclamation or filling of the borrow pit should be minimized. A proposed debris recycling program or a statement as to why material will not be recycled must be submitted for review by Orange County.

5.12.2 Extraction of Earth Products

(A) Standards for Class A Special Use Permit

(1) Submittal Requirements

In addition to the information required by Section 2.7, the following shall be submitted as part of the application:

(a) 26 copies of the site plan, prepared by an appropriately licensed professional, which shall contain the following:

(i) Extent of area to be excavated or mined.

(ii) Aerial photograph of site and all areas within 1,000 feet of the perimeter of the property flown within two months of the application for a Special Use Permit.

(iii) Existing topography at a contour interval of two feet based on mean sea level datum.

(iv) Land use, road system, natural features and topographical ten foot contour intervals) details for the area within 1,000 feet of the perimeter of the property.

(v) Typical cross sections showing extent of overburden, extent of sand and gravel deposits, and water table.

(vi) Proposed handling and storage areas for overburden, by products and excavated materials.

(vii) Location and results of groundwater borings showing depth of groundwater.

(viii) Any areas proposed for ponding.

(ix) Wind pattern details and on site windbreaks.

(x) Soils details and statement addressing agricultural productivity and reclamation.

(xi) Traffic impact analysis addressing the capacity of the roads to serve the site.

(xii) Access roads to the site, as well as on site roads, with indication of surface treatment to limit dust. Sight distances on all roads used for access to the site.

(xiii) Required setback areas, including screening/buffering existing and/or proposed. If plant materials are to be installed, the number, location, size and type of plants are to be identified.

(b) An Operations Plan which shall include:

(i) The date proposed to commence operations and their expected duration.

(ii) Proposed hours and days of operations.

(iii) Estimated type and volume of extraction.

(iv) Description of method of operation, including the disposition of topsoil, overburden and by products.

(v) Methods to control and respond to spillage of extracted materials, overburden or by products and vehicular mud on off site roads.

(vi) Description of equipment to be used in the extraction process.

(vii) Methods to prevent pollution of surface and ground water.

(viii) Operational test wells and schedule of results and analysis and response.

(ix) Compliance with the Sediment and Erosion Control provisions of this Ordinance.

(x) Depth of extractive operations.

(xi) Any phasing of the operation and the relationship among the various phases.

(xii) Operating practices will be followed to comply with the performance standards applicable to the operation (See Subsection 2.7.7(E)).

(c) A Rehabilitation Plan which shall include:

(i) A statement of planned rehabilitation of the excavated land, including detailed methods of accomplishment and planned future use of the rehabilitated land.

(ii) A map showing the final topography, after rehabilitation, to the same scale as the Site Plan, depicting any water areas and methods of preventing stagnation and pollution thereof, landscaping and ground cover proposed to be installed, and the amount and type of back fill to be employed, if any.

(iii) Typical cross sections showing planned rehabilitation.

(iv) A phasing and timing plan, related to the phasing and timing portion of the Operations Plan, showing the progression of the rehabilitation and the date when it will be complete.

(v) The method of disposing of all equipment, structures, dikes and spoil piles associated with the operations.

(vi) A written legal description or survey of the property, prepared by a North Carolina registered land surveyor or engineer.

(2) Standards of Evaluation

(a) The applicant demonstrates that the extractive use operation fulfills primarily a local need as opposed to a regional need in terms of supplying sand and/or gravel for building and construction purposes.

(b) All operations associated with extraction shall conform to the following performance standards:

(c) Direct illumination resulting from the operation shall not fall upon any land not covered by the application.

(d) Equivalent sound levels at the boundaries of the extraction site shall not exceed the following standards:

TABLE 5.12.2.A.2.D: VIBRATION LEVEL STANDARDS FOR EXTRACTION SITES	
TIME	**DECIBEL LIMIT**
7:00 a.m. to 7:00 p.m.	68 dBA
7:00 p.m. to 7:00 a.m.	58 dBA

(e) Vibration levels at the boundaries of the extraction site shall not exceed the following standards:

TABLE 5.12.2.A.2.E.: VIBRATION LEVEL STANDARDS FOR EXTRACTION SITES	
TIME	**DECIBEL LIMIT**
Steady State	1.0 inches/second
Impact	2.0 inches/second
[1] The maximum particle velocity shall be the product of two times the frequency in cycles per second times the sum of three mutually perpendicular displacement components recorded simultaneously. For purposes of this Ordinance, steady state vibrations are vibrations which are continuous, or vibrations in discrete impulses more frequent than 60 per minute. Discrete impulses which do not exceed 60 per minute shall be considered impact vibrations. Maximum air blast vibration, measured at the lot lines of the zoning lot containing the extractive use, shall be 125 decibels on the linear scale.	

(f) The Rehabilitation Plan shall be referred to the Orange County Soil and Water Conservation District for review and recommendation, which shall not be binding upon the Board of County Commissioners, in particular regarding the landscape material specified, the planting and maintenance proposed to insure continuous growth and development, and the acceptability of the proposals for the handling of lakes, ponds, etc.

(g) The permanent roads, defined as those to be used in excess of one year within the excavation site, shall be surfaced with a dust free material such as soil cement, bituminous concrete or Portland Cement concrete from the nearest public road to the yard area. Also, all permanent roads located within 300 feet of the residentially zoned land shall be treated the same.

(h) Roads other than permanent roads shall be treated with dust inhibitors, to be specified in the Operations Plan, which will reduce to a minimum the generation of dust from the road surfaces as a result of wind or vehicular action. Properly operated water wagons shall be an acceptable method of dust inhibition.

(i) Where the proposed extraction shall take place within 300 feet of a dwelling, school, church, hospital, commercial or industrial building, public building, or public land, a security fence at least six feet in height shall be installed.

(j) Spoil piles and other accumulations of by products shall not be created to a height more than 40 feet above the original contour and shall be so graded that the vertical slope shall not exceed the material's natural angle of response.

(k) The Operations Plan and the Rehabilitation Plan shall be coordinated so that the amount of disturbed land is kept to the absolute minimum consonant with good practices and so that rehabilitation proceeds in concert with extraction.

(l) No land disturbance shall take place within 250 feet of the zoning lot line or the property line where the zoning line and the property line are one and the same. Within the 250 foot setback area, existing vegetation shall be retained for the purpose of providing a visual screen and noise buffer. No disturbance or removal of vegetation shall be permitted except for access roads leading from the excavation area to public roads. Where vegetation within the 250 foot setback does not exist, the applicant shall be required to provide a dense, evergreen buffer consistent with the purpose cited above. The buffer shall be in place prior to the initiation of any excavation activities.

(m) The applicant shall submit operational reports, prepared on an annual basis, detailing the amounts of materials extracted, extent of extractive area, depth of extractive area, and results of groundwater test borings.

(n) Annual inspections of the operation shall be conducted by the Planning Director following submittal of the annual operations reports to determine compliance with the provisions of the Special Use Permit.

(o) In cases of abandonment or termination of operations for a period of 12 consecutive months, application for a new Special Use Permit is required.

(p) The Board of County Commissioners shall require for all extractive uses a performance guarantee to insure that the provisions of the Rehabilitation Plan are met. Such performance guarantee shall be in a form approved by the County Attorney. The amount of such guarantee shall cover the cost of rehabilitation on a per acre basis, if the cost does not exceed the amount posted with the State. If the rehabilitation cost exceeds the amounts required by the State then the difference shall be made up in a bond to Orange County.

SECTION 5.13: STANDARDS FOR AGRICULTURAL USES

5.13.1 Agricultural Processing Facility

(A) General Standards for Evaluation

(1) Application materials shall include a comprehensive groundwater study, for facilities expected to use more groundwater on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:

(a) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);

(b) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and

(c) An analysis of whether other wells in the vicinity of the proposed use are expected to be affected by withdrawals made by the proposed use.

(2) If located adjacent to residentially zoned property, all buildings and outdoor storage areas shall be located a minimum of 100 feet from the property line.

(3) Outdoor storage areas shall be screened from the view of any adjacent residentially zoned property.

5.13.2 Agricultural Processing Facility, Community

(A) General Standards for Evaluation

(1) If located in an AR or RB zoning district, facility shall be located on the bona fide farm of one of the cooperative farm partners or must be permitted as an ASE-CZ.

(2) The building shall not exceed 10,000 square feet in size.

(3) Application materials shall include a comprehensive groundwater study, for facilities expected to use more groundwater on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:

(a) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);

(b) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and

(c) An analysis of whether other wells in the vicinity of the proposed use are expected to be affected by withdrawals made by the proposed use.

(4) If located adjacent to residentially zoned property, all buildings and outdoor storage areas shall be located a minimum of 100 feet from the property line.

(5) Outdoor storage areas shall be screened from the view of any adjacent residentially zoned property.

5.13.3 Cold Storage Facility

(A) General Standards for Evaluation

(1) If located adjacent to residentially zoned property, all buildings and outdoor storage areas shall be located a minimum of 100 feet from the property line.

(2) Outdoor storage areas shall be screened from the view of any adjacent residentially zoned property.

(3) The site shall be located on a major road, as classified in the Orange County Comprehensive Plan, unless permitted as an ASE-CZ.

5.13.4 Community Farmers' Market

(A) General Standards for Evaluation

(1) The minimum lot size shall be 3 acres unless permitted as an ASE-CZ.

(2) If located adjacent to residentially zoned property, all buildings and vendor areas shall be located a minimum of 100 feet from the property line.

5.13.5 Composting Operation

(A) General Standards for Evaluation

(1) The minimum lot size shall be 10 acres unless permitted as an ASE-CZ.

(2) All operations shall be located a minimum of 150 feet from all property lines.

(3) The site shall be located on a major road, as classified in the Orange County Comprehensive Plan, unless permitted as an ASE-CZ.

(4) Outdoor storage areas shall be screened from view of adjacent properties and the road right-of-way.

(5) All unpaved areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.

(6) Compost piles shall not exceed 15 feet in height.

(7) Operations that include grinding shall adhere to the following:

(a) Grinding shall be permitted only during the hours of 7 a.m. and 7 p.m., or as otherwise specified on the permit.

(b) Grinding area shall be located a minimum of 1,000 feet from any existing dwelling unit located on adjacent properties.

(c) Grinding area shall be located a minimum of 300 feet from all property lines.

(8) Application materials shall include a comprehensive groundwater study, for facilities expected to use more groundwater on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:

(a) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);

(b) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and

(c) An analysis of whether other wells in the vicinity of the proposed use are expected to be affected by withdrawals made by the proposed use.

5.13.6 Cooperative Farm Stand

(A) General Standards for Evaluation

(1) In addition to the application materials required in Sections 2.5.2 and 2.4.3, the following shall also be required:

(a) The number and location of participating cooperative farm partners.

(b) A description of the facility, including size of structure(s) and access locations.

(c) Number of employees, if any.

(d) Frequency and hours of operation.

(2) Sales of any products not produced on the farm(s) of one of the cooperative farm partners shall be incidental, related to, and a subordinate component of farm stand sales in scale and profit.

5.13.7 Equestrian Center

(A) Standards for Class A Special Use Permit or ASE-CZ Zoning District

(1) Minimum lot size: 15 acres.

(2) Site shall have direct access to a major road, as classified in the Orange County Comprehensive Plan, and shall use said road as the primary access, unless approved otherwise in the permit.

(3) All structures, facilities, storage areas, and parking areas shall be setback a minimum of 100 feet from all property lines.

(4) Parking area(s) shall include sufficient space for parking and maneuvering trucks and horse trailers.

(5) Loudspeakers and public address systems shall not be used before 7 a.m. or after 7 p.m. if an existing residence is located within 1,000 feet of the facility, unless approved otherwise in the permit.

(6) All unpaved areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.

(7) Application materials shall include a comprehensive groundwater study, for facilities expected to use more groundwater on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:

(a) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);

(b) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and

(c) An analysis of whether other wells in the vicinity of the proposed use are expected to be affected by withdrawals made by the proposed use.

5.13.8 Farm Equipment Rental, Sales and Service

(A) General Standards for Evaluation

(1) Outdoor display and storage of equipment shall be permitted in the side and rear yards of the primary structure and shall be screened from view of adjacent properties.

(2) Service bays shall be located at the side or rear of a structure and shall not be visible from adjacent residential property or the road right-of-way.

(3) The site shall be located on a major road, as classified in the Orange County

Comprehensive Plan, unless permitted as an ASE-CZ.

(4) Parking shall not be located in the front yard space.

(5) Application materials shall include a comprehensive groundwater study, for facilities expected to use more groundwater on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:

(a) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);

(b) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and

(c) An analysis of whether other wells in the vicinity of the proposed use are expected to be affected by withdrawals made by the proposed use.

5.13.9 Farm Supply Store

(A) General Standards for Evaluation

(1) Outdoor storage of products shall be permitted in the rear yard of the primary structure and shall be screened from view of adjacent properties.

(2) Outdoor storage areas shall not be permitted to encroach upon required parking spaces.

(3) All structures and outdoor storage areas shall be located a minimum of 100 feet from adjacent residentially zoned property.

(4) The site shall be located on a major road, as classified in the Orange County Comprehensive Plan, unless permitted as an ASE-CZ.

(5) Parking shall not be located in the front yard space.

(6) Application materials shall include a comprehensive groundwater study, for facilities expected to use more groundwater on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:

(a) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);

(b) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and

(c) An analysis of whether other wells in the vicinity of the proposed use are expected to be affected by withdrawals made by the proposed use.

5.13.10 Feed Mill

(A) General Standards for Evaluation

(1) The minimum lot size shall be 3 acres, unless permitted as an ASE-CZ.

(2) All structures, equipment, and outdoor storage areas shall be located a minimum of 100 feet from all property lines.

(3) The site shall be located on a major road, as classified in the Orange County Comprehensive Plan, unless permitted as an ASE-CZ.

(4) Outdoor storage shall be permitted in the rear yard of the primary structure and shall be screened from view of adjacent properties.

(5) Application materials shall include a comprehensive groundwater study, for facilities expected to use more groundwater on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:

(a) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);

(b) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and

(c) An analysis of whether other wells in the vicinity of the proposed use are expected to be affected by withdrawals made by the proposed use.

5.13.11 Greenhouses with On Premise Sales

(A) General Standards for Evaluation

(1) If located in an AR zoning district, the minimum lot size shall be 3 acres, unless permitted as an ASE-CZ.

(2) If located in an AR zoning district, outdoor storage shall be located in the side or rear yards and shall be setback a minimum of 100 feet from the property line.

5.13.12 Meat Processing Facility, Community

(A) General Standards for Evaluation

(1) The building shall not exceed 10,000 square feet in size.

(2) If located adjacent to residentially zoned property, all buildings, outdoor storage areas, and animal pens shall be located a minimum of 100 feet from the property line.

(3) Outdoor storage of products shall be permitted in to the rear yard of the primary structure and shall be screened from view of adjacent properties.

(4) In addition to the application materials required in Section 2.5 or 2.9, as applicable, the following shall also be required:

(a) The number of location of participating cooperative farm partners.

(b) Number of employees, if any.

(c) Frequency and hours of operation.

(d) A comprehensive groundwater study, for facilities expected to use more groundwater on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:

(i) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);

(ii) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and

(iii) An analysis of whether other wells in the vicinity of the proposed use are expected to be affected by withdrawals made by the proposed use.

5.13.13 Meat Processing Facility, Regional

(A) Standards for Class A Special Use Permit or ASE-CZ Zoning District

(1) The minimum lot size shall be 15 acres.

(2) If located adjacent to residentially zoned property, all buildings, outdoor storage areas, and animal pens shall be located a minimum of 300 feet from the property line.

(3) Outdoor storage of products shall be permitted in the rear yard of the primary structure and shall be screened from view of adjacent properties.

(4) Site shall have direct access to a major road, as classified in the Orange County Comprehensive Plan, and shall use said road as the primary access, unless approved otherwise in the permit.

(5) All unpaved areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.

(6) In addition to the information required by Sections 2.7 or 2.9, as applicable, application materials shall also include a comprehensive groundwater study, for facilities expected to use more groundwater on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:

(a) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);

(b) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and

(c) An analysis of whether other wells in the vicinity of the proposed use are expected to be affected by withdrawals made by the proposed use.

5.13.14 Non-Farm Use of Farm Equipment

(A) General Standards for Evaluation

(1) Equipment shall be screened from view from adjacent properties and road(s).

(2) Outdoor storage of materials such as gravel, dirt, or plants shall be limited in both area and duration.

(3) On-site retail sales shall not be permitted.

5.13.15 Stables, Commercial

(A) Standards for Class B Special Use Permit or ASE-CZ or MPD-CZ Zoning Districts

(1) Submittal Requirements –

In addition to the information required by Sections 2.7 or 2.9, as applicable, the following information shall be supplied as part of the application for approval of this use:

(a) Plans for all barns, boarding facilities, exercise yards, riding arenas, and related improvements, including signage.

(b) Site plan showing the improvements listed in a) above, other structures on the same lot, and structures on adjacent property.

(c) A comprehensive groundwater study, for facilities expected to use more groundwater on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:

(i) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);

(ii) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and

(iii) An analysis of whether other wells in the vicinity of the proposed use are expected to be affected by withdrawals made by the proposed use.

(2) Standards of Evaluation –

(a) Minimum lot size: 5 acres for up to 10 horses, increasing by ½ acre for each horse over 10.

(b) No part of any building, structure, exercise yard, or riding arena, in which animals are housed or exercised shall be closer than 150 feet from a property line, except property occupied by the owner/operator of the facility. These minimum distances shall not apply if all portions of the facility, in which animals are housed, are wholly enclosed within a building.

(c) The site plan shows parking, access areas and screening devices for buildings, riding arenas, and boarding facilities.

(d) A sign clearly visible from the ground shall be posted at the main entrance to the facility and shall contain the names, addresses, and telephone numbers where persons responsible for the facility may be contacted at any hour of the day or night. The sign shall comply with dimensional requirements as set forth within this Ordinance.

5.13.16 Stockyards / Livestock Markets

(A) General Standards for Evaluation

(1) The minimum lot size shall be 10 acres.

(2) Site shall have direct access to a major road, as classified in the Orange County Comprehensive Plan, and shall use said road as the primary access, unless approved otherwise in the permit.

(3) All structures, facilities, storage areas, and parking areas shall be setback a minimum of 100 feet from all property lines.

(4) Parking area(s) shall include sufficient space for parking and maneuvering trucks and stock trailers.

(5) Loudspeakers and public address systems shall not be used before 7 a.m. or after 7 p.m. if an existing residence is located within 1,000 feet of the facility, unless approved otherwise in the permit.

(6) All unpaved areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.

(7) If located adjacent to residentially zoned property, all animal pens shall be located a minimum of 300 feet from the property line.

(8) Application materials shall include a comprehensive groundwater study, for facilities expected to use more groundwater on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:

(a) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);

(b) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and

(c) An analysis of whether other wells in the vicinity of the proposed use are expected to be affected by withdrawals made by the proposed use.

SECTION 5.14: STANDARDS FOR MANUFACTURING, ASSEMBLY & PROCESSING

5.14.1 Metal Fabrication Shop

(A) Standards for ASE-CZ Zoning District

(1) Facility must be located on a bona fide farm.

(2) Minimum lot size: 3 acres.

(3) Maximum building size: 3,000 square feet.

(4) If located adjacent to residentially zoned property, all buildings and operations must be located a minimum of 200 feet from the property line.

5.14.2 Microbrewery, production only

(A) Standards for Class B Special Use Permit or ASE-CZ Zoning District

(1) If located in an AR or RB zoning district, the microbrewery must be located on a bona fide farm.

(a) A microbrewery, production only, that is located on a bona fide farm, and which utilizes primarily crops produced on-site is considered a bona fide farming use and is not subject to zoning regulations.

(b) A microbrewery, production only, that does not utilize primarily crops produced on-site, regardless of whether it is located on a bona fide farm, is not considered a bona fide farming use and is subject to the regulations contained in this Ordinance.

(2) If located adjacent to residentially zoned property, all buildings shall be located a minimum of 100 feet from the property line.

(3) Application materials shall include a comprehensive groundwater study, for facilities expected to use more groundwater on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:

(a) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);

(b) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and

(c) An analysis of whether other wells in the vicinity of the proposed use are expected to be affected by withdrawals made by the proposed use.

5.14.3 Sawmills

(A) General Standards for Evaluation and ASE-CZ Zoning District

(1) Minimum lot size: 5 acres.

(2) All structures, equipment, and storage shall be located a minimum of 100 feet

from the property line.

(3) Hours of operation shall be limited to the hours between 7 a.m. and 7 p.m.

(4) Site shall have direct access to a major road, as classified in the Orange County Comprehensive Plan, and shall use said road as the primary access, unless approved otherwise in the permit.

5.14.4 Winery, production only

(A) Standards for Class B Special Use Permit or ASE-CZ Zoning District

(1) If located in an AR or RB zoning district, the winery must be located on a bona fide farm.

(a) A winery, production only, that is located on a bona fide farm, and which utilizes primarily crops produced on-site is considered a bona fide farming use and is not subject to zoning regulations.

(b) A winery, production only, that does not utilize primarily crops produced on-site, regardless of whether it is located on a bona fide farm, is not considered a bona fide farming use and is subject to the regulations contained in this Ordinance.

(2) If located adjacent to residentially zoned property, all buildings shall be located a minimum of 100 feet from the property line.

(3) Application materials shall include a comprehensive groundwater study, for facilities expected to use more groundwater on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:

(a) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);

(b) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and

(c) An analysis of whether other wells in the vicinity of the proposed use are expected to be affected by withdrawals made by the proposed use.

SECTION 5.15: STANDARDS FOR AUTOMOTIVE/TRANSPORTATION RELATED USES

5.15.1 Motor Vehicle Sales / Rental (New & Used)

(A) Submittal Requirements

(1) In addition to the information required by Section 2.5, the site plan shall show the area for the display of vehicles for sale or rental.

(B) General Standards

(1) Property shall have frontage and direct access onto a State maintained roadway.

(2) Areas of the property designated for the display of vehicles for sale or rent shall be improved with an all-weather surface (i.e. concrete, asphalt, gravel) and shall not be used for any other purpose.

(3) Additional vehicles, other than those offered for sale, rent or staff/customer designated parking as required under Section 6.9 of this Ordinance, can be stored on-site and shall be screened from view from adjacent properties and public rights-of-way. Such vehicles shall not be included in the display limit calculation.

(C) Standards for the NC-2, EC-5, and E-I Zoning Districts

(1) The display of vehicles outdoors shall be limited to 32 vehicles per acre of property.

(D) Standards for GC-4, I-1, I-2, I-3, EDB-1, EDB-2, and EDE-2

(1) The display of vehicles outdoors shall be limited to 45 vehicles per acre of property.

SECTION 5.16: STANDARDS FOR MEDICAL USES

5.16.1 Veterinary Clinic

(A) Standards for Class B Special Use Permit or ASE-CZ or MPD-CZ Zoning District

(1) In the AR and ASE-CZ zoning districts, this use is intended primarily for large animal facilities but may also contain an ancillary small animal component.

(2) If located adjacent to residentially zoned property, all buildings and facilities shall be located a minimum of 100 feet from the property line.

5.16.2 Veterinary Clinic, mobile

(A) Standards for Class B Special Use Permit or ASE-CZ or MPD-CZ Zoning District

(1) In the AR, R-1, and ASE-CZ zoning districts, this use is intended to be located on the same property as the operator's residence. The mobile clinic shall be parked to the side or rear of the residence, not in front of the residence, unless permitted otherwise in the permit.

(2) For all zoning districts in which this use is permitted, observation shelters for up to three large or small animals shall be considered an accessory use. The permit may specify a greater number of observation shelters and may limit the maximum number of days an individual animal may be observed.

(3) If adjacent to residentially zoned property, all mobile clinic operations shall be located a minimum of 100 feet from the property line.

(4) Veterinary services whereby the public brings their animal to the mobile clinic location shall not be permitted, unless specifically permitted in the permit.

5.16.3 Veterinary Hospital

(A) Standards for ASE-CZ Zoning District

(1) In the ASE-CZ zoning district, this use is intended primarily for large animal facilities but may also contain an ancillary small animal component.

(2) If located adjacent to residentially zoned property, all buildings and facilities shall be located a minimum of 100 feet from the property line.

SECTION 5.17: STANDARDS FOR MISCELLANEOUS USES

5.17.1 Churches

(A) General Standards

(1) Churches are required to provide setbacks in residential districts; the minimum shall be as follows:

TABLE 5.14.1.A: CHURCH SETBACK STANDARDS IN RESIDENTIAL DISTRICTS

SETBACK	DISTANCE (FEET)
Front	45
Side	50
Rear	50

5.17.2 Community Center

(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 exact type of facility planned, the size of the building, the number of participants; a signed statement from the owners or operators that the facility will be operated by a non-profit organization.

(b) A site plan showing the location of the existing and proposed buildings, access points, parking, service areas, and outdoor recreation areas.

(c) Building plans for all existing or proposed structures.

(d) Landscape plan, at the same scale as the site plan, showing existing or proposed trees, shrubs, ground cover and any other landscape materials.

(2) Standards of Evaluation

(a) Lot size shall be adequate for the method of sewage disposal, and for the other improvements proposed or required.

(b) The site plan shall show the boundaries of the site, the distances to the nearest residential structures, access points, parking areas, service area, location of proposed existing buildings.

(c) The landscape plan shall be at the same scale as the site plan and should show how the facilities will be screened from the adjacent properties, in addition, to proposed or existing trees, shrubs, and ground cover.

(d) Elevations of buildings should show that the buildings preserve the residential character of the area.

5.17.3 Commercial Cemeteries

(A) Standards for Class B Special Use Permit

(1) Submittal Requirements

In addition to the information required by Section 2.7, the following shall be submitted as part of the application:

(a) Evidence that the requirements of the North Carolina General Statutes Chapter 65 can be achieved and that the standards of the N.C, Cemetery Commission shall be met.

(2) Standards of Evaluation

(a) A minimum lot size of two acres is provided.

(b) The site shall have direct access to a collector or arterial street

(c) There shall be adequate space within the site for the parking and maneuvering of funeral cartilages

(d) No interments shall take place within 30 feet of any lot line.

5.17.4 Historic Sites Non Residential Reuse/Mixed Use

(A) Standards for Class A Special Use Permit

(1) Submittal Requirements

In addition to the information required in Section 2.7, the following shall be supplied as part of the application:

(a) The site plan, prepared by an appropriately licensed professional, shall also contain the following:

(i) Location, width, and type of all internal vehicular and pedestrian circulation.

(ii) Location and dimensions of all on site signage.

(iii) Boundaries of the site and distance to nearest residential structures.

(b) Description of the proposed use(s) of the site and the buildings thereon, including the following:

(i) Amount of area allocated to each use.

(ii) Number of full and part time employees.

(iii) Number of clients and/or occupants expected to use the facility.

(iv) Proposed hours of operation for non residential uses of the site and within buildings thereon.

(c) Building plans for all existing or proposed structures to include floor plans, elevations, and sections showing restoration/rehabilitation proposed. Description of how the historical style and character of the building and/or property is to be enhanced.

(d) Landscape and tree preservation plan, at the same scale as the site plan, showing existing or proposed trees, shrubs, ground cover and other landscape materials.

(e) Statement from the appropriate public service agencies concerning the method and adequacy of water supply and wastewater treatment for the proposed uses.

(f) Statement from the appropriate public service agencies concerning the provision of fire, police and rescue protection to the site and structures.

(g) Evidence that the property is listed on the National Historic Register or recognized by the State of North Carolina as places of historic interest.

(h) The proposed development schedule for the site.

(2) Standards of Evaluation

(a) The site plan submitted meets all requirements specified in sections 2.7 and 5.17.4(A)(1).

(b) Proposed uses and facilities are complementary and compatible with surrounding area, and appropriate in the location proposed given character of surrounding development. The proposed use of the historic structure shall be of such a nature so as to preserve the historic character of the site and the building. Development of the site as proposed would have no adverse impact beyond the building except for appropriate parking facilities.

(c) Structural alterations of historic structures shall be of such a nature as to preserve the historic character of the building(s) and site.

(d) Fire, police and rescue services and water supply and wastewater treatment methods are adequate to serve the proposed uses and facilities.

(e) Recreational areas, service areas, parking and screening are adequate for the proposed use(s).

(f) The site is served by direct access to a State maintained road.

(g) Internal vehicular and pedestrian circulation is adequate for the proposed use(s).

(3) Expiration and Renewals

(a) This Class A Special Use Permit, if approved, shall be valid for six years, but may be renewed or re-approved by the Board of Commissioners after receiving a report from the Planning Department that the use is, and has been continuously since it was issued, in compliance with provisions of the Special Use Permit. The Orange County Planning Department shall present its report on the compliance of the special use no later than 90 days before the expiration of the Special Use Permit.

(b) The Board of County Commissioners shall not renew the Special Use Permit if it is determined that the applicant has failed to comply with the conditions of approval. If the Board of County Commissioners does not renew the permit, the permit shall become null and void upon the expiration of the time limit.

(c) If the Special Use Permit is not renewed or re-approved, then the applicant may submit a new application as if it were a new use.

5.17.5 General Aviation Airports, STOL and Heliports

(A) Standards for Class A Special Use Permit

(1) Submittal Requirements

In addition to the information required in section 2.7, the following shall be submitted as part of the application:

(a) A configuration diagram depicting the layout of runways, taxiways, approach zones and overrun areas. These diagrams should also be on aerial photographs that show the area within five miles of the proposed site.

(b) Isotonic contours showing the effects of aircraft operations upon land within one mile of the boundary of the proposed site.

(c) The number and type of aircraft proposed to be stored including also the storage areas for aircraft, fuel and motor vehicles, service areas for aircraft.

(d) How on site fire and rescue services shall be provided and a letter from the appropriate agency stating services are available and adequate to protect the proposed facility.

(e) List land uses within the final approach zones of the airport.

(f) Certification that all Federal Aviation Administration (FAA) and State standards and requirements have been met.

(2) Standards of Evaluation

(a) All F.A.A. and State regulations are met as a condition of approval.

(b) The site and its operation will not adversely affect existing adjacent land uses.

(c) Land sufficient to provide approach zones and overrun areas is owned or controlled by the applicant.

(d) Adequate land area is provided for all of the proposed uses, buildings and storage areas.

(e) Screening of buildings, storage and maintenance areas is provided from adjacent residential land.

(f) Letters from appropriate fire and rescue agencies that protective services can be provided at an adequate level.

(g) Access shall be directly onto a State maintained road.

(h) Compatible land uses are located in the final approach areas of the airport.

5.17.6 Major Subdivision

(A) Standards for Class A Special Use Permit

(1) Submittal Requirements

In addition to the information required in Section 2.7, the following shall be submitted as part of the application:

(a) Notification

Stamped envelopes addressed to each owner of property within 500 feet of the property proposed for subdivision. The names and addresses of property owners shall be based on the current listing as shown in the Orange County Land Records system.

(b) Development Schedule

A statement, from the applicant, indicating the anticipated development schedule for the build out of the project.

(c) Water and Wastewater

(i) If the proposed lots are to be served by a public water system, proof of water supply and service availability in the form of a certified copy of a resolution to that effect enacted by the governing body of the water system providing the water to serve the lots in the subdivision.

(ii) If the proposed lots are to be served by a public sewer system proof of public sewer service availability in the form of a certified copy of a resolution to that effect enacted by the governing body of the sewer system providing the sewer service to the lots in the subdivision.

(iii) If the proposed lots are to be served by a community water and/or sewer system, proof that the system(s) will be operated either directly by or through contract with the water and/or sewer provider whose service area or interest area it is, as defined in the Water and Sewer Management Planning and Boundary Agreement and Map adopted December 3, 2001, and as may be amended from time to time.

(iv) If the proposed lots are to be served by individual wells or community wells, a professionally prepared groundwater yield analysis relating the proposed wells to the U.S. Geological Survey Water Resources Investigations Report 00-4286 and any later USGS Water Resource Investigation Report data available.

(v) If the proposed lots are to be served by individual septic systems the Environmental Health Division shall submit a report indicating approval for each building lot and for the open space if a homeowners' association amenity is proposed to be constructed within the open space.

(d) Open Space Connectivity

A map that demonstrates that the open space composition, accessibility, shape and size requirements as set forth in Section 7.13 of this Ordinance are to be met.

(e) Natural & Human-Made Resources

A written and graphic site analysis illustrating soils, depth to water table, slope, hydrology, vegetation, natural areas and habitats of special concern, infrastructure and other constructed features, historic and archaeological sites, and visual analysis of views into and from the site.

(f) Pedestrian / Bicycle Plan

(i) If the subdivision is located in a Transition Area designated as such on the Land Use Element of the Comprehensive Plan, a plan for sidewalks or pedestrian/bike lanes as part of the public roads using, where appropriate, alternative North Carolina Department of Transportation design guidelines that include pedestrian/bike lanes as part of the public road system.

(ii) For proposals not located in a transition area an off-road, pedestrian plan shall be submitted.

(g) Landscape Plan Details

A landscape and tree preservation plan that shows the following:

(i) The proposed locations, and types of, plantings,

(ii) The existing natural landscape with existing topography,

(iii) The width of roadside and perimeter buffers to be left undisturbed,

(iv) The open space (proposed undisturbed and proposed improved) as well as type of ownership.

(2) Additional Submittal Requirements - For all applications of over 40 lots

(a) Solid Waste

The location within the subdivision of a solid waste convenience center(s) intended to serve the subdivision and, where appropriate, the area in which the subdivision is located.

(b) Biological Inventory

(i) A biological inventory which identifies the following:

a. Habitat diversity,
b. Species diversity,
c. Species of special concern such as those designated as threatened or endangered,
d. Last known sighting,
e. Candidate species likely to be present which may warrant protection,
f. Specimen trees outstanding in size and/or species, and
g. The status and source of the information compiled in the inventory.

(ii) The biological inventory shall be accompanied by an analysis describing the following:

a. Habitat integrity,
b. Relationships between habitats and to ecological communities offsite,
c. Any existing threats to flora and fauna and
d. Potential for habitat enhancement.

(c) Environmental Mitigation

A mitigation plan is required when any wetland or other environmentally sensitive area identified in the biological inventory will be altered as a result of development of the subdivision or construction of homes or other buildings and structures associated with the subdivision. The mitigation plan shall include the following:

(i) An assessment of the ecological value of resources that will be lost and a statement of how that value will be replaced through mitigation;

(ii) A specific statement of the goals and objectives, i.e., exactly what steps will be taken to compensate for lost habitat, etc.;

(iii) Detailed descriptions in the form of grading plans, construction plans, and planting plans to illustrate how the objectives will be carried out;

(iv) A monitoring and maintenance plan to measure success of the mitigation based on stated objectives. Include a list of parties responsible for monitoring and maintenance, a schedule for each, and how results will be reported to the Planning and Inspections Department;

(v) A plan showing how the site will be protected from impacts by human and unwanted animal intrusion, alternate plant species and construction methods that could be used in the event adjustments or substitutions are needed until the mitigation area is established; and

(vi) A financial guarantee is required for the total cost of the mitigation project. Once the installation is complete, 30% of the amount of the letter of credit or escrow will be held for 12 months or until the site is established, whichever is greater.

(d) Traffic Study

(i) A traffic impact study is required with all applications for the following:

a. Subdivisions with more than 40 lots outside of transition areas, and
b. Subdivisions with more than 80 lots within transition areas.

(ii) The study shall include an analysis of the need for public road improvements, including pedestrian-oriented enhancements, for on-site and off-site improvements as said improvements relate to the level of service impacted by the development.

(iii) The traffic impact study shall be prepared in accordance with the requirements of Section 6.17.

(3) Standards of Evaluation

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

(b) The project meets all service provision criteria as set forth below:

(i) Fire – identifies the primary and secondary responders and the source(s) of water.

(ii) Police – identifies the primary and secondary responders.

(iii) Rescue services – identifies the primary and secondary responders.

(iv) Water Supply – source and capacity of water supply.

(v) Wastewater Treatment Methods – provider and capacity of wastewater treatment source.

(c) Habitats shall be identified and evaluated in the biological inventory required by Section 5.17.6(A)(2)(b)and are subject to the following:

(i) An undisturbed buffer is required around the boundary of habitats of rare, threatened, or endangered species as shown on the biological inventory. Buffer width shall be determined by site evaluation in consultation with the applicant's biologist and County staff;

(ii) Habitat enhancements as described in the biological inventory shall be made for a broad range of species to help mitigate the loss of wildlife habitat during construction. Examples include:

a. Preserving, planting, and maintaining a variety of native vegetation (also dead trees and snags);
b. Installing structures conducive for nesting such as bird houses or bat boxes designed and located for various species; or
c. Creating wetlands;

(iii) Conservation easements or other acceptable means such as dedication to a public agency, or conservancy or a homeowner's association are required to protect wetlands and other habitats while insuring proper long-term maintenance; and

(iv) Provide barriers or fencing, and signage at the edge of habitat buffers to prohibit vehicular and pedestrian access. Limited access may be allowed if proposed in a sensitive manner for environmental education purposes.

(d) Landscaping and Buffers

(i) Existing vegetation shall be preserved as indicated on the approved landscape plan in accordance with the provisions of Section 6.8 of the this Ordinance;

(ii) Tree protection measures shall be installed and maintained between all areas of disturbance and trees to be retained as shown on the approved landscape plan. A detail of the tree protection barrier proposed shall be included as part of the landscape plan submitted with the application;

(iii) Corridors connecting habitats identified in the biological inventory shall be preserved along streams, buffers, or other wooded areas. If destroyed during construction, such connections shall be restored using appropriate plant materials;

(iv) Trees and stumps cleared for roads and building construction shall either be used for timber purposes or shredded for landscape mulch, composted, buried or otherwise disposed of BUT NOT BURNED.

(v) Berms, fences and landscaping walls may be used with plant materials for screening, provided such features are designed and located in harmony with other site features and functions;

(vi) To minimize visual impact by blending architecture into the surrounding landscape, foundation plantings are required at all freestanding entrance signs;

(vii) Use of xeriscaping principles.

(e) Stormwater Management

(i) A stormwater management plan shall be prepared and reviewed in accordance with the provisions of Section 6.14 of this Ordinance.

(ii) All drainage structures will be installed and maintained according to the approved Stormwater Management Plan.

(iii) Subdivisions that include structural stormwater measures shall comply with Section 6.14 of this Ordinance.

(f) Grading and Erosion Control

(i) Plans for grading and erosion control comply with standards contained in the Orange County Erosion and Sediment Control Manual and this Ordinance;

(ii) Construction is phased to the extent practical to minimize disturbance and sedimentation;

(iii) Sediment control measures will be properly installed to filter sediment from runoff during construction and maintained until grading is complete and a permanent vegetative cover has been established and all slopes stabilized; and

(iv) Permanent landscaping, groundcover, mulch, etc. will be installed as soon as practical after construction activities for each phase are completed.

(g) Solid Waste Management Plan

A solid waste management plan, submitted as part of the Resources Management Plan, shall include the method(s) of disposal and recycling of construction debris.

(h) Irrigation

(i) Irrigation systems for the subdivision and the lots in the subdivision are designed and can be operated according to a water conservation plan described in the Resources Management Plan submitted with the application;

(ii) The Resources Management Plan shall identify the source(s) of water to be used for irrigation, the volume available for that purpose, and expected consumption rates. The system design and plan for operation will be evaluated based on efficiency; and

(iii) Water recycled from stormwater retention ponds or treated wastewater effluent may be used for irrigation where it is a legally permitted alternative.

(i) Habitat Maintenance

(i) Habitats identified in the biological inventory and habitats created through mitigation shall be maintained in accordance with the Resources Management Plan and/or a conservation easement agreement; and

(ii) Maintenance of habitats shall be minimal, consisting primarily of maintaining buffers and enhancements, removal of exotic (non-native) plant species, and keeping drainage ways functioning properly.

(j) Access

Access to the subdivision and access to lots within the subdivision to existing public roads shall conform to and be in compliance with any public road access management plan adopted by Orange County.

(k) Maintenance of Improvements

(i) All site improvements such as roads, utilities (including irrigation and drainage structures), habitat enhancements, recreational amenities, signage, landscaping, open space, etc. will be maintained in function and appearance.

(ii) Maintenance specifications, if any, for on-going site management (including provisions for handling of storm debris in open space areas) shall be submitted as part of the Resources Management Plan and incorporated into Homeowners' Association documents.

5.17.7 Rural Heritage Museum

(A) Standards for Class B Special Use Permit or ASE-CZ Zoning District

(1) If located adjacent to residentially zoned property, all buildings, facilities, and parking areas shall be located a minimum of 100 feet from the property line.

(2) The maximum building size in an AR or RB zoning district shall be 5,000 square feet.

5.17.8 Rural Special Events

(A) General Standards for Evaluation or ASE-CZ or MPD-CZ Zoning Districts

(1) Must be located on a bona fide farm.

(2) In addition to the requirements in Section 2.5 or 2.9, as applicable, the following information shall be submitted with the application materials:

(a) Description of special events to be held on-site, including frequency of events, hours of operation, anticipated attendance, and any other pertinent details**.**

(b) Location of parking area(s).

(c) A map depicting surrounding uses and the distance to residential structures.

(3) The temporary or seasonal commercial activities that comprise the special event must pertain to agricultural or rural-related activities.

(4) If located adjacent to residentially zoned property, all structures, facilities, storage areas, and parking areas shall be setback a minimum of 100 feet from all property lines.

(5) Events permitted by right in the AR, RB, and AS zoning districts shall be limited to no more than 150 people at one time and shall occur no more than 12 days per year. Events exceeding these limits must be approved as an ASE-CZ or MPD-CZ.

(6) Loudspeakers and public address systems shall not be used before 7 a.m. or after 7 p.m. if an existing residence is located within 1,000 feet of the facility, unless approved otherwise in the permit.

(7) Special events shall cease no later than 9 p.m. on Sunday through Thursday or 11 p.m. on Friday and Saturday, unless approved otherwise in the permit.

(8) Food services are not allowed unless approved in the permit.

(9) Documentation shall be submitted from the Fire Marshal and Building Inspections Department stating that all areas open to the public meet state regulations.

ARTICLE 6: DEVELOPMENT STANDARDS TABLE OF CONTENTS

SECTION 6.1: GENERAL STANDARDS 6-1
6.1.1 Establishment of Dimensional Requirements 6-1
6.1.2 Town of Chapel Hill Land Development Standards 6-1
6.1.3 Town of Carrboro Land Development Standards 6-1
SECTION 6.2: LOT & BUILDING STANDARDS 6-1
6.2.1 Regulations Encumbering Land Required to Satisfy Regulations 6-1
6.2.2 Modifications of Dimensional Requirements 6-1
6.2.3 Clustering 6-2
6.2.4 Irregular Lots 6-2
6.2.5 Principal Uses 6-2
6.2.6 Principal Structures 6-3
6.2.7 Corner Lot Setback on the Side Street 6-3
6.2.8 Additional Setbacks Required in for Non-Residential Lots Abutting Residential Zoning Districts 6-4
6.2.9 Permitted Projections Into Required Open Space 6-4
6.2.10 Visibility at Intersections 6-4
6.2.11 Open Space and Building Spacing For Attached Residential, Multi-Family Residential, and Lodging Units 6-5
SECTION 6.3: LAND USE INTENSITY MEASURES 6-8
6.3.1 Applicability 6-8
6.3.2 Floor Area 6-8
6.3.3 Open Space 6-8
6.3.4 Livability Space 6-8
6.3.5 Recreation Space 6-9
6.3.6 Pedestrian / Landscape Space 6-9
SECTION 6.4: PERFORMANCE STANDARDS 6-9
6.4.1 Applicability 6-9
6.4.2 Electrical Disturbance or Interference 6-9
6.4.3 Noise 6-10
6.4.4 Vibration 6-11
6.4.5 Air Pollution 6-13
6.4.6 Disposal of Liquid Wastes 6-13
6.4.7 Hazardous Materials 6-13
6.4.8 Utilities 6-14
6.4.9 Solid Waste 6-14
6.4.10 Service & Outdoor Storage 6-15
6.4.11 Construction and Maintenance in Economic Development Districts 6-15
SECTION 6.5: ARCHITECTURAL DESIGN STANDARDS 6-16
6.5.1 Economic Development Transition Activity Nodes, Commercial Transition Activity Nodes, Commercial-Industrial Transition Activity Nodes, Rural Community Activity Nodes, and Rural Neighborhood Activity Nodes 6-16
SECTION 6.6: ADDITIONAL STANDARDS FOR OVERLAY DISTRICTS 6-20
6.6.1 Special Flood Hazard Areas (SFHA) 6-20
6.6.2 Highway 70 / ECOD 6-27
6.6.3 Efland Interstate 6-31
6.6.4 Efland Village 6-33
6.6.5 Major Transportation Corridor (MTC) 6-36
SECTION 6.7: ADDITIONAL STANDARDS FOR MPD-CZD 6-37
6.7.1 Master Plan 6-37
6.7.2 Permitted Adjustments 6-39
6.7.3 Final Development Plans 6-41
6.7.4 Start of Construction & Extensions 6-41
6.7.5 Specific Standards for Hillsborough EDD 6-41
SECTION 6.8: LANDSCAPING, BUFFERS & TREE PROTECTION 6-43
6.8.1 Purpose and Intent 6-43
6.8.2 Applicability 6-43
6.8.3 Variations 6-43
6.8.4 Protection of Existing Vegetation 6-44
6.8.5 Landscaping Standards 6-45

6.8.6 Land Use Buffers ... 6-47
6.8.7 Planting Requirements ... 6-49
6.8.8 Credits for Existing Vegetation ... 6-52
6.8.9 Screening ... 6-52
6.8.10 Landscape and Tree Preservation Plan ... 6-53
6.8.11 Request for Extension of Compliance ... 6-54
6.8.12 Additional Standards for Economic Development Districts ... 6-55
SECTION 6.9: PARKING, LOADING & CIRCULATION ... 6-59
6.9.1 Purpose & Intent ... 6-59
6.9.2 Applicability ... 6-59
6.9.3 Prohibited Within Special Flood Hazard Areas ... 6-59
6.9.4 Use of Required Parking and Loading Spaces ... 6-59
6.9.5 Expansion and Increased Intensity of Existing Use ... 6-59
6.9.6 Change of Use ... 6-59
6.9.7 Off-Street Parking Requirements ... 6-59
6.9.8 Determination For Unlisted Uses ... 6-64
6.9.9 Fractional Results ... 6-64
6.9.10 Off-Street Parking Design Standards ... 6-64
6.9.11 Joint Parking Facilities ... 6-68
6.9.12 Satellite Parking ... 6-68
6.9.13 Off-Street Loading Requirements ... 6-69
6.9.14 Off-Street Loading Design Standards ... 6-69
SECTION 6.10: ROADWAY IMPROVEMENTS & MULTI-MODAL TRANSPORTATION ... 6-70
SECTION 6.11: OUTDOOR LIGHTING ... 6-71
6.11.1 Purpose and Intent ... 6-71
6.11.2 Applicability ... 6-72
6.11.3 Exemptions ... 6-72
6.11.4 Prohibitions ... 6-73
6.11.5 Lighting Plan ... 6-73
6.11.6 General Standards ... 6-75
6.11.7 Specific Standards ... 6-76
6.11.8 Additional Standards for Economic Development Districts ... 6-78
SECTION 6.12: SIGNS ... 6-79
6.12.1 Purpose and Intent ... 6-79
6.12.2 Outdoor Advertising ... 6-79
6.12.3 General Requirements ... 6-80
6.12.4 Determination of Sign Area ... 6-80
6.12.5 Exempt Signs ... 6-81
6.12.6 Prohibited Signs ... 6-82
6.12.7 Submittal Requirements ... 6-83
6.12.8 Expiration of Permits ... 6-83
6.12.9 Permit Revocation ... 6-83
6.12.10 Maintenance ... 6-84
6.12.11 Signs Permitted in All Zoning Districts ... 6-84
6.12.12 Signs Permitted in Specific Zoning Districts ... 6-85
6.12.13 Sign Standards for Specific Uses ... 6-90
6.12.14 Additional Standards for Economic Development Districts ... 6-93
SECTION 6.13: STREAM BUFFERS ... 6-95
6.13.1 Purpose ... 6-95
6.13.2 Applicability ... 6-95
6.13.3 Calculating Width of Stream Buffer ... 6-96
6.13.4 Minimum Buffer Widths for Watershed Protection Overlay Districts ... 6-97
6.13.5 Areas Outside of Watershed Protection Overlay Districts ... 6-98
6.13.6 Uses Allowable Within Stream Buffers ... 6-98
6.13.7 Diffuse Flow Requirement ... 6-100
6.13.8 Land Disturbance and Planting of Vegetation ... 6-100
SECTION 6.14: STORMWATER MANAGEMENT ... 6-100
6.14.1 Introduction ... 6-100

6.14.2 Purpose ... 6-100
6.14.3 Jurisdiction-Wide and Inter-Local Approaches ... 6-100
6.14.4 General Methods ... 6-101
6.14.5 Applicability ... 6-102
6.14.6 Review Criteria ... 6-102
6.14.7 Nutrient Load ... 6-103
6.14.8 Peak Runoff Volume ... 6-104
6.14.9 Stormwater Management Plan ... 6-105
6.14.10 Operation and Maintenance of Structural Stormwater Measures ... 6-105
6.14.11 Amendments to Approved Plans and Specifications ... 6-110
6.14.12 Stormwater Discharges ... 6-110
SECTION 6.15: SOIL EROSION AND SEDIMENTATION CONTROL ... 6-114
6.15.1 Purpose and Intent ... 6-114
6.15.2 Applicability ... 6-115
6.15.3 Erosion Control Standards ... 6-115
6.15.4 Exclusions ... 6-116
6.15.5 General Requirements for Areas Other Than University Lake, Cane Creek, and Upper Eno Watersheds ... 6-117
6.15.6 General Requirements for University Lake, Cane Creek, and Upper Eno Watersheds ... 6-117
6.15.7 Design and Performance Standards ... 6-118
6.15.8 Stormwater Outlet Protection ... 6-126
6.15.9 Responsibility for Installation and Maintenance ... 6-128
6.15.10 Existing Uncovered Areas ... 6-129
SECTION 6.16: ENVIRONMENTAL IMPACT REPORTS ... 6-129
6.16.1 Purpose and Intent ... 6-129
6.16.2 Exemptions ... 6-130
6.16.3 Environmental Assessment ... 6-130
6.16.4 Environmental Impact Statement ... 6-131
SECTION 6.17: TRAFFIC IMPACT ANALYSIS ... 6-133
6.17.1 Purpose ... 6-133
6.17.2 Applicability ... 6-133
6.17.3 Exemptions ... 6-134
6.17.4 Scoping Meeting ... 6-134
6.17.5 General Requirements and Standards ... 6-134
6.17.6 Submission and Implementation ... 6-137
SECTION 6.18: AFFORDABLE HOUSING ... 6-138
6.18.1 Purpose and Intent ... 6-138
6.18.2 General Provisions ... 6-139
6.18.3 Applicability ... 6-139
6.18.4 Contract for Sale of Single-Family Residences ... 6-139
6.18.5 Contract for Rental of Duplex or Multi-Family Units ... 6-140
6.18.6 Disclosure of Contract Terms to Potential Home-Buyers ... 6-141
6.18.7 Conveyance of Property to Orange County ... 6-141
SECTION 6.19: ADEQUATE PUBLIC FACILITIES: SCHOOLS ... 6-141
6.19.1 Purpose ... 6-141
6.19.2 General Provisions ... 6-141
6.19.3 Applicability ... 6-142
6.19.4 Service Levels ... 6-142
6.19.5 Certificate of Adequate Public School Facilities ... 6-142
6.19.6 Expiration of Certificates of Adequate Public School Facilities ... 6-142
6.19.7 Exemption From CAPS ... 6-143
6.19.8 Previously Approved Projects and Projects Pending Approval ... 6-143
6.19.9 Appeal of School District Denial of a CAPS ... 6-144
6.19.10 Information Required From Applicants ... 6-144
SECTION 6.20: PUBLIC SEWER CONNECTION ... 6-145

ARTICLE 6: DEVELOPMENT STANDARDS

SECTION 6.1: GENERAL STANDARDS

6.1.1 Establishment of Dimensional Requirements

The required minimum lot size, minimum lot width, required front, side and rear setbacks, maximum building height and maximum lot coverage and permitted intensity of development for each of the general districts shall be as shown in this Article and Article 3 of this Ordinance.

6.1.2 Town of Chapel Hill Land Development Standards

The regulations governing minimum lot size, minimum lot width, required yard setbacks, maximum building height and other dimensional requirements controlling the permitted intensity of development as contained in the Town of Chapel Hill Land Development Ordinance are hereby adopted by reference as fully as though set forth herein. The regulations shall be applicable to that portion of the Transition Area located within the Chapel Hill Joint Development Review Area as prescribed in the adopted Joint Planning Area Land Use Plan and the adopted Joint Planning Area Land Use Map.

6.1.3 Town of Carrboro Land Development Standards

The regulations governing minimum lot size, minimum lot width, required yard setbacks, maximum building height and other dimensional requirements controlling the permitted intensity of development as contained in the Town of Carrboro Land Use Ordinance are hereby adopted by reference as fully as though set forth herein. The regulations shall be applicable to that portion of the Transition Area located within the Carrboro Joint Development Review Area as prescribed in the adopted Joint Planning Area Land Use Plan and the adopted Joint Planning Area Land Use Map.

SECTION 6.2: LOT & BUILDING STANDARDS

6.2.1 Regulations Encumbering Land Required to Satisfy Regulations

No portion of a lot, used in connection with an existing or proposed building, structure or use, and necessary for compliance with the dimensional regulations of this Ordinance shall, through sale or otherwise, be used again as part of the lot required in connection with any other building, structure or use.

6.2.2 Modifications of Dimensional Requirements

Except as provided in this Ordinance, all structures shall conform to the dimensional requirements established in Article 3 of this Ordinance.

(A) Height Limitations

(1) Within any zoning district the height of a building may exceed the maximum building height established in Article 3 provided that one foot additional front, rear, and side setbacks are provided for every two feet of additional height. Regardless of additional setbacks provided, in no case shall a building's height exceed 75-feet unless modified as per (2) below.

(2) The height limits of this Ordinance may be modified upon appeal to the Board of Adjustment in accordance with Section 2.10 of this Ordinance. The Board, when approving an application for modification of the height limitation, may affix to that approval reasonable conditions to protect the public health, safety and general welfare.

(B) Flexible Developments

(1) Minimum lot area, lot width, and setback requirements as specified in Article 3 of this Ordinance may be reduced for lots created as part of a Flexible Development subdivision as provided in Section 7.13 of this Ordinance.

(C) Flag Lots

(1) Flag lots as defined in Article 10 are accommodated for as provided in Section 7.7 of this Ordinance.

(D) Reuse of Existing Farm Buildings within the Rural Buffer Zoning District

(1) Setback requirements may be lessened through the appropriate permitting process for agricultural support enterprise uses that reuse farm buildings in existence as of May 5, 2015 that are currently located within the required setback area.

(a) This provision applies to agricultural support enterprise uses currently zoned RB.

(b) The setback width shall not be lessened to a distance less than the setback required in the RB general use zoning district.

(c) 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.

6.2.3 Clustering

(A) UNIV-CA & UNIV – PW Watershed Protection Overlay Districts

(1) Clustering of residential lots is permitted in accordance with Section 7.12 of this Ordinance.

(2) Each lot shall contain a minimum of one acre.

(B) All Other Overlay Districts

Clustering of residential lots is permitted in accordance with Section 7.13 of this Ordinance.

6.2.4 Irregular Lots

Any irregular lot of record at the time these regulations became effective may be subdivided in compliance with applicable subdivision regulations and improvement requirements, to create additional regular lots, provided that such lots meet all requirements of the district and that no residual substandard lots remain as a result of such action.

6.2.5 Principal Uses

There shall be no more than one principal use on any zoning lot except where:

(A) Permitted as a CU District or CZ District; or

(B) The parcel is located within an Economic Development District, Commercial Transition Activity Node, Commercial-Industrial Transition Activity Node, Rural Neighborhood Activity Node, or Rural Community Activity Node, as designated by the Comprehensive Plan; or

(C) The parcel is less than 2 acres in size, and non-residential multiple uses are proposed within a single principal structure; or

(D) One of the uses is an unstaffed telecommunications tower subject to a year-to-year or other short term lease; or

(E) The use(s) is/are marked with ^ in the Table of Permitted Uses (Section 5.2.1) and is/are located on a bona fide farm.

6.2.6 Principal Structures

(A) Residential

(1) There shall be no more than one principal structure permitted on any residential zoning lot, with the exception of the following:

(a) Multi-family developments which have received approval as a CU District or CZ District, or

(b) Temporary use of mobile homes for custodial care approved in accordance with the provisions of Section 5.4.4(B), or

(c) During the installation or construction of a permanent unit on the same lot, as provided in Section 5.4.4 of this Ordinance, or

(d) Duplexes, on lots that have twice the required lot area of the zoning district.

(B) Non-Residential

(1) There shall be no more than one principal structure permitted by right on any non-residential zoning lot greater than two acres in size, unless:

(a) Permitted as a CU District or CZ District, or

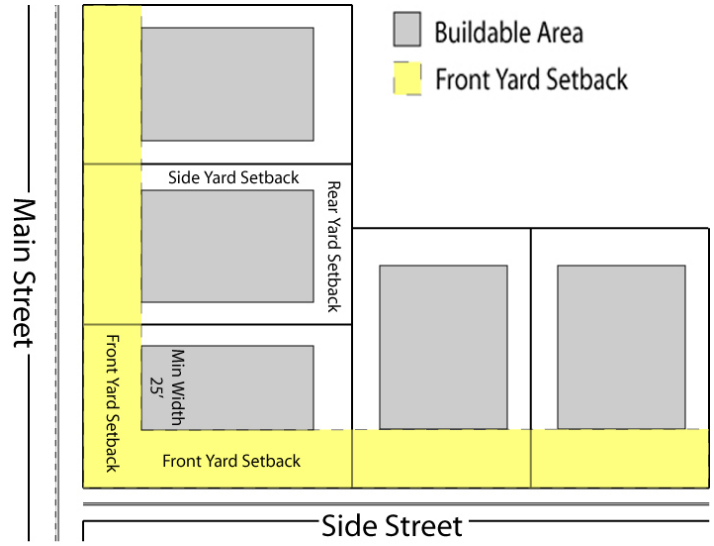
(b) The zoning lot is located within an Economic Development District, Commercial Transition Activity Node, Commercial-Industrial Transition Activity Node, Rural Neighborhood Activity Node, or Rural Community Activity Node, as designated by the Comprehensive Plan; or

(c) The structure(s) is/are located on a bona fide farm and is/are utilized for a use(s) that is/are marked with ^ in the Table of Permitted Uses (Section 5.2.1).

6.2.7 Corner Lot Setback on the Side Street

Any corner lot of record in a residential zoning district abutting a side street shall meet the minimum required setbacks of the zoning district in which it is located; provided, however, that this requirement does not reduce the width of area suitable for building to less than 25 feet.

Figure 6.2.7: Corner Lot Setbacks on Side Street



6.2.8 Additional Setbacks Required in for Non-Residential Lots Abutting Residential Zoning Districts

In all non-residential zoning districts, except I-1, I-2, I-3, and EI, required side and rear setbacks adjacent to residentially zoned land, shall be equal to the required side or rear setback of the adjacent residential district.

6.2.9 Permitted Projections Into Required Open Space

(A) Certain architectural features, such as cornices, eaves and gutters, may project into the required open space as follows:

(1) Three feet into required front open space,

(2) One foot into the required rear open space, and

(3) One foot into required side open space.

(B) An unenclosed balcony or porch, fire escape, or metal awning may project into the required open spaces as follows:

(1) A distance not to exceed five feet into the required front or rear open space, or

(2) A distance not to exceed three feet into the required side open space

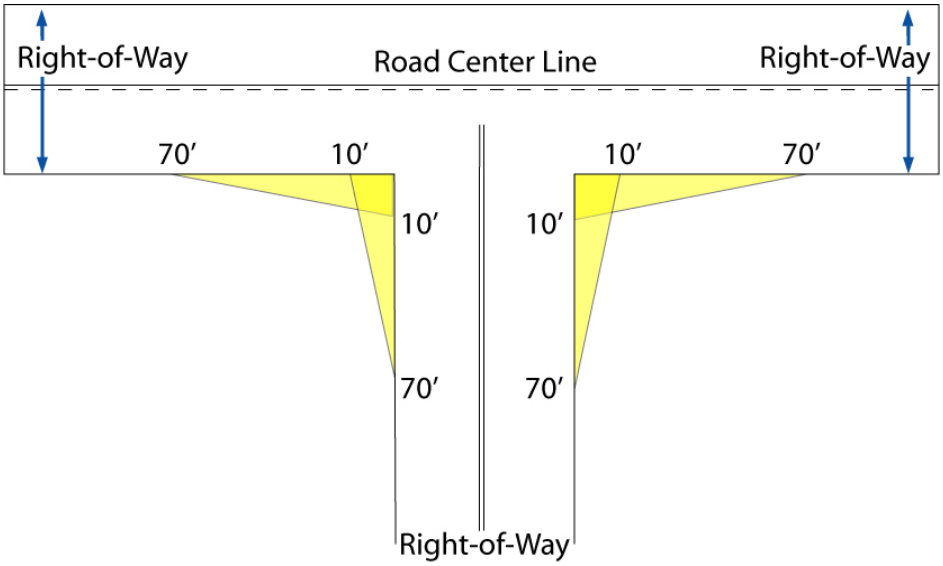
(C) A porch which is screen or glass enclosed shall be considered an enclosed porch

(D) An enclosed vestibule, containing not more than 40 square feet, may project into the required front open space for a distance not to exceed four feet.

6.2.10 Visibility at Intersections

On a corner lot nothing shall be erected, placed, planted or allowed to grown in such a manner as to materially block vision between a height of three and ten feet above the center line grades of the intersecting streets in the area inscribed by triangles formed by connecting the point ten feet from the corner of right-of-way along the street with lesser traffic volume and 70 feet from the corner of right-of-way along the street of higher traffic volume (see Figure 6.2.10) unless otherwise required by the NCDOT. The area of the sight visibility triangle shall be included in the dedicated right-of-way. Setbacks shall be measured from the edge of right-of-way defined by the triangle.

Figure 6.2.10 Sight Visibility Triangle



6.2.11 Open Space and Building Spacing For Attached Residential, Multi-Family Residential, and Lodging Units

(A) Purpose and Intent

Yards, courtyards, and other open space required herein in relation to structures or portions of structures containing dwelling or lodging units are intended to perform a variety of functions, including the following:

(1) Ensuring adequate privacy, desirable outlook, natural light and ventilation;

(2) Providing access to and around buildings, off-street parking and loading space and service areas;

(3) Preserving space for landscaping;

(4) Maintaining spacing between buildings and portions of building for reducing potential adverse effects of noise, odor, glare, or hazards from fire; and

(5) Providing recreation space near buildings.

(B) Location of Required Yards and Courtyards

(1) Except in the case of fixed yards required adjacent to streets, required yards and courtyards relating to residential uses subject to these regulations, need not be at ground level if and to the extent that, in other locations their functions, nature, orientation, areas, access, and improvements are appropriate to uses within the building and adjoining buildings, and particularly to adjacent uses at the same level of the building and nearby buildings.

(2) These provisions are intended to reduce necessary fragmentation of open space around buildings and to encourage open space in locations and dimensions providing broader functional utility. They are not intended to reduce total amount of such space required.

(C) Use of Permanent Open Space To Meet Building Spacing Requirements

Where lots or building sites adjoin permanent open space in streets, common open space, or other open space intended to remain so for perpetuity (other than space required adjacent to other structures), half of the width of open space may be included in meeting building spacing requirements, subject to the following limitations and exceptions:

(1) Where walls containing primary or secondary windows at or below the third-story level face streets or parking areas for ten or more cars, the full dimension of the required yard shall be provided outside the boundaries of the street or parking area.

(2) Where walls containing primary or secondary windows at or below the third-story level face other permanent offsite open space without an intervening street, driveway, or parkway area, the full dimension of the required yard shall be provided outside the boundaries of such offsite open space if offsite use is likely to be of a nature adversely affecting privacy or tranquility of occupants.

(D) Calculation of building spacing requirements

(1) Spacing requirements for buildings or portions of buildings containing dwelling or lodging units shall be based on the following:

(a) Horizontal length of walls,

(b) Number of stories,

(c) Types of windows in walls involved, and

(d) Orientation of main exterior entrance to individual units.

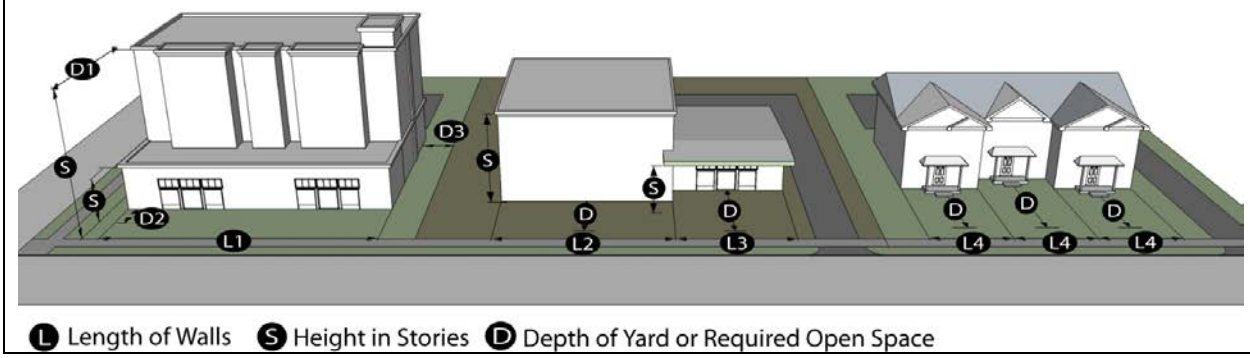
(2) Distance between walls shall be at least the sum of depths of the open spaces required for each.

(3) Where portions of buildings contain different numbers of stories, required clearance from lot or building site lines shall be as established for the portion nearest to the lot or building site line except as follows:

(a) where the spacing required for the portion of the building further from the line is of greater depth, the depth so established is the required clearance from the line, as projected vertically when space is provided other than at ground level. [D1 – Figure 6.2.11.D]

(b) Lower portions of buildings may extend into clearance distances required for upper portions if roof areas are appropriately improved in relation to views from the same or higher levels but shall provide clearance to meet their own requirements. [D2 – Figure 6.2.11.D]

Figure 6.2.11.D: Building Spacing Requirements



(4) Length of Walls

(a) Length of walls shall be measured as the horizontal distance from corner to corner. [L1 – Figure 6.2.11.D]

(b) Where walls in continuous general frontage (as in the case of attached dwellings) are offset by angles or setbacks of six feet or more, length of each segment so set off shall be measured separately in establishing pertinent yard depth. [L4 – Figure 6.2.11.D]

(c) Where walls in continuous general frontage enclose portions of buildings varying one story or more in height, as in Figure 6.2.11.D, the length of each segment so varying shall be measured separately in computing pertinent yard depth. [L2 & L3 – Figure 6.2.11.D]

(d) Length of the wall of a circular building shall be construed as the diameter of the building.

(5) Height in Stories

(a) Height in stories shall be computed as the actual number of stories in the wall above ground level, with the following exceptions:

(i) Where the wall is along a slope, the number of stories shall be construed as the arithmetic mean number, with half a story or more considered as a full story, and less than half a story ignored in computations.

(ii) When height per story exceeds an average of 11 feet, calculations involved in yard or spacing determination shall be based on an assumed number of stories derived by dividing building height by ten feet.

(b) Penthouses, roof shelters, and housing for mechanical equipment shall be ignored in computations. However, an additional story shall be included in the computation in the following circumstance:

(i) Where they are visible from the ground level within the lot or the building site,

(ii) Are ten feet or more in height, and

(iii) Occupy 50% or more of the length of the wall at their bases.

(6) Depth of Yard or Other Open Space

(a) The depth between exterior building walls and adjacent lot or building site lines (projected vertically where appropriate) shall be measured horizontally in relation to the ground, and perpendicularly to straight walls or radially to curved walls.

(b) Distance to all points shall be at least equal to minimum requirements set forth herein, except as provided as Section 6.2.8.

(E) Minimum Open Space Requirements Adjacent to Walls

TABLE 6.2.11.E: MINIMUM OPEN SPACE REQUIREMENTS ADJACENT TO WALLS	
Minimum distance from walls to lot lines or building site lines for buildings or portions of buildings containing living quarters shall be computed as follows where D is depth in feet, L is length in feet, and S is height in stories:	
Primary Walls	D = 6 + 25 + L/10
Secondary Walls	D = 2 + S + L/10
Tertiary Walls	Only as required for fixed, ground-level yards, or as required for fire protection by building or other applicable codes.

(F) Special Requirements and Modifications for Courtyards

(1) Outer Courtyards

(a) For outer courtyards bound on three sides by building walls or potential walls, the width shall not be less than the sum of the required yard distances measured from opposing walls.

(b) Where depth of a courtyard is less than half the width, the minimum width required shall be reduced 25%.

(c) Depth of a courtyard shall not be greater than one and one-half times width.

(d) Where walls are not parallel to property or building site lines, the nearest portion to such lines shall be at least the required minimum distance therefrom.

(2) Inner Courtyards

(a) Inner courtyards formed on four sides by building walls or potential building walls shall have a minimum dimension equal to the sum of the required yards but not less than ten feet and area shall not be less than 150 square feet for two stories or more.

(b) Except in cases of inner courtyards, atriums, or enclosed patios for single dwelling units, an unobstructed passageway shall be provided at the lowest level of each inner courtyard with a cross-section not less than four feet wide by seven feet high. Such passageway shall be continuous from the inner courtyard to unobstructed open space adjacent to the building, and shall be so aligned as to facilitate passage of non-vehicular fire fighting equipment including ladders.

(c) Inner courtyard design shall permit use of fire ladders.

SECTION 6.3: LAND USE INTENSITY MEASURES

6.3.1 Applicability

(A) In accordance with Article 3 of this Ordinance, the standards established in this Section shall be applicable to those districts and uses subject to the Land Use Intensity system.

(B) For residential zoning districts and residential uses, except where application to other uses is specifically indicated, floor area, open space, livability space, and recreation space ratios shall be applied only to such land area, floor area, open space, and related elements as are incidental to and compatible with residential uses.

(C) For non-residential zoning districts and non-residential uses, except where application to other uses is specifically indicated, floor area, open space and pedestrian/landscaped space ratios shall be applied only to such land area, floor area, open space and pedestrian/landscape use and accessory uses incidental to and compatible with non-residential uses.

6.3.2 Floor Area

(A) Residential

(1) The maximum residential floor area shall not exceed the number of square feet derived by multiplying gross residential land area by the floor area ratio (FAR) applying to that district, as established in Article 3 of this Ordinance.

(B) Non-Residential

(1) The maximum floor area shall not exceed the number of square feet derived by multiplying gross land area by the floor area ratio (FAR) applying to that zoning district, as established in Article 3 of this Ordinance.

6.3.3 Open Space

(A) Residential

(1) The minimum open space required shall not be less than the number of square feet derived by multiplying gross residential land area by the open space ratio (OSR) applying to the zoning district, as established in Article 3 of this Ordinance.

(B) Non-Residential

(1) The minimum open space shall not be less than the number of square feet derived by multiplying gross land area by the open space ratio (OSR) applying to that zoning district, as established in Article 3 of this Ordinance.

6.3.4 Livability Space

(A) The minimum livability space required shall not be less than the number of square feet derived by multiplying gross residential land area by the livability space ratio (LSR) applying to the zoning district, as established in Article 3 of this Ordinance.

6.3.5 Recreation Space

(A) The minimum recreation space required shall not be less than the number of square feet derived by multiplying gross residential land area by the recreation space ratio (RSR) applying to the zoning district, as established in Article 3 of this Ordinance.

6.3.6 Pedestrian / Landscape Space

(A) The minimum pedestrian / landscape space shall not be less than the number of square feet derived by multiplying gross land area by the pedestrian/landscape ratio (PLR) applying to that zoning district, as established in Article 3 of this Ordinance.

SECTION 6.4: PERFORMANCE STANDARDS

6.4.1 Applicability

(A) After the effective date of this Ordinance, any use established or changed to, and any building structure, or land developed, constructed or used for, any permitted principal use, special use, or conditional use, shall comply with all of the performance standards herein set forth for the district involved.

(B) The performance standards contained herein shall apply in commercial, industrial, economic development, and conditional districts.

(C) If any existing use or building or other structure is extended, enlarged, or reconstructed, the performance standards for the district involved shall apply with respect to such extended, enlarged, or reconstructed portion or portions of such use, building, or other structure.

(D) Within 24 months of the effective date of this Ordinance, all presently existing uses of lands, buildings or other structures shall comply with the performance standards as herein set forth for the district subject to performance standards.

6.4.2 Electrical Disturbance or Interference

(A) Commercial, Industrial, and Conditional Zoning Districts

No Permitted Use, Special Use, Conditional Use or Accessory Use shall:

(1) Create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance; or

(2) Otherwise cause, create, or contribute to the interference with electronic signals (including television, and radio broadcasting transmissions) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

(B) Economic Development Zoning Districts

(1) No use, activity or process shall be conducted which produces electric and/or magnetic fields which adversely affect public health, safety, and general welfare or interferes with the operation, equipment, or radio, television and/or telephone reception, beyond the boundaries of the lot on which the activity is conducted.

(2) All establishments conducting uses, activities or processes which generate electric and/or magnetic fields are expected to comply with applicable Federal Communications Commission (FCC) regulations. Copies of all required FCC permits, including any conditions for reporting and monitoring, must be submitted with the comprehensive site development plan.

(3) In the Hillsborough Economic Development District, residential development shall be discouraged near high voltage transmission lines.

6.4.3 Noise

(A) General Standards

(1) Sound levels shall be measured with an A-weighted filter, constructed in accordance with the specifications of the American National Standards Institute, which automatically takes account of the varying effect on the human ear of different pitches.

(2) All measurements shall be expressed in dB(A) to reflect the use of this A-weighted filter.

(3) Impact Noises

(a) Impact noises are sounds that occur intermittently rather than continuously.

(b) Impact noises generated by sources that do not operate more than one minute in any one hour period are permissible up to a level of 10dbA in excess of the figures listed in Table 6.4.3.B. This exception shall not apply from 7:00 pm to 7:00 am when the adjacent lot is used or zoned for residential purposes.

(c) The impact noise shall be measured using the fast response of the sound level meter.

(4) Noise levels resulting from temporary construction or other temporary activity that occurs between 7:00 am and 7:00 pm shall be exempt from the requirements of this subsection.

(5) Noise levels for the extraction of earth products and landfills shall be as set forth in Sections 5.11 and 5.12.

(B) Commercial, Industrial, and Conditional Zoning Districts

(1) Within the LC-1, O-I, EI, or I-1 district, no permitted Principal Use, Special Use or Accessory Use shall generate noise that tends to have an annoying or disruptive effect upon uses located outside the immediate space occupied by that use.

(2) The following table establishes the maximum permissible noise levels for permitted uses, special uses, conditional uses and accessory uses in the NC-2, CC-3, GC-4, EC-5, AS, I-2, I-3, and CZ districts:

TABLE 6.4.3.B: COMMERCIAL, INDUSTRIAL, AND CONDITIONAL ZONING DISTRICTS MAXIMUM PERMITTED SOUND LEVELS

ZONING OF ADJACENT LOT OR TYPE OF USE IF CONDITIONAL OR "OTHER" DISTRICT	ZONING OF DEVELOPMENT SITE	NOISE LEVEL LIMITS [DBA] FOR GENERATING LAND USE	
		7:00 PM TO 7:00 AM	7:00 AM TO 7:00 PM
Residential	NC-2, I-2 [1]	50	60
	CC-3, GC-4, EC-5, I-3, AS, CZ Districts [2]	50	60
Commercial	NC-2, I-2 [1]	60	65
	CC-3, GC-4, EC-5, I-3, AS, CZ Districts [2]	65	70
Industrial	NC-2, I-2 [1]	65	70
	CC-3, GC-4, EC-5, I-3, AS, CZ Districts [2]	70	75

NOTES:
[1] Measurements shall be taken at the boundary line of the zoning lot.
[2] Measurements shall be taken at the boundary line of the zoning district.

(C) Economic Development Zoning Districts

(1) Maximum Permitted Sound Levels

TABLE 6.4.3.C: ECONOMIC DEVELOPMENT ZONING DISTRICTS MAXIMUM PERMITTED SOUND LEVELS		
RECEIVING LAND USE TYPE	NOISE LEVEL LIMITS [DBA] FOR GENERATING LAND USE	
	7:00 P.M. TO 7:00 A.M.	7:00 A.M. TO 7:00 P.M.
Residential development of all types and schools	50	60
Commercial, including office, service, and retail	65	70
Light industrial, including distribution and warehousing facilities	65	75

(2) Mitigation

(a) Where proposed land development does not meet the maximum permitted nose levels because of the nature of or equipment used in the operation, design features, such as the following, may be included as part of the site plan and may be utilized to insure that noise levels fall within the range permitted by these performance standards:

(i) A 100-foot landscaped buffer at the boundary of the Economic Development District, may result in 3-5 decibel reductions in noise levels.

(ii) The use of existing topographic conditions or modifying the topography to provide barriers to noise.

(iii) Locating noise-producing equipment and/or activities within a building or elsewhere on the site.

(b) Design features used to mitigate noise factors must be clearly identified on the site plan.

(c) Applicants must provide documentation of the source and level of noise, and the specific manner in which the design feature will reduce the noise to acceptable levels.

6.4.4 Vibration

(A) General Standards

(1) The instrument used to measure vibrations shall be a three component measuring system capable of simultaneous measurement of vibration in three mutually perpendicular directions.

(2) The maximum velocity shall be the sum of the three components.

(3) The vibration maximums set forth in Tables 6.4.4.B & 6.4.4.C are stated in terms of particle velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement frequency. When computed, the following formula shall be used:

TABLE 6.4.4.A: VIBRATION LEVEL FORMULA	
PV = 6.28 x F x D	PV = Particle Velocity (inches/second)
	F = Vibration Frequency (cycles/second)
	D = Single Amplitude Displacement of Vibration (inches)

(4) The values stated in Tables 6.4.4.B & 6.4.4.C may be multiplied by 2 for impact vibrations.

(5) Vibrations resulting from temporary construction or other temporary activity that occurs between 7:00 am and 7:00 pm shall be exempt from the requirements of this subsection.

(6) Vibration levels for the extraction of earth products and landfills shall be as set forth in Sections 5.11 and 5.12.

(B) Commercial, Industrial, and Conditional Districts

(1) No permitted Principal Use, Special Use or Accessory Use in LC-1, O/I, EI, or I-1 districts may generate transmitted vibration that is perceptible to the human sense of touch, measured at the outside boundary of the structure occupied by the use generating the vibration.

(2) No permitted Principal Use, Special Use, Conditional Use or Accessory Use in the NC-2, CC-3, GC-4, EC-5, I-2, I-3, and AS, and CZ districts may generate any ground transmitted vibration in excess of the limits set forth in the following table:

TABLE 6.4.4.B: COMMERCIAL, INDUSTRIAL, AND CONDITIONAL DISTRICTS MAXIMUM PERMITTED GROUND-TRANSMITTED VIBRATION

ZONING OF ADJACENT LAND USE	ZONING OF DEVELOPMENT SITE	MAXIMUM PARTICLE VELOCITY FOR GENERATING LAND USE (INCHES PER SECOND)
Residential	NC-2 & I-2 [1]	0.02
	CC-3, GC-4, EC-5, I-3, AS, & CZ Districts [2]	0.20
Non-residential	NC-2 & I-2 [1]	0.10
	CC-3, GC-4, EC-5, I-3, AS, & CZ Districts [2]	0.20

NOTES:
[1] Measurements taken at the boundaries of the zoning district lot containing the use generating the vibrations.
[2] Measurements taken at the zoning district boundaries

(C) Economic Development Zoning Districts

(1) Maximum Permitted Ground Transmitted Vibration

TABLE 6.4.4.C: MAXIMUM PERMITTED GROUND-TRANSMITTED VIBRATION

RECEIVING LAND USE	MAXIMUM PARTICLE VELOCITY FOR GENERATING LAND USE (INCHES PER SECOND)
Residential development	0.02
Non-residential development	0.10

(2) Mitigation

(a) Design features used to mitigate vibration must be clearly identified on the site plan.

(b) Applicants must provide documentation of the source and level of vibration, and the specific manner in which the design feature will reduce vibration to acceptable levels.

6.4.5 Air Pollution

(A) General Standards

(1) Any Permitted Principal Use, Special Use, Accessory Use, or Conditional Use that emits any "air contaminant", as defined in G.S. 143-213, shall comply with applicable State of North Carolina standards concerning air pollution, as set forth in Article 21B of Chapter 143 of the North Carolina General Statutes.

(2) No zoning compliance permit or building permit shall be issued with respect to any development covered by Subsection (1) until the State Division of Environmental Management has certified to the Planning Director that the appropriate State permits have been received by the applicant (as provided in G.S. 143-215.108) or that the applicant will be eligible to receive such permits and that the development is otherwise in compliance with applicable air pollution control regulations.

6.4.6 Disposal of Liquid Wastes

(A) No permitted use in any district shall discharge any waste contrary to the provisions of N.C.G.S. 130A (Provisions for Sanitary Sewage Disposal).

(B) No Permitted Principal Use, Special Use, Accessory Use, or Conditional Use in any district shall discharge into the OWASA, Durham or Hillsborough sewage treatment facilities any waste that cannot be adequately treated by biological means.

6.4.7 Hazardous Materials

(A) General Standards

Each permitted use, special use, accessory use, and conditional use is required to comply with all applicable federal, state, and local rules and regulations governing the storage, use, and disposal of hazardous materials.

(B) Additional Standards in Economic Development Districts

(1) Each site plan must be accompanied by a Hazardous Materials Management Plan (HMMP) consisting of the following information:

(a) A Materials Safety Data Sheet (MSDS) which lists the specific hazardous substances that a facility is handling and details its known health impacts, physical properties, and appropriate protective measures. a separate MSDS form must be submitted for each hazardous substance handled.

(b) A Tier Two form which indicates the precise location and quantity of hazardous materials within a plant or place of business.

(c) Building and site plans which indicate the precise location and quantity of hazardous materials.

(2) An Environmental Assessment will be required for any use or facility which qualifies as a small or large generator of hazardous waste as defined by the N.C. Department of Environment and Natural Resources.

(3) Any use or facility which is involved in the long-term storage or disposal of hazardous wastes will be required to submit a full Environmental Impact Statement.

(4) Documentation must be provided as part of the HMMP confirming the following:

(a) That hazardous wastes are being sent to an approved hazardous waste recycling, storage, treatment or disposal facility,

(b) That an EPAID number has been obtained,

(c) That only authorized transporters are used, and

(d) That on-site storage is limited to 180 days (or up to 270 days if the waste is to be transported more than 200 miles).

6.4.8 Utilities

(A) Economic Development Districts

(1) Each permitted use, special use, and accessory use to be served by a public or private water or sewer system must be:

(a) Designed, sized, and constructed to the standards of the utility provider; and

(b) Assured of installation of such services at the time it is approved.

(2) Each MPD-CZ Master Plan and site plan must be accompanied by documentation from the utility provider that it has reviewed and approved:

(a) Preliminary plans for the proposed water and/or sewer lines;

(b) The adequacy of the existing system(s) to which the connections(s) will be made;

(c) The capacity of the existing water and sewer treatment facilities;

(d) The carrying capacity of the discharge stream or discharge point; and

(e) The method of funding proposed extensions of water and sewer lines.

(3) The approval by the utility provider must in the form of a resolution or other agreement adopted by its board of directors or governing board and must also contain a certification that service to the development project is authorized by any water management plan and discharge permit in effect at the time of approval.

(4) Installation

(a) The location and size of easements for water and/or sewer lines must be approved by and dedicated in the form of a deed of easement to the utility provider.

(b) Where cuts in existing streets are made for water and/or sewer work, all cutting, backfilling, and paving shall be done in accordance with N.C. Department of Transportation and/or municipal specifications and procedures.

(5) Water Use Limitations

Because of the size or remaining excess capacity of treatment plants for some utility providers, uses which require large quantities of water for manufacturing and/or processing operations will require the review and approval of the Board of County Commissioners as a Conditional Use District or CZ District in accordance with the following:

(a) Applicants for approval of a comprehensive site development plan must submit documented data for the proposed use or a comparable facility which justifies the projected water consumption rates.

(b) If the projected water consumption rates exceed 30,000 gallons per day, the applicant will be required to obtain development approval as a Conditional Use District or CZ District as established in this Ordinance.

6.4.9 Solid Waste

(A) MPD-CZ and Economic Development Districts

The following general provisions are applicable to MPD-CZ applications and each permitted use, special use, accessory use, and conditional use in Economic Development Districts:

(1) All uses and activities must provide secure, safe, and sanitary facilities for the storage and pickup of solid waste and recyclables. Such facilities must be convenient to collection and must be appropriate to the type and size of use or activity being served.

(2) All solid waste and recyclables storage facilities must be screened in accordance with Sections 6.4 and 6.8. of this Ordinance.

(3) All uses and activities must remove recyclable materials from the solid waste generated and make them available for recycling. Recyclable materials, consisting of glass, metal cans, plastic containers, corrugated cardboard and white office paper, newspapers, and motor oil, must not be mixed with or disposed of with other solid waste.

(4) All uses and activities shall remove or cause to be removed all solid wastes from the site or property before harborage of such waste creates a health hazard.

(5) Each Master Plan and site plan must be accompanied by Solid Waste Management Plan, including a recycling plan and a plan for the management of construction and land clearing debris. The recycling plan must provide information regarding the type and quantity of recyclable materials generated each month, and the facilities to be provided for collection and storage. Management plans for construction and land clearing debris must identify the type and quantity of debris as well as its disposal location.

6.4.10 Service & Outdoor Storage

(A) General Standards

(1) Building service and loading areas must be conveniently located and accessible for normal service and maintenance needs, including the provision of adequate turning radii and parking areas for service vehicles. Such areas are to be located at the side or rear of the principal building(s), and designed so that all service and loading operations occur within the confines of the building site.

(2) Outdoor storage shall be located only to the side and rear of a building. No outdoor storage is permitted to the front of a building.

(3) If located adjacent to residentially zoned property, outside storage areas shall be screened from view of the residentially zoned property and shall be located a minimum of 100 feet from the property line.

(B) Additional Standards in Economic Development Districts

(1) Exterior storage for materials, supplies, and equipment may only be located at the side or rear of a building and only in totally enclosed screened areas. Exterior storage areas must never be located to the front of any building unless screened from view through the use of fencing, walls and/or landscaping, in accordance with Section 6.8 of this Ordinance.

(2) Ground level mechanical equipment such as air conditioning equipment, satellite dishes, utility meters and boxes, and tower type antennas (15 feet or less in height) must be screened from view through the use of landscaping, walls and/or fencing.

6.4.11 Construction and Maintenance in Economic Development Districts

The purpose of construction and maintenance criteria is to minimize the adverse impacts of construction related activities and to promote a uniform, neat, and clean appearance throughout the Economic Development Districts.

(A) Standards During Construction

(1) All construction and equipment yards must be fenced and located so as to minimize their impact on adjacent properties and public areas.

(2) Construction sites must be maintained in a neat and orderly manner. All trash must be kept in enclosed containers and emptied frequently.

(3) Special care must be taken to protect existing pavement from damage and construction access arranged so as to minimize adverse impacts on existing business and residential areas.

(4) Building materials and equipment must not be stored in sensitive areas, and trees and other natural areas must be protected during construction.

(5) All permanent utility lines must be installed underground.

(B) Standards for Post-Construction

(1) All owners and/or occupants of property must maintain all buildings and structures, access drives, parking lots, loading areas, and storage yards in good repair, and must keep such premises painted, swept or otherwise maintained.

(2) Grounds must be maintained in a safe, clean and neat condition free of rubbish and weeds.

(3) Lawns must be kept in a mowed condition.

(4) Roads and pavements kept in line and grade in good repair.

(5) Drainage ditches must be kept clean and free of any obstacles

(6) Any structure, driveway or parking lot surface, damaged by the elements, fire or any other cause, must be repaired as promptly as the extent of damage will permit.

(7) Buildings which become vacant for any reason must be kept locked and otherwise secured to prevent entrance by vandals.

SECTION 6.5: ARCHITECTURAL DESIGN STANDARDS

6.5.1 Economic Development Transition Activity Nodes, Commercial Transition Activity Nodes, Commercial-Industrial Transition Activity Nodes, Rural Community Activity Nodes, and Rural Neighborhood Activity Nodes

(A) Purpose and Intent

The purpose of the architectural design criteria is to produce development which provides a strong visual relationship between the building[s], the site, and adjacent development. It is the intent of these criteria to encourage innovative architectural design which relates to the surrounding environment in terms of texture, scale, mass, proportion, and color. High standards of construction and quality materials must be incorporated into each new development.

(B) Applicability

(1) The design standards established in this Section shall be applicable to all new non-residential development within the Economic Development Transition Activity Nodes, Commercial Transition Activity Nodes, Commercial-Industrial Transition Activity Nodes, Rural Community Activity Nodes, and Rural Neighborhood Activity Nodes, as designated by the Comprehensive Plan.

(C) Design Standards

(1) The project applicant shall submit materials that document the existing architectural character of the Node and/or adjoining neighborhood and define those aspects of the Node and/or neighborhood which are most important. The project plans must identify the ways the project improves upon or incorporates those aspects.

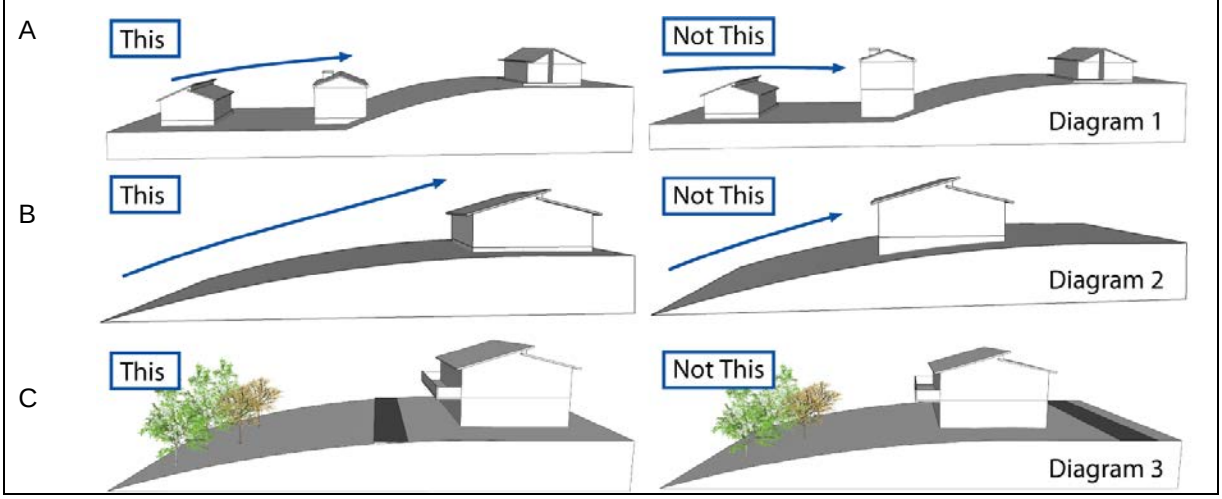
(2) Site Considerations

(a) To insure that new development is designed to respect the specific conditions of its site, the design of a building, its location on the site, and its layout must respect the topography of the site and be consistent with significant landforms.

(b) The architectural form of building[s] must reflect the underlying topographic form and retain the integrity of a natural slope.

(c) Architectural form at the base of a hill must provide a natural transition between the intersecting slope and the base. [A – Figure 6.5.1.C.2]

Figure 6.5.1.C.2: Site Considerations



(d) On a hilltop, especially at the ridgeline or crest, building forms must not break or detract from the natural lines of the hillside. Building[s] must be provided with sufficient setbacks to maintain the integrity of the natural slope and minimize the impact on scenic views. [B – Figure 6.5.1.C.2]

(e) Where neighboring buildings have responded to similar topographic conditions on their sites in a consistent and positive way, similar treatment must be considered for a new structure.

(f) Where buildings are to be located near natural features such as scenic vistas, stands of trees, and open space, views and pedestrian access must be provided to these amenities. [C – Figure 6.5.1.C.2]

(3) Compatibility With Neighbors

Unless there are overriding concerns or poorly defined aspects, a new building must reflect the architectural character of surrounding buildings in the following ways:

(a) Similar unifying design concept,

(b) Similar proportions, scale, and roof line,

(c) Similar architectural style and exterior finish materials,

(d) Similar patterns and proportions of windows,

(e) Similar entry configuration and relationship to street, and

(f) Similar architectural details or features.

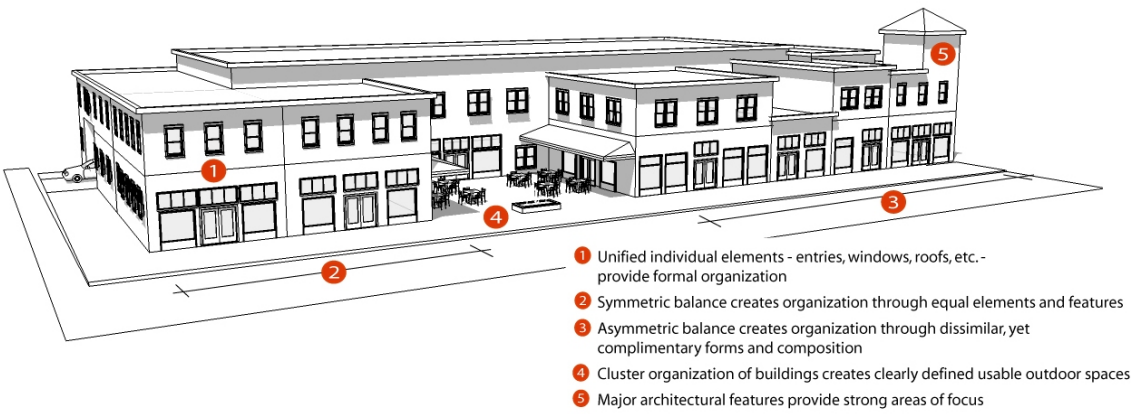
(4) Unified Design Concept

To unify a building's architectural character and individual elements such as entries, windows, pedestrian areas, and roofs, all buildings must be visibly organized by a clear design concept. Examples include:

(a) Symmetrical Balance: A formal organization which balances equal elements and features around a vertical plane.

(b) Asymmetric Balance: A dissimilar, yet harmonious composition of numerous similar or complimentary forms. The composition reflects the surrounding area, site conditions, and/or building functions.

Figure 6.5.1.C.4: Unified Design Concept



(c) Cluster Organization: Groupings of building elements help to clearly define usable outdoor spaces such as pedestrian plazas or malls and prevents long "barracks-like" rows of structures.

(d) Major Architectural Element: Focus around a strong architectural element such as an arcade or major entry.

(e) Environmental Response: Base the design on significant views, solar orientation, siting for usable outdoor space, etc.

(5) Architectural Scale

Architectural scale generally refers to the size of a building relative to the buildings or elements around it.

(a) To insure that new buildings do not overpower their neighbors, they must be designed to be compatible with existing neighboring structures as well as their general surroundings.

(b) Architectural elements such as windows and entries must be given emphasis so that they create a complimentary pattern, dividing large buildings into smaller identifiable parts. This aspect of design is referred to as articulation. (See Figure 6.5.1.C.5 - Diagram 1)

Figure 6.5.1.C.5: Architectural Scale

Diagram 1

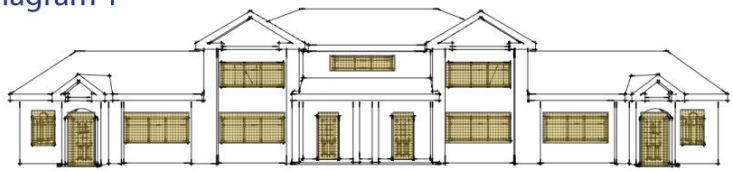
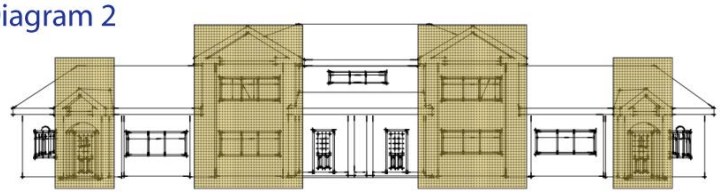


Diagram 2



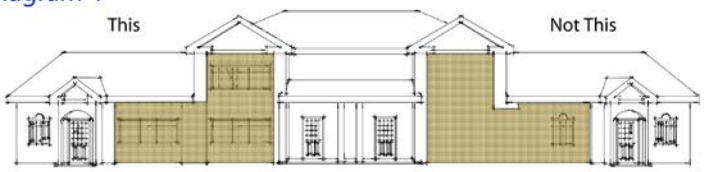
An interval is the measure of articulation; e.g., the distance before architectural elements repeat.

Diagram 3

Modulation is a measured and proportioned setback in a building's face.

Together, articulation, modulation, and their intervals create a sense of scale important to buildings.

Diagram 4



(c) All building elevations are to be architecturally treated so as to avoid long, "unarticulated" or blank facades.

(6) Building Setbacks and Height

(a) A variety of building and parking setbacks shall be provided in order to avoid long monotonous building facades and to create diversity.

(b) Placement of structures which creates opportunities for plazas, courts, or gardens is encouraged. Setback areas can be used to provide space for patio areas.

(7) Exterior Finish Materials

(a) Exterior finish materials must conform to and be in harmony with the exterior design of neighboring structures and the overall design of improvements described throughout these guidelines.

(b) Building exteriors must be constructed of materials which are sufficiently durable to guarantee low maintenance and a reasonable life span, and to withstand abuse by vandals or accidental damage from machinery.

(c) Exterior materials must have an attractive texture, pattern or quality of detailing. Acceptable building materials include those which appear natural in texture and color such as stone, unpainted brick, wood, and textured concrete.

(d) Siding must reflect in texture and color that which is typical of the area and region.

(8) Roof Lines and Materials

(a) The roof design must be considered as a component of the overall architectural design theme and must be taken into consideration during the initial design phase for the structure(s).

(b) Nearly vertical roofs (A-frames) and piecemeal mansard roofs (used on a portion of the building perimeter only) must not be utilized. Mansard roofs must wrap around the entire perimeter of the structure.

(c) All rooftop mechanical equipment, vents, ducts, and communication antennas and towers must be screened from view or designed and installed in a manner using materials and colors compatible with the building architecture. All such equipment must be located below the highest vertical element of the building, with the exception of tower-type communication antennas which do not exceed a height of 15 feet from base to top.

(d) Except for standing rib metal roofs and copper roofs, corrugated metal, highly reflective surfaces, and illuminated roofing must not be used:

(e) Rooftop solar collectors, skylights, and other reflective rooftop building elements must be designed and installed in a manner which prevents reflected glare.

(f) Solar panels must be integrated into the roof design, flush with the roof slope. Frames must be colored to complement the roof. Natural aluminum frames are prohibited.

(g) Support solar equipment must be enclosed and screened from view.

SECTION 6.6: ADDITIONAL STANDARDS FOR OVERLAY DISTRICTS

6.6.1 Special Flood Hazard Areas (SFHA)

(A) Provisions for Flood Hazard Reduction

In all SFHAs the following additional standards shall be met:

(1) All new construction and substantial improvements shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of the structure.

(2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to minimize flood damage.

(3) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damages.

(4) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. These include but are not limited to HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric meter panels/boxes, utility/cable boxes, appliances (washers, dryers, refrigerator, etc.), hot water heaters, and electric outlets/switches.

(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

(7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(8) Any alteration, repair, reconstruction, or improvements to a structure, which complies with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance.

(9) Unless reviewed and approved in accordance with the provisions in Article 2 and Article 5 for Class A Special Use Permits, new solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted in SFHAs.

(10) Fuel and Chemical Storage

(a) With the exception of structures or tanks used for chemical and/or fuel storage incidental and necessary to the daily operations of a water treatment plant or wastewater treatment facility, the storage of the following chemicals and compounds shall be prohibited within SFHAs:

(i) Acetone,

(ii) Ammonia,

(iii) Benzene,

(iv) Calcium carbide,

(v) Carbon disulfide,

(vi) Celluloid,

(vii) Chlorine,

(viii) Hydrochloric acid,

(ix) Prussic acid,

(x) Magnesium,

(xi) Nitric acid,

(xii) Oxides of nitrogen,

(xiii) Phosphorus,

(xiv) Potassium,

(xv) Sodium,

(xvi) Sulfur,

(xvii) Acetylene gas,

(xviii) Gasoline and any petroleum product,

(xix) Lumber,

(xx) Charcoal or coal dust,

(xxi) Polychlorinated biphenyls (PCBs),

(xxii) Poly nuclear aromatic

(xxiii) Volatile organic compounds (VOCs), or

(xxiv) Any priority pollutants listed in Table 1 of Section 307 of the Clean Water Act (P.L. 92-500), as amended

(b) Where chemicals and fuel are necessary for the operation of water and/or wastewater treatment facilities, the storage structure or tank may be located within a SFHA overlay provided it is either elevated or flood proofed in accordance with the standards contained herein and certified in accordance with Section 2.6.4 of this Ordinance.

(11) The following facilities shall be prohibited in SFHAs:

(a) Hospitals,

(b) Nursing homes,

(c) Foster care facilities,

(d) Sheriff's facilities,

(e) Fire stations,

(f) Emergency operations centers, and

(g) Vehicle and equipment storage facilities.

(12) Any inhabited structure within any SFHA shall have unobstructed, dry access during a regulatory flood event.

(13) New fill material within any SFHA shall be prohibited.

(14) Public utilities and facilities shall be constructed to minimize flood damage consistent with these and all other applicable County regulations.

(15) In cases where development is otherwise allowed within identified SFHA's, adequate drainage shall be provided.

(16) When a structure is located in a SFHA with multiple Base Flood Elevations (BFEs), the provisions for the highest BFE shall apply.

(B) Specific Standards Where Base Flood Elevation (BFE) Data Provided

In all SFHAs where BFE data has been provided, as set forth in Section 1.10 or 4.3, the following standards shall be met:

(1) Residential Construction

(a) New construction within the SFHA shall be prohibited.

(b) Substantial improvement of any existing residential structure (including manufactured homes) shall require the reference level, including basement, elevated no lower than two feet above the regulatory flood protection elevation, as defined in Article 10 of this Ordinance.

(c) Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to automatically facilitate equalization of hydrostatic flood forces on exterior walls shall be provided pursuant to Section 2.6.3.

(2) Non-Residential Construction

(a) New construction within the SFHA shall be prohibited.

(b) Substantial improvement of any existing commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation.

(c) Structures located in the AE Zone may be flood proofed no lower than two feet above the level of the base flood elevation in lieu of elevation provided that all areas of the structure below the required flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

(d) A North Carolina licensed Professional Engineer or Architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Section 2.6.

(3) Manufactured Homes

(a) Replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation.

(b) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, or lateral movement according to the State of North Carolina Regulations for Manufactured/Mobile Homes, 1995 Edition, and any revision thereto adopted by the Commissioner of Insurance pursuant to NCGS ξ143-143.15 or a certified engineered foundation.

(c) When the elevation would be met by an elevation of the chassis 36 inches or less above the grade at the site, reinforced piers or other foundation elements of at least equivalent strength shall support the chassis.

(d) When the elevation of the chassis is above 36 inches in height, an engineering certification is required.

(e) All foundation enclosures or skirting below the lowest floor shall comply with the standards in Section 2.6.4.

(f) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management coordinator.

(4) Road and Driveway Crossings

(a) Any public road, private road, or driveway crossing a SFHA shall require a ‘No-Impact’ certification approval from the North Carolina Emergency Management Division before any building permits can be issued for new construction which derive their vehicular access from such public roads, private roads, or driveways.

(b) If the “No- Impact” certification data demonstrate that the Base Flood Elevation will rise more than one vertical foot, then the developer shall file a Conditional Letter of Map Revision with the North Carolina Division of Emergency Management for review and approval. Before any building permit can be issued for the improvements associated with the crossing, an approved Letter of Map Revision shall be on file in the Planning and Inspections Department.

(5) Recreational Vehicles

Recreation vehicles placed on sites within a SFHA shall be consistent with either of the following:

(a) Be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or

(b) Meet all the requirements for new construction, including anchoring and elevation requirements of Section 2.6 and Section 6.6.1(B)(3) of this Ordinance.

(6) Fully Enclosed Areas Below Regulatory Flood Protection Elevation

(a) With the new construction or substantial improvement of elevated buildings, fully enclosed areas that are below the regulatory flood protection elevation shall not be used for human habitation, but shall be designated for use only as follows:

(i) For parking of vehicles,

(ii) Building access, or

(iii) Limited storage of maintenance equipment used in connection with the premises.

(b) Such spaces shall be constructed entirely of flood resistant materials below the regulatory flood protection level in the AE zone and meet the following criteria:

(i) Shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. To meet this requirement, the foundation must either be certified by a North Carolina licensed Professional Engineer or Architect or meet the following minimum design criteria:

a. Provide a minimum of two openings on different sides of each enclosed area subject to flooding;
b. The total net area of all openings must be at least one square inch for each square foot of enclosed area subject to flooding;
c. If a building has more than one enclosed area, each area must have openings on exterior walls to allow floodwaters to directly enter and exit;
d. The bottom of all required openings shall be no higher than one foot above the adjacent grade;
e. Openings may be equipped with screens, louvers, or other opening coverings or devices provided they permit the automatic flow of floodwaters in both directions; and
f. Foundation enclosures made of flexible vinyl or sheet metal skirting are not considered enclosures for regulatory and flood insurance rating purposes, and therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires hydrostatic openings as outlined above to comply with this Ordinance.

(ii) The enclosed areas shall be used solely for parking of vehicles, building access, or storage.

(iii) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).

(iv) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

(7) Temporary Non-Residential Structures

Prior to the issuance of a floodplain development permit for a temporary structure, the applicant shall submit in writing for the review and approval of the Floodplain Administrator, a plan for the removal of such structure(s) in the event of a hurricane or flash flood warning notification. The plan shall include the following information:

(a) A specified time period for which the temporary use will be permitted;

(b) The name, address, and phone number of the individual responsible for the removal of the temporary structure;

(c) The time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);

(d) A copy of the contract or other suitable instrument with a trucking company to ensure the availability of removal equipment when needed; and

(e) Designation, accompanied by documentation, of a location outside the SFHA to which the temporary structure will be moved.

(8) Accessory Structures

When accessory structures (sheds, detached garages, etc.) are to be placed within a SFHA, the following criteria shall be met:

(a) Accessory structures shall not be used for human habitation (including work, sleeping, living, cooking or restroom areas);

(b) Accessory structures shall be designed to have low flood damage potential;

(c) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

(d) Accessory structures shall be firmly anchored in accordance with this Section;

(e) All service facilities such as electrical and heating equipment, shall be installed in accordance with this Section;

(f) Openings to relieve hydrostatic pressure during a flood shall be provided conforming to the requirements of this Section;

(g) An accessory structure with any dimension that is 12 feet or less in height, width, or depth does not require an elevation or flood proofing certificate. Elevation or flood proofing certifications are required for all other accessory structures according to Section 2.6.4; and

(h) The accessory structure shall meet all zoning and building code requirements.

(9) Additions/Improvements

(a) Where a fire wall or independent perimeter load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and only the addition need comply with the standards for new construction.

(b) Pre-FIRM Structures

(i) For additions and/or improvements, in combination with any interior modifications to the existing structure, that are not considered a substantial improvement, as defined, and do not require a zoning or building permit, the addition and/or improvements shall be designed to minimize flood damages and shall not be any more non-conforming than the existing structure.

(ii) For additions and/or improvements, in combination with any interior modifications to the existing structure, that are considered a substantial improvement as defined, requiring a zoning or building permit, both the existing structure and the addition and/or improvements shall comply with the standards for new construction.

(c) Post-FIRM Structures

(i) Additions to post-FIRM structures with no modifications to the existing structure shall require only the addition to comply with the standards for new construction.

(ii) For additions and/or improvements, in combination with any interior modifications to the existing structure, that are not considered a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.

(iii) For additions and/or improvements, in combination with any interior modifications to the existing structure, that are considered a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(C) Floodway and Non-encroachment Areas

(1) Areas designated as floodways or non-encroachment areas are located within the SFHA established in Section 4.3.

(2) The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles.

(3) The following provisions shall apply to all development within such areas:

(a) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses, performed according to standard engineering practice, that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood. Such certification and technical data shall be presented to the Floodplain Administrator before issuance of floodplain development permit.

(b) If FEMA has approved a Conditional Letter of Map Revision (CLOMR), then a Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.

(c) No manufactured homes shall be permitted.

(D) Subdivisions, Manufactured Home Parks, and Major Developments

All subdivisions, manufactured home parks, and major development proposals located within SFHAs shall:

(1) Be consistent with the need to minimize flood damage.

(2) Have public utilities and facilities such as sewer, gas, electric, cable, and water systems located and constructed to minimize flood damage.

(3) Have adequate drainage provided to reduce exposure to flood hazards.

(4) Have BFE data provided if development exceeds either 50 lots/units or five acres. Such BFE data shall be adopted by reference per Section 4.3.

(E) Additional Standards for Development of Uses Within Special Flood Hazard Area Overlay District (SFHA)

(1) The Board of County Commissioners may issue a Class "A" Special Use Permit for solid waste disposal facilities, hazardous waste management facilities, salvage/junk yards, and chemical storage facilities that are located in SFHAs, in accordance with the Table of Permitted Uses, if all of the following conditions are met:

(a) The use serves a critical need in the Orange County.

(b) No feasible location exists for the use outside the SFHA.

(c) The reference level of any structure is elevated or flood proofed to at least the regulatory flood protection level.

(d) The use complies with all other applicable federal, state and local laws.

(e) Orange County has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a Special Use Permit at least 30 days before granting the permit.

(2) The Board of County Commissioners is required to make affirmative findings of fact based on the testimony of the applicant(s) as to the project's compliance with these standards.

(F) Effect Upon Outstanding Floodplain Development Permits

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the Floodplain Administrator or his/her authorized agents before the time of passage of this Ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of six months subsequent to passage of this Ordinance or any revision thereto, construction or use shall be in conformity with the provisions of this Ordinance.

(G) Enforcement

The provisions of the SFHA Overlay District shall be enforced in accordance with the requirements contained within Section 9.7 of this Ordinance.

6.6.2 Highway 70 / ECOD

(A) Ingress and Egress

The following standards shall regulate ingress and egress points within the corridor:

(1) For purposes of determining the allowable number of ingress and egress points on any particular lot, all lots recorded at the effective date of this Ordinance shall be granted at least one ingress and egress point per road front unless access can be provided through some internal means. However, minimization of the total number of driveways along the Highway 70 corridor is desirable through the

use of shared driveways or other access management techniques.

(2) Entrances/Exits

(a) On all corner lots, no vehicular openings shall be located closer than 60 feet from the point of intersection of the street right-of-way lines.

(b) To manage access on Highway 70, corner lots may be required to provide ingress and/or egress from the adjacent street.

(c) Entrances/exits shall not exceed 36 feet in width measured at the property line; however, in instances where parking lots serve tractor/trailer traffic, the driveway entrance/exit may be increased to 40 feet in width.

(d) Exits for parking facilities containing more than 36 parking spaces shall contain holding lanes for left-turning and right-turning traffic unless the Planning Director determines that due to the physical features of a site, holding lanes would be unsafe and in accordance with established traffic mitigation standards, should not be required.

(3) Multiple Curb Cut Requirements

(a) A lot fronting on Highway 70 shall have a minimum of 600 feet of road frontage along the street before two curb cuts are allowed, unless the project meets one of the following criteria:

(i) Any mixed-use development where two curb cuts are approved as part of a Special Use Permit or Conditional District, as prescribed by the Board of County Commissioners.

(ii) Shared Access

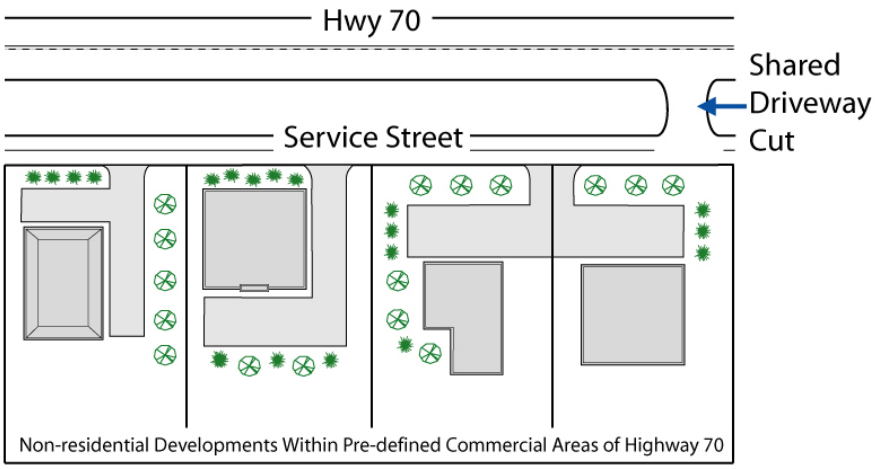
a. In instances where a non-residential land use is proposed next to another non-residential land use and each of the contiguous non-residential land uses will have direct frontage along Highway 70, then the County shall require shared driveway cuts for all such contiguous non-residential land uses.

b. In the event that shared driveway cuts are required, then the owners of the contiguous parcels shall execute reciprocal easement agreements between the separate property owners and have the same recorded in the Office of the Orange County Register of Deeds prior to the issuance of a Zoning Compliance Permit. The easement agreement shall be sufficient to allow for the development of a service road to channel access from Highway 70 to each property. Figure 6.6.2.A.3 shows an example of the shared access.

c. Non-residential developments that are not contiguous to other non-residential developments at the time they are approved shall be required to designate stub outs to adjoining properties on the site plan for the proposed development so that this shared access can be developed if and when the adjacent property is developed for non-residential purposes or in cases where an individual curb cut for a residential land use is deemed to be a traffic safety hazard by the County and NC DOT.

d. Non-residential developments within the pre-defined commercial areas of the Highway 70 Corridor are required to develop shared access points as part of the site plan approval process for the project.

Figure 6.6.2.A.3: Shared Access



(4) The creation of offset driveways and/or intersections is not permitted, unless no practical alternative exists.

(5) All driveway entrances must have an approved NCDOT driveway permit and must be paved to NCDOT standards from the edge of the existing roadway pavement to the existing right-of-way limit on the interior of the property.

(B) Outside Storage of Materials Prohibited

(1) All outside storage of materials on non-residential lots is prohibited. This prohibition includes the storage of goods or materials which are not an integral part of the use of the property and which are not obviously for sale.

(2) This prohibition does not apply where the primary use of the property includes the outside display of goods for sale, such as automobiles, boats, mobile homes, etc., and the materials stored outside are for sale.

(C) Landscaping and Buffering

In lieu of the requirements outlined in Section 6.8 of this Ordinance, the following standards shall apply:

(1) There shall be a minimum ten feet wide vegetative buffer along all rights-of-ways comprised of vegetation that complements surrounding plantings and which includes trees planted in accordance with Section 6.8 where possible.

(2) There shall be a minimum 15 feet wide vegetative buffer along all common property lines separating non-residential and residential land uses. The required plantings shall be in accordance with those required for Buffer Yards Type A outlined within Section 6.8 of this Ordinance.

(3) There shall be a minimum eight feet wide landscaped strip along all property lines separating non-residential uses from non-residential uses. The landscaped strip shall be comprised of vegetation that forms a semi-opaque intermittent visual obstruction from the ground to a height of at least 15 feet. Joint use agreements between adjacent property owners for shared ingress/egress and/or parking may result in a waiver regarding the exact location(s) of the required buffers.

(4) The entire area surrounding the foundation of the new building shall be landscaped in scale with adjacent structures.

(D) Parking Lot Design

(1) Required parking shall be located at the side or rear of the structure.

(2) Shared parking areas shall be encouraged for contiguous non-residential land uses, in accordance with Section 6.9 of this Ordinance.

(3) Parking areas with spaces in excess of 110% of the minimum parking spaces required, per Section 6.9 of this Ordinance, shall not be permitted.

(4) Interior landscaping of the parking lots shall be provided in accordance with Section 6.8 of this Ordinance.

(E) Signage

(1) Signage for non-residential uses shall conform to all requirements within Section 6.12 of this Ordinance.

(2) Only monument style signs that do not exceed six feet in height are permitted within the Highway 70 Zoning Overlay District.

(3) Pole signs are not permitted.

(F) Site Design and Layout for all Construction / Renovation

(1) The natural topography of the property shall be preserved to the greatest extent possible to avoid stormwater runoff onto adjacent properties.

(2) Any and all existing natural features (i.e. streams, ponds, hillsides, unique vegetation, mature trees, etc) shall be protected and preserved through the site planning and development process.

(3) The siting of buildings shall be done to preserve to the greatest extent possible scenic views/vistas.

(G) Architectural Design Standards

(1) The following design standards shall apply to all non-residential development within the pre-designated commercial areas and along the Highway 70 corridor:

(a) Corporate Franchise Architecture

(i) Under no circumstances shall modern corporate franchise building design be permitted.

(ii) Franchise or 'chain' businesses desiring to locate in the Highway 70 Overlay District shall be required to design the building in accordance with these guidelines.

(iii) For purposes of this Sub-Section, "modern corporate franchise building design" means a building design that is trademarked, branded, or easily identified with a particular chain or corporation and is ubiquitous in nature.

(b) Drive-through facilities are prohibited on all non-residential uses.

(c) Mirrored glass is prohibited.

(d) Complementary Styles and Materials

(i) Similar architectural style and orientation must be observed to complement surrounding structures.

(ii) Similar building materials that complement surrounding structures must be utilized, including exterior finish. Acceptable materials include: brick, wood, stone, stucco, marble, and other similar materials.

(e) Building elevations shall be designed to be architecturally treated to avoid long, blank building façades.

(f) Windows on the street frontage side of a building shall be limited to 40% of the total building façade.

(g) The principal building shall be oriented facing towards the fronting street.

(h) Building Access

(i) A functional doorway for public or direct-entry access into a building shall be provided from the fronting street.

(ii) Corner entrances should be provided on corner lot buildings.

(iii) Additional entrances to a building may be provided.

(i) Rooflines & Materials

(i) Decorative cornices shall be provided for buildings with a flat roof, defined as roofs with a pitch less than 3:12.

(ii) Eaves shall be provided with a pitched roof, defined as roofs with a pitch greater than 3:12.

(iii) Pitched roofs are generally preferred over flat roofs.

(iv) All rooftop mechanical equipment (i.e. vents, ducts, communication antennas, HVAC units, etc) shall be screened from view or designed and installed in a manner using materials and colors compatible with the building architecture.

(v) Highly reflective roofing materials shall be avoided. All proposed metal roofing should be standing seam or copper. Galvanized steel and tin roofs are permitted.

(j) Residential manufactured structures are not permitted for conversion to a non-residential use.

(H) Additional Architectural Standards for existing single-family structures being converted into non-residential use:

(1) The exterior façade of an existing single-family residence proposed for conversion into non-residential use shall not be altered to accommodate new non-residential land uses except where modifications are necessary to address building or fire code requirements.

(2) Any structures proposed for removal shall either be moved to another location for re-use contemporaneously with the construction of the new structure or be deconstructed in such a manner that the resultant materials are suitable for re-use by the deconstructing party or others in future building projects. It is the intent of this Sub-Section that the removed structure be recycled to the extent possible.

6.6.3 Efland Interstate

(A) Circulation and Connectivity

(1) All site planning for property east of Mount Willing Road shall take into account the need for a connecting roadway between Mount Willing Road and the Interstate 85/U.S. Highway 70 Connector.

(2) All site planning west of Mount Willing Road shall take into account the need for a connecting roadway between Mount Willing Road and Buckhorn Road, as depicted on the Efland-Buckhorn-Mebane Access Management Plan, adopted November 11, 2011.

(3) In order to manage access on public streets, a site shall be permitted no more than one entrance/exit point unless justified by:

(a) site configuration;

(b) trip generation;

(c) traffic conditions, including the need for separate service and visitor/employee vehicular access, and/or one-way traffic movement; or

(d) other factors.

(4) Intra-site accessibility shall be provided. Vehicles shall not be required to enter the public street in order to move from one area to another on the same site.

(5) On all corner lots, no vehicular openings shall be located closer than 60 feet from the point of intersection of the street right-of-way lines.

(6) Driveway entrances/exits shall not exceed 36 feet in width measured at the property line; however, in instances where parking lots serve tractor/trailer traffic, the driveway entrance/exit may be increased to 40 feet in width.

(7) Exits for parking facilities containing more than 36 parking spaces shall contain holding lanes for left-turning and right-turning traffic unless the Planning Director determines that due to the physical features of a site, holding lanes would be unsafe and should not be required.

(8) Shared Driveways/Access

(a) In order to minimize the number of driveway curb cuts on Mount Willing Road, thereby improving traffic flow and safety, developments subject to this Section, fronting on Mount Willing Road, and located contiguous to one another shall provide shared driveways/access whenever feasible, as determined during site plan review.

(i) Methods to achieve shared driveways/access may include reciprocal easement agreements among property owners, reservation of future access easements on property being developed, or other methods determined during site plan review.

(ii) The location of shared driveways shall be determined during site plan review. Shared driveways do not necessarily need to be located at the front of lots if rear or side access is proposed and feasible.

(9) All driveway entrances must have an approved NCDOT driveway permit and must be paved to NCDOT standards from the edge of the existing roadway pavement to the existing right-of-way limit on the interior of the property.

(10) Pedestrian Circulation

(a) Unless deemed unnecessary by the Planning Director during site plan review, large projects, defined in (b), may be encouraged to provide an internal pedestrian circulation system, owned and maintained by the property owner. The system may be encouraged to provide pedestrian walkways to outparcels and also within any large parking areas.

(b) For the purposes of this subsection, a large project is defined as one located on 5 or more acres or proposing more than 50,000 square feet of building area. A large parking area is one containing parking for 100 or more vehicles.

(B) Landscaping and Buffering

In lieu of the requirements outlined in Section 6.8 of this Ordinance, the following standards shall apply:

(1) There shall be a minimum ten feet wide vegetative buffer along all rights-of-ways comprised of vegetation that complements surrounding plantings and which includes trees planted in accordance with Section 6.8 where possible.

(2) There shall be a minimum 15 feet wide vegetative buffer along all common property lines separating non-residential and residential land uses. The required plantings shall be in accordance with those required for Buffer Yards Type A outlined within Section 6.8 of this Ordinance.

(3) There shall be a minimum eight feet wide landscaped strip along all property lines separating non-residential uses from non-residential uses. The landscaped strip shall be comprised of vegetation that forms a semi-opaque intermittent visual obstruction from the ground to a height of at least 15 feet, except in required sight triangles. Joint use agreements between adjacent property owners for shared ingress/egress and/or parking may result in a waiver regarding the exact location(s) of the required buffers.

(4) The provisions of this subsection do not waive the buffer requirements found in Section 6.6.5 (Major Transportation Corridor).

(C) Architectural Design Standards

(1) In addition to the requirements in Section 6.5 (Architectural Design Standards), the external design of chain businesses should consider and complement the existing community character.

(D) Signage

(1) Signage shall conform to requirements within Section 6.12 of this Ordinance unless in conflict with this subsection, in which case the requirements of this subsection shall apply.

(2) The sign area of signs may be up to 64 square feet in size.

6.6.4 Efland Village

(A) Circulation and Connectivity

(1) Shared Driveways/Access for Properties Fronting on U.S. Highway 70

(a) In order to minimize the number of driveway curb cuts on U.S. Highway 70, thereby improving traffic flow and safety, developments subject to this Section, fronting on U.S. Highway 70, and located contiguous to one another shall provide shared driveways/access whenever feasible, as determined during site plan review.

(i) Methods to achieve shared driveways/access may include reciprocal easement agreements among property owners, reservation of future access easements on property being developed, or other methods determined during site plan review.

(ii) The location of shared driveways shall be determined during site plan review. Shared driveways do not necessarily need to be located at the front of lots if rear access is proposed and feasible.

(2) In order to manage access on public streets, sites which include new construction or additions increasing the square footage of a building by more than 50% should be permitted no more than one entrance and exit point unless justified by:

(a) site configuration;

(b) trip generation;

(c) traffic conditions, including the need for separate service and visitor/employee vehicular access, and/or one-way traffic movement; or

(d) other factors.

(3) Intra-site accessibility should be provided. Vehicles should not be required to enter the public street in order to move from one area to another on the same site.

(a) This standard applies to new construction or additions that increase the square footage of a building by more than 50% of the existing square footage.

(4) On all corner lots, no vehicular openings shall be located closer than 60 feet from the point of intersection of the street right-of-way lines.

(5) Driveway entrances/exits shall not exceed 36 feet in width measured at the property line; however, in instances where parking lots serve tractor/trailer traffic, the driveway entrance/exit may be increased to 40 feet in width.

(6) Exits for parking facilities containing more than 36 parking spaces shall contain holding lanes for left-turning and right-turning traffic unless the Planning Director determines that due to the physical features of a site, holding lanes would be unsafe and should not be required.

(7) All driveway entrances must have an approved NCDOT driveway permit and must be paved to NCDOT standards from the edge of the existing roadway pavement to the existing right-of-way limit on the interior of the property.

(8) Pedestrian Circulation

(a) Unless deemed unnecessary by the Planning Director during site plan review, large projects, defined in (b), may be encouraged to provide an internal pedestrian circulation system, owned and maintained by the property owner. The system may be encouraged to provide pedestrian walkways to outparcels and also within any large parking areas.

(b) For the purposes of this subsection, a large project is defined as one located on 2 or more acres or proposing more than 15,000 square feet of building area. A large parking area is one containing parking for 50 or more vehicles.

(B) Outside Storage of Materials Prohibited

(1) All outside storage of materials on lots other than those used for single-family detached residential purposes is prohibited.

(2) This prohibition includes the storage of goods or materials which are not an integral part of the use of the property and which are not obviously for sale.

(3) This prohibition does not include the storage of materials where the primary use of the property includes the outside display of goods for sale such as automobiles, boats, mobile homes, etc., and the materials stored outside are for sale.

(C) Landscaping and Buffering

In lieu of the requirements outlined in Section 6.8 of this Ordinance, the following standards shall apply:

(1) There shall be a minimum ten feet wide vegetative buffer along all rights-of-ways comprised of vegetation that complements surrounding plantings and which includes trees planted in accordance with Section 6.8 where possible.

(a) Parcels fronting on U.S. Highway 70 shall provide buffer plantings in accordance with those required for Buffer Yards Type A outlined within Section 6.8 of this Ordinance.

(2) There shall be a minimum 15 feet wide vegetative buffer along all common property lines separating uses subject to the requirements of this overlay district and single family detached residential land uses. The required plantings shall be in accordance with those required for Buffer Yards Type A outlined within Section 6.8 of this Ordinance.

(3) There shall be a minimum eight feet wide landscaped strip along all property lines separating non-residential uses from non-residential uses. The landscaped strip shall be comprised of vegetation that forms a semi-opaque intermittent visual obstruction from the ground to a height of at least 15 feet, except in required sight triangles. Joint use agreements between adjacent property owners for shared ingress/egress and/or parking may result in a waiver regarding the exact location(s) of the required buffers.

(4) Although portions of the Efland Village Overlay District are also within the Major Transportation Corridor Overlay District, the buffer requirements found in Section 6.6.5 (Major Transportation Corridor) do not apply since said section applies only to properties that abut the interstate.

(D) Parking Lot Design

(1) Up to 15% of the required parking spaces may be located in the front yard. The remainder of the required parking spaces shall be located at the side or rear of the structure.

(a) Existing buildings that change use shall comply with this requirement to the extent feasible, as determined during the site plan submittal process.

(2) Shared parking areas shall be encouraged for contiguous non-residential land uses, in accordance with Section 6.9 of this Ordinance.

(3) Parking areas with spaces in excess of 110% of the minimum parking spaces required, per Section 6.9 of this Ordinance, shall not be permitted.

(4) Interior landscaping of the parking lots shall be provided in accordance with Section 6.8 of this Ordinance.

(E) Signage

(1) Signage shall conform to the requirements within Section 6.12 of this Ordinance unless in conflict with this subsection, in which case the requirements of this subsection shall apply.

(2) The height limit of signs is 15-feet, as measured from the normal ground elevation below the sign.

(3) The sign area of signs may be up to 64 square feet in size.

(4) Digital signs shall not be permitted except as an incidental addition to a permitted sign.

(5) Portable signs and banner signs are allowed only for special events and may be displayed no sooner than 30 days prior to the event and must be removed within 7 days after conclusion of the event.

(6) New single pole signs are not permitted. Single pole signs existing as of April 7, 2015 shall be considered conforming uses and may be replaced if they are damaged or destroyed.

(F) Architectural Design Standards

In addition to the requirements in Section 6.5 (Architectural Design Standards), the following design standards shall apply:

(1) Corporate Franchise Architecture

(a) Under no circumstances shall modern corporate franchise building design be permitted.

(b) Franchise or 'chain' businesses desiring to locate in the Efland Village Overlay District shall be required to design the building in accordance with these guidelines.

(c) For purposes of this Sub-Section, "modern corporate franchise building design" means a building design that is trademarked, branded, or easily identified with a particular chain or corporation and is ubiquitous in nature.

(2) Human Scale and Fenestration

(a) New buildings shall be designed to contribute to a human scale. Large expanses of blank walls shall be discouraged and fenestration (the arrangement, proportioning, and design of windows and doors in a building) and/or design features (such as brick coursing changes, decorative architectural features, patterns of paint, or murals) shall should be provided in such a way that a building is relatable to humans and does not overpower the area.

(b) Additions to existing non-residential buildings should be designed to both complement the existing building and achieve human scale to the extent feasible.

(c) The functional use of the building should be considered when determining design features and fenestration.

(3) Mirrored glass is discouraged and in no case shall comprise more than 50% of the building façade.

6.6.5 Major Transportation Corridor (MTC)

(A) Landscaping and Buffers

In addition to the requirements set forth in Section 6.8 of this Ordinance, the following standards shall be met:

(1) A minimum of 100 feet of buffer area from the edge of the interstate highway's right of way, shall be preserved. The purpose of this buffer is to protect, preserve and promote the visual appeal, character and value of land adjacent to major transportation facilities; to provide for the separation of spaces; and to promote the public health, safety and welfare through minimizing potential nuisances such as the transmission of noise, odor, dust, litter and glare of lights.

(2) In areas of dense mature forest, existing vegetation may be used to fulfill the buffer requirements. Where there is no existing vegetation in the buffer area, or if existing vegetation does not provide a sufficient buffer, all proposed plantings must be shown on the landscape plan to fulfill the buffer requirement. The new plantings shall be predominantly evergreen and shall reach a mature size of at least 30 feet. New trees shall be located so as to establish at maturity a continuous screen in the 100 foot buffer area along the adjacent interstate highway.

(3) Landscaping shall be in accordance with an approved landscaping plan.

(4) Any areas left in a natural state shall remain undisturbed except as follows:

(a) Within the buffer areas, necessary ingress, egress and utility service may be allowed, but no other disturbance for site improvements shall be permitted.

(b) Selective clearing of vegetation may be allowed only to remove diseased trees or trees weakened by age, storm, fire or other injury.

(5) Non-residential uses within Transition Areas, as designated by the Comprehensive Plan, may provide one break in the required buffer per lot adjacent to the interstate right-of-way in order to provide an on-site commercial sign and/or building visibility. The break shall constitute no more than 50% of the interstate highway frontage.

SECTION 6.7: ADDITIONAL STANDARDS FOR MPD-CZD

6.7.1 Master Plan

(A) All applications for the MPD-CZ designation shall be prepared in accordance with Section 2.9 of this Ordinance and shall include a general development plan herein called the 'Master Plan'.

(B) The Master Plan shall be prepared by an appropriately licensed professional and shall include the following:

(1) Map of the development site, including the following:

(a) Overall acreage of the site,

(b) Adjacent rights-of-ways,

(c) Zoning designation and current use of adjacent properties, including those across rights-of-ways,

(d) Streams and other environmental features on-site and within 1,000 feet, and

(e) Any existing structures or improvements on-site.

(2) General layout of development, including the following:

(a) Each development lot/pod and acreage of each,

(b) Interior roadway plan, with cross section detail also showing drainage,

(c) Proposed access points, and

(d) Proposed on-site recreation and/or open space.

(3) Proposed Uses

(a) All uses proposed within the development shall be shown on the Master Plan.

(b) For developments with more than one development lot/pod, the proposed uses shall be listed for each lot/pod.

(c) More than one use may be approved for each lot/pod. However, the Master Plan shall include a compatibility matrix to limit conflicts between adjacent uses.

Figure 6.7.1.B: Master Plan Proposed Use Matrix Example

Recommended Compatible Adjacencies

P = Permitted X = Avoid ◆ = Permit with Enhanced Vegetation

Use Type	1	2	3	4	5	6	7	8
1.Parks/Recreation/Open Space	P	P	P	P	P	P	P	X
2. Single-Family Detached	P	P	P	◆	◆	P	X	X
3. Single-Family Attached	P	P	P	P	P	P	X	X
4. Multi-Family	P	◆	P	P	P	P	◆	X
5. 1- to 2-Story Office	P	◆	P	P	P	P	P	X
6. Ground Floor Retail	P	P	P	P	P	P	P	X
7. 3+ Story Office	P	X	X	◆	P	P	P	P
8. Manufacturing / Industrial	X	X	X	X	X	X	P	P

(d) For residential uses, the Master Plan shall include the maximum density permitted.

(4) Setbacks & Buffers

(a) All setbacks and buffers shall be shown on the Master Plan for the following:

(i) Development perimeter,

(ii) Each development lot/pod,

(iii) Streams, Special Flood Hazard Areas, and other environmentally sensitive areas, and

(iv) Rights-of-ways, interior and adjacent to the development.

(b) Setbacks and buffers for each lot/pod shall be consistent with the compatibility matrix required when multiple uses are approved for each lot/pod

(5) Maximum Building Heights

(a) Maximum building heights shall be provided on the Master Plan.

(b) Maximum building heights may be established for each development lot/pod or for the development, as a whole.

(c) Varying building height maximums, if established, shall be consistent with an approved compatibility matrix, if applicable.

(6) Utility Master Plan

(a) The Master Plan shall show the proposed location of all utility lines, structures and accompanying easements, including but not limited to:

(i) Sanitary sewer,

(ii) Potable Water,

(iii) Reclaimed Water,

(iv) Stormwater Management,

(v) Electrical service,

(vi) Cable,

(vii) Telephone,

(viii) Fiber Optic, and

(ix) Other.

(b) All onsite utility lines shall be underground, unless approved by the Board of County Commissioners.

(7) Master Sign Plan

(a) A master sign plan, consistent with the standards established in Section 6.12, shall be reviewed and approved as part of the Master Plan.

(b) The sign plan shall include the following:

(i) Location and size of all signs proposed on-site, including wall signs, identification signs, informational signs, etc.,

(ii) Illumination specifications of signs, if any,

(iii) Materials (signs and supports),

(iv) Planting details for ground and pole mounted signs, and

(v) Any other information requested by the Planning Director and/or Board of County Commissioners.

(8) Architectural Concept Plan

(a) An architectural concept plan shall be required for developments with multiple buildings and development lot/pods. The plan shall address the following:

(i) Architectural theme on-site, if any,

(ii) Permitted color palettes,

(iii) Acceptable building materials (i.e. siding, roofing, doors, trim, awnings, etc.),

(iv) Specific design requirements, if any, and

(v) Any other information requested by the Planning Director and/or Board of County Commissioners.

(b) Architectural Concept Plans shall not be required for single-family residential subdivisions approved as a MPD-CZ. However, they may be approved with the Master Plan if proposed by the applicant.

(C) The Master Plan shall be approved by the Board of County Commissioners in conjunction with the CZD rezoning application.

6.7.2 Permitted Adjustments

(A) The MPD-CZ designation permits a prescribed amount of flexibility when developing property and permitted adjustments shall be consistent with the following:

(1) Non-Residential Development Lots/Pods

(a) Maximum intensity of development for each lot/pod, when multiple uses are listed for each, shall be based on traffic generation for each use, in accordance with ITE Trip Generation Manual and may be established on the Master Plan.

(b) The acreage of each development lot/pod may be adjusted by up to 15%, provided the acreage of the entire development site remains the same and a plat has not been approved for the property.

(2) Roadways & Access Points

(a) Shifts in the interior roadways/rights-of-ways shall be considered permitted adjustments provided the following conditions are met:

(i) The roadway/right-of-way is moved less than 50 feet to either side,

(ii) The roadway/right-of-way width remains the same, and

(iii) The roadway/right-of-way shift does not cause a change in the location or design of any intersection with a roadway exterior to the development.

(b) Shifts in the location of roadway access points interior of the development shall be a permitted adjustment, provided the number of access points remains consistent with the approved Master Plan and the locations meet all separation requirements established within this Ordinance.

(c) All points of access from roadways exterior to the development shall be as approved on the Master Plan.

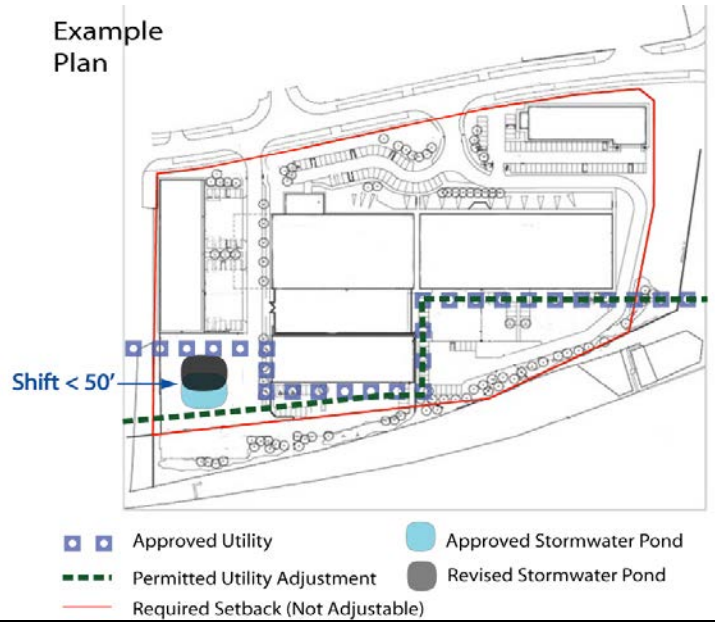
(3) Utilities

(a) Shifts in the location of utilities serving the development shall be a permitted adjustment provided the changes are consistent with the following:

(i) The proposed changes do not impact any perimeter buffers and/or setbacks established on the Master Plan.

(ii) On-site stormwater ponds shown on the Master Plan that are considered part of the buffer for incompatible uses, shall not be shifted more than 50 feet along the perimeter property boundary.

Figure 6.7.2.A: MPD-CZ Permitted Utility Adjustments



(B) Permitted Adjustments may be approved by the Planning Director. The Master Plan shall be revised to show all permitted adjustments and filed with the Planning Department for incorporation in the approved MPD-CZD. Other changes to the Master Plan shall be approved by the Board of County Commissioners in accordance with the procedures specified in Section 2.9.2 of this Ordinance.

6.7.3 Final Development Plans

(A) Site plans shall be submitted subsequent to MPD-CZ Master Plan approval in accordance with the procedures established in Section 2.5 of this Ordinance.

(B) Approval of detailed site plans and related material is an administrative action and no public notice or hearing is required.

(C) After a MPD-CZ district has been established, no zoning compliance permit, permit for land disturbing activity, building permit, or the like, shall be issued for the site, unless and until the Planning Director has approved a site plan, prepared and approved in accordance with Section 2.5 of this Ordinance, for the development as a whole or each development lot/pod, in accordance with the approved Master Plan.

(D) Approval of site plans shall be based on compliance with regulations applying at the time the land was zoned to MPD-CZ.

(E) The Planning Director shall certify that all conditions imposed by the Board of County Commissioners with the approval of the MPD-CZ and Master Plan have been met and a report shall be provided to the County Manager within 30 days following the approval of a site plan for any property included within the MPD-CZ.

6.7.4 Start of Construction & Extensions

(A) Site plans shall be approved and construction started in accordance with the timetable approved with the Master Plan. If the site plan(s) have not been approved or no construction has started within the stated time frames, the Master Plan becomes void and of no effect. The owner can request an extension from the Board of County Commissioners upon the favorable recommendation of the Planning Board, if the request is received before the Master Plan expires.

(B) No changes shall be made to the conditions of approval with extension requests. Approval of a time extension shall be based on evidence presented by the applicant showing that approvals have been pursued in a timely manner, and that delays have resulted from factors beyond the control of the developer.

6.7.5 Specific Standards for Hillsborough EDD

In addition to the standards and regulations for all MPD-CZ districts established in this Ordinance, the standards contained herein shall apply to MPD-CZ districts in the Hillsborough Economic Development District.

(A) Purpose and Intent

The purpose of the MPD-CZ in the Hillsborough Economic Development District is to provide locations for a mix of residential, commercial and light industrial uses in a cohesive development that is compatible with the natural terrain and surrounding uses. This district encourages innovation by offering flexibility in design and layout requirements to achieve a greater choice of living and working environments.

(B) Applicability

(1) The minimum size of a MPD-CZ district shall be 5 acres.

(2) This district shall only be applied where water and sewer are available at the site or are to be made available to the site as part of the development approval process.

(C) Development Standards

(1) Dimensional Requirements

(a) There are no minimum lot sizes within the MPD-CZ district; However, the Master Plan will set forth the individual lot setbacks in accordance with the General Dimensional Requirements established herein.

TABLE 6.7.5.C: SPECIFIC STANDARDS FOR HILLSBOROUGH EDD

Zoning District	Minimum Zoning Lot		Minimum Setbacks					Maximum Impervious Surface Cover (%)	Maximum Height (Feet)
					Side				
	Area (Acre)	Width (Feet)	Front (Feet)	Rear (Feet)	One Side (Feet)	Combined (Feet)	Street (Feet)		
MPD-CZ	-	200	60	40	20	40	40	50	60

(b) Single-family and duplex residential uses following the flexible development guidelines established in Section 7.13 of this Ordinance, may reduce the minimum setbacks by 50% and the lot width by 60%.

(2) Internal Access

(a) All outparcels within the MPD-CZ district shall have internal access to the development.

(b) All parcels shall provide for interconnectivity between parking areas if determined necessary by staff.

(3) No drive through facilities may be constructed in this district.

(4) Consideration of lower cost and affordable housing shall be incorporated into any mixed use development.

(5) A justification for any deviation to development standards must state a public benefit or purpose.

(D) Plan Approvals

(1) If a MPD-CZ rezoning application is approved with a Master Plan, the approval does not obviate the need to obtain a Class A Special Use Permit or site plan approval for the individual “pods”/lots shown on the Master Plan in accordance with the provisions of this Ordinance.

(2) Tracts over 2.0 acres and/or structure(s) totaling cumulatively over 20,000 square feet on one zoning lot require a Class A Special Use Permit approved in accordance with the provisions of this Ordinance. Otherwise, the site plan may be approved in accordance with Section 2.5 of this Ordinance.

(3) No special use permit for a site governed by an approved MPD-CZ Master Plan may be denied for reasons set forth in Section 2.5 or Article 5 of this Ordinance, if the basis for such denial involves an element or effect of the development that has been specifically addressed and approved in the MPD-CZ Master Plan approval process, unless one of the following conditions apply:

(a) It can be demonstrated that the information presented to the Board of County Commissioners at the MPD-CZ Master Plan approval stage was materially false or misleading, or

(b) Conditions have changed substantially in a manner that could not reasonably have been anticipated, or

(c) The plan has changed substantially in its impacts, or

(d) A basis for denial for reasons set forth in Section 2.5 or Article 5 is demonstrated by clear and convincing evidence.

(4) A site plan shall not be accepted by staff for review until the MPD-CZ Master Plan has been approved.

(5) The Planning Director shall have the discretion to require a modification to the approved MPD-CZ Master Plan should the submitted site plan violate, in the Planning Director's opinion, the provisions set forth in Section 6.7.5(D)(3) above.

SECTION 6.8: LANDSCAPING, BUFFERS & TREE PROTECTION

6.8.1 Purpose and Intent

The standards of this section provide for the preservation of existing vegetation and for the installation and maintenance of new vegetation and other landscape architectural features. The purpose of these standards is to:

(A) Protect, preserve, and enhance the visual appeal, character, and value of Orange County;

(B) Enhance the beauty of the built environment;

(C) Enhance the privacy and welfare of citizens by separating incompatible land uses;

(D) Allow for the ecological benefits provided by plant materials including: protection of land from erosion and storm water runoff; minimize noise, water, light and air pollution; mitigation of the heat island effect; recharging of aquifers; and protection and enhancement of wildlife habitats; and

(E) Preservation of natural forested tree areas.

6.8.2 Applicability

The landscaping and buffering standards of this section shall apply to all proposed land development for which a site plan, special use permit, MPD-CZ Master Plan, preliminary plat in the case of major subdivisions or a final plat in the case of minor subdivisions, is required.

6.8.3 Variations

(A) In some cases the strict adherence to this section of the Ordinance would serve no useful purpose, in which case the Planning Director, may modify the buffer and landscape standards of this Section where:

(1) The topography of a site and/or the size of a proposed lot are sufficient to serve the purpose of a buffer;

(2) Existing structures, utilities, gardens or active farmland are located in the buffer or setback areas;

(3) Existing vegetation is damaged, unhealthy, or poses a safety threat; or

(4) An existing residence or structure with established lawn areas and/or plant beds is contained within a proposed subdivision lot.

(B) The Planning Director may require alternative buffers or landscaping, including locations other than those typically required, when a modification to the requirements of this section is warranted in order to meet the intent of the specified standards.

(C) When a proposed lot includes one or more of the conditions listed above, the Planning Director is empowered to waive the requirements for screening or additional landscaping provided that the request is submitted in writing stating the reason and rationale for such request, and the spirit and intent of this Ordinance is achieved.

6.8.4 Protection of Existing Vegetation

(A) Tree Protection Areas

There are two tree protection areas defined as follows:

(1) Primary Tree Protection Area

Front, side and rear yard setback areas; Stream Buffers; and Land Use Buffers as required by this Ordinance. If no side and/or rear setbacks are required, the Primary Tree Protection Area shall be ten feet in width as measured perpendicular to the lot line.

(2) Secondary Tree Protection Area

Any portion of a lot not included within the Primary Tree Protection Area.

(B) Protective Measures

(1) Existing trees, regardless of size, shall not be cut or otherwise damaged or destroyed within a primary tree protection area except as shown on an approved Landscape and Tree Preservation Plan, plot plan, or site plan.

(2) Existing trees having a diameter of one foot or greater dbh shall not be cut, damaged or destroyed within a secondary tree protection area except as shown on an approved Landscape and Tree Preservation Plan, plot plan, or site plan .

(3) During construction activities, adequate protective measures shall be provided to minimize damage to existing trees and other vegetation.

(4) All tree protection fencing shall be installed prior to any grading, construction traffic or activity taking place on site.

(5) Logging mats shall be used in areas where critical root zones may be disturbed during construction.

(6) Signs shall be posted identifying the tree protection areas and shall state the area is not to be disturbed. Such protective devices shall effectively protect the critical root zones, trunks, and tops of trees to be retained and shall be maintained until all work has been completed.

(7) Construction traffic, storage of vehicles and materials, soil compaction, filing, and grading shall not take place within the drip line of trees to be preserved.

(8) Construction access to a site should be located where an existing or proposed entrance/exit is located.

(9) A stabilized open area should be designated for storage of materials (including stockpiling of soil and gravel) and for parking construction vehicles and equipment.

(C) Mitigation

Where grading within a critical root zone of a tree cannot be avoided, the following measures shall be used to maintain the life of the trees affected by grading:

(1) Avoid cut and fill around the entire circumference of the trunk of the tree;

(2) Root prune a tree several months prior to any cuts within the critical root zone;

(3) Prune tree limbs in an amount, which reflects the area of the roots to be severed, but in no case allow pruning to exceed 25% of the tree crown. Fertilize, if necessary and water the undisturbed root area of the tree;

(4) Trees that are marked for preservation and for which utilities must pass through their critical root zones shall not have surface-dug trenches; and

(5) Utilities shall be bored through critical root zone areas. Shared utility easements or trenches are encouraged.

6.8.5 Landscaping Standards

(A) General Design Guidelines

The following are guidelines and should be included where possible in the landscape plan, and shall be balanced against other objectives of this Section when reviewing a landscape and tree preservation plan.

(1) The use of potable water sources to irrigate should be minimized by utilizing rainwater or other allowable systems.

(2) Native, non-invasive, and drought tolerant species should be arranged into zones according to their water needs, by employing xeriscaping.

(3) Landscaping in the rural zoning districts (RB, AR and R1) should be clustered to provide a more natural look. More formal arrangements are possible in the medium and high density residential districts as well as the commercial, industrial and economic development zoning designations.

(4) Landscape materials should be selected and arranged to add variety and visual interest, as well as to avoid monocultures that can encourage the spread of pests and diseases.

(5) Site landscaping should not conflict with utility placement.

(6) Plant placement in buffers may include clustering; however, such clustering should be reflected in plant placement that provides the maximum protection of neighboring properties.

(7) Crime Prevention through Environmental Design (CPTED), as outlined by the National Crime Prevention Institute, should be considered when laying out sites to maximize public safety.

(B) Basic Plant Types

There are five basic plant types referred to in this section, and all shall require the use of locally-adapted plants. They include canopy trees, evergreen trees, deciduous understory trees, evergreen understory trees and shrubs, defined as follows:

(1) Canopy Trees

Large deciduous shade trees with a mature height of 30 feet or greater and a mature spread of 30 feet or greater.

(2) Evergreen Trees

Trees at least 20 feet tall at maturity usually having green foliage throughout all seasons of the year.

(3) Deciduous Understory Trees

Small deciduous trees or large deciduous shrubs with a mature height of 10 to 30 feet, except under overhead utilities, where lower heights at maturity may be required.

(4) Evergreen Understory Trees

Trees or large shrubs at least ten feet tall at maturity that usually have green foliage throughout all seasons of the year

(5) Shrubs (Deciduous and Evergreen)

Prostrate or upright woody plants, either evergreen or deciduous, with a mature height usually less than ten feet. Evergreen shrubs usually have green foliage throughout all seasons of the year.

(C) Plant Material Requirements

Unless specified elsewhere in this Ordinance, plant material shall meet the following minimum requirements listed below. When determining the quantity of plant material required, the quantity shall always be rounded up to the nearest whole number.

(1) Plant Materials, General

All plant material shall meet or exceed size and shape relationships specified in the latest edition of The American Standard for Nursery Stock published by the American Association of Nurserymen.

(2) Trees

(a) Canopy Trees

(i) Canopy trees shall have a minimum size of two-inch caliper at time of planting.

(ii) Canopy trees shall be planted at least 18 feet apart.

(b) Evergreen Trees

(i) Evergreen trees shall have a minimum height of eight feet at the time of planting.

(c) Deciduous Understory Trees

(i) Deciduous understory trees with single stems shall have at a minimum size of one-inch caliper and a minimum height of eight feet at the time of planting.

(ii) Multi-stemmed deciduous understory trees shall have a minimum height of eight feet at the time of planting.

(iii) Deciduous understory trees shall be planted at least 12 feet apart.

(d) Evergreen Understory Trees

(i) Evergreen understory trees shall have a minimum height of six feet at the time of planting.

(e) Mixing of Tree Species

When ten or more trees are required to be planted on a site to meet these regulations, a mix of species shall be provided. The following table indicates the maximum percentage of trees of the same genus and species that may be planted.

TABLE 6.8.5.C.2: PLANTING MATERIAL, MIXING OF TREE SPECIES

TOTAL TREES PLANTED ON SITE	MIN SPECIES REQUIRED	MAX PERCENTAGE OF ONE SPECIES
11 to 20 Trees	3	40%
21 to 40 Trees	4	35%
41 to 80 Trees	6	30%
81 to 150 Trees	8	25%
Over 150 Trees	10	20%

(3) Deciduous and Evergreen Shrubs

(a) All shrubs shall be cold hardy and heat tolerant.

(b) Upright shrubs shall be a minimum of 15 inches in height at the time of planting.

(c) Shrubs shall not be planted closer than three feet on center. Shrubs shall not be planted closer than three feet to planted trees, nor within six feet of existing protected trees; however, no more than 25% of the root protection zone of an existing tree may be disturbed with new plantings.

(d) When planted as a hedge, the maximum spacing for 24-inch high deciduous shrubs shall be 36 inches on center. Spacing for other size shrubs shall be determined by the Planning Director or designee based on the proposed species.

(4) Preferred Species

The Planning Director shall maintain a list of plants by type and their preferred location or use on sites developed under this Section. The list shall include drought tolerant and native species

(5) Prohibited Plants

The Planning Director shall maintain a list of plants that are not permitted for any use due to their invasive tendencies. Such species shall not be planted as landscaping for any purpose.

(D) Installation

(1) The International Society of Arborculture (ISA) maintains standards for tree plantings. All installations shall adhere to the standards published by the ISA. The Planning Director will have available the planting details as a booklet.

(E) Maintenance

(1) All plantings must be maintained in a healthy state. Should any vegetation that was required to meet the standards of this section die within two years of planting, the plants must be replaced with the same or comparable species.

(2) The Planning Director may conduct inspections to monitor the health and status of the required landscaping.

6.8.6 Land Use Buffers

(A) Purpose

Land use buffers are intended to screen and buffer lower intensity/density uses from incompatible higher intensity/density land uses. Buffers reduce adverse visual effects, as well as noise, dust, and odor.

(B) Applicability

Land use buffers will be required based on the zoning district of the proposed use and the zoning district of the adjacent uses.

(C) Location

(1) Required land use buffers shall be located along the interior or street lot lines nearest the adjacent streets, land uses and/or zoning designations. Buffers shall not be located on any portion of an existing or proposed street right of way, drainage or utility easement.

(2) No building or structure of any type shall be erected, constructed or installed in a required land use buffer.

(D) Land Use Buffer Table

TABLE 6.8.6.D: LAND USE BUFFERS

		ZONING OR USE OF ADJACENT PROPERTIES											
		RB, AR, RI	R-2, R-3	R-4, R-5	R-8, R-13	MHP-CZ	O/I, NC-2, LC-1	CC-3,GC-4, EC-5	EI, I-1, I-2, I-3, PID	INTERSTATE HIGHWAY	ARTERIAL STREET	COLLECTOR STREET	ACTIVE FARM/ AGRICULTURE
Zoning or Use of Subject Property	RB, AR, R1	-	A	A	B	F	E	F	F	F	E	B	B
	R-2 & R-3	A	-	A	B	F	D	F	F	F	D	B	B
	R-4 & R-5	A	A	-	B	F	C	E	E	F	C	B	B
	R-8 & R-13	B	B	B	-	F	B	D	D	F	C	B	B
	MHP-CZ	F	F	F	F	-	F	F	F	F	F	F	F
	O/I, NC-2, LC-1	E	D	C	B	F	-	-	-	F	B	B	D
	CC-3, GC-4, EC-5	F	F	E	D	F	-	-	-	F	B	B	D
	EI, I-1, I-2, I-3, PID	F	F	E	E	F	-	-	-	F	B	B	D
	AS, ASE-CZ	D	A	A	A	F	A	A	A	F	B	B	B

Note: MPD-CZ buffers to be determined at time of approval.

(E) Natural Buffers

(1) If there is existing, healthy, natural vegetation in the area of a required buffer, it must be preserved. If the vegetation is removed for any reason, other than in accordance with an approved landscape and tree preservation plan, the dimensions of the buffer shall be increased 50% and the number of required plantings shall be increased 50%.

(2) The critical root zones of trees within the buffer must be protected if the applicant seeks credit for preservation of existing trees. For example, if a required buffer has a dimensional width of 30 feet, and the critical root zone extends beyond the 30 feet, the buffer will be extended to the edge of the critical root zone in the area around the tree.

(3) If necessary, a natural buffer will be supplemented with additional plantings in order to meet the Constructed Buffers standards established herein.

(F) Constructed Buffers

(1) If existing plantings are not sufficient to meet the buffer standards established in this Section, additional plantings shall be installed.

(2) The plant units listed below will be considered comparable, and therefore interchangeable, as set forth below.

(3) Option 2, Deciduous, shall not be permitted when the proposed use is non-residential and is proposed next to a residential district or use, unless employed with a wall, as set forth herein.

TABLE 6.8.6.F: BUFFER TYPES					
BUFFER TYPE	MINIMUM WIDTH	OPTION 1 MIXED	OPTION 2 DECIDUOUS	OPTION 3 EVERGREEN	OPTION 4 OVERHEAD UTILITY
Plant Material Required Per 100 Linear Feet					
A	20	1 Canopy Tree 0 Evergreen Tree 1 Deciduous Understory 2 Evergreen Understory 13 Shrubs Tree	2 Canopy Tree 0 Evergreen Tree 2 Deciduous Understory 0 Evergreen Understory 12 Shrubs Tree	0 Canopy Tree 2 Evergreen Tree 0 Deciduous Understory 3 Evergreen Understory 13 Shrubs Tree	0 Canopy Tree 0 Evergreen Tree 3 Deciduous Understory 2 Evergreen Understory 10 Shrubs Tree
B	30	1 Canopy Tree 0 Evergreen Tree 1 Deciduous Understory 2 Evergreen Understory 13 Shrubs Tree	2 Canopy Tree 0 Evergreen Tree 2 Deciduous Understory 0 Evergreen Understory 12 Shrubs Tree	0 Canopy Tree 2 Evergreen Tree 0 Deciduous Understory 3 Evergreen Understory 13 Shrubs Tree	0 Canopy Tree 0 Evergreen Tree 3 Deciduous Understory 2 Evergreen Understory 10 Shrubs Tree
C	40	3 Canopy Tree 1 Evergreen Tree 2 Deciduous Understory 5 Evergreen Understory 40 Shrubs Tree	3 Canopy Tree 1 Evergreen Tree 2 Deciduous Understory 5 Evergreen Understory 40 Shrubs Tree	0 Canopy Tree 4Evergreen Tree 0 Deciduous Understory 9 Evergreen Understory 38 Shrubs Tree	0 Canopy Tree 0 Evergreen Tree 7 Deciduous Understory 5 Evergreen Understory 30 Shrubs Tree
D	50	6 Canopy Tree 1 Evergreen Tree 4 Deciduous Understory 9 Evergreen Understory 70 Shrubs Tree	7 Canopy Tree 0 Evergreen Tree 10 Deciduous Understory 0 Evergreen Understory 67 Shrubs Tree	0 Canopy Tree 7 Evergreen Tree 0 Deciduous Understory 16 Evergreen Understory 68 Shrubs Tree	0 Canopy Tree 0 Evergreen Tree 12 Deciduous Understory 9 Evergreen Understory 53 Shrubs Tree
E	75	6 Canopy Tree 1 Evergreen Tree 4 Deciduous Understory 10 Evergreen Understory 77 Shrubs Tree	8 Canopy Tree 0 Evergreen Tree 11 Deciduous Understory 0 Evergreen Understory 73 Shrubs Tree	0 Canopy Tree 8 Evergreen Tree 0 Deciduous Understory 17 Evergreen Understory 74 Shrubs Tree	0 Canopy Tree 0 Evergreen Tree 13 Deciduous Understory 10 Evergreen Understory 58 Shrubs Tree
F	100	7 Canopy Tree 1 Evergreen Tree 5 Deciduous Understory 12 Evergreen Understory 85 Shrubs Tree	10 Canopy Tree 0 Evergreen Tree 13 Deciduous Understory 0 Evergreen Understory 80 Shrubs Tree	0 Canopy Tree 10 Evergreen Tree 0 Deciduous Understory 20 Evergreen Understory 83 Shrubs Tree	0 Canopy Tree 0 Evergreen Tree 16 Deciduous Understory 12 Evergreen Understory 65 Shrubs Tree

6.8.7 Planting Requirements

(A) Street Trees

(1) Street trees shall be required at the rate of one canopy tree and one understory, either deciduous or evergreen, tree for every 65 feet of street frontage along existing and proposed public and private streets, not including alleys.

(2) To enhance the natural appearance in the rural areas of the County, canopy and understory trees shall be planted, and clustering is encouraged. However, there must be at least one tree every 100 feet of street frontage.

(3) In all developments subject to the provisions of this section, the developer shall either retain or plant trees within the front yard setback along all existing and proposed street frontages, public and private, except for alleys.

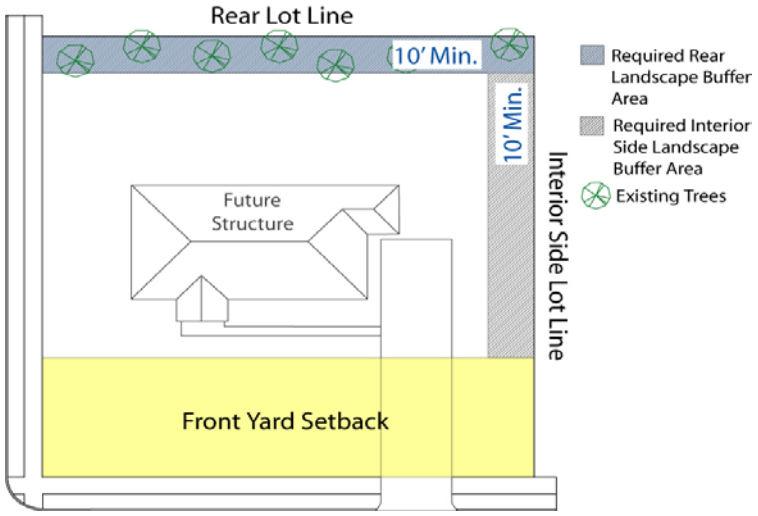
(4) If a conflict exists with public utilities, alternate plantings consisting of a greater number of understory trees will be permitted.

(5) Street trees shall be of a species included on the Planning Director's list of acceptable street tree species.

(B) Between Lot Plantings

(1) Where a land use buffer is not required, a landscape area ten feet in width exclusive of drainage and/or utility easements shall be provided along the interior side and rear lot lines of each lot being developed. If there are no existing trees, the developer shall provide a minimum of one tree per one thousand square feet of land contained within the ten foot landscape area.

Figure 6.8.7.B: Between Lot Plantings



EXAMPLE: If a 40,000 square foot lot has a dimension of 150 feet, the depth of the lot would be 266 feet (minimum lot size and width). Not included for the purposes of the calculation is the 40 foot front yard setback (typical) or the 10 foot rear line landscape area. The remaining side lot line dimension would be 216 feet, multiplied by the 10 foot width of the landscape area. 2160 square feet, divided by 1,000 results in 2.16 trees, or 2 trees.

(C) Foundation Plantings

(1) A minimum of a five foot landscape area must be planted around the entire foundation of non-residential structures to blend the architecture into the site and to accent entrances. Vegetation of varying heights and textures shall be placed along walls and fences to soften the planes.

(2) If a landscape area around the foundation is not possible, as in the case of existing buildings and parking, landscape planters should be incorporated into the store frontage. This can be done by means of raised planters, sidewalk cutouts, or portable planters.

(D) Landscaping of Vehicular Use Areas

(1) Perimeter Buffer

(a) A landscape area at least ten feet in width, exclusive of drainage and/or utility easements, shall be provided between the vehicular use areas and the right of way or adjacent property line, except where permitted driveway openings are to be provided.

(b) In addition to the trees required on-site, a hedge of at least three feet in height at maturity shall be installed to provide a continuous opaque landscape barrier for the purpose of reducing glare and visual distractions to passing motorists and to adjacent properties. Berms and/or fences or a combination of all three may also be utilized.

(c) For security purposes, hedges, berms, and/or fences shall not exceed three and one half feet when adjacent to public rights-of-ways.

(d) The provisions of this subsection shall not be applicable in the following situations:

(i) Where any off street parking, loading or other vehicular use area will be entirely screened visually, from any point of view, by an intervening building or structure from abutting property;

(ii) When differences in topographic elevation eliminate the visual impacts of the off-street parking, loading or other vehicular use areas to adjacent roads or properties; and/or

(iii) Where planting and/or fencing is required for screening between certain non-compatible land uses.

(2) Interior Landscaping

(a) All Off-Street Parking Areas

The following landscaping requirements shall apply to all off-street parking areas:

(i) Under no circumstances may any parking space be located more than 60 feet from the trunk of a canopy tree.

(ii) All trees and other landscape materials required shall be installed in accordance with the provisions of this Section.

(b) Off-Street Parking Areas With More Than Ten Spaces

In addition to the requirements established in subsection (a) above, the following interior landscaping requirements shall apply to all off-street parking areas with more than ten parking spaces.

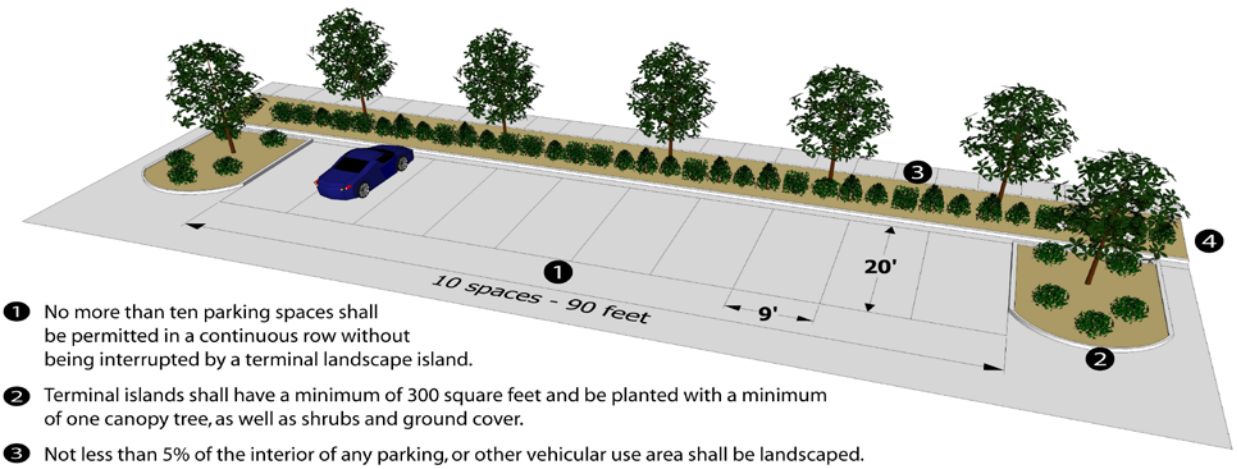
(i) Terminal Islands

a. No more than ten parking spaces shall be permitted in a continuous row without being interrupted by a terminal landscape island.
b. Terminal Islands shall have a minimum of 300 square feet.
c. Each terminal landscape island shall be planted with a minimum of one canopy tree, as well as shrubs, and ground cover in accordance with the following detail.

(ii) Minimum Landscaped Area

a. Not less than 5% of the interior of any parking, loading or other vehicular use area shall be landscaped.
b. The location of the required interior landscaping is at the option of the owner or developer and may include median strips and required terminal islands.

Figure 6.8.7.D: Vehicular Use Area Landscaping, Terminal Islands



1. No more than ten parking spaces shall be permitted in a continuous row without being interrupted by a terminal landscape island.
2. Terminal islands shall have a minimum of 300 square feet and be planted with a minimum of one canopy tree, as well as shrubs and ground cover.
3. Not less than 5% of the interior of any parking, or other vehicular use area shall be landscaped.
4. A landscaped area of at least 10 feet in width shall be provided between the vehicular use area and the right-of-way.

6.8.8 Credits for Existing Vegetation

(A) Healthy vegetation that is retained may be credited toward landscaping requirements.

(B) Vegetation to be saved shall meet all requirements of Section 6.8.4, Protection of Existing Vegetation.

(C) Healthy canopy trees may be retained and credited toward landscaping requirements if each tree proposed for credit has a caliper of at least two inches, and credit will be given on a one-for-one basis.

(D) Credit shall be allocated on a one-for-one basis for healthy evergreen trees, deciduous understory trees, evergreen understory trees or shrubs. The size of material shall not be taken into account except where such material is below the required minimum planting size, in which case no credit shall be granted.

(E) In order to receive credit for any retained trees, 100% of the critical root zone shall remain undisturbed. Trees with critical root zones outside the protected area shall not count toward any landscaping requirements unless consistent with Section 6.8.6(E)(2).

6.8.9 Screening

(A) Applicability

(1) The standards contained herein shall apply to the following:

(a) Air handlers and similar mechanical equipment in multifamily or nonresidential development;

(b) Class B outdoor storage;

(c) Loading areas; and

(d) Trash handling facilities, including dumpsters and recycling.

(2) All rooftop equipment shall be screened or setback so that it is not visible from any adjacent right-of-way, except that solar panels shall be exempt from screening requirements.

(B) Standards

Features and uses specified above shall provide a visual obstruction from adjacent properties in conformance with the following standards:

(1) The screen may be composed of view-obscuring vegetation used individually, or in combination with a wall, semi-opaque fence, or berm. The screen height shall be eight feet from the ground, except that utilities and trash handling facilities shall be screened to the height of the facilities plus six inches.

(2) A minimum opacity of at least 80% that obscures views from the ground to the height of the object being screened shall be attained.

(3) Plant materials shall be at least two feet tall at the time of installation and reach the desired height within three years of planting.

(4) Except for screening around roof-top equipment, one upright shrub of an evergreen species shall be installed per four linear feet of any wall or fence that faces off-site.

(5) Trash and recycling containers must be contained within a gated, durable and attractive enclosure, compatible with building architecture. Shrubs shall be planted around the foundation.

(C) Fences and Walls

(1) Fences and walls shall not be required to adhere to the setback requirements detailed within this Ordinance but shall be located on the property of the individual erecting the structure.

(2) Fences and walls shall be compatible with building architecture.

(3) Fences and walls shall be setback a minimum of ten feet from any property line adjoining a road right-of-way, either public or private, to ensure adequate site visibility.

(4) Fences shall not exceed 12 feet in height.

(5) Privacy fences shall be erected to that support posts and slats are visible and accessible from the individual's property that erected the structure.

(6) Chain link fencing is not permitted in areas visible from adjacent properties, parking areas, street or pedestrian walkways unless it is screened through use of evergreen shrubs.

(D) Credit for Other Landscaping

Plant material in project boundary buffers may be counted towards the planting requirements of this section when located to serve both functions.

6.8.10 Landscape and Tree Preservation Plan

(A) Whenever land development for which a site plan, special use permit, MPD-CZ Master Plan, preliminary plat in the case of major subdivisions or a final plat in the case of minor subdivisions, is required, a landscape and tree preservation plan meeting the requirements of this Section must be submitted for review and approval in accordance with the provisions in Article 2 of this Ordinance.

(B) Landscape and tree preservation plans shall be prepared by certified landscape architects or other landscape professionals with a proficiency in preparing landscaping plans, with the exception of minor subdivisions. If a minor subdivision must install plantings to meet the requirements of this section, it is encouraged that a professional plan be prepared. However a copy of the final plat with the species and location of plantings will be considered sufficient.

(C) The landscape and tree preservation plan must include the following:

(1) The location of existing and proposed structures, parking areas, roadways, fences and walls. Landscape and tree preservation plans for subdivisions shall not be required to show proposed structures, parking areas, fences or walls on individual lots.

(2) The location of any required landscape buffers, trees, shrubs and screening materials to be planted;

(3) A legend listing all plant materials to be planted;

(4) The location of any lighting fixtures proposed to minimize conflicts between lighting and landscaping;

(5) The location and species of existing trees in buffer areas if seeking credits for existing vegetation in accordance with Section 6.8.8;

(6) Primary tree protection areas, the critical root zones, and the method of protection;

(7) Storage areas for construction vehicles and materials, including stockpiled soil and gravel;

(8) How areas disturbed during construction are to be restored. Such efforts should be phased to coincide with the establishment of final grades to minimize erosion; and

(9) Planting details in accordance with Section 6.8.5(D).

(D) Where needed for clarity, the landscape and tree preservation plan can be divided into two sheets: a tree preservation plan and a planting plan.

(E) Following approval and prior to the start of construction, the plan shall be posted on the job site and reviewed with all contractors.

6.8.11 Request for Extension of Compliance

It is recognized that land development occurs continuously and that vegetation used in landscaping or screening should be planted during specific times to ensure the best chance of survival. In order to ensure compliance and to reduce the failure of landscaping or screening materials which were installed at an inappropriate time or under unfavorable conditions, the applicant may request an extension of compliance in accordance with the following:

(A) A Letter of Request for Extension of Compliance (LREC) with landscaping requirements may be filed with the Planning Director, or designee, which states the reasons why the request is being made.

(B) The applicant shall state in the LREC that they are aware of all landscaping and screening requirements, and that the property will be brought into compliance within 90 days of the approval of the extension, or discontinue use of the property.

(C) The Planning Director may grant the extension on requests for planting extensions submitted between May 15 and September 15 of each year, and may grant the extensions at other times if there are unfavorable conditions for planting.

(D) If the initial LREC has expired and conditions are still deemed unsuitable for planting, an applicant may request one additional extension of up to 90 days. During periods of extreme drought, as evidenced by the official declaration of Stage 3 or greater mandatory water conservation requirements, the Planning Director, or designee, may authorize additional 90-day extensions beyond the one extension typically allowed. These extensions may be continued throughout the period in which the extreme drought conditions remain.

(E) The applicant shall also acknowledge that no Final Zoning Compliance Permit shall be issued while there is an active (pending) LREC unless a performance guarantee (such as a letter of credit or performance bond) sufficient to cover 110% of the installed landscaping costs has been posted with the Planning and Inspections Department.

6.8.12 Additional Standards for Economic Development Districts

(A) Landscape and Tree Preservation Plan

The Landscape and Tree Preservation Plan shall be prepared in accordance with the requirements of Section 6.8.10.

(B) Preservation of Existing Features

(1) Natural features such as streams and ponds, hillsides, rock formations, unique vegetation and natural areas, wildlife habitats, and other similar features must be incorporated into the overall development concept.

(2) Building sites, parking areas, and other uses shall be situated in such a way as to protect existing tree stock having a diameter of one-foot or greater when measured four and a half feet above ground level.

(3) Trees to be saved shall be noted on the landscape and tree preservation plan and appropriate measures to protect the tree stock from damage during construction, including no grading within the critical root zone, shall be indicated in accordance with Section 6.8.4.

(4) Where possible, trees shall be protected in stands or clusters.

(5) The siting of buildings shall take advantage of scenic views and take into consideration the impact of new structures on views from off-site.

(6) Where ever possible, access to views are to be preserved for adjacent property owners and passing motorists.

(7) Scenic views and visual elements within the visual corridor shall be identified and preserved where possible.

(C) Buffering Neighboring Uses

(1) A minimum buffer of 100 feet in width is to be provided at the boundary of all Economic Development Districts.

(2) In accordance with Section 6.6.5, a buffer of 100 feet in width is to be maintained adjacent to the right-of-way of interstate highways.

(3) In the Buckhorn EDD, a buffer of 150 feet is required on the portion of the boundary adjacent to the Clearview Subdivision and adjoining residential area on the north side of West Ten Road.

(4) In the Hillsborough EDD, a buffer of 100 feet is required along the Old 86 roadway corridor. For properties located within the EDH-1 zoning district, a 50 foot wide buffer is required.

(5) Limited breaks in required interstate highway buffers may be allowed in accordance with Section 6.6.5(5).

(6) Buffers may consist of existing wooded areas. If existing vegetation is not sufficient for screening, a planted buffer shall be augmented and interspersed, consisting of 50-75% evergreen trees reaching a minimum mature height of 30-feet.

(7) In lieu of the Land Use Buffers required in Section 6.8.6, buffers between adjacent land uses, whether internal or external to the project, shall be provided in accordance with the Land Use Buffer Schedule that follows.

(8) Trees with a caliper of six inches or greater should be considered for preservation.

(9) No grading for building or parking shall encroach upon required buffer.

(10) Landscape buffer widths may be reduced if the buffer material is adequate to provide additional screening.

(11) Decorative walls may be used to augment required landscaping for buffer reduction.

(12) Access and utility crossings are to be made as close to perpendicular as possible to the length of the buffer.

(13) No land disturbances for buildings, parking, or storage, drainage, etc. are permitted within a required buffer.

TABLE 6.8.12.C: LAND USE BUFFER SCHEDULE

A WHEN THIS LAND USE IS BEING DEVELOPED AND…	B ABUTS THIS EXISTING LAND USE… NOTE: "ABUTTING LAND USES INCLUDE THOSE ACROSS A STREET (OTHER THAN AN INTERSTATE HIGHWAY) FROM A PROPOSED DEVELOPMENT	"A" PROVIDES A BUFFER WIDTH OF …. NEXT TO "B"
Residential, all types	Residential, all types	N/A
	Finance	20
	Government, Information, Recreation, Retail, Services, Non-Residential Use/Reuse of Historic Buildings	30
	Other (all other Use Types in Section 5.2.2)	50
	Interstate Highway (See also Section 6.6.3)	100
	Arterial Road	30
	Collector Road	20
	Railroad	40
	Transmission Lines	40
	Undeveloped Parcel	20
Finance	Residential, all types	20
	Finance	20
	Government, Information, Recreation, Retail, Services, Non-Residential Use/Reuse of Historic Buildings	20
	Other (all other Use Types in Section 5.2.2)	N/A
	Interstate Highway (See also Section 6.6.3)	100
	Arterial Road	20
	Collector Road	20
	Railroad	20
	Transmission Lines	20
	Undeveloped Parcel	20
Government, Information, Recreation, Retail, Services, Non-Residential Use/Reuse of Historic Buildings	Residential, all types	30
	Finance	20
	Government, Information, Recreation, Retail, Services, Non-Residential Use/Reuse of Historic Buildings	20
	Other (all other Use Types in Section 5.2.2)	N/A
	Interstate Highway (See also Section 6.6.3)	100
	Arterial Road	20
	Collector Road	20
	Railroad	20
	Transmission Lines	20
	Undeveloped Parcel	20
Other (all other Use Types in Section 5.2.2)	Residential, all types	40
	Finance	20
	Government, Information, Recreation, Retail, Services, Non-Residential Use/Reuse of Historic Buildings	40
	Other (all other Use Types in Section 5.2.2)	N/A
	Interstate Highway (See also Section 6.6.3)	100
	Arterial Road	20
	Collector Road	20
	Railroad	20
	Transmission Lines	20
	Undeveloped Parcel	20

TABLE 6.8.12.C: LAND USE BUFFER SCHEDULE		
A WHEN THIS LAND USE IS BEING DEVELOPED AND…	B ABUTS THIS EXISTING LAND USE… NOTE: "ABUTTING LAND USES INCLUDE THOSE ACROSS A STREET (OTHER THAN AN INTERSTATE HIGHWAY) FROM A PROPOSED DEVELOPMENT	"A" PROVIDES A BUFFER WIDTH OF …. NEXT TO "B"
Note: See Article 10 for the definition of "Transmission Lines."		

(D) Landscaped Parking Areas

In addition to the requirements contained in Section 6.8.7(D), projects in Economic Development Districts shall require the following:

(1) A continuous poured-in-place concrete curb shall be provided around landscape islands.

(2) Where vehicles will extend over landscape islands, such islands shall be increased two and one-half feet in depth by decreasing the length of the parking stall the same distance.

(3) When grading a site for parking purposes, runoff from parking areas must be infiltrated through grass lined swales or porous-fill retention areas rather than directing the flow to natural wetlands.

(4) Pedestrian ways are to be buffered with intermediate landscape between sidewalks and right-of-way travel lane.

(5) Hillsborough EDD

(a) When parking lots abut a public or private right-of-way or easement, a 35-foot landscape area is required, except as otherwise specified.

(b) Landscaping islands having a minimum area of 1000 sq. ft. (vary by size tree) shall be provided at a minimum interval of every ten parking spaces and at the ends of all rows of parking.

(E) Plant Materials

In addition to the requirements contained in Section 6.8.5, projects in Economic Development Districts shall require the following:

(1) All areas not paved or built upon shall be landscaped with trees, shrubs, and lawns.

(2) Large uninterrupted areas of gravel or bark mulch or bare soil are prohibited.

(3) Whenever possible, existing vegetation shall be preserved.

(4) If existing vegetation is not preserved, no fewer than the number of trees per acre specified in the section, "Plant Size and Distribution," shall be planted, not counting trees planted in parking lot islands smaller than 500 square feet.

(a) "Large" trees are those referred to as "Canopy Trees" and/or "Evergreen Trees" in Section 6.8.5.

(b) "Small" trees are those referred to as "Deciduous Understory Trees" and/or "Evergreen Understory Trees" in Section 6.8.5.

(5) All irrigation systems are to be below ground, fully automated systems in compliance with all applicable building code requirements.

(6) All backflow control devices are to be located or screened so that they are not visible from streets, parking lot or pedestrian areas.

(7) Along utility rights-of-way, planting must not disrupt service or access to overhead or underground equipment.

TABLE 6.8.12.E.1: HILLSBOROUGH EDD PLANT SIZE & DISTRIBUTION

THE NUMBER AND DISTRIBUTION OF TREES WHICH MUST BE PLANTED, BY SIZE, IS AS FOLLOWS

USE CATEGORY	TREES PER ACRE OF UNOBSTRUCTED OPEN SPACE		PERCENT OF DISTRIBUTION OF TREES	
	LARGE	SMALL	LARGE	SMALL
Residential: • Single-family, Two-family • Multi-family	 N/A N/A	 N/A N/A	 N/A N/A	 N/A N/A
Accommodations & Food Service	39	15	70%	30%
Administrative & Support Services	24	52	30%	70%
Arts, Entertainment & Recreation	51	23	70%	30%
Construction	51	23	70%	30%
Educational Services	24	52	30%	70%
Finance & Insurance	24	52	30%	70%
Health Care & Social Assistance	24	52	30%	70%
Information	24	52	30%	70%
Management of Companies & Enterprises	51	23	70%	30%
Profession, Scientific & Technical Services	51	23	70%	30%
Public Administration	24	52	30%	70%
Real Estate, Rental & Leasing	51	23	70%	30%
Retail Trade	39	15	70%	30%
Transportation & Warehousing	64	26	70%	30%
Utilities	20	10	70%	30%
Wholesale Trade	64	26	70%	30%

"Unobstructed Open Space " includes all areas not covered by buildings, parking lots, driveways, sidewalks, and other impervious surfaces. Parking lot islands may be counted as unobstructed open space if they are at least 500 square feet in area.

TABLE 6.8.12.E.2: BUCKHORN AND ENO EDD PLANT SIZE AND DISTRIBUTION

USE CATEGORY	TREES PER ACRE OF UNOBSTRUCTED OPEN SPACE		PERCENT OF DISTRIBUTION OF TREES	
	LARGE	SMALL	LARGE	SMALL
Industrial	20	10	70%	30%
Distribution	64	26	70%	30%
Flex Space	23	20	55%	45%
Office	51	23	70%	30%
Retail	39	15	70%	30%
Service	24	52	30%	70%

"Unobstructed open space" includes all areas not covered by buildings, parking lots, driveways, sidewalks, and other impervious surface. Parking lot islands may be counted as unobstructed open space if they are at least 500 square feet in area.

SECTION 6.9: PARKING, LOADING & CIRCULATION

6.9.1 Purpose & Intent

The purpose of this Section is to promote the public health, safety and welfare, as well as to improve the quality of the built environment for Orange County by establishing suitable standards for motorized vehicle parking and loading areas that are appropriate for the varying urban and rural forms.

6.9.2 Applicability

No Building Permit, Zoning Compliance Permit or Certificate of Occupancy shall be issued for uses of land, structures, and buildings, either initially or for a change in use or expansion of an existing use, unless the off-street parking and loading requirements of this Section are met.

6.9.3 Prohibited Within Special Flood Hazard Areas

Off-street parking and loading facilities are prohibited within Special Flood Hazard Areas.

6.9.4 Use of Required Parking and Loading Spaces

(A) Required parking and loading spaces shall not be used for the storage or sale of merchandise, vehicle storage, vehicles for sale, or vehicle repair. Non-required spaces proposed for these uses shall be designated on an approved site plan.

(B) Any area designated for required off-street parking and loading shall not be changed to another use until other parking and loading facilities in conformance with this section are established elsewhere to serve the site.

6.9.5 Expansion and Increased Intensity of Existing Use

(A) Whenever there is an increase in the number of dwelling units, the number of employees, the seating capacity, the floor area, or other applicable unit of measurement for determining the number of parking and loading spaces required on site, and the increase will result in the need for additional parking spaces, such additional spaces shall be provided in accordance with the following and Section 6.9.7 of this Ordinance:

(1) If an existing use, building, or structure is increased by 50% or less, additional parking and/or loading spaces shall be provided for the addition, in accordance with the requirements of this Section.

(2) If a use, building, or structure having inadequate parking and/or loading spaces is increased by greater than 50%, additional parking and/or loading spaces shall be provided to bring the entire development site into compliance with the requirements of this Section.

(B) For purposes of this Sub-Section, the expansion or increased intensity shall be determined based on the current building size and use, and may not be calculated independently for each separate expansion or intensification.

6.9.6 Change of Use

Additional off-street parking spaces will be required to accommodate a change of use of a structure or parcel of land only when the new use requires 25% or more parking spaces than the previous use or 25 or more additional spaces.

6.9.7 Off-Street Parking Requirements

Each use shall provide off-street parking in accordance with the following standards:

TABLE 6.9.7: OFF-STREET PARKING REQUIREMENTS	
USE	**MINIMUM PARKING REQUIREMENTS**
AGRICULTURAL USES	
Agricultural Processing Facility	One space per employee plus one space per 200 square feet of any accessory retail sales area
Agricultural Processing Facility, Community	One space per employee plus one space per 200 square feet of any accessory retail sales area
Agricultural Service Uses	One space per 400 square feet of gross floor area
Cold Storage Facility	One space per employee
Community Farmers' Market	One space per 200 square feet of gross floor/selling area or a minimum of five spaces, whichever is greater
Composting Operation	One space per employee
Cooperative Farm Stand	One space per 200 square feet of gross floor/selling area or a minimum of five spaces, whichever is greater
Equestrian Center	One space per horse stall plus one space per employee plus one space per 4 spectator seats
Farm Equipment Rental, & Sales and Service	One space per 400 square feet of gross floor area
Farm Supply Store	One space per 300 square feet of gross floor area
Feed Mill	One space per employee on shift of maximum employment
Greenhouses with On Premises Sales	One space per 400 square feet of gross floor area
Meat Processing Facility	One space per employee
Stables, Commercial	One space per three horses (or other equine) kept on site
Stockyards / Livestock Markets	One space per employee plus one space per 4 spectator seats OR one space per employee plus one space per 50 square feet of event area, whichever is greater
CHILD CARE AND EDUCATIONAL FACILITIES	
Child Care Facilities	One space per staff member and one space per five children
Daycare Center in a Residence	One space per staff member and one space per five children
Schools: Elementary, Middle & Secondary	One space per staff member One space per staff member and One space per four students
Schools: Vocational	One space per two students
Schools: Dance, Art & Music	One space per four students
Universities, Colleges and Institutes	One space per three students at design capacity of building(s)
Libraries	One space per four seats
COMMERCIAL USES	
Adult Uses	One space per 200 square feet of gross floor area
Banks & Financial Institutions	One space per 200 square feet of gross floor area; plus five stacking spaces per drive-in window
Beauty & Barber Shops	One space per 200 square feet
Country Store	One space per 300 square feet of gross floor area
Drive-In Theaters	no requirement
Funeral Homes	One space per four seats
Garden Center with On Premise Sales	One space per 300 square feet of gross floor area
Hotels, Motels, Motor Lodges	One space per lodging unit, plus one space per employee
Junkyards	One space per employee on shift of maximum employment
Kennels/Riding Stables	One space per four pens or stalls
Laundry & Dry Cleaning Services	One space per 300 square feet of gross floor area

TABLE 6.9.7: OFF-STREET PARKING REQUIREMENTS	
USE	**MINIMUM PARKING REQUIREMENTS**
Metal Fabrication Shop	One space per employee
Microbrewery with Minor Events	One space per employee plus one space per 300 square feet of retail space one space per 50 square feet of event area
Microbrewery with Major Events	One space per employee plus one space per 300 square feet of retail space one space per 50 square feet of event area
Night Clubs, Bars, Pubs	One space per four seats
Offices and Personal Services, Class 1	One space per 300 square feet of gross floor area
Offices and Personal Services, Class 2	One space per 300 square feet of gross floor area
Offices and Personal Services, Class 3	One space per 300 square feet of gross floor area
Repair Services: Electronic & Appliance	One space per 300 square feet of gross floor area
Restaurants: Carry Out	15 spaces plus one space per 50 square feet of gross floor area
Restaurants: Drive-In	15 spaces, plus one space per 50 square feet of gross floor area
Restaurants: General	One space per four seats or one space for every 50 feet of floor area for public use, whichever is greater
Retail trade, Class 1	One space per 300 square feet of gross floor area
Retail trade, Class 2	One space per 300 square feet of gross floor area
Retail trade, Class 3	One space per 200 square feet of gross floor area
Rural Guest Establishments: Bed & Breakfast	One space per guest room, plus one space per employee, plus two spaces for the residence
Rural Guest Establishments: Bed & Breakfast Inn	One space per guest room, plus one space per employee, plus two spaces for the residence
Rural Guest Establishments: Country Inn	One space per guest room, plus one space per employee, plus one space for every four seats in the restaurant, plus two spaces for the residence (if applicable)
Storage & Warehouse: Inside Building	One space per employee
Storage of Goods: Outdoor	One space per employee
Taxidermy	One space per 400 square feet of gross floor area
Tourist Home	One space per lodging unit
Wholesale Sales	One space per employee on shift of maximum employment
Winery with Minor Events	One space per employee plus one space per 300 square feet of retail space one space per 50 square feet of event area
Winery with Major Events	One space per employee plus one space per 300 square feet of retail space one space per 50 square feet of event area
EXTRACTIVE USES	
Extraction of Earth Products	no requirement
GOVERNMENTAL USE	
Governmental Protective Services	One space per employee on the shift of maximum employment
Police and Fire Stations	no requirement
Military Installations (National Guard & Reserve Armory)	no requirement
MANUFACTURING, ASSEMBLY & PROCESSING	
Industrial, Light	One space per employee on the shift of maximum employment
Industrial, Medium	One space per employee on the shift of maximum employment
Industrial, Heavy	One space per employee on the shift of maximum employment
Metal Fabrication Shop	One space per employee
Microbrewery, production only	One space per employee

TABLE 6.9.7: OFF-STREET PARKING REQUIREMENTS	
USE	**MINIMUM PARKING REQUIREMENTS**
Printing and Lithography	One space per employee
Sawmills	One space per employee
Winery, production only	One space per employee
MEDICAL USES	
Health Services; Under 10,000 Square Feet	One space per 300 square feet of gross floor area
Health Services; Over 10,000 Square Feet	One space per 200 square feet of gross floor area
Hospitals	One space per 4 four beds
Veterinary Clinic	One space per employee plus one space per 300 square feet of gross floor area
Veterinary Clinic, mobile	One space per employee
Veterinary Hospitals	One space per 200 square feet of gross floor area
RECREATIONAL USES	
Amusement Areas	One space per 50 square feet
Athletic Field	Ten spaces per field
Basketball Court	Five spaces per court
Billiard or Pool Hall	Two spaces per table
Botanical Gardens & Arboretums	Two spaces per acre
Bowling Establishment	Three spaces per lane
Camp / Retreat Center	Five spaces for first two acres of recreation space and one space for each additional acre thereafter
Golf Courses	Two spaces per tee
Guest Ranch	One space per guest room, plus one space per employee. Additional parking may be required based on facilities and uses proposed.
Health Exercise Facility	One space per 50 square feet
Pitch and Putt Courses	Two spaces per tee
Shooting Ranges	One space per target area
Skating Rink	One space per 200 square feet
Subdivisions - Private Recreational Facilities Dedicated Recreational Land	Five off-street parking spaces for first two acres of each recreational site plus one space for each additional acre thereafter
Swimming Pool	One space for every five patrons, based on maximum design capacity
Soccer Fields, Ball Fields	Eight spaces per acre
Tennis, Handball, Racquet Ball Courts	Two spaces per court
Basketball Courts	Five spaces per court
Picnic Shelter Area	One space for every ten patrons, based on maximum design capacity
Swimming Pool	One space per 140 square feet
Tennis, squash, Handball or Racquet Ball Court	Two spaces for every court
RESIDENTIAL USES	
Dwelling, Multi-family: Efficiency One bedroom Two bedroom	 One space per dwelling unit One and one-half space per dwelling unit Two spaces per dwelling unit
Dwelling, Single Family	One space per dwelling unit

TABLE 6.9.7: OFF-STREET PARKING REQUIREMENTS	
USE	**MINIMUM PARKING REQUIREMENTS**
Dwelling, Two Family	One space per dwelling unit
Family Care Facilities	One space per three residents; One space per employee on the shift of maximum employment
Group Care Facilities	One space per two beds; One space per employee on shift of the maximum employment
Membership Lodges (Sororities and fraternities)	One space per lodging resident member
Mobile Homes	One space per unit
Rehabilitative Care Facility	One space per two beds; One space per staff member
Rooming House	One space per lodging unit
TEMPORARY USES	
Buildings; Portable	See appropriate uses
TRANSPORTATION	
Bus Passenger Shelters	no requirement
Bus Terminals and Garages	no requirement
Motor Freight Terminals	One space per employee
Motor Vehicle Maintenance & Repair (Body Shop)	One space per each service bay and mechanic
Motor Vehicle Sales Rental (New and Used)	One space per 400 square feet of gross floor area
Motor Vehicles Service Stations	One space per each service bay and mechanic
Parking as Principle Use Surface or Structure	no requirement
Petroleum Products: Storage and Distribution	One space per employee
Postal and Parcel Delivery Services	One space per employee on shift of maximum employment and one space per 800 square feet of gross floor area
UTILITIES	
Public Utility Stations & Substations, Pumping Stations, Switching Stations, Telephone Exchanges	no requirement
Radio & Television Transmitting & Receiving Towers, Water Treatment & Sanitary Sewage Treatment Plants, Elevated Water Storage Tanks	no requirement
Transmission Lines	no requirement
WASTE MANAGEMENT	
Landfills (2 acres or more)	no requirement
Waste Management Facility, Hazardous and Toxic	One space per employee on shift of maximum employment
MISCELLANEOUS	
Airport General Aviation	One space per four air vehicles
Assembly Facility Greater than 300	One space per two seats
Assembly Facility Less than 300	One space per two seats
Cemetery	no requirement
Church	One space per four seats
Clubs or Lodges, Social	One space per three members
Community Center	One space per 400 square feet of gross floor area

TABLE 6.9.7: OFF-STREET PARKING REQUIREMENTS	
USE	**MINIMUM PARKING REQUIREMENTS**
Crematoria	One space per employee
Research Facility	One space per employee
Research Lands & Installations , Non-Profit	no requirement
Rural Heritage Museum	One space per 400 square feet of gross floor area
Rural Special Events	One space per employee plus one space for 50 square feet of event area

6.9.8 Determination For Unlisted Uses

The Planning Director shall make a determination of the minimum required off-street parking spaces for uses not specifically listed in this Section. In reaching the determination, the Planning Director may consider the following:

(1) Requirements for similar uses,

(2) The number and kind of vehicles likely to be attracted to the proposed use, and

(3) Studies of the parking requirements of such uses in other jurisdictions.

6.9.9 Fractional Results

When the number of parking spaces required by this Section results in a fractional space, any fraction of less than one-half may be disregarded; a fraction of one-half or more shall be counted as one parking space.

6.9.10 Off-Street Parking Design Standards

(A) Standard Parking Spaces

(1) Each parking space shall have a minimum area of 180 square feet and have a minimum width of 9 feet.

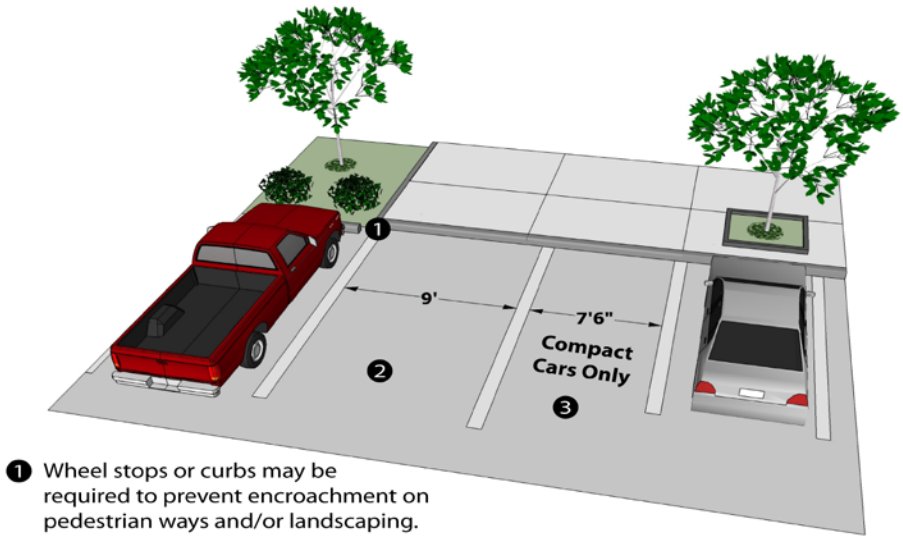
(2) Wheel stops or curbs may be required to prevent encroachment on pedestrian ways and/or landscaping.

(A) Compact Spaces

(1) Each parking space shall have a minimum area of 112.5 square feet and minimum width of 7 feet 6 inches.

(2) Where there are lots designed to accommodate more than ten vehicles, up to 25% of the spaces may be designated for use by compact cars only and marked accordingly.

Figure 6.9.10.A: Standard and Compact Parking Spaces



❶ Wheel stops or curbs may be required to prevent encroachment on pedestrian ways and/or landscaping.

❷ Parking spaces shall have a minimum of 180 square feet and a minimum width of 9 feet.

❸ Compact spaces shall have a minimum width of 7 feet 6 inches.

(B) Parallel Parking

(1) Parallel parking spaces shall be increased by five feet in length for both standard and compact parking spaces.

(C) Handicapped Accessible Parking

(1) The number of handicapped accessible parking spaces required onsite shall be in accordance with State and/or Federal standards.

(2) All off-street handicapped accessible parking spaces shall be designed and constructed in accordance with all applicable State and Federal requirements.

(3) All handicapped accessible parking spaces shall be signed or otherwise marked in accordance with all applicable State and local requirements.

(4) All handicapped accessible parking spaces shall be located in the parking area closest to the public entrance to the building in accordance with State and Federal requirements.

(5) Curb cuts or ramps shall be provided adjacent to each space for access to pedestrian ways.

(D) Drive Aisles

(1) Drive aisles shall be designed and constructed in accordance with the following standards:

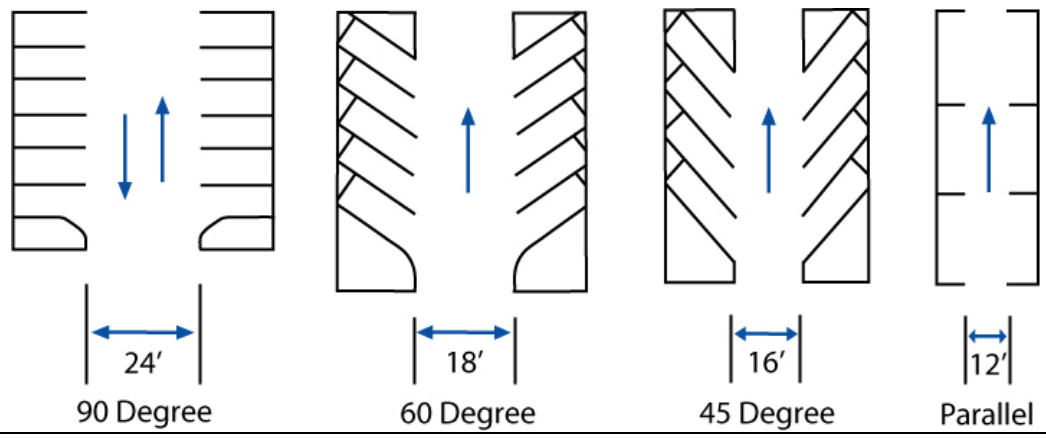
(a) Aisles shall not be less than 24 feet wide for 90 degree parking,

(b) Aisles shall not be less than 18 feet wide for 60 degree parking,

(c) Aisles shall not be less than 16 feet wide for 45 degree parking, and

(d) Aisles shall not be less than 12 feet wide for parallel parking.

Figure 6.9.10.E: Drive Aisles



(2) The angle shall be measured between the centerline of the drive aisle and the centerline of the parking space.

(3) Parking is prohibited in the drive aisles.

(E) General Standards

(1) Except where there is attendant parking or for single-family dwellings, each parking space shall be so arranged that any vehicle may be parked and moved without moving another.

(2) Off-street parking areas shall be designed so that no parking spaces, drive aisles, or vehicle turnarounds are located within adjacent right-of-way.

(3) All parking spaces and maneuvering space, except for single-family dwellings, shall be surfaced with an all-weather paving material, such as asphalt or concrete, and maintained in a safe, sanitary and neat condition. Gravel parking areas may be permitted with the approval of the DAC.

(4) Nonresidential parking spaces and multifamily parking spaces shall be striped on pavement or designated with some other form of permanent marking.

(5) All off-street parking lots shall be equipped with a surface drainage system designed and constructed in accordance with Section 6.14 and approved by Orange County.

(6) Vehicles parked in off-street spaces shall be prevented from encroaching on travel lanes, pedestrian ways, landscaping, or adjacent property by means of curbs, wheel stops or other appropriate means.

(7) Ingress and egress to parking lots shall conform to the design standards of the North Carolina Department of Transportation.

(8) Automobile turn arounds are required for single-family residential lots abutting an arterial or collector street roadway so that motor vehicles do not have to back onto into a public right-of-way.

(F) Additional Standards for Economic Development Districts

In addition to the other standards established in this Section, the following shall apply within the Economic Development Districts:

(1) General Standards

(a) The site must be a self-contained development capable of accommodating its own parking needs, except if shared parking is provided, as per (h) below.

(b) It is preferable to place off-street parking to the side or rear of structures and away from streets and highways.

(c) If the parking area accommodates a significant number of vehicles, it must be divided into a series of connected smaller lots not to exceed 75 cars separated by major landscape buffers.

(d) Parking lots adjacent to and visible from streets must be adequately screened from view through the use of rolling earth berms, low screen walls, changes in elevations, landscaping or combinations thereof.

(e) For a lot facing two streets (corner lot), do not locate parking at the corner facing the intersection.

(f) Visitor drop-off zones and parking must be provided near visitor entrances, and all-day parking must be separated from visitor and front entrance traffic.

(g) Parking areas must be separated from structures by either a raised concrete walkway or landscaped strip, preferably both.

(h) Where hours are compatible, shared parking is encouraged.

(2) Entrances and Exits

(a) Intra-site accessibility shall be provided. Vehicles must not be required to enter the street in order to move from one area to another on the same site.

(b) Entrances and exits must be restricted to side streets rather than providing direct access to arterial and collector roads.

(c) Access points shall be located as far as possible from street intersections so that adequate stacking room is provided.

(d) All access points shall be clearly marked with appropriate directional signage.

(e) On public roads, access points are subject to review and approval by the NC Department of Transportation.

(f) Entrance and exit points shall be limited to one per street frontage. More than one access point may be permitted if justified by site configuration, trip generation, and traffic conditions, including the need for separate service and visitor/employee vehicular access, and/or one-way traffic movement.

(3) Pedestrian / Vehicular Conflicts

(a) Separate vehicular and pedestrian circulation systems shall be provided.

(b) Pedestrian linkages between uses in office, service, and retail areas shall be emphasized, including distinct pedestrian access between adjacent sites with sidewalks and crosswalks, and appropriate lighting and landscaping.

(c) The parking area shall be designed in a manner that links the structures to the street sidewalk system as an extension of the pedestrian environment.

(d) Parking areas must be designed so that pedestrians walk parallel to moving cars.

(e) All parking spaces shall be visible from the interior of the structures, especially entrances.

(f) Parking areas and pedestrian walkways shall be visible from structures to the greatest degree possible, and clear, well illuminated paths must be provided from parking areas to the street and building entrance.

(4) Parking Structures

(a) Where parking structures are used, exterior design must be compatible with the architecture of the principal building.

(b) Parking structures must be designed in relation to topography to help reduce their visibility.

(c) Screening at the perimeter of a parking structure must be provided so that automobiles are screened up to a height of three-feet.

(5) Required Improvements

(a) All parking and loading spaces, and vehicular circulation areas must be paved with asphalt or concrete, and provided with continuous concrete curb and gutter.

(b) In addition, all parking and loading spaces must be designated by painted lines, and

(c) Driveways entering onto public streets are subject to review and approval by the NC Department of Transportation and must be constructed in accordance with N.C. Department of Transportation standards for urban situations.

6.9.11 Joint Parking Facilities

The required parking for separate projects may be located on one lot, subject to the following requirements:

(A) The spaces allotted to each use must be shown on the application for a Zoning Compliance Permit;

(B) The distance from the farthest allotted space to the main entrance of the structure housing the use to which it is assigned shall not be more than 400 feet;

(C) Spaces assigned to one use may not be assigned to another use at the same time. However, for uses which will experience peak usage at other times shared parking may be permitted. The Planning Director shall evaluate documentation of peak hours of uses provided by the applicant and may permit a reduction in required on-site parking up to 20%.

(D) Cross easements of record shall be executed to insure the continued availability of the parking to the use(s) it serves.

6.9.12 Satellite Parking

(A) If the number of off-street parking spaces required by this Section cannot reasonably be provided on the same lot where the principal use is located, then parking spaces may be provided on adjacent or nearby lots in accordance with the provisions of this section. These off-site spaces are referred to in this section as satellite parking spaces.

(B) All satellite parking spaces must be located within 400 feet of a public entrance of the building housing the use associated with the parking, or within 400 feet of the lot on which the use is located, if the use is not housed within a building.

(C) An applicant wanting to utilize satellite parking spaces must present satisfactory written evidence that he or she has the permission of the owner of the satellite parking spaces, or the owner's designee, to use such spaces and the use of such spaces will not conflict with the use of the spaces by others. Access agreements shall be executed to insure the continued availability of the parking to the use it serves.

(D) The applicant shall sign an acknowledgment that the continuing validity of the permit depends upon the person's continuing ability to provide the requisite number of parking spaces.

(E) Persons who utilize satellite parking spaces in accordance with the provisions of this section shall be responsible for insuring that the satellite parking areas utilized are consistent with the design requirements of this Section.

6.9.13 Off-Street Loading Requirements

(A) General Requirements

(1) Every non-residential structure shall provide space for off-street loading and unloading of vehicles in accordance with this Section.

(2) Space allocated to any off-street loading space, accessory drives, or aisles, shall not be used to satisfy the space requirements for any off-street parking or trash handling facilities.

(3) No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any district.

(B) Minimum Off-Street Loading Spaces

Each use shall comply with the following minimum off-street loading requirements:

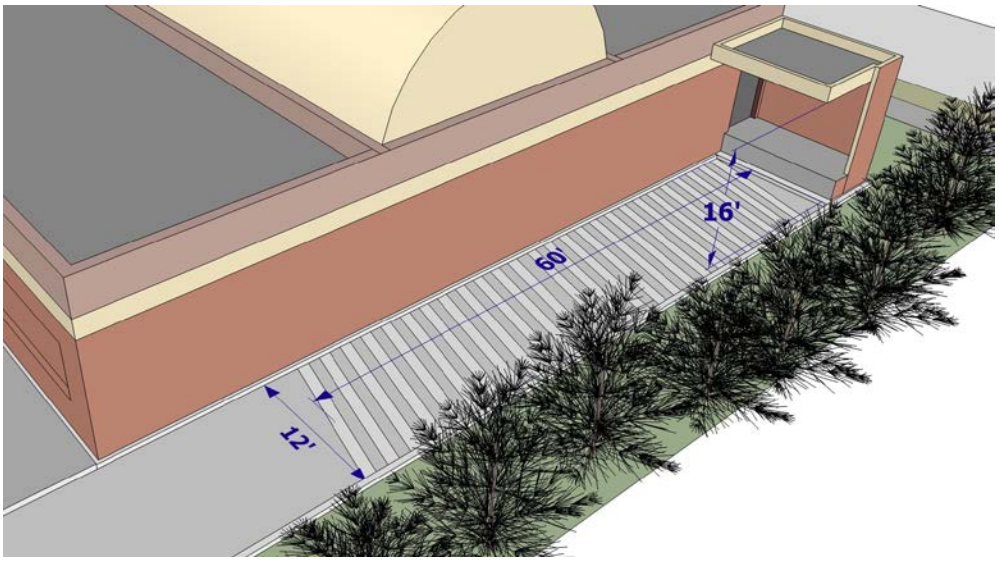
TABLE 6.9.13.B: MINIMUM OFF-STREET LOADING SPACE REQUIREMENTS

USE	MINIMUM LOADING REQUIREMENTS
Retail	One space for each 5,000square feet of floor space not to exceed three spaces
Wholesale, Industrial Use	One space for each 10,000 square feet of floor space not to exceed three spaces

6.9.14 Off-Street Loading Design Standards

(A) All off-street loading spaces, shall have a minimum width of 12 feet, a minimum depth of 60 feet and have a vertical clearance of 16 feet above finished grade.

Figure 6.9.14:Off-Street Loading Dimensional Standards



(B) Off-street loading spaces shall be so located outside of the right-of-way and positioned so that a semi-trailer shall be able to use it without undue maneuvering.

(C) Loading areas shall be located at the side or rear of a structure and screened from view from adjacent rights-of-way and single-family residential properties.

(D) Permanent wheel stops or curbing shall be provided to prevent any vehicle using the loading area from encroachment on the required street yards, side yards, or adjacent property.

(E) In no case shall a loading space hinder the movement of traffic or pedestrians.

(F) All off-street loading areas shall be surfaced with an all-weather material such as concrete or asphalt, designed to carry the heaviest vehicle loads that can commonly be expected. Consideration should be given to the weight of fire and sanitation equipment as well as delivery vehicles. Gravel loading areas may be permitted with the approval of the DAC.

SECTION 6.10: ROADWAY IMPROVEMENTS & MULTI-MODAL TRANSPORTATION

(A) Economic Development Districts

The following standards shall apply within the Economic Development Districts:

(1) Roadway Design/Improvement

(a) Whether improvements are required or not, adequate right-of-way must be dedicated to accommodate the projected right-of-way requirements as identified in adopted thoroughfare plans. New development must provide building setbacks as required in this Ordinance, from the proposed (new) right-of-way.

(b) As required in Section 2.5.3, compliance with adopted access management and connectivity plans is required.

(c) Roadways and/or signalized intersections must be designed to maintain adequate service levels and assure user safety.

(d) Highway design and siting must respond to present and projected capacity/volume deficiencies as identified in the Traffic Impact Study, if required.

(e) New collector and local streets, serving residential or commercial development, must meet the specifications and standards contained in Section 7.8 of this Ordinance and/or NCDOT Construction Standards for streets with curb and gutter section.

(f) On-street parking is not permitted on collector streets which will intersect with existing thoroughfares proposed as bicycle routes in the Regional Bicycle Plan.

(g) In lieu of on-street parking, four-foot bike lanes must be delineated on each side (curb) of the street.

(2) Pedestrian Circulation

(a) Walkways or sidewalks must be provided along all new collector and arterial streets.

(b) A minimum four-foot wide planting strip between sidewalk and curb shall be provided.

(c) In all cases, public sidewalks, and walkways on private property, must be at least four feet in width and clearly marked with paint or a contrasting surface material.

(d) In addition, barrier-free design must be incorporated into sidewalk and walkway systems for use by the handicapped.

(e) Buildings must be sited in ways which make their entries or intended use clear to approaching users and visitors. Clear pedestrian entries from the street and not just from adjacent parking areas are to be provided.

(f) Locate parking areas to the side or rear of buildings and relate building facades to the street, public sidewalks, and transit stops.

(g) In the area between the public realm of the street and the private realm of the residential complex or commercial building, provide a transition consisting of a well landscaped front yard, a low fence or wall, a recessed entry, a courtyard, or other device that promotes privacy but visibility from the street.

(3) Bicycle Circulation

(a) Development projects which abut a proposed bicycle route must make provision for bicycle parking/storage as part of the comprehensive site development plan.

(b) In addition, such facilities are to be provided in conjunction with designated transit stops.

(c) Bicycle parking and storage facilities, as well as the installation and/or delineation of bike lanes must be done in accordance with the standards contained in The Regional Bicycle Plan - Durham and Orange Counties North Carolina Bicycle Facilities Planning and Design Criteria.

(d) In each instance where bicycle parking/storage is provided, the number of bicycles for which space is provided must be appropriate to the location and expected clientele. Where such facilities are provided, safe and sheltered parking and storage is to be provided as close and convenient to building entrances as vehicular parking.

SECTION 6.11: OUTDOOR LIGHTING

6.11.1 Purpose and Intent

The purpose of outdoor lighting standards is to balance the public safety need for outdoor lighting fixtures that are used to enhance lawful, permitted, nighttime use and enjoyment of property while at the same time promote nighttime vision, natural resource conservation, community values, and aesthetics by establishing standards for the designing, application, and use of outdoor lighting resources and fixtures.

Accordingly, the specific regulatory objectives of these standards are as follows:

(A) Promote nighttime visibility by directing appropriate levels of illumination upon intended targets

(B) Permit and promote the reasonable uses of outdoor lighting for nighttime safety, utility, security, productivity, enjoyment and commerce,

(C) Conserve energy and resources to the greatest extent possible,

(D) Minimize adverse offsite impacts generated by outdoor lighting including, but not limited to, light trespass and obtrusive lighting.

(E) Curtail and limit light pollution and preserve the nighttime environment by:

(1) Restoring the natural cycles of light and dark to the indigenous natural environment, and

(2) Darken the night sky by reducing unnecessary transmission of upward light both directly from an unshielded light source and indirectly from ground-level reflections of excess downward light.

6.11.2 Applicability

Except as described herein all outdoor lighting on public or private property, whether attached to structures, poles, the earth, or any other location including lighting installed by any third party, installed after the effective date of this Ordinance shall comply with these requirements including, but not limited to:

(A) Newly installed outdoor lighting fixtures..

(B) Replacement of existing outdoor lighting fixtures.

(C) Modifications to existing outdoor lighting fixtures in instances where additional structural or site improvements to a parcel of property result in added square footage of building area or an increase in parking on property greater than 25% of the existing building square footage or parking lot increase. This shall be a cumulative impact based on property as it existed on January 24, 2012 with respect to determining compliance with this provision.

(D) In the event of a conflict between the outdoor lighting standards contained herein and any other section of this Ordinance, the more stringent requirement shall apply.

6.11.3 Exemptions

The following are exempt from the provisions of the outdoor lighting standards contained herein, but shall be implemented in a manner consistent with the overall purpose and intent of this Section:

(A) Single-family and duplex residential development on individual lots with the exception of the installation of metal vapor luminaries, including mercury and sodium vapor luminaries, which are prohibited per Section 6.11.4.

(B) All outdoor lighting lawfully installed prior to the effective date of the outdoor lighting standards contained herein, except the replacement of mercury or sodium vapor luminaires. Mercury and sodium vapor luminaires must be replaced in conformity with the Outdoor Lighting Standards upon the earlier occurrence of the replacement of the fixture or the lamp.

(C) Any outdoor lighting, including mercury vapor, used for an individual single-family residence, where the residence is constructed as of the effective date of the outdoor lighting standards contained herein.

(D) Bona fide agricultural uses.

(E) Traffic control signals and devices.

(F) Temporary emergency lighting (i.e. fire, police, repair workers, highway maintenance and construction, etc.).

(G) Moving vehicle lights.

(H) Navigation lights (i.e. airports, heliports, radio/television towers, communication towers, etc.) as required by local, State, and Federal agencies for public safety purposes.

(I) Celebratory lighting for seasonal and holiday observances using typical unshielded low-wattage lights, which are in place no longer than 60 days generating no more than 150 lumens.

(J) Security lights that are controlled by a motion-sensor switch, which do not remain on longer than 12 minutes after activation, and do not exceed 1800 lumens per individual light fixture.

(K) Roadway lighting, installed as of the effective date of the outdoor lighting standards, as contained herein, within State maintained rights-of-way provided that the standards of Sections 6.11.5(B)(2)(h) and 6.11.6(H) are met, except for mercury vapor luminaires. Mercury vapor luminaires used for roadway lighting must be replaced in conformity with the outdoor lighting standards contained herein upon the earlier occurrence of the replacement of the fixture or the lamp.

(L) Temporary lighting for occasional or special events such as outdoor sporting contests, concerns, theater events, festivals, carnivals, social gatherings, celebrations, special promotions, or similar occasional events permitted in accordance with the provisions of this Ordinance.

6.11.4 Prohibitions

The following activities and/or use of lighting are specifically prohibited:

(A) The installation, use, repair, or replacement of a mercury and/or sodium vapor lighting fixture(s) generating 1200 lumens or more per individual bulb,

(B) The use of searchlights, beacons, laser source light or any similar high intensity light for outdoor advertising or entertainment,

(C) The operation of searchlights for advertising purposes or to draw attention to an event or activity is specifically prohibited. This shall not include the use of searchlights in temporary emergency situations,

(D) Electrical illumination of off-premise commercial signs,

(E) Lights that are flashing, pulsing, moving, rotating, flickering, or that change in intensity or color, with the exception of emergency lighting, and

(F) Fixtures that are designed to resemble traffic control or other similar public safety devices used for advertising or other similar purposes.

6.11.5 Lighting Plan

(A) Purpose and Intent

The overall scope and purpose of the lighting plan is to allow staff to work with the property owner to prevent excessive and unnecessary lighting on the property prior to installation of the proposed fixtures avoiding potential costly compliance remedies upon completion of the project.

(B) Submittal Requirements

(1) With the exception of single-family and duplex residential plot plan submittals, a lighting plan shall be submitted with site plan, MPD-CZ Master Plan or preliminary plat approval documents when outdoor lighting fixtures are proposed. Any development project proposing outdoor lighting shall not be permitted until the proposed lighting plan is approved in accordance with the provisions of this Ordinance.

(2) Lighting Plans shall comply with the following standards:

(a) Lighting plans shall be completed and sealed by a professional engineer and shall contain all required information as detailed herein,

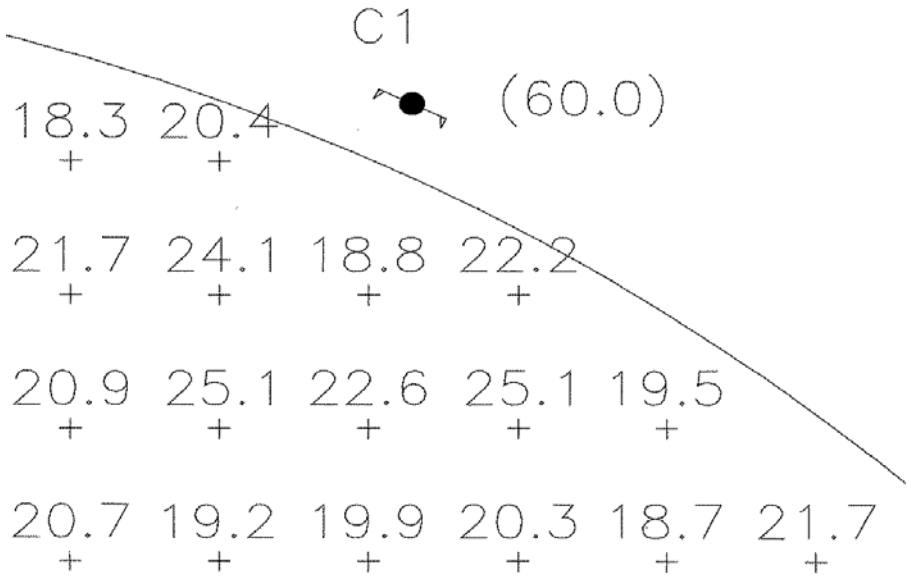
(b) Plans, drawn to a maximum scale of one inch equaling 40 feet, shall show the exact location, type, and height of all outdoor luminaries, existing and proposed, including building, pole and ground fixtures;

(c) The plan shall include a detailed description of the luminaries, including lamps, poles or other supports and shielding devices, which may be provided as catalogue illustrations and product specifications from the manufacturer. As part of this requirement, all lighting plans shall contain inset drawings of all proposed lighting fixtures including any directional controls (i.e. shields, reflectors, refractors, etc.) that will aim and limit the angle of illumination. The lighting detail shall also show the vertical angle of illumination for all proposed fixtures that will be used to determine the required shielding angle;

(d) A lighting plan shall delineate the horizontal position of all lighting fixtures proposed for a parcel of property; and

(e) Photometric data, such as that furnished by the manufacturer, showing the angle of light emission and lumen output shall be required. An example of a photometric plan is as follows:

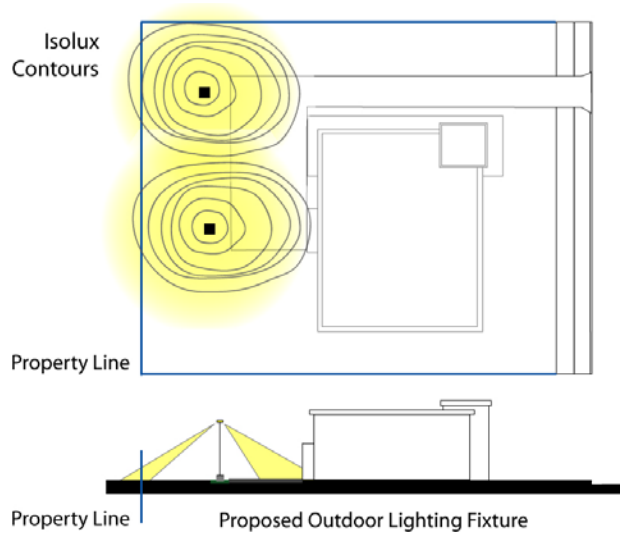
Figure 6.11.5.B.2.e: Lighting Plan Standards, Photometric Plan



In this example, the proposed light pole generates the specific lumen levels on the property. Staff will be responsible for utilizing this data to verify the compliance of the fixture within the provisions of this Ordinance.

(f) Foot-candle data shall also be required for all proposed outdoor lights. An example of the data necessary to comply with this requirement is as follows:

Figure 6.11.5.B.2.f: Lighting Plan Standards, Foot-candles



Along with location, type, and height of outdoor lighting fixtures, isolux contours must be provided to demonstrate foot-candle data. Staff will be responsible for utilizing this data to verify the compliance of the fixture within the provisions of the Ordinance.

(g) Additional information as may be required by the Planning Department in order to determine compliance with this Section.

(h) Roadway lighting installed on state maintained roads must meet ASSHTO requirements for light levels and uniformity. Roadway lighting submittal requirements can be obtained in the NCDOT publication titled "Policies and Procedures for Accommodating Utilities on Highway Rights-of-Way".

6.11.6 General Standards

(A) Urbanizing Areas

Within areas of the County designated as 'urbanizing', as delineated on the Growth Management Systems Map, or within Rural Community Activity Nodes, as delineated on the Orange County Land Use Element Map, the maximum light level permitted along common property lines shall be 0.5 foot-candles at any adjoining residential property line and/or 1.0 foot-candle at any adjoining non-residential property line.

(B) Rural Areas

Within areas of the County designated as 'rural', as delineated on the Growth Management Systems Map, or within Rural Neighborhood or Rural Industrial Nodes, as delineated on the Orange County Land Use Element Map, the maximum light level permitted along common property lines shall be 0.25 foot-candles at any adjoining residentially zoned property line and/or 0.5 foot-candle at any adjoining property line with a non-residential land use.

(C) Floodlights

(1) All floodlights shall be installed such that the fixture shall be aimed down at least 45 degrees from vertical.

(2) Any facilities that require floodlighting may not arrange the light in such a way that it produces light trespass onto adjacent residential property or into the night sky.

(3) All flood lamps emitting greater than 1,200 lumens shall be aimed at least 60 degrees down from the horizontal, or shielded such that the bulb is not visible from adjacent properties or the public street right-of-way.

(D) All wall pack fixtures shall be full cutoff fixtures.

(E) All lights shall be shielded in such a way as to direct light towards the Earth's surface and away from reflective surfaces, except as expressly exempted from the provisions of these regulations.

(F) Temporary Outdoor Lighting

(1) Any temporary outdoor lighting that conforms to the requirements of this Section shall be permitted.

(2) Nonconforming temporary outdoor lighting may be permitted by the Planning Director after considering the following:

(a) The public and/or private benefits that will result from the temporary lighting,

(b) Any annoyance or safety problems that may result from the use of the temporary lighting, and

(c) The duration of the temporary nonconforming lighting.

(G) Subdivisions

(1) If any subdivision proposes street lights or other common or public area outdoor lighting, the final plat shall contain a statement certifying that the applicable provisions of the outdoor lighting standards as contained in this Section will be adhered to.

(2) The required Lighting Plan and associated documents shall be submitted and approved by the Planning Department prior to installation of any regulated lighting.

(H) If any street will be taken over by NCDOT for maintenance, roadway lighting must meet AASHTO requirements, and must be installed and maintained according to the NCDOT publication titled "Policies and Procedures for Accommodating Utilities on Highway Rights-of-way".

(I) Upward flagpole lighting is permitted for national and state flags provided that the maximum lumen output is 1000 lumens per flagpole.

(J) Any interior-lighted signs may not be lit at night when the face of the sign is removed or damaged in such a way that the light may distract drivers or adjacent property owners.

(K) All outdoor lighting, with the exception of wall mounted security lighting, for non-residential uses shall be extinguished within 30 minutes from the close of business, as determined by the posted hours of operation, unless otherwise detailed herein. This shall not include security/motion sensor lighting designed to turn on when sensors detect movement and automatically turn off after 12 minutes.

6.11.7 Specific Standards

(A) Lighting in Parking Lots and Outdoor Areas

In addition to the general standards established in this Section, lighting in parking lots and outdoor areas shall comply with the following standards:

(1) Other than floodlights and flood lamps, all outdoor area and parking lot lighting fixtures shall be full cutoff fixtures.

(2) The mounting height of all outdoor lighting, except outdoor sports field lighting and outdoor performance area lighting, shall not exceed 36 feet above finished grade.

(3) Any light fixture must be placed in such a manner that no lamp surface is visible from any residential area or public/private roadway.

(B) Lighting for Vehicular Canopies

In addition to the general standards established in this Section, lighting for vehicular canopies shall comply with the following standards:

(1) Areas under a vehicular canopy shall have a maximum point of horizontal illuminance of 24 maintained foot-candles (fc). Areas outside the vehicular canopy shall be regulated by Section 6.11.6.

(2) Acceptable lighting methods include one or more of the following:

(a) Recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface (ceiling) of the vehicular canopy.

(b) Light fixture incorporating shields, or shielded by the edge of the vehicular canopy itself so that light is restrained to five degrees or more below the horizontal plane.

(c) Surface mounted fixture incorporating a flat glass that provides a semi-cutoff fixture or shielded light distribution.

(d) Indirect lighting where light is beamed upward and then reflected down from the underside of the vehicular canopy. Such fixtures shall be shielded such that direct illumination if focused exclusively on the underside of the vehicular canopy.

(C) Outdoor Sports Field/Outdoor Performance Area:

(1) Purpose and Intent

Outdoor sports field/performance area lighting serves a unique and specific purpose. The goal of such lighting is to provide performers adequate light to engage in approved activities at night and provide sufficient light levels allowing spectators to witness the activity.

The goal of these regulations is to allow for reasonable development and use of such lighting fixtures while attempting to mitigate potential ancillary impacts on adjacent property owners.

(2) Standards

In addition to the general standards established in this Section, Outdoor Sports Field/Outdoor Performance Area lighting shall comply with the following standards:

(a) Outdoor Sports Field/Outdoor Performance Area lighting shall only be allowed for those principal and accessory uses needing such fixtures to properly function as intended during evening hours.

(b) Maximum Height

(i) Within the urbanizing areas of the County, as defined herein, there shall be a limit on the allowable height of such fixtures to 100 feet.

(ii) In rural areas of the County as defined herein, there shall be a limit on the allowable height of such fixtures to 90 feet.

(c) All outdoor sports field and outdoor performance area lighting fixtures shall be full cutoff fixtures and shall be equipped with a glare control package (louvers, shields, or similar devices). If the manufacturer does not have a glare control package, the fixture specification must be changed to a manufacturer that offers one.

(d) All fixtures must be aimed so that their beams are directed and fall within the primary playing or performance area.

(e) Hours of Operation

(i) Within urbanizing areas of the County, the hours of operation for the lighting system for any game or event shall be no later than 11:00 p.m., except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m.

(ii) Within rural areas of the County, all outdoor sports field/outdoor performance area lighting shall be extinguished by 10:00 p.m. except to conclude a scheduled event that was in progress before 10:00 p.m. and circumstances prevented concluding before 10:00 p.m. Under no circumstances may lighting for an event extend beyond 11:00 p.m. within the rural areas of the County.

(f) The maximum light level permitted along common property lines shall be consistent with the standard(s) contained within Section 6.11.6 of this Ordinance.

(D) Lighting of Outdoor Display Areas:

(1) Top mounted fixtures are required for legally existing lighted signs. Lighting fixtures used to externally illuminate an outdoor advertising sign shall be mounted on the top of the sign structure. All such fixtures shall comply with the shielding requirements of this Section. Bottom mounted outdoor advertising shall not be used. Notwithstanding this provision, the lighting or re-lighting of a nonconforming advertising sign will not be permitted if the light results in the expansion of the nonconforming use, pursuant to this Ordinance.

(2) Outdoor advertising signs constructed of translucent materials and wholly illuminated from within do not require shielding. Dark backgrounds with light lettering or symbols are preferred, to minimize detrimental effects. Unless conforming to the above dark background preference, total lamp wattage per sign shall not exceed 41 watts.

(E) Lighting of Buildings and Landscaping

Lighting fixtures shall be selected, located, aimed, and shielded so that direct illumination is focused exclusively on the building façade, plantings, and away from adjoining properties, public or private rights-of-way, and the night sky.

6.11.8 Additional Standards for Economic Development Districts

In addition to the outdoor lighting standards established in this Section, the following standards shall apply within the Economic Development Districts:

(A) All lighting must be shielded to confine light spread within the site boundaries and provide uniform illumination in compliance with the following minimum levels.

TABLE 6.11.8: ECONOMIC DEVELOPMENT DISTRICT MINIMUM OUTDOOR LIGHTING STANDARDS

LOCATION	MINIMUM FOOTCANDLES
Building Entrances	4.00
Sidewalks	1.00-3.00
Pedestrian Paths	1.00
Parking Lots	0.50

It is the intent of this section to require minimum light levels during established business hours or in those instances where members of the general public will be on-site to ensure public safety.

(B) Pedestrian walkways and plazas must be lighted and fixtures mounted at a lower height for security and to create an inviting pedestrian environment.

(C) Accent lighting must also be provided to illuminate such key locations as building and driveway entries, and activity areas.

(D) Lighting for the purpose of illuminating landmarks and unique features of the site is also encouraged.

(E) All light fixtures are to be concealed source fixtures except for pedestrian-oriented accent lights.

(F) Security lighting fixtures or floodlights must not project over the fascia or roof line of the building(s).

(G) Parking area and driveway fixtures should be mounted at or below a maximum height of 25 feet above the surface of the parking area or driveway.

(H) The design of light fixtures and structural supports must be compatible with the architecture of the principal building(s) and identification signs.

(I) Where building faces are illuminated, lighting fixtures must be integrated within the architectural design of the buildings.

(J) Ground-mounted lighting fixtures must be weather-proof and vandal resistant.

(K) **Hillsborough EDD**

In addition to the standards established above, the following standards shall apply within the Hillsborough EDD:

(1) Lighting must be high efficiency lighting systems and lighting levels must be reduced during non-use hours to promote energy conservation.

(2) 12:1 minimum/maximum glare ratio.

(3) Maximum footcandles = 80

SECTION 6.12: SIGNS

6.12.1 Purpose and Intent

The purpose of this Section is to regulate the type, placement and physical dimensions of all signs in the interest of public health, safety and welfare, while recognizing the need for signs within the business community.

It is the intent of this section to regulate signs on a per lot basis in conjunction with the zoning designation of the lot as described on the current tax roll weather a sign is directly visible from a street right-of-way or not.

6.12.2 Outdoor Advertising

The provisions of this Article establish standards and review criteria relating to the location, erection, maintenance, lighting, setbacks, and use of signs. This includes regulations pertaining to outdoor advertising (i.e. Billboards).

The regulation and permitting of outdoor advertising is also subject to State requirements, including the State Outdoor Advertising Control Act, and Federal requirements. In cases where there is a conflict between County regulations and State or Federal regulations, relating to the location, erection, maintenance, lighting, setbacks and use of outdoor advertising signage, the corresponding State or Federal law shall take precedent.

In cases where there is no applicable State/Federal standard, then existing County regulations shall be enforced.

6.12.3 General Requirements

(A) No sign of any type nor any part thereof shall be erected, painted, posted, reposted, placed, replaced, or hung in any zoning district except in compliance with these regulations.

(B) No person shall erect or maintain a sign, and no property owner shall allow a sign to be erected or maintained on his property except in conformity with these regulations.

(C) A Zoning Compliance Permit approved in accordance with the provisions of this Ordinance shall be required prior to erecting a sign, unless otherwise permitted.

(D) A permit shall be required for change of copy of an existing sign, for any sign when the use of the premises changes, or when an existing sign is altered, however no permit will be required for change of copy on a changeable message or reader board sign.

(E) In no case shall decorative features or landscaping at the base of a sign obstruct the view of motorists.

(F) Sign Locations

(1) All signs shall be located outside the sight visibility triangle (see Section 6.2.10).

(2) No sign, including supporting frames or base, shall be located within five feet of a public right-of-way.

(3) No sign may be attached, affixed, or painted upon any utility poles, governmental signs, trees, rocks, or other similar natural object within the public right-of-way.

(4) No sign shall be permitted on the side street frontage of a corner lot if the lot is located within 100 feet of a residential district.

(G) Illuminated Signs

(1) No illuminated sign shall be so designed or placed that direct or reflected light or glare constitutes a hazard or annoyance to motorists or occupants of adjoining properties.

(2) Signs shall be illuminated in accordance with the provisions of this Ordinance.

6.12.4 Determination of Sign Area

(A) For the purposes of this Ordinance, the area of display surface of a sign shall be computed as including the entire area visible from any one point, within a regular geometric from or combination or forms, comprising all of the display area of the surface and including all of the elements within the display area and the sign frame, including the lattice work, frame, border molding, lettering and display area incidental to the sign's decoration. This does not include structural members or other support mechanisms not bearing advertisement material.

(B) In the case of wall-mounted signs without a border or frame, the surface area shall include such reasonable and proportionate space as would be required if a border or frame were used:

(C) Examples:

Figure 6.12.4: Sign Size Measurement

All three of these signs would have the same size sign face, as measured by the smallest rectangle encompassing the outer limits

6.12.5 Exempt Signs

The following permitted signs are considered exempt and do not require the issuance of a Zoning Compliance Permit:

(A) Signs erected by a governmental agency to regulate, control, or direct vehicular or pedestrian traffic;

(B) Legal notices, warnings, regulatory or informational signs erected by a public agency;

(C) Signs required by law;

(D) “No trespassing” signs, not exceeding six square feet in area;

(E) Real estate signs, not exceeding four square feet in area;

(F) Flags, emblems or insignia of any national, state or political subdivision;

(G) Property number signs not exceeding two square foot in area and bearing only address numbers of premises or other identification of premises not having commercial connotations;

(H) Holiday decorations in season that do not contain or display a commercial message;

(I) Signs on trash receptacles, indicating the owner or party responsible for maintenance;

(J) Hazardous chemical identification/notification signs on residential and non-residential structures;

(K) Signs on newspaper boxes;

(L) Private drive signs, one per drive entrance, not exceeding two square feet in area, with the message content limited to the words "Private Drive" and the address of any residences utilizing the private roadway;

(M) Security and warning signs posted on private property warning the public against trespassing, or similar messages, provided that any such sign does not exceed two square feet in area; and

(N) Political Signs, in accordance with the following standards:

(1) Political Signs are allowed in all zoning districts.

(2) A Zoning Compliance Permit shall not be required to allow for the placement of a political sign on private property.

(3) There shall be no limit to the number of political signs that can be placed on private property so long as the placement of these signs complies with the provisions of this Ordinance and the signs do not create a public safety hazard.

(4) Within residential zoning districts, political signs shall not exceed nine square feet in area or four feet in height.

(5) Within non-residential zoning districts, political signs shall not exceed the maximum allowable sign area permitted for freestanding signs.

(6) Political signs shall only be erected 90 days prior to the established date of a general election, school board election, referendum, special election, primary, or other similar political activity.

(7) Political signs shall be removed within 21 days after an election.

(8) Political signs shall be allowed within rights-of-way of the State highway system only in accordance with State law.

(9) Political signs shall not be allowed on telephone poles, utility poles, trees, other similar natural objects, and other signs or sign structures.

6.12.6 Prohibited Signs

The following signs are prohibited in all zoning districts:

(A) Advertising signs resembling traffic signals, traffic signs, emergency vehicles' flashing lights, non-governmental sanctioned signs utilizing the words 'stop', 'slow', 'caution', 'danger', or any sign that is likely to be misconstrued by the traveling public as being official governmental signs or emergency warnings or which by their distracting nature create a hazard to motorists;

(B) Signs, except for off-premises signs allowed under this Section, advertising an activity, business, product or service no longer conducted on the premises upon which the sign is located. Such signage shall be removed within 90 days from the date of termination of such activity. Upon failure of the owner to remove such signs within the prescribed time, the Planning Director shall take appropriate legal action to have such sign removed;

(C) Flashing, blinking, pulsating, signs or signs with moving parts except for signs showing time of day and temperature that are part of an approved sign advertising a permitted business activity on a parcel of property;

(D) Signs with electronic moveable copy or other similar electronic displays;

(E) Signs, other than traffic, governmental, street name signs, political signs erected in accordance with State law, or other official governmental or public agency sign, shall not be permitted within any street right-of-way;

(F) Roof signs;

(G) Snipe signs;

(H) Beacon lights, animated signs, trailer signs and snipe signs;

(I) Portable signs, unless approved for a special event in accordance with Section 6.12.11(D);

(J) Signs supported in whole or in part by water, gas, air, or could otherwise be designated as inflatable signs; Individuals erecting an inflatable sign shall be subject to an immediate notice of violation and shall be required to remove the sign within the time frame it would normally take to deflate the sign, unless approved for a special event in accordance with Section 6.12.11(D);

(K) Signs mounted on a single pole or mast;

(L) Signs that contain rotating sign panels or objects;

(M) Signs that obstruct ingress and egress to any door, window, fire escape, stairway, ladder, or other opening intended to provide light, air, ingress, or egress for any room or building; and

(N) Signs that violate any provision of any law of the State of North Carolina relative to outdoor advertising.

6.12.7 Submittal Requirements

In order to erect a sign, other than exempt signs, a Zoning Compliance Permit application must be submitted and approved in accordance with the provisions of Section 2.4 and the following specific submittal requirements:

(A) A drawing to scale showing the design of the sign, including dimensions, method of attachment or support, source of illumination. If attached to a structure, the drawing must indicate where on the structure it will be installed;

(B) A plot plan drawn to scale indicating the location of the sign relative to property lines, easements, buildings, streets and other on-premise signs;

(C) Sign copy shall be submitted for all proposed signs to the Planning department for review and approval. No sign shall have lewd or lascivious letters, words, or characters designating the same; and

(D) Sign plans shall be submitted to the Planning Department for approval prior to the Building Inspector issuing a Building Permit. A record of such applications and actions taken shall be kept in the Planning Department.

6.12.8 Expiration of Permits

(A) Notwithstanding other provisions of this Section, zoning compliance permits for signs shall expire within 180 days from the date of issuance unless within that time the work authorized by the permit has been completed.

(B) If a zoning compliance permit for a sign expires, no further work to construct, erect, move, enlarge, illuminate, or alter the sign may take place unless a new zoning compliance permit is obtained. The applicant shall be subject to all regulations applicable at the time a new application is submitted.

(C) No person may continue to operate, maintain, or leave standing any sign or part or component thereof for more than 30 days after the permit authorizing such sign has expired, unless a new sign application has been submitted and the Planning Director authorizes the sign, or portion thereof to remain

6.12.9 Permit Revocation

(A) The Planning Director may revoke any zoning compliance permit for a sign issued in accordance with this Section and Section 2.4 for any of the following reasons:

(1) Issuance of the permit under a mistake of material fact when, had the correct fact been known, the permit would not have been issued;

(2) Misrepresentation of a material fact by the applicant for a sign permit; and

(3) Failure to comply with any of the provisions of this Section, except that a permit for a nonconforming sign may not be revoked so long as the nonconforming situation is allowed to continue pursuant to the provisions of this Ordinance.

(B) Before revoking a zoning compliance permit for a sign, the Planning Director shall give the permit holder 20 days notice by certified mail of his/her intent to revoke the permit and shall inform the permit holder of the reasons for the proposed revocation and of his/her right to obtain an informal hearing on the allegations.

(C) If the permit is revoked, the Planning Director shall provide to the permit holder owner a written statement of the decision and the reasons thereof. The Planning Director shall also inform the permit holder of his/her right to appeal the decision to the Board of Adjustment.

(D) No person may continue to operate, maintain, or leave standing any sign or part or component thereof for more than 30 days after the permit authorizing such sign has been revoked in accordance with this Section.

6.12.10 Maintenance

All signs, together with braces, guys and other supports shall be kept in good repair. If at any time a sign should be abandoned, declared unsafe, or deemed poorly maintained, the Planning Director shall notify the owner of the sign of such condition. Failure of the owner to correct the maintenance condition shall cause the Planning Director to take appropriate legal action to have the sign removed.

6.12.11 Signs Permitted in All Zoning Districts

The following signs are permitted in all zoning districts with the issuance of a zoning compliance permit, in accordance with the requirements of this Section and the additional standards for each sign established herein:

(A) Permanent Identification Signs for Subdivisions, Multi-family Developments, Mobile Home Parks, and Schools

(1) Identification signs shall not exceed 32 square feet in area and six feet in height.

(2) Developments shall be limited to two signs at each point of ingress/egress.

(3) Signs shall be placed outside of the site visibility triangle so as not to obstruct the view of traffic.

(4) Signs may be illuminated in such a fashion so as not to affect the view of motorists.

(B) Signs for Non-profit Organizations on Premise

(1) Signs shall not exceed 12 square feet in area.

(2) Signs may not display any advertising matter or logo.

(3) Signs may not be illuminated.

(C) Off-Premise Religious Facility Signs

(1) Signs shall identify the name and/or location of a religious facility.

(2) Signs shall not exceed six square feet in area and may not be illuminated or contain moving parts.

(3) Signs must be placed on a legal lot of record and the applicant shall provide a notarized statement from all owners of property allowing the off-premise sign to be erected on their property. There shall be only one off-premise religious facility sign permitted per parcel and a maximum of two per intersection.

(4) The placement of a off-premise religious facility sign shall be treated as an accessory use of property.

(D) Special Event Displays

(1) Signs or banners shall not exceed 32 square feet in area.

(2) All displays must be located outside of the right-of-way and have approval of property owners when located on private property.

(3) Pennants

(a) Pennants may be displayed during the special event to attract attention but only within 30 feet of the principal area where the special event is occurring.

(b) Pennants must be installed at a minimum height of 18 feet above grade to ensure adequate height clearance for vehicles underneath.

(4) Portable Signs

(a) Sites shall be limited to one portable sign per right-of-way frontage. However, there shall be no more than two portable signs permitted on-site at one time.

(b) Signs shall be limited to 16 square feet in area, per sign face.

(c) Signs shall be located in accordance with Section 6.12.3(F).

(5) Inflatable Signs

(a) No more than one inflatable sign shall be permitted on-site at one time.

(b) Inflatable signs shall not exceed 25 feet in height.

(c) Signs shall be located a minimum of 25 feet from all property lines.

(6) Special Event Displays may only be erected for a two week period and must be removed within five days following the event.

(E) Signs Advertising Agricultural Products Produced on the Premises

(1) Shall not exceed 32 square feet.

(2) Shall be limited to two signs per parcel.

(F) Temporary Construction and Financial Institution Signs

(1) Shall not exceed 24 square feet in area, per sign;

(2) May not to exceed two signs per building site;

(3) Signs shall be erected only after a Building Permit authorizing construction on-site has been issued; and

(4) Signs must be removed within seven days after construction work has been completed and the certificate of occupancy has been issued.

(G) Directional/Informational Signs

(1) May be displayed on parcels of property utilized for non-residential purposes.

(2) May not exceed two square feet in area.

(3) May contain corporate logos or other similar graphical displays so long as they provide some necessary information to patrons (i.e. entrance and exit locations, one-way entrance ways, drive through entranceways, ATM location, etc.).

(4) A maximum of three directional/informational signs may be displayed on a non-residential parcel of property.

(H) Temporary Real Estate Signs, in excess of four square feet in area

(1) One sign shall be permitted per building site, not to exceed 24 square feet in area.

(2) Signs shall not be placed within any public street right-of-way.

(3) Signs must be removed after property has been transferred.

(I) Landmark Signs

Signs shall be erected only after the historical significance of the particular site has been verified and that proposed location of the sign has been approved by the Orange County Planning Department and all other related agencies (i.e. NC Department of Transportation).

6.12.12 Signs Permitted in Specific Zoning Districts

The following signs shall be permitted in the zoning districts indicated, in accordance with all other provisions of this Section and specific standards for each sign established herein:

(A) On-Premise Commercial Signs

(1) These signs shall comply with all state and county building codes and the National Electric Code. Clearance of signs is required from high voltage power lines and signs shall be located in such a way that they will maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with the National Electric Code specifications, provided that no sign shall be installed closer than ten feet horizontally or vertically from any conductor or public utility guy wire.

(2) On-premise commercial signs shall be permitted within the following zoning districts: LC-1, NC-2, CC-3, GC-4, EC-5, OI, EI, I-1, I-2, I-3, AS, MPD-CZ, MHP-CZ and all of the Economic Development zoning districts.

(3) All on-premise commercial signs shall be setback ten feet from the front, side, and rear property lines or the edge of any existing or projected street right-of-way line whichever is greater. In cases where a property abuts a residential zoned parcel of property, the side or rear yard setback requirement shall be doubled.

(4) N**umber of Signs Permitted**

(a) One on-premise commercial sign shall be permitted per parcel. However, one additional on-premise commercial sign may be permitted for parcels with frontage on more than one right-of-way in accordance with the provisions of this Section.

(b) Under no circumstances shall more than one three-dimensional sign be permitted on-site.

(c) For multi-tenant buildings and/or sites permitted as a conditional use or conditional zoning district, additional on-premise commercial signs or sign area may be permitted by the Board of County Commissioners.

(5) Height of Signs

(a) Pole signs shall be limited to a height of 24 feet with a mandatory ground clearance of eight feet from the normal or finished grade elevation of the property at the base of the sign

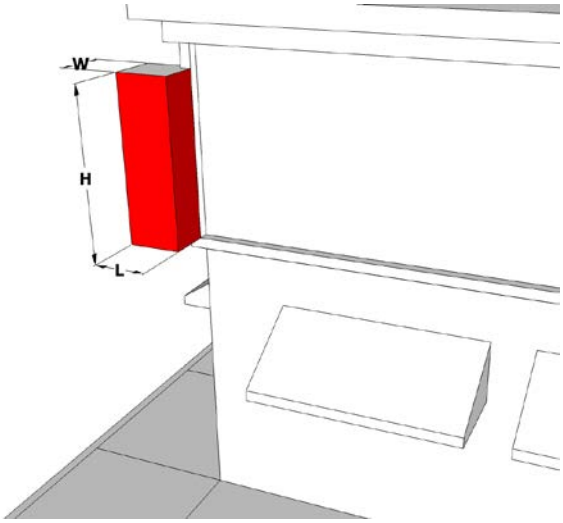
(b) Ground signs shall not exceed six feet in height from the normal or finished grade elevation of the property at the base of the sign

(6) The allowable area for on-premise commercial signs shall be determined as follows:

(a) Single or double-faced signs shall not exceed 32 square feet in area, per sign face.

(b) Three-dimensional signs shall not exceed a maximum volume of 54 cubic feet with no dimension exceeding six feet.

Figure 6.12.12.A.6: Three-Dimensional Sign Allowable Volume



NOTE: L x W x H may not exceed 54 cubic feet with no dimension exceeding 6 feet.

(7) An on-premise commercial sign may contain a changeable copy sign as defined in this Ordinance. However, the total sign area, including the area of changeable copy, shall not exceed the maximum allowable area established in Section 6.12.12(A)(6)(a) above.

(8) No on-premise commercial sign shall be oriented is such a manner as to be directly visible from a major transportation corridor as established in this Ordinance.

(B) Off-Premise Commercial Signs

(1) These signs shall comply with all state and county building codes and the National Electric Code. Clearance of signs is required from high voltage power lines and signs shall be located in such a way that they will maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with the National Electric Code specifications, provided that no sign shall be installed closer than ten feet horizontally or vertically from any conductor or public utility guy wire.

(2) Off-premise commercial signs (billboards) shall be permitted within the GC-4, EC-5, I-1, and I-2 zoning districts.

(3) No electric tap outs allowing for an independent light source to receive power shall be allowed.

(4) Off-premise commercial signs shall be considered the principal use of property. There shall be no additional principal uses allowed on the same parcel. Off-premise commercial signs shall not be permitted as accessory uses.

(5) No off-premise commercial sign shall be located closer than 200 feet to the right-of-way of major thoroughfares (i.e. US 70, NC 86, NC 40, and NC 57) and 600 feet to the right-of-way for all other thoroughfares and streets.

(6) The height of an off-premise commercial sign shall not exceed 25 feet from the grade of the right-of-way or surface grade beneath the sign, whichever is less. The clearance of an off-premise sign shall not be less than eight feet from the grade of the right-of-way or surface grade beneath the sign, whichever is less.

(7) Off-premise commercial signs shall be limited to 480 square feet of sign area.

(8) In no case shall an off-premise commercial sign be located closer than 1,000 feet to an existing off-premise commercial sign.

(9) Off-premise commercial signs are prohibited within the Major Transportation Corridor (MTC) overlay district.

(10) No person may, for the purpose of increasing or enhancing the visibility of any off-premises commercial sign, damage, trim, destroy, or remove any trees, shrubs, or other vegetation in the following locations:

(a) Within the right-of-way of any public street or road, unless the work is done pursuant to the express written authorization of the North Carolina Department of Transportation;

(b) On property that is not under the ownership or control of the person responsible for such work, unless the work is done pursuant to the express authorization of the property owner where the vegetation is located; and,

(c) In any area where such vegetation is required to remain under a permit issued in accordance with this Ordinance.

(C) Wall Signs

(1) Shall either be mounted or painted on a building.

(2) Wall signs may be internally illuminated and shall comply with all applicable state and county building codes and the National Electric Code.

(3) Wall Signs shall be permitted within the following zoning districts: LC-1, NC-2, CC-3, GC-4, EC-5, OI, EI, I-1, I-2, I-3, AS, MPD-CZ and all of the Economic Development zoning districts.

(4) All wall signs shall be offset a minimum of ten feet from the corner of the building on which it is mounted.

(5) Wall signs shall not protrude more than 12 inches from the face of building on which it is mounted.

(6) Number of Signs Permitted

(a) Only one wall sign shall be permitted per building facade. In cases where a building is located on a corner lot, an additional wall sign may be permitted on the building wall facing the second street right-of-way, subject to the requirements of this Ordinance.

(b) For multi-tenant buildings permitted as a conditional use or conditional zoning district additional wall signs may be permitted by the Board of County Commissioners.

(7) The allowable sign area shall be determined as follows:

One square foot of sign area for every ½ foot of building length facing a public right-of-way, not to exceed 32 square feet.

(8) A changeable copy sign may be utilized as a wall sign.

(9) Wall signs shall not extend above the soffit, parapet, or eave line of the building to which it is attached.

(D) Projecting Signs

(1) Projecting signs shall be mounted on a building.

(2) Projecting signs may be internally illuminated and shall comply with all applicable state and county building codes and the National Electric Code.

(3) Projecting signs shall be permitted within the following zoning districts: LC-1, NC-2, CC-3, GC-4, EC-5, OI, EI, I-1, I-2, I-3, AS, MPD-CZ and all of the Economic Development zoning districts.

(4) Projecting signs shall adhere to the minimum setback requirements established for all structures within the zoning district in which it is located.

(5) Only one projecting signs shall be permitted per building facade even in cases of a building located on a corner lot.

(6) The allowable sign area shall be determined as follows:

(a) One square foot of sign area for every ½ foot of building length, facing a public right-of-way, not to exceed 32 square feet in area.

(7) Projecting signs shall clear sidewalks and pedestrian paths by a height of at least ten feet above finished grade.

(8) Projecting signs shall not extend above the soffit, parapet, or eave line of the building to which it is attached.

(9) Projecting signs shall not be located at the corner of a building except at right angles to the building façade.

(E) Window Signs

(1) Window signs shall be permitted within the following zoning districts: LC-1, NC-2, CC-3, GC-4, EC-5, OI, EI, I-1, I-2, I-3, AS, MPD-CZ and all of the Economic Development zoning districts.

(2) Window signs shall be limited to a maximum of 30% of the total window area where the sign is to be located.

(3) Window signs may be utilized for advertising specials or sales within the business, or displaying the name and other pertinent business information associated with the principal use.

(4) Signs may be etched, painted or otherwise attached to be made a permanent addition to the pane of glass.

(F) Awning Signs

(1) Awning signs shall be permitted within the following zoning districts: LC-1, NC-2, CC-3, GC-4, EC-5, OI, EI, I-1, I-2, I-3, AS, MPD-CZ and all of the Economic Development zoning districts. See Section 6.12.14(E) for additional standards for Awning Signs located in Economic Development Districts.

(2) Awning Signs shall be located above the main entrance to a nonresidential land use and shall contain the name of the use.

(3) Awning Sign area shall be limited to a maximum of 50% of the total awning area erected over the entrance of a nonresidential land use. Where an awning sign is utilized at a multi-use development, the amount of sign area shall be computed as part of the overall sign area allotted to wall signs, not to exceed 50% of the total awning area.

(G) Drive-Through Menu Signs

(1) Applicants must establish to the satisfaction of the Planning Director that a drive-through menu sign is considered a customary accessory use to the principal business on the property and is necessary for the normal operations of the commercial operation.

(2) Signs shall be limited to 32 square feet in area.

(3) No external illumination shall be permitted.

(4) A land use that utilizes such a sign shall also be permitted an independent speaker box, no greater than 12 square feet in area with a height no greater that four feet.

6.12.13 Sign Standards for Specific Uses

In addition to the requirements contained herein, the following land uses shall adhere to these additional standards:

(A) Changeable Copy Signs Utilized by Churches or Public Entities

(1) Shall not exceed 32 square feet in area.

(2) Bulletin boards/reader boards may be internally illuminated.

(B) Service Stations/Gas Station

(1) Signs may be erected above gas pumps subject to the following standards:

(a) No internal or external illumination shall be permitted;

(b) Signs shall be limited to four square feet in area; and

(c) Signs must advertise items for sale on the property. Under no circumstances may a sign advertise a sale, activity, business, or product not associated with the principal use of property.

(2) Signs may be erected on the canopy covering gas pumps subject to the following standards:

(a) Advertising material shall be limited to trademarks, logos, and the name of the service station or other similar display.

(b) Such displays shall be limited to six square feet of area.

(C) Yard Sales/Garage

(1) Signs shall be erected on the property where the sale is taking place.

(2) Signs shall be limited to four square feet of area.

(3) No off-site displays shall be permitted.

(4) Signs shall be removed no later than sunset of the day the event occurs.

(D) Institutional Uses and Private Parks Located within Residential Zoning Districts

(1) One ground and one wall sign shall be permitted;

(2) Maximum sign area shall be 32 square feet per sign face; and

(3) No ground sign shall exceed six feet in height.

(E) Home Occupations

(1) The Home Occupation shall have a valid Zoning Compliance Permit issued by Orange County;

(2) There shall only be one sign limited to eight square feet in area and four feet in height;

(3) Such sign shall not be illuminated by any means;

(4) Sign shall not be located within any public street right-of-way, sight visibility triangle, easement, vehicular area or other similar area; and

(5) The sign message shall be limited to the business name and telephone number.

(F) Parks, Public and Non-profit; Recreational Facilities, Non-Profit; Recreational Facilities, Golf Courses; and Recreational Facilities, Profit

(1) Purpose and Intent

(a) Unlike signs for non-residential development(s), signs for recreational land uses are intended to serve a different function and purpose. Signs within these types of land uses are intended to provide essential information concerning:

(i) Rules and regulations governing the operation of the facility;

(ii) Educational information identifying unique aspects of the facility, the property itself, or significant environmental features that are located on the property; and

(iii) Identification of sponsors or public/private partnerships that are responsible for the development, upkeep, and maintenance of existing recreational amenities.

(b) While some of this information could be construed as being advertising material, the County views such signs as identifying those responsible for the existence of the facility and allows for recognition of entities that have entered into partnerships with the operator of the facility to provide local residents with recreational opportunities.

(2) Applicability

The regulations included herein govern the erection of signs at the following:

(a) Parks, Public and Non-profit,

(b) Recreational Facilities, Non-Profit,

(c) Recreational Facilities, Golf Courses, and

(d) Recreational Facilities, Profit within the County.

(3) Permitted Signs

(a) Freestanding identification signs announcing the name of the facility/land use are subject to the following standards:

(i) There shall be only one freestanding identification sign per property,

(ii) Freestanding identification signs shall be limited to 20 square feet of sign area. In Economic Development Districts, a maximum sign area of 32 square feet shall be permitted,

(iii) The sign may be either a ground or pole sign,

(iv) Freestanding identification signs shall be set back a minimum of ten feet from all property lines, and

(v) Illumination of freestanding identification signs shall be permitted in accordance with the provisions of this Ordinance,

(b) Wall Signs

(i) Shall either be mounted or painted on a building.

(ii) All wall signs shall be offset a minimum of five feet from the corner of the building face on which it is mounted.

(iii) Wall signs shall not protrude more that 12 inches from the side of building on which it is mounted.

(iv) Only one wall sign shall be permitted per building except as follows:

a. In cases where a building is located on a corner lot, a second wall sign may be erected on the building wall facing the second street right-of-way subject to the

requirements of this Ordinance.

b. If a building façade faces athletic fields or other similar recreational areas on the property, a second wall sign, up to 32 square feet in area, may be erected facing these facilities, not to exceed the allowable sign area as calculated herein,

c. Under no circumstances may more than one wall sign be located on the same building façade.

(v) The maximum sign area shall be determined as follows:

a. One square foot of wall sign area for every ½ linear foot of building length along a right-of-way or facing an athletic field or similar recreational use, not to exceed 32 square feet in area.

(vi) A changeable copy sign can be utilized as a wall sign.

(vii) Wall signs shall not extend above the soffit, parapet, or eave line of the building to which it is attached.

(viii) The sign may be internally illuminated or have external illumination installed consistent with the provisions of this Ordinance.

(c) Informational Signs

(i) Shall be allowed in an effort to provide information concerning individual recreational amenities available on the property and are limited to those signs necessary to identify the name of a specific recreational facility, amenity, or use.

(ii) Signs shall be no larger than 20 square feet in area.

(iii) The sign shall contain information identifying the recreational amenity.

(iv) The number of signs shall be directly proportional to the number of individual recreational amenities present on the site.

(v) Informational signs may contain the name, logo, or slogan of a sponsor that is responsible for the development/upkeep/maintenance of the recreational amenity subject to the following limitations:

a. The name and/or logo of a sponsor shall not take up more than 80% of the total sign area.

b. No other advertising material shall be permitted on the sign,

(vi) Maximum height of an informational sign regulated under this section shall be seven feet.

(vii) Informational signs shall be located a minimum of five feet from any active recreational activity fields (i.e. soccer, baseball, football, etc) or one foot from any established nature, man-made trail, and/or passive recreational area.

(viii) Informational signs regulated under the provisions of this section shall be set back a minimum of ten feet from all property lines.

(ix) Informational signs regulated under this section shall not be illuminated.

(d) Informational Kiosks

(i) Shall be permitted in an effort to provide information concerning operational requirements, contact numbers for services or emergency situations, and educational information on the park itself or any significant site features.

(ii) A maximum of eight informational kiosks shall be permitted per 100 acres of property.

(iii) Informational kiosks shall be limited to 32 square feet of sign area exclusive of architectural supports or housing,.

(iv) Informational kiosks may be internally illuminated or have external illumination installed consistent with the provisions of this Ordinance.

(v) Informational kiosks shall be ground mounted, not to exceed seven feet in height, exclusive of architectural supports or housing.

(vi) Informational kiosks shall be located a minimum of five feet from any active recreational activity fields (i.e. soccer, baseball, football, etc) or one foot from any established nature, man-made trail, and/or passive recreational area.

(vii) Informational kiosks shall be set back a minimum of ten feet from all property lines.

(viii) An informational kiosk may contain the name, logo, or slogan of a sponsor that is responsible for the development/upkeep/maintenance of the recreational amenity subject to the following limitations:

a. The name and/or logo of a sponsor shall not take up more than 20% of the total kiosk area.
b. No other advertising material shall be permitted on the kiosk.

(e) Directional Signs

(i) Shall be allowed in an effort to provide information to visitors on the location of recreational amenities or offices located on the property.

(ii) Directional signs shall be limited to six square feet in area.

(iii) Directional signs shall not include any advertising material.

(iv) All directional signs shall be ground mounted signs not exceeding seven feet in height.

(v) All directional signs shall be located a minimum of five feet from any active recreational activity field or one feet from any established nature or man-made trail, and shall be set back a minimum of ten feet from all property lines,

(f) Scoreboards

(i) One scoreboard, not to exceed 144 square feet, shall be permitted for each athletic field

6.12.14 Additional Standards for Economic Development Districts

In addition to the overall sign standards established herein, the following specific standards shall apply in the Economic Development Districts:

(A) General Standards

(1) A sign plan must be submitted and approved as part of the comprehensive site plan or master plan.

(2) For multiple use sites or buildings, unified directional/informational signs and the use of coordinated individual wall signs is the preferred approach to business identification.

(3) Sign colors must not be overpowering but must accent the building which the sign identifies or on which it is mounted.

(4) The light from an illuminated sign must not be permitted to shine into any road right-of-way or across property lines.

(5) In addition to the prohibited signs in Section 6.12.6, the following types of signs are prohibited in the Economic Development Districts: off premises advertising signs, billboards, inflatable, and portable signs.

(B) Identification Signs

(1) Freestanding Identification Signs

(a) Only one freestanding identification sign is permitted for each development. However, a second sign may be permitted where a site has more than one vehicular entrance on different sides of the building.

(b) A freestanding identification sign must be placed perpendicular to approaching vehicular traffic so that it is clearly visible and does not obstruct the view of any other identification or information sign.

(c) A freestanding identification sign must be located at least 10-feet from any property line or driveway.

(2) Buckhorn EDD & Eno EDD Only

The following criteria shall govern the number, size, and height of identification signs in the Buckhorn and Eno EDDs:

TABLE 6.12.14.B.3: BUCKHORN AND ENO EDD IDENTIFICATION SIGN STANDARDS	
Maximum Number of Signs	3 per use
Maximum Number of Freestanding Signs	1 per use
Maximum Total Square Footage of All Signs	200 sq. ft.
Maximum Size of Any Sign	75 sq. ft.
Maximum Height of Any Sign	12 ft.

(C) Directional/Informational Signs

In lieu of the requirements contained in Section 6.12.11(G), the following requirements shall apply to Directional/Informational signs located in Economic Development Districts:

(1) Information signs must be placed perpendicular to approaching traffic so that they are visible and legible.

(2) Signs must be located outside of the site visibility triangle.

(3) Information signs must be positioned to avoid confusing backgrounds, particularly when they are intended to direct vehicular traffic on or to-and-from the site.

(4) Information signs may be placed no closer than six feet to the edge of a road or drive, and, in no case, may they be located within a street right-of-way unless they are erected by a governmental agency.

(5) Information signs may not exceed four feet in height.

(6) Information signs may not contain advertising material or exceed six square feet in area.

(D) Temporary Signs

(1) Temporary signs may be used for construction and real estate information, and future tenant identification, in accordance with the provisions of this Section.

(E) Awnings

(1) The form and color of the awnings must be consistent.

(2) A minimum eight-foot vertical clearance must be maintained.

(3) Signs on awnings must be painted on or screen printed and limited to the awning's flap (valance) or end panels.

(4) Canvas, treated canvas, matte finish vinyl, and fabric awnings are permitted.

(5) Plexiglas, metal, and glossy vinyl illuminated awnings are prohibited in the Hillsborough EDD and strongly discouraged in the Buckhorn and Eno EDDs.

(F) Signage for Parks, Public and Non-profit; Recreational Facilities, Non-Profit; Recreational Facilities, Golf Courses; and Recreational Facilities, Profit

Total sign area shall be limited to 500 square feet for all signs permitted herein, not including Directional Signage erected in accordance with the provisions of this Section.

(G) Basic Sign Design Schedule for Hillsborough EDD

The following design schedule has been approved for the Hillsborough EDD:

TABLE 6.12.14.G: HILLSBOROUGH EDD SIGN DESIGN SCHEDULE

SIZE OF DEVELOPMENT (ACRES)	MAXIMUM SYMBOL OR LETTER HEIGHTS (INCHES)			GROUND OR MONUMENT SIGNS (SQ. FT.)	SIGN HEIGHT (FEET)
	FASCIA LETTER SIZE	BORDER	MONUMENT LETTER SIZE		
0 - 4.9	24	6	18	50	6
5.0 – 19.9	30	9	24	100	8
Over 20	36	12	36	150	10
(Dev. Name)					
Major Tenants	72	24	-	-	-
Additional Information	24	6			
Wall Signs	32 square feet of wall sign allowed per tenant unless building façade exceeds 64' wide. For frontages exceeding 64', ½ square foot of building frontage. No wall shall exceed 100 square feet.				

SECTION 6.13: STREAM BUFFERS

6.13.1 Purpose

The purpose of the regulations included in this Section is to protect County water resources by establishing minimum buffers adjacent to streams, rivers, water bodies and other water features and limiting development and other land disturbing activities within those buffers.

6.13.2 Applicability

The stream buffer regulations and standards contained herein shall be applicable to all streams and water features, as follows:

(A) Streams identified by any of the following means:

(1) Shown as solid blue lines or as broken blue lines on the USGS Quadrangle

maps,

(2) Shown as water feature in the Orange County Soil Survey, or

(3) A water feature identified by a field determination of County staff trained in surface water identification through the North Carolina Division of Water Quality (NCDWQ).

(B) Steam buffers shall extend around the perimeter of all water features if any portion of the stream buffer of a stream touches the water feature. Disputes pertaining to water feature decisions by County staff shall be filed directly to the NCDWQ.

6.13.3 Calculating Width of Stream Buffer

(A) Special Flood Hazard Area Zoning Overlay Districts & FEMA Floodplains

(1) Those streams identified by FEMA as having floodplains shall have stream buffers calculated from the outside edges of the 100-year floodplain.

(B) Calculating Slope Value

(1) Draw 250' length perpendicular lines, at 200-foot horizontal intervals along the entire length of the outside edges of the stream, or the outer edge of the FEMA floodplain, whichever is greater.

(2) Determine the elevation at either the stream bank or the outer edge of the FEMA floodplain, whichever is highest (Elevation 1), and at the point 250' from the stream or FEMA floodplain, whichever is applicable, along the perpendicular line (Elevation 2).

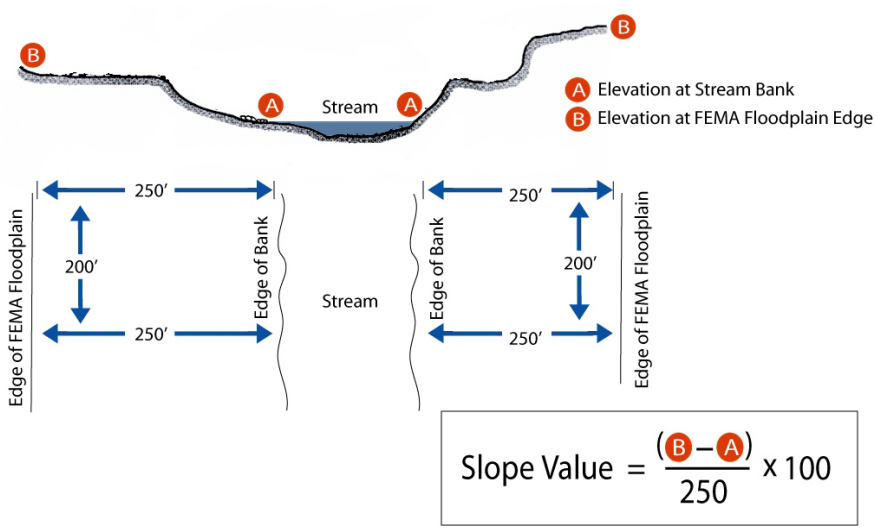
(3) Subtract Elevation 1 from Elevation 2 for the Difference.

(4) Divide the Difference by 250 for the Mean.

(5) Multiply the Mean by 100 to determine the "Slope Value".

(6) Perform this calculation for both sides of the stream or floodplain.

Figure 6.13.13.B: Stream Buffer Slope Value Calculation



(C) Method A – Stream Buffer Based on Slope and Groundcover

(1) The width of the buffer shall be a minimum of 50 feet from each edge of the floodplain or stream bank.

(2) An additional 15 feet shall be added to the 50-foot buffer (65 feet total) where the slope value is less than 7.5%, as measured 250 feet from the edge of the floodplain or stream bank.

(3) For slope values 7.5% and greater, as measured 250 feet from the edge of the floodplain or stream bank, an additional 30 feet shall be added to the 50-foot buffer (80 feet total).

(4) These calculations shall be made for both sides of either the stream bank or floodplain, whichever is greater.

(D) Method B - Stream Buffer Based on Slope and Groundcover

TABLE 6.13.3.D: STREAM BUFFER WIDTH BASED ON SLOPE AND GROUNDCOVER [1]

SLOPE VALUE	TYPE OF GROUNDCOVER	
	GRASS (FEET)	WOODS (FEET)
2 to 4.9	100	50
5 to 9.9	150	100
10 to 14.9	200	100
15 or greater	250	150

[1] In addition to the buffer zone resulting from the calculations below, a stream buffer shall include any portion of a floodplain as defined in this Ordinance, by special survey by a registered engineer or surveyor, or by alluvial soils as designated in the Orange County Soils Survey.
[2] The required stream buffer zone shall not be limited to one calculation, but shall be based on calculations made at points where topographical and ground cover conditions change based on an analysis of the site.

6.13.4 Minimum Buffer Widths for Watershed Protection Overlay Districts

(A) University Lake Critical Area (UNIV-CA)

(1) The buffer width adjacent to streams shall be calculated for both Method A and Method B, and at any given point along the stream, the width of the buffer shall be the larger of the two.

(2) The same method shall be used to calculate the buffer around the reservoir itself. New structures shall be located at least 150' from the reservoir or outside of the stream buffer, whichever is greater.

(B) University Lake Protected Watershed (UNIV-PW)

(1) The buffer width shall be calculated for both Method A and Method B, and at any given point along the stream, the width of the buffer shall be the larger of the two.

(C) Cane Creek Critical Area (CANE-CA) & Upper Eno Critical Area (U-ENO-CA)

(1) The buffer width adjacent to streams shall be the width calculated using Method A.

(2) Method A shall also be used to calculate the buffer around the reservoir itself. New structures shall be located at least 150' from the reservoir or outside of the stream buffer, whichever is greater.

(D) Upper Eno Protected (U-ENO-PW), Lower Eno Protected (L-ENO-PW) & Back Creek Protected (BACK-PW)

(1) The buffer width shall be as calculated using Method A, or 150', whichever is less, except where density exceeds 1 du/ac and impervious surface exceeds 12%.

(2) Where density exceeds 1 du/ac and impervious surface exceeds 12%, the buffer width shall be calculated as above, but shall not be less than 100'.

(E) Cane Creek Protected (CANE-PW), Little River Protected (LITTLE-PW), South Hyco Creek Protected (HYCO-PW), Flat River Protected (FLAT-PW), Haw River Protected (HAW-PW) & Jordan Lake Protected (JORDAN-PW)

(1) The buffer width shall be the width calculated using Method A, or 150', whichever is less.

6.13.5 Areas Outside of Watershed Protection Overlay Districts

(A) In areas not identified on the Official Zoning Atlas as Watershed Protection Overlay Districts, a stream buffer a minimum of 50 feet in width shall be established along both sides of streams identified per Section 6.13.2.

(B) Stream buffers for Soil Survey streams shall only be calculated using Method A as explained in Section 6.13.3.

6.13.6 Uses Allowable Within Stream Buffers

(A) General Standards

(1) Prior to any land disturbing activity within a designated stream buffer, the property owner shall provide written notification of the location and nature of the proposed use to the Planning Department for review. The notification shall state that the use shall be designed, constructed, and maintained to minimize soil disturbance and to provide the maximum water quality protection practicable.

(2) All land disturbing activities within a designated stream buffer require approval of the Erosion Control Officer in accordance with applicable State and local regulations, as well as all other required local, State and/or Federal permits and approvals prior to commencement of land disturbing activities.

(3) The submittal of additional information and/or applications may be required prior to any land disturbing activity within a designated stream buffer, in accordance with the provisions of this Ordinance.

(B) Additional Standards for Uses Allowable With Mitigation

(1) Development proposals shall be submitted and reviewed in accordance with this Ordinance and all applicable State regulations.

(2) Mitigation shall be provided in accordance with adopted State standards and shall be approved and inspected by the Erosion Control Officer or his/her designee.

(C) Uses Allowable

The following uses are allowed as a matter of right in stream buffers, subject to the General Standards established in Section 6.13.6(A), and any specific standards for the use:

(1) Above-ground and buried utility lines for local distribution of electricity, telephone, data, and cable television service, as well as accessory and appurtenant apparatus such as poles, guy wires, transformers and switching boxes.

(2) Individual or community wells.

(3) Public water and sewer lines are permitted only as allowed by the Orange County Water and Sewer Policy, and may be located within stream buffers only to the extent necessary to cross the stream buffer as closely as possible to perpendicular. Individual or community wastewater disposal systems are not permitted in stream buffers.

(4) Public and private streets, bridges, railroad rights-of-way, and other similar travel ways, provided that they enter and exit the buffer area as nearly perpendicular as possible.

(5) Archaeological activities/projects conducted in accordance with all applicable County, State and Federal regulations.

(6) Dam/reservoir maintenance activities.

(7) Maintenance of existing outfalls provided they are managed to minimize the sediment, nutrients, and other pollution that convey to waterbodies.

(8) Driveway crossings on single-family residential lots that disturb less than, or equal to, 25 linear feet or 2,500 square feet of stream buffer.

(9) Greenways and/or hiking trails six feet in width composed of natural materials at least 30 feet from the top of bank of a stream or water body.

(10) Historic preservation projects/activities.

(11) Periodic maintenance of modified natural streams, such as canals, and a grassed travel way on one side of the surface water when alternative forms of maintenance access are not practical.

(12) Public water and sewer lines that do not disturb over 40 linear feet.

(13) Stream restoration and/or stream bank stabilization.

(14) Wetland restoration, in accordance with all applicable County, State and Federal regulations.

(15) Vegetation management, including but not limited to:

(a) Emergency fire control measures provided that topography is restored;

(b) Planting vegetation to enhance the riparian buffer;

(c) Pruning forest vegetation provided that the health and function of the forest vegetation is not compromised and the pruning activity is conducted by hand;

(d) Removal of individual trees which are in danger of causing damage to dwellings, other structures or human life provided the activity is conducted by hand; and

(e) Removal of poison ivy and other nuisance vegetation, including invasive exotics, as identified by the NC Cooperative Extension.

(D) Uses Allowable With Mitigation

The following uses are allowable within stream buffers with mitigation, subject to the standards established in Sections 6.13.6(A) and 6.13.6(B) above, as well as any specific standards for the use:

(1) Water dependent structures, such as docks, piers, public and private boat ramps, boat houses over the water, walkways, water recreational amenities, and other similar uses.

(2) New drainage outfalls provided that a stormwater management facility is installed to control nutrients and attenuate flow before the conveyance discharges into the stream buffer.

(3) Driveway crossings on single-family residential lots that disturb less than, or equal to 150 linear feet or 1/3 of an acre of stream buffer.

(4) Any driveway or roadway, whether for a single-family residence or a subdivision, that is parallel to the stream or water body, regardless of cumulative impact.

(5) Greenways and/or hiking trails six feet in width, with improved paths (i.e. paved, wood decking, etc.) at least 30 feet from the top of bank of a stream or water body.

(6) Trail crossings, and associated bridge or other structure, provided they are oriented perpendicular to the stream and constructed in accordance with best management practices to minimize soil erosion and other adverse impacts to water quality.

(7) Public water and sewer lines that disturb over 40 linear feet, but not greater than 150 linear feet of riparian buffer.

(8) Temporary roads intended for access to a property for development purpose.

(9) New stormwater management ponds, with or without a riparian buffer established adjacent to the pond.

(10) Vegetation Management that includes the installation of new vegetation and a one-time application of fertilizer to re-establish the vegetation.

(11) Vegetation Management / Replanting in an effort to protect existing structures.

6.13.7 Diffuse Flow Requirement

(A) Diffuse flow of runoff shall be maintained in the stream buffer by dispersing concentrated flow and re-establishing vegetation.

(B) Concentrated runoff from new ditches or constructed conveyances shall be converted to diffuse flow before the runoff enters the stream buffer.

(C) Periodic corrective action to restore diffuse flow shall be taken if necessary to impede the formation of erosion gullies.

6.13.8 Land Disturbance and Planting of Vegetation

(A) Area within a stream buffer which is subject to serious erosion may be disturbed for the purpose of planting and maintaining erosion-resistant vegetative cover.

(B) Existing forested areas or any other healthy vegetation may not be removed from a stream buffer, except where replaced with vegetation resulting in comparable stormwater runoff velocity and quantity one year after planting.

(C) New vegetation shall be planted to capture non-source pollutants before they reach the perennial stream, as per applicable Orange County Standards.

SECTION 6.14: STORMWATER MANAGEMENT

6.14.1 Introduction

As a watershed becomes more developed, the amount of impervious surface increases, causing a decrease in the rate at which stormwater runoff which can be absorbed into the soil. This results in more stormwater flowing directly into streams and other water bodies. Because this direct runoff has not been filtered through the soil, pollutants from the air and land surface enter streams and increase the potential for pollution of drinking water supplies.

6.14.2 Purpose

The purpose of the Board of County Commissioners in adopting stormwater regulations is to protect the water quality of the streams that lie within Orange County by reducing and controlling stormwater runoff and addressing nutrient reductions for both new and existing development.

6.14.3 Jurisdiction-Wide and Inter-Local Approaches

(A) Orange County shall have the option of implementing jurisdiction-wide and/or inter-local approaches to control stormwater runoff and achieve nutrient reductions.

(B) Any jurisdiction-wide and/or inter-local approaches must be approved by the Orange County Board of Commissioners, and the Environmental Management Commission before implementation.

6.14.4 General Methods

The following general approaches shall be utilized to minimize the effects of stormwater pollution on drinking water supplies in Orange County:

(A) Non-Structural Stormwater Control

(1) The stormwater run-off generated by one inch of rain from all project area surfaces shall be controlled to the extent possible through on-site infiltration and through the use of methods which rely on natural soil properties for absorption and treatment.

(2) Run-off from roads, parking lots, and/or sidewalks shall be directed to undisturbed areas through use of berms, grassed diversion ditches or swales, or other acceptable means to reduce run-off velocity and filter out pollutants.

(3) Impervious Surface Limits

(a) In order to promote infiltration of stormwater runoff into the soil and minimize direct and immediate runoff into streams and water supply impoundments, the maximum percentage of the total lot area which may be covered with an impervious surface shall be specified. This limit is referred to as the "impervious surface ratio".

(b) Impervious surface calculations for an individual development shall be cumulative for original construction and any subsequent additions. One-half of the width of any of any existing or proposed road adjacent to an individual lot shall be included as impervious surface for that lot, except in the case where an existing road was contained within a dedicated public right-of-way at the time that the watershed regulations were first applied to the watershed within which the development is located.

(4) Infiltration Techniques

(a) The benefits of infiltration techniques include:

(i) Removal of both suspended and dissolved pollutants,

(ii) They require less maintenance,

(iii) They reduce flooding,

(iv) They promote groundwater recharge, and

(v) They help maintain stream flow during dry periods.

(b) Where on-site infiltration methods are utilized, areas for such purposes shall be designated on the plat and shall remain undisturbed both during and after construction.

(c) Undisturbed areas for infiltration of run-off shall also be located downslope from impervious surfaces and shall not include areas characterized by floodplains, highly erodible or impervious soils, steep slopes or previously disturbed areas.

(d) Areas designated as suitable for septic tank nitrification fields may not be used for stormwater infiltration purposes.

(B) Structural Stormwater Measures

(1) In cases where non-structural methods may not adequately control the runoff from the first inch of rain due to the amount of impervious surface proposed to be developed, and other factors such as soil type, slope, presence of floodplains and erodible soils, and/or lack of vegetative cover, structural stormwater measures, which capture stormwater for slow release through an outlet, are required.

(2) Where required, structural stormwater measures shall be constructed in accordance with this Section.

(C) Impervious Surface and Detention Pond Requirements

(1) For all protected watersheds, an absolute limit on the percentage of lot area which can be covered with impervious surfaces has been established. See Section(s) 4.2.5 and 4.2.6 of this Ordinance.

(2) In some cases, structural stormwater measures are required when the proposed impervious surface ratio exceeds a specified percentage, which is below the absolute limit.

6.14.5 Applicability

(A) The stormwater standards and regulations included herein are applicable to all new development within the Orange County planning jurisdiction, including private, public, state, and federal development not covered by a separate NPDES permit, as follows:

(1) Falls Lake Watershed

(a) Any activity that cumulatively disturbs greater than one-half acre of land in order to establish, expand or modify a single family or duplex residential development or a recreational facility.

(b) Any activity that cumulatively disturbs greater than 12,000 square feet of land in order to establish, expand, or modify a multifamily residential development or a commercial, industrial or institutional facility.

(c) New development that disturbs less than the above thresholds are exempt unless the new development is part of a larger common plan of development or sale and the larger common plan exceeds the above thresholds, even though multiple, separate or distinct activities take place at different times on different schedules.

(2) Jordan Lake Watershed

(a) Any activity that cumulatively disturbs greater than one acre of land in order to establish, expand or modify a single family or duplex residential development or a recreational facility.

(b) Any activity that cumulatively disturbs greater than one-half an acre of land in order to establish, expand, or modify a multifamily residential development or a commercial, industrial or institutional facility.

(c) New development that disturbs less than the above thresholds are exempt unless the new development is part of a larger common plan of development or sale and the larger common plan exceeds the above thresholds, even though multiple, separate or distinct activities take place at different times on different schedules.

(B) New development shall not include agriculture, mining, or forestry activities, as defined by North Carolina General Statutes.

6.14.6 Review Criteria

(A) New development within the Orange County planning jurisdiction must comply with the following:

(1) Riparian areas must be protected and maintained in compliance with this Ordinance,

(2) Nutrient load contribution must meet the standards listed in Section 6.14.7 as required by the North Carolina Division of Water Quality (NC DWQ),

(3) No net increase in peak flow leaving the site from the predevelopment conditions for the 1-year, 24-hour storm,

(4) Stormwater systems shall be designed to control and treat, at a minimum, the stormwater runoff generated by one inch of rainfall from all project area surfaces. The treatment volume shall be drawn down pursuant to standards specific to each practice as determined by the current version of the NC DWQ stormwater design manual.

(5) New development that would exceed the nutrient loading rates set out in subsection (A)(2) above, shall include engineered stormwater controls designed to have a minimum of 85% average annual removal for Total Suspended Solids (TSS).

(B) Proposed new development may satisfy the review criteria standards of this section by meeting the post-development hydrologic criteria set out in Chapter 2 of the most recent version of the North Carolina Low Impact Development Guidebook.

6.14.7 Nutrient Load

(A) Nitrogen and phosphorus loads contributed by proposed new development shall not exceed the following unit-area mass loading rates:

(1) Falls Lake Watershed

(a) Nitrogen, 2.2 pounds per acre per year

(b) Phosphorus, 0.33 pounds per acre per year

(2) Jordan Lake Watershed

(a) Upper New Hope Creek Arm

(i) Nitrogen, 2.2 pounds per acre per year

(ii) Phosphorus, 0.82 pounds per acre per year

(b) Haw River Arm

(i) Nitrogen, 3.8 pounds per acre per year

(ii) Phosphorus, 1.43 pounds per acre per year

(B) The nutrient export from each new development shall be calculated in pounds per acre per year (using the approved accounting tool) in accordance with the methodologies approved by the NC DWQ.

(C) If a proposed development subject to nutrient load requirements contributes nutrients greater than the standards listed above, the developer may install structural stormwater BMPs to meet the required nutrient load standards or do a combination of BMPs and offset payments to achieve the standard.

(D) Offset Payments

(1) Offset fees may be permitted to meet the nutrient export levels set for new development. In order to utilize offset fees, the proposed new development subject to the nutrient load standards must attain nitrogen and phosphorus loading rate reductions on-site that meet the following criteria prior to using an offsite offset measure:

(a) Falls Lake Watershed

(i) 30% or more reduction in both nitrogen and phosphorus loading from the untreated conditions for any single-family, detached and duplex residential development disturbing one half acre but less than one acre;

(ii) 50% or more reduction in both nitrogen and phosphorus loading

from the untreated conditions for any single-family, detached and duplex residential development disturbing more than one acre;

(iii) 30% or more reduction in both nitrogen and phosphorus loading from the untreated condition for other development, including multi-family residential, commercial and industrial development disturbing 12,000 square feet but less than one acre;

(iv) 50% or more reduction in both nitrogen and phosphorus loading from the untreated condition for other development, including multi-family residential, commercial and industrial development disturbing more than one acre;

(v) 30% or more reduction in both nitrogen and phosphorus loading from the untreated condition for proposed redevelopment activities in a designated downtown area that would replace or expand structures or improvements that existed as of December 2006.

(b) Jordan Lake Watershed

(i) Six pounds per acre per year nitrogen for single-family, detached and duplex residential development.

(ii) Ten pounds per acre per year nitrogen for other development including commercial, industrial, and multi-family residential.

(2) Offset fees may be paid to the North Carolina Ecosystem Enhancement Program (NCEEP), approved private mitigation bank, or other mitigation option as approved by the NC DWQ and Orange County. It is the policy of NC DWQ and Orange County, as well as a requirement in certain watersheds, that offset payment funds be utilized where they are generated to the maximum extent possible.

(3) Offset payment fees and calculation methods are determined by the NCDWQ as approved by the North Carolina Environmental Management Commission (EMC). The total amount of offset payment will be determined based on current NC DWQ policy and regulation on a case by case basis.

(E) Permanent Nutrient Export Reduction Best Management Practices

(1) Allowable on-site structural stormwater BMPs for nutrient reduction shall include those listed in the current NC DWQ Stormwater Best Management Practices Manual (Stormwater BMP Manual) or others approved on a case by case basis.

(2) Design, maintenance and operation of stormwater BMPs shall follow standards provided in the Stormwater BMP Manual.

(3) Deviations from these standards may be allowed as approved on a case by case basis.

(F) Total Nutrient Removal Rates

Total nutrient removal rates of stormwater BMPs and BMPs in a series will be calculated pursuant to the approved accounting tool.

6.14.8 Peak Runoff Volume

(A) Standard

For all new development, there shall be no net increase in peak flow leaving the site from the predevelopment conditions for the 1 year, 24 hour storm.

(B) Calculating Peak Runoff Volume

(1) The following are acceptable methodologies for computing the pre- and post-development conditions for the 1 year, 24 hour storm:

(a) Rational Method,

(b) Peak Discharge Method as described in the USDA Soil Conservation Service's Technical Release Number 55 (TR-55),

(c) Alternative methods must be approved by the County.

(2) The same method must be used for both the pre- and post- development conditions.

6.14.9 Stormwater Management Plan

(A) Required Approval

The Erosion Control Officer shall not issue any permits for new development on any land within Orange County subject to the provisions of this Section, unless and until a Stormwater Management Plan has been reviewed and approved in accordance with Section 2.21.1 of this Ordinance.

(B) Compliance with Requirements

Any person engaged in new development activities as defined by this Section who fails to file a plan in accordance with this Ordinance, or who conducts any new development except in accordance with provisions of an approved Stormwater Management plan shall be deemed in violation of this Ordinance.

(C) Enforceable Restriction

Approval of the Stormwater Management plan shall require an enforceable restriction on property usage that runs with the land, such as a recorded deed restriction or protective covenants, to ensure that future development and redevelopment maintains the site consistent with the approved Stormwater Management plan.

6.14.10 Operation and Maintenance of Structural Stormwater Measures

(A) Posting of Financial Security

All stormwater control structures shall be conditioned on the posting of adequate financial assurance for the purpose of maintenance, repairs or reconstruction necessary for adequate performance. Financial assurance shall be in the form of one of the following:

(1) Security for Construction of Required Improvements

(a) The permit applicant shall provide one of the following as surety for the completion of required improvements:

(i) A performance bond from a surety bonding company authorized to do business in North Carolina,

(ii) An irrevocable letter of credit or other instrument readily convertible into cash at face value payable to Orange County or

(iii) Cash placed in escrow with a financial institution designated as an official depository of Orange County.

(b) The bond or other instrument shall be in an amount equal to 1.25 times the total cost of the stormwater control structure, as estimated by the applicant and approved by the County Engineer.

(i) Total Cost

a. The total cost of the stormwater control structure shall include the following:

i. The value of all materials such as piping and other structures;

ii. Seeding and soil stabilization;

iii. Design and engineering; and,

iv. Grading, excavation, fill, etc.

b. The costs of the stormwater control structure shall not be prorated as part of a larger project, but shall be costed as a separate project.

(c) Failure to Perform

(i) Upon default of the permit applicant to complete and/or maintain the stormwater control structure as spelled out in the performance bond or other security, the County may obtain and use all or any portion of the funds necessary to complete the improvements based on an engineering estimate.

(ii) The Board shall return any funds not spent in completing the improvements to the owning entity.

(2) Security for Maintenance of Required Improvements

(a) The permit applicant shall deposit with Orange County either cash or other instrument approved by the County Attorney that is readily convertible into cash at face value.

(b) The cash or security shall be in an amount equal to 15% of the total cost of the stormwater control structure or the estimated cost of maintaining the stormwater control structure over a ten year period, whichever is greater.

(i) Estimated Maintenance Costs

a. The estimated cost of maintaining the stormwater structure shall be consistent with the approved operation and maintenance plan or manual provided by the developer under Section 6.14.10(B)(2).

b. The amount shall be computed by estimating the maintenance cost for 25 years and multiplying this amount by two-fifths or 0.4.

(c) Failure to Perform

(i) Upon default of the owning entity to maintain, repair and, if necessary, reconstruct the stormwater control structure in accordance with the Operation and Maintenance Agreement, the County shall obtain and use all or any portion of the cash security to make necessary improvements based on an engineering estimate.

(ii) Such expenditures of funds shall only be made after exhausting all other reasonable remedies seeking the owning entity to comply with the terms and conditions of the Operations and Maintenance Agreement.

(iii) The County shall not return any of the deposited cash funds.

(B) Maintenance and Upkeep

(1) Operation and Maintenance Agreement

(a) The permit applicant shall enter into a binding Operation and Maintenance Agreement between Orange County and all interests in the development.

(b) The agreement must include the following:

(i) Name and address of the person or organization financially responsible for paying the annual inspection fee;

(ii) Name(s) and address(es) of all parties to whom a copy of the annual inspection report should go;

(iii) Name and address of the person or organization financially responsible for all maintenance specified in the annual inspection report; and

(iv) Emergency contact information.

(c) The Agreement shall require the owning entity to maintain, repair and, if necessary, reconstruct the stormwater control structure in accordance with the operation and management plan or manual prepared by the developer.

(d) The Operations and Maintenance Agreement shall be signed and notarized and filed with the Orange County Register of Deeds.

(e) In residential subdivisions where a Homeowner's Association will be assuming responsibility for all permanent structural stormwater measures, a signed and notarized Homeowner's Association Notification will be required, and a revised maintenance agreement must be submitted. This must be given to the Orange County Planning Department before the Land Disturbing Permit may be closed, and any construction bond held on the permanent structural stormwater measures may be released.

(f) The owner of each stormwater BMP, whether engineered stormwater control or non-engineered stormwater control, shall maintain it so as not to create or result in a nuisance condition.

(g) Every engineered stormwater control installed pursuant to this Ordinance shall be made accessible for adequate maintenance and repair by a maintenance easement. The easement shall be recorded and its terms shall specify who make use of the easement and for what purposes.

(h) The owner of each engineered stormwater control shall keep records of inspections, maintenances, and repairs and shall submit the same upon reasonable request to the Erosion Control Officer.

(2) Operation and Maintenance Plan

(a) An operation and maintenance plan or manual shall be provided by the developer for each stormwater control structure, indicating the following:

(i) What operation and maintenance actions are needed,

(ii) What specific quantitative criteria will be used for determining when those actions are to be taken, and

(iii) Who is responsible for those actions, consistent with the Operations and Maintenance Agreement.

(b) The standard maintenance plan shall specifically address, but is not limited to:

(i) Any mowing of permanent vegetation,

(ii) Any removal of bushes and trees from the dam of a wet detention pond,

(iii) Reseeding of any eroding areas of the wet detention ponds, open channel practices, riparian buffers, and vegetated filter strips,

(iv) Replacing of impaired vegetation in a constructed wetlands or riparian buffer,

(v) Removal of debris from the 'trash rack' on any wet detention pond or sand filter, and

(vi) Repair of any damage to structural aspects of wet detention ponds, constructed wetlands, level spreaders, and sand filters.

(c) The Plan shall clearly indicate the steps that will be taken for restoring a stormwater control structure to its design specifications if a failure occurs.

(3) Landscaping and Grounds Maintenance

(a) Landscaping and grounds maintenance shall be the responsibility of the owning entity.

(b) Vegetation shall not be established or allowed to mature to the extent that the integrity of the control structure is diminished or threatened, or to the extent of interfering with any easement or access to the stormwater structure.

(4) Repair or Reconstruction

(a) Except for general landscaping and grounds maintenance, the owning entity shall notify the County prior to any repair or reconstruction of the stormwater structure.

(b) After notification by the owning entity, the Erosion Control Officer shall inform the owning entity of any required additions, changes or modifications and of the time period to complete said improvements.

(c) All improvements shall be made consistent with the approved plans and specifications of the stormwater control structure and the operations and maintenance plan or manual.

(C) Inspections and Release of Sureties

(1) County Inspection and Review

(a) The stormwater control structure shall be inspected by the Erosion Control Officer, after the owning entity notifies him/her that all work has been completed. At this inspection, the owning entity shall provide:

(i) The signed deed, related easements and survey plat for the stormwater control structure ready for filing with the Orange County Register of Deeds; and

(ii) A certification sealed by an engineer or landscape architect (to the extent that the General Statute, Chapter 89A, allow) stating that the detention pond is complete and consistent with the plans and specifications.

(b) If the project passes inspection and the Erosion Control Officer accepts the certification, deed and easements, he/she shall file the deed and easements with the Orange County Register of Deeds, release up to 75% of the value of the performance bond or other security and issue a Watershed Protection Compliance Permit for the stormwater control structure.

(c) If deficiencies are found, the Erosion Control Officer shall direct that the necessary improvements be made and/or documents corrected and resubmitted for approval. Upon completion, the improvements shall be re-inspected.

(2) Watershed Protection Compliance Permit Required Prior to Occupancy

No Building Permit or Certificate of Occupancy may be issued in the absence of a valid Watershed Protection Compliance Permit.

(3) Release of Remaining Security

(a) No sooner than one year after the filing date of the deed, easements and maintenance agreement, the developer may petition the Board of County Commissioners to release the remaining value of the performance bond or other security.

(b) Upon receipt of said petition, the Erosion Control Officer shall inspect the stormwater control structure to determine whether the controls are performing as designed and intended.

(c) The Erosion Control Officer shall present the petition, inspection report and recommendations to the Board of County Commissioners.

(d) Board of County Commissioners Review

(i) If the Board of County Commissioners approves the report and accepts the petition, the developer shall deposit with Orange County a cash amount equal to that described in Section 6.14.10(C)(5), after which, the Board of County Commissioners shall release the performance bond or other security.

(ii) If the Board of County Commissioners does not accept the report and rejects the petition, it shall provide the developer with instructions to correct any deficiencies and all steps necessary for the release of the performance bond or other security.

(4) Annual Inspection Required

(a) All stormwater structures shall be inspected by the owning entity at least on an annual basis to determine whether the controls are performing as designed and intended.

(b) Records of inspections shall be submitted annually to the Erosion Control Officer on forms approved by Orange County.

(c) Annual inspections shall begin within one year of the filing date of the deed for the stormwater control structure.

(d) The Erosion Control Officer will inspect each stormwater BMP approved pursuant to these rules approximately every five years. In the event the Erosion Control Officer discovers the need for corrective action of improvements, he/she shall notify the owning entity of the needed improvements and the date by which the corrective action is to be completed. All improvements shall be made consistent with the plans and specification of the stormwater control structure and the operation and maintenance plan or manual. After notification by the owning entity, the Erosion Control Officer shall inspect and approve the completed improvements.

(5) Annual Maintenance Inspection Fee

(a) The Fee for the first year shall be paid before:

(i) The release of any Final Certificate of Occupancy for Non-Residential Properties.

(ii) The release of the construction bond for Residential or Non-Residential Properties.

(b) The fee shall be based upon the current Orange County Planning Fee Schedule, and shall be paid to Orange County following each annual inspection.

(c) Failure to pay the Annual Maintenance Inspection Fee shall be deemed a violation of this Ordinance.

6.14.11 Amendments to Approved Plans and Specifications

(A) Minor Amendments to Plans and Specifications

(1) Amendments to the plans and specifications of the stormwater control structure and/or the operation and maintenance plan or manual may be approved by the Erosion Control Officer, provided that the changes do not involve a change in the size or location of the structure.

(2) Proposed changes shall be prepared by a North Carolina registered professional engineer or landscape architect (to the extent that the General Statutes, Chapter 89A, allow) and submitted for review by the Erosion Control Officer.

(3) Erosion Control Officer Review

(a) If the Erosion Control Officer approves the proposed changes, the owning entity of the stormwater control structure shall file sealed copies of the revisions with the Erosion Control Officer.

(b) If the Erosion Control Officer disapproves the changes, the proposal may be revised and resubmitted as a new proposal. If the proposal has not been revised and is essentially the same as that already reviewed, it shall be returned to the applicant.

(c) The Erosion Control Officer shall report any such revisions to the Board of County Commissioners at the next available regular meeting.

(B) Major Amendments to Plans and Specifications

(1) Amendments to the plans and specifications of the stormwater control structure and/or the operation and maintenance plan or manual which involve a change in the size or location of the structure may be approved by the Board of County Commissioners after receiving a recommendation from the Erosion Control Officer.

(2) Proposed changes shall be prepared by a North Carolina registered professional engineer or landscape architect (to the extent that the General Statutes, Chapter 89A, allow) and submitted to and reviewed by the Erosion Control Officer.

(C) Revision of Plans Found to be Inadequate

If the County finds that the operations and maintenance plan or manual is inadequate for any reason, the owning entity shall be notified of any required changes and shall prepare and file copies of the revised agreement with the Orange County Register of Deeds, the Erosion Control Officer, and the owning entity.

6.14.12 Stormwater Discharges

(A) Applicability

The regulations contained herein shall be applicable to all new development and existing projects within the County planning jurisdiction.

(B) In General

(1) Orange County herein establishes methods for controlling the introduction of pollutants into the stormwater collection system or receiving waters.

(2) No person shall discharge or cause to be discharged into the stormwater collection system or receiving waters any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater.

(3) Orange County Planning and Inspections shall collect information related to stormwater discharges from all applicable sources within its jurisdiction.

(C) Allowable Discharges

The commencement, conduct, or continuance of any illegal discharge to the stormwater collection system or receiving waters is prohibited. However, the following discharges are exempt from discharge prohibitions established by this Ordinance provided that they do not significantly impact water quality:

(1) Waterline flushing,

(2) Landscape irrigation,

(3) Diverted stream flows,

(4) Uncontaminated rising groundwater,

(5) Uncontaminated groundwater infiltration to the stormwater collection system,

(6) Uncontaminated pumped groundwater,

(7) Discharges from potable water sources,

(8) Foundation drains,

(9) Uncontaminated air conditioning condensation,

(10) Irrigation water,

(11) Springs,

(12) Water from crawl space pumps,

(13) Footing drains,

(14) Lawn watering,

(15) Non-commercial car washing,

(16) Flows from riparian habitats and wetlands,

(17) NPDES permitted discharges,

(18) Street wash water,

(19) Fire fighting emergency activities,

(20) Wash water from the cleaning of buildings,

(21) Dechlorinated backwash and draining associated with swimming pools,

(22) Flows from firefighting,

(23) Discharges specified in writing by the County as being necessary to public health and safety,

(24) Dye testing is an allowable discharge, but requires verbal notification to the Erosion Control Officer prior to the time of the test, and

(25) Any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or waste discharge order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the stormwater collection system.

(D) Prohibited Discharges

(1) It is a violation of this Ordinance for any person to discharge any substance into the stormwater collection system or receiving waters which by its nature, may:

(a) Become a public health hazard endangering human or animal health.

(b) Interfere with the free and rapid flow of surface water,

(c) Be flammable or explosive,

(d) Be toxic to human, animal or plant life,

(e) Be corrosive or damaging to the stormwater collection system, or

(f) Affect adversely the State of North Carolina classification of the stream into which the discharge flows.

(2) Non-allowable discharges include, but are not limited to, the following:

(a) Dumping of oil, anti-freeze, chemicals, garbage, paint or cleaning fluids,

(b) Untreated animal waste,

(c) Commercial car washes,

(d) Industrial discharges,

(e) Contaminated foundation drains,

(f) Cooling water unless no chemicals are added, and a NPDES permit is in place,

(g) Washwaters from commercial and industrial activities,

(h) Sanitary sewer discharges,

(i) Septic tank discharges,

(j) Washing machine discharges, and

(k) Chlorinated backwash and draining associated with swimming pools.

(E) Illegal Connections to Stormwater Collection Systems

(1) The construction, use, maintenance, or continued existence of illegal connections to the stormwater collection system is prohibited.

(2) Any connection to the stormwater collection system which allows the discharge of non-stormwater, other than the exclusions listed in Section 6.14.12(C)of this Ordinance, is prohibited.

(3) The prohibition of illegal connections expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of the connection.

(4) A person is considered to be in violation of this Ordinance if the person connects a line conveying sewage to the stormwater collection system, or allows such a collection to continue.

(5) Grace Periods

(a) Where such connections exist in violation of this Ordinance, the property owner, or person using said connection shall be required to remove the connection within one year following the notice of violation. This grace period shall not apply to connections which may result in the discharge of hazardous materials or other discharges which pose an immediate threat to health and safety, or are likely to result in immediate injury and harm to human, animal or plant life, and natural resources.

(b) Where it is determined that the one year grace period shall not apply, the Erosion Control Officer shall determine the time within which the connection shall be removed. In setting the time limit for compliance, the Erosion Control Officer shall take into consideration the following:

(i) The quantity and complexity of the work.

(ii) The consequences of delay.

(iii) The potential harm to the environment, to the public health, to public and private property, to wildlife, and to natural resources.

(iv) The cost of remedying the damage.

(F) Spills

(1) Spills or leaks of polluting substances discharged to, or having the potential to reach the stormwater collection system or receiving waters, shall be contained, controlled, collected, and removed promptly. All affected areas shall be restored to their preexisting condition.

(2) Notification of Spills

(a) Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation (the Financially Responsible Person) has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into or may reach the stormwater collection system or waters of Orange County, the Financially Responsible Person shall take all necessary steps to ensure the discovery, containment, and cleanup of such discharge.

(b) In the event of such a discharge of hazardous materials, the Financially Responsible Person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services, and shall notify the Erosion Control Officer within 24 hours.

(c) In the event of a discharge of non- hazardous materials, the Financially Responsible Person shall notify the Erosion Control Officer no later than the next business day.

(d) All notifications shall be confirmed by written notice addressed and mailed to the County within three business days of the discharge.

(e) Notification shall not relieve the Financially Responsible Person of:

(i) Any liability or expense related to the discharge.

(ii) Restoration of any area affected by the discharge to preexisting conditions.

(iii) Liability or violation of any regulatory body of the County, State or Federal government.

SECTION 6.15: SOIL EROSION AND SEDIMENTATION CONTROL

6.15.1 Purpose and Intent

(A) Overall

(1) The regulations and standards included herein have been adopted for the purposes of:

(a) Regulating the clearing, grading, excavation, filling and manipulation of the earth and the moving and storing of waters in order to:

(i) Control and prevent accelerated soil erosion and sedimentation,

(ii) Prevent the pollution of water,

(iii) Prevent damage to public and private property,

(iv) Maintain the balance of nature,

(v) Prevent the obstruction of natural and artificial drainageways,

(vi) Inhibit flooding, and

(vii) Reduce the undermining of roads and other transportation facilities.

(b) Establishing procedures through which these purposes can be fulfilled.

(2) It is the intent of the Board of County Commissioners that all of the departments and agencies of Orange County, its contractors and subcontractors shall comply with the regulations set forth in this Section.

(B) University Lake, Cane Creek, and Upper Eno Watersheds

(1) The Board of County Commissioners find that, without strict sedimentation and erosion controls, the development of land within the University Lake, Cane Creek, and Upper Eno Watersheds will have a significant adverse impact upon the health, safety, and welfare of all persons served by the water supply reservoirs within these watersheds. More specifically:

(a) Stormwater runoff carries pollutants into water supply reservoirs, degrading water quality. These pollutants include, but are not limited to, organic and inorganic chemicals.

(b) The increase in nutrients such as phosphorus and nitrogen will accelerate eutrophication of water supply reservoirs, adversely affecting flora and fauna.

(c) The improper channelization of watercourses and drainage areas in the University Lake, Cane Creek, and Upper Eno Watersheds will increase the velocity of runoff, thereby increasing erosion and sedimentation.

(d) The alteration of the natural topography and removal of vegetation will increase erosion by increasing velocity of runoff.

(e) The siltation of water bodies resulting from increased erosion will decrease the capacity of the water bodies to hold and transport water, and harm flora and fauna.

(f) Sedimentation further reduces water quality because it transports pollutants into the water, then releases them in the water as it settles.

(g) Impervious surfaces will increase the volume and rate of stormwater runoff. This allows less water to percolate into the soil, thereby decreasing groundwater recharge. Increased velocity of runoff also reduces the filtering effect of the soil.

(h) Improperly managed stormwater runoff will increase the incidence of flooding and the level of floods which occur.

(2) The regulations set forth in this Section that are applicable to the University Lake, Cane Creek, and Upper Eno Watersheds are designed:

(a) To protect and maintain the chemical, physical and biological quality and integrity of water supply reservoirs within these watersheds and other critical watershed areas.

(b) To prevent harm to the residents of the community by prohibiting activities which adversely affect water supply reservoirs as a public water supply.

(c) To encourage the protection of natural systems and the utilization of these systems in a manner which does not impair their beneficial functioning.

(d) To discourage the construction of drainage systems which do not functionally approximate the natural drainage pattern.

(e) To minimize sedimentation and erosion, within the watersheds, and as a result, minimize the transport of sediment and pollutants.

(f) To protect and maintain the existing habitat of fish and wildlife.

(g) To prevent damage from flooding while recognizing that natural fluctuations in water levels are beneficial.

(h) To protect the absorptive, purifying and retentive functions of the natural systems existing in the University Lake, Cane Creek, and Upper Eno Watersheds area.

(i) To ensure the attainment of these objectives by requiring the approval and implementation of Sedimentation and Erosion Control Plans for all activities which may adversely affect the University Lake, Cane Creek, and Upper Eno Watersheds.

(j) To provide and enforce design and performance standards for control of post-development erosion and sedimentation in order to preserve the characteristics that existed in the University Lake, Cane Creek, and Upper Eno Watersheds Area prior to development.

6.15.2 Applicability

(A) The soil erosion and sedimentation control provisions contained herein shall apply within Orange County, including the municipalities of Carrboro, Hillsborough, and the portion of Mebane within Orange County, but excluding the municipal boundaries and planning extraterritorial limits of Chapel Hill.

(B) It shall be unlawful, within the jurisdiction of this Section, to engage in land-disturbing activity, except as provided herein, without first obtaining a permit as required by this Section and without complying with the conditions of the issuance of said permit.

(C) Any person engaged in land-disturbing activities who fails to file a plan in accordance with this Ordinance, or who conducts a land-disturbing activity except in accordance with provisions of an approved plan shall be deemed in violation of this Ordinance.

6.15.3 Erosion Control Standards

(A) Orange County Standards

Requirements, standards, and specifications for erosion control plans and erosion control techniques, measures, and devices are contained in the Orange County Soil Erosion and

Sediment Control Manual. Copies of the Manual are available from the Erosion Control Division of the Orange County Planning & Inspections Department.

(B) Revisions to the Standards

Corrections, revisions, and amendments to the Soil Erosion and Sediment Control Manual shall be made upon recommendation of the Erosion Control Officer and approval by the Orange County Board of Commissioners.

(C) Consistency Between Ordinance and Standards

Nothing in this Section shall be construed to allow approval of a plan which is inconsistent with the mandatory standards set forth in Section 6.15.7(B) of this Ordinance or any other provision of this Ordinance.

6.15.4 Exclusions

The regulations established within this Section shall not apply to the following land - disturbing activities:

(A) Agriculture

Activities undertaken on agricultural land for the production of plants and animals useful to man, including, but not limited to:

(1) Forages and sod crops, grains and feed crops, tobacco, cotton and peanuts;

(2) Dairy animals and dairy products;

(3) Poultry and poultry products;

(4) Livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, including the breeding and grazing of any or all such animals;

(5) Bees and apiary products; and

(6) Fur producing animals.

(B) Forestland

(1) Activities undertaken on forestland for the production and harvesting of timber and timber products and conducted in accordance with best management practices set out in Forest Practice Guidelines Related to Water Quality as adopted by the Department.

(2) If land-disturbing activity undertaken on forestland for the production and harvesting of timber and timber products is not conducted in accordance with Forest Practice Guidelines Related to Water Quality, the provisions of this Ordinance shall apply to such activity and any related land disturbing activity on the tract.

(C) Mining

Activities for which a permit is required under the Mining Act of 1971, Article 7 of Chapter 74 of the General Statues.

(D) State Jurisdiction

Those land-disturbing activities over which the State by statute (G.S. 113A-56(a)) has exclusive regulatory jurisdiction, which are activities:

(1) Conducted by the State,

(2) Conducted by the United States,

(3) Conducted by persons having the power of eminent domain,

(4) Conducted by local governments, or

(5) Funded in whole or in part by the State or the United States.

6.15.5 General Requirements for Areas Other Than University Lake, Cane Creek, and Upper Eno Watersheds

(A) Protection of Property

(1) Person(s) conducting land-disturbing activities shall take all reasonable measures to protect all public and private property from damage by such activities.

(2) The disposal of trees, limbs, stumps and construction debris associated with the activities shall be by some method other than open burning.

(3) This requirement shall apply to any areas to be disturbed, regardless of the size of the area to be uncovered.

(B) Erosion Control Plan Requirement

(1) Prior to the commencement of any land-disturbing activity that will result in the uncovering of more than 20,000 square feet of land, the person(s) conducting the land-disturbing activity must prepare and submit an Erosion Control Plan for the proposed site.

(2) The Plan shall specify the method of disposal of trees, limbs, stumps and construction debris associated with the activity; which shall be by some method other than open burning.

(3) The Plan must be approved and a Land Disturbing Permit obtained prior to the start of the disturbance.

6.15.6 General Requirements for University Lake, Cane Creek, and Upper Eno Watersheds

(A) Protection of Property

(1) Persons conducting land-disturbing activity shall take all reasonable measures to protect all public and private property from damage by such activities.

(2) This requirement shall apply to any area to be disturbed.

(B) Erosion Control Plan Requirement

(1) Except as otherwise provided in Section 6.15.6(C), an erosion and sedimentation control plan shall be prepared and filed with and approved by the Erosion Control Division prior to the commencement of any land-disturbing activity within the University Lake, Cane Creek, and Upper Eno Watersheds.

(2) The Plan shall specify the method of disposal of trees, limbs, stumps and construction debris associated with the activity; which shall be by some method other than open burning.

(C) Erosion Control Plan Waiver

(1) The person(s) conducting the land-disturbing activity need not submit an Erosion Control Plan if such person obtains an Erosion Control Plan Waiver from the Erosion Control Division.

(2) An application for this waiver shall be submitted to the Erosion Control Officer and shall contain the following:

(a) The name, address, and phone number of the developer and owner,

(b) A description and drawing of the proposed development or activity,

(c) The location of the development, and

(d) Any other information requested by the Orange County Erosion Control Officer that is reasonably necessary to evaluate the proposed development.

(3) The Erosion Control Officer shall issue the Plan Waiver if he/she finds the following:

(a) The land-disturbing activity will not result in the uncovering of more than 10,000 square feet; and

(b) The land-disturbing activity is not to be conducted in connection with any of the following types of developments:

(i) Shopping centers,

(ii) Industrial and commercial facilities,

(iii) Major subdivisions,

(iv) Roads, or

(v) Any activity involving the temporary or permanent storage (above or below ground) of any noxious, toxic, or hazardous substance, including fuel storage facilities.

(c) The proposed land-disturbing activity will not:

(i) Significantly increase or decrease the rate or volume of surface water runoff;

(ii) Significantly contribute to the degradation of water runoff;

(iii) Have a significant adverse impact on a wetland, watercourse, or water supply reservoir;

(iv) Occur within a buffer area circumscribing a water supply reservoir; or

(v) Involve open burning of trees, limbs, stumps and construction debris associated with the permitted activity.

6.15.7 Design and Performance Standards

(A) Basic Control Objectives

An Erosion and Sedimentation Control Plan may be disapproved pursuant to Section 2.19 of this Ordinance if the plan fails to address the following control objectives:

(1) Identify Critical Areas

On-site areas which are subject to severe erosion, and off-site areas which are especially vulnerable to damage from erosion and/or sedimentation, are to be identified and receive special attention, and appropriate mitigative measures are to be taken to protect those areas.

(2) Plan for Erosion Control

(a) Design the development and prepare the site plan so that the necessary sediment-trapping devices and erosion control measures can be accommodated and are accessible for maintenance and removal.

(b) Observe the requirements and standards in Orange County's Soil Erosion and Sediment Control Manual and the North Carolina Erosion and Sediment Control Planning and Design Manual.

(3) Limit Exposed Areas

All land-disturbing activities are to be planned and conducted to minimize the size of the area to be exposed at any one time.

(4) Limit Time of Exposure

All land-disturbing activities are to be planned and conducted to limit exposure to the shortest feasible time.

(5) Control Surface Water

Surface water runoff originating upgrade of exposed areas should be controlled to reduce erosion and sediment loss during the period of exposure.

(6) Control Sedimentation

All land-disturbing activities are to be planned and conducted so as to prevent off-site sedimentation damage.

(7) Manage Stormwater Runoff

When the increase in the peak rates and velocity of storm water runoff resulting from a land-disturbing activity is sufficient to cause accelerated erosion of the receiving watercourse, plans are to include measures to control the velocity and the rate of release at the point of discharge so as to minimize accelerated erosion of the site and increased sedimentation of the stream.

(8) Open Burning

The Plan should specify the method of disposal of trees, limbs, stumps and construction debris associated with the activity; which shall be by some method other than open burning.

(B) Mandatory Design and Performance Standards for Land-Disturbing Activity

No land-disturbing activity subject to the provisions of this Section shall be undertaken except in accordance with the following mandatory standards:

(1) Buffer Zone

(a) No land-disturbing activity during periods of construction or improvement to land shall be permitted in proximity to a lake or natural watercourse unless a buffer zone is provided along the margin of the watercourse of sufficient width to confine visible siltation within the 25% of the buffer zone nearest the land-disturbing activity.

(b) Unless otherwise provided, the width of a buffer zone is measured from the edge of the water to the nearest edge of the disturbed area, with the 25% of the strip nearer the land disturbing activity containing the natural or artificial means of confining visible siltation.

(c) Waters Classified as Trout Waters by the Environmental Management Commission

(i) Waters that have been classified as trout waters by the Environmental Management Commission shall have an undisturbed buffer zone 25 feet wide or of sufficient width to confine visible siltation within the 25% of the buffer zone nearest the land-disturbing activity, whichever is greater.

(ii) The 25 foot minimum width for an undisturbed buffer zone adjacent to designated trout waters shall be measured horizontally from the top of the bank.

(iii) The County may approve plans which include land-disturbing activity along trout waters when the duration of said disturbance would be temporary and the extent of said disturbance would be minimal. This subsection shall not apply to a land-disturbing activity in connection with the construction of facilities to be located on, over, or under a lake or natural watercourse.

(iv) Where a temporary and minimal disturbance is permitted as an exception by Section 6.15.7(B)(1)(c)(iii) of this Ordinance, land-disturbing activities in the buffer zone adjacent to designated trout waters shall be limited to a maximum of 10% of the total length of the buffer zone within the tract to be disturbed, such that there is not more than 100 linear feet of disturbance in each 1000 linear feet of buffer zone. Larger areas may be disturbed with the written approval of the Director of the Division of Land Resources of the Department of Environment and Natural Resources.

(v) No land-disturbing activity shall be undertaken within a buffer zone adjacent to designated trout waters that will cause adverse temperature fluctuations, as set forth in 15 NCAC 2B.0211 Fresh Surface Water Classification and Standards, in these waters.

(2) Graded Slopes and Fills

(a) The angle for graded slopes and fills shall be no greater than the angle which can be retained by vegetative cover or other adequate erosion control devices or structures.

(b) Slopes left exposed shall, within 21 calendar days of completion of any phase of grading, be planted or otherwise provided with ground cover, devices, or structures sufficient to restrain erosion.

(3) Undisturbed Area

Because soils which are seriously disturbed, even if re-vegetated, can generate nearly as much run-off as paved areas, a portion of property being developed within watershed critical areas must remain undisturbed during construction. See Table 6.15.7.B.3: Undisturbed Area (below).

TABLE 6.15.7.B.3: UNDISTURBED AREA

DISTRICT	UNDISTURBED AREA
UNIV-CA CANE-CA U-ENO-CA	The area necessary to meet impervious surface requirements shall remain undisturbed during the construction process. The area to remain undisturbed shall include portions of the lot utilized for stormwater infiltration. All clearing limits shall be clearly marked and observed.
All other Watershed Overlay Districts	As may be required pursuant to an approved grading permit or erosion control plan.

(4) Ground Cover

(a) Whenever land-disturbing activity is undertaken on a tract comprising more than 20,000 square feet, if more than 20,000 square feet are uncovered, the person conducting the land-disturbing activity shall install such sedimentation and erosion control devices and practices as are sufficient to retain the sediment generated by the land-disturbing activity within the boundaries of the tract during construction upon and development of said tract, and shall plant or otherwise provide a permanent ground cover sufficient to restrain erosion after completion of construction or development.

(b) Except as provided in Section 6.15.7(B)(6)(e)of this Ordinance, provisions for a ground cover sufficient to restrain erosion must be accomplished within 15 working days or 90 calendar days, whichever period is shorter, following completion of construction or development.

(5) Design Storm

(a) Except as provided in Section 6.15.7(B)(6)(b)of this Ordinance and in the standard for sediment ponds in the Soil Erosion and Sediment Control Manual, erosion and sedimentation control measures, structures, and devices shall be so planned, designed, and constructed as to provide protection from accelerated erosion and sedimentation from the calculated maximum peak rates of runoff from the ten-year frequency storm.

(b) Runoff rates shall be calculated using the procedures in the USDA Soil Conservation Service's "National Engineering Field Manual for Conservation Practices," or other calculation procedures acceptable to the Erosion Control Officer.

(6) Standards for High Quality Waters

In High Quality Water (HQW) zones the following design standards shall apply:

(a) Uncovered Areas

(i) Uncovered areas in HQW zones shall be limited at any time to a maximum total area of 20 acres within the boundaries of the tract.

(ii) Larger areas may be uncovered within the boundaries of the tract with the written approval of the Director of the Division of Land Resources of the Department of Environment and Natural Resources.

(b) Erosion and Sedimentation Controls

(i) Erosion and sedimentation control measures, structures, and devices within HQW zones shall be so planned, designed, and constructed to provide protection from the runoff of the 25-year storm which produces the maximum peak rate of runoff.

(ii) The peak rate of runoff shall be calculated according to procedures in the United States Department of Agriculture Soil Conservation Service's National Engineering Field Manual for Conservation Practices or according to procedures adopted by any other agency of this state or the United States or any generally recognized organization or association.

(c) Sediment Ponds

(i) Sediment ponds (also called "sediment basins") within HQW zones shall be designed and constructed such that the pond will have a settling efficiency of at least 70% for the 40 micron (0.04 mm) size soil particle transported into the basin by the runoff of that 2-year storm which produces the maximum peak rate of runoff.

(ii) The peak rate of runoff shall be calculated according to procedures in the United States Department of Agriculture Soil Conservation Service's National Engineering Field Manual for Conservation Practices or according to procedures adopted by any other agency of this state or the United States or any generally recognized organization or association.

(d) Open Channels

(i) Newly constructed open channels in HQW zones shall be designed and constructed with side slopes no steeper than 2 horizontal to 1 vertical if a vegetative cover is used for stabilization

(ii) Steeper slopes may be permitted if soil conditions permit a steeper slope or where the slopes are stabilized by using mechanical devices, structural devices or other acceptable devices.

(iii) In any event, the angle for side slopes shall be sufficient to restrain accelerated erosion.

(e) Ground Cover

(i) Ground cover sufficient to restrain erosion must be provided for any portion of a land disturbing activity in a HQW zone within 15 working days or 60 calendar days, whichever period is shorter, following completion of construction or development.

(7) Prior Plan Approval

No person shall initiate any land-disturbing activity on a tract if more than 20,000 square feet are to be uncovered unless, 30 or more days prior to initiating the activity, an erosion and sedimentation control plan for such activity is filed with the County and approved, and a Land Disturbing Permit obtained from the County. The land-disturbing activity shall be conducted in accordance with the approved erosion and sedimentation control plan.

(C) Additional Standards for Land-Disturbing Activity in University Lake, Cane Creek, and Upper Eno Watersheds

In addition to the provisions of Subsection (B) above, the design, construction, and maintenance of drainage systems in developments within the University Lake, Cane Creek, and Upper Eno Watersheds shall also be consistent with the following standards, and these standards shall control to the extent that they are more restrictive than those set forth in Subsection (B) above:

(1) Channeling Runoff

(a) Channeling runoff directly into water bodies shall be prohibited.

(b) Runoff shall be routed through swales and other systems designed to increase time of concentration, decrease velocity, increase infiltration, allow suspended solids to settle, and remove pollutants.

(2) Alteration of Watercourses

(a) Natural watercourses shall not be dredged, cleared of vegetation, deepened, widened, straightened, stabilized or otherwise altered except in accordance with an approved Erosion Control Plan.

(b) Water shall be retained or detained before it enters any natural watercourse in order to preserve the natural hydro-dynamics of the watercourse and to prevent sedimentation.

(3) Limit Land-Disturbing Activity

(a) The area of disturbance by development shall be as small as practical.

(4) Land Alterations

(a) No grading, cutting or filling shall be commenced until erosion and sedimentation control devices have been installed between the disturbed area and water bodies, watercourses, wetlands, or adjoining properties.

(5) Wetland Protection

(a) Wetlands and other water bodies shall not be used as sediment traps during development.

(6) Maintenance Requirements and Responsibility

(a) Erosion and sedimentation facilities shall receive regular maintenance to ensure that they continue to function properly.

(b) Temporary basins shall be cleaned out when they are filled to 50% of their design capacity.

(7) Artificial Watercourses

(a) Any artificial watercourse (where the need is demonstrated) shall be designed considering soil type so that the velocity of flow is low enough to prevent accelerated erosion.

(8) Buffer Area Requirements

(a) Soil and pollutants carried over land, primarily from roads, trails, and/or land-disturbing activities, can be effectively trapped by leaving a relatively undisturbed strip of vegetation parallel and adjacent to the watercourse.

(b) Properly managed overland water flow can be directed into this buffer area in a manner that will reduce velocity and cause dispersion of the water. Sediments carried by the water will settle out as a result of this slowing and dispersion process.

(c) The width of these buffer areas shall depend on the type of stream or drainage area and shall be determined as follows:

(i) Creeks and tributaries - (i.e., permanent streams flowing directly into a water supply reservoir within University Lake, Cane Creek, and Upper Eno Watersheds and permanent streams flowing into such streams).

a. Measure along a line running perpendicular to the edge of the floodplain 50 feet from the edge of the floodplain plus an additional distance equal to: 4 x slope x 100.

b. If no floodplain has been demarcated, measure along a line running perpendicular to the center of the watercourse. Measure the 50 feet from the edge of the water.

c. "Slope" is expressed as a percentage derived by dividing the rise in elevation between the floodplain boundary line (or centerline of the watercourse per above) and a point 100 feet from that point along the above described perpendicular line, by 100.

(ii) Intermittent streams flowing into creeks and tributaries.

a. Measure along a line running perpendicular to the centerline of the intermittent stream 50 feet from such stream centerline.

(iii) Intermittent streams flowing directly into water supply reservoirs within University Lake, Cane Creek, and Upper Eno Watersheds.

a. Measure along a line running perpendicular to the centerline of the intermittent stream 100 feet from such stream centerline.

(iv) Intermittent streams flowing into streams which flow directly into water supply reservoirs within University Lake, Cane Creek, and Upper Eno Watersheds.

a. Measure along a line running perpendicular to the centerline of the intermittent stream 50 feet from such stream centerlines.

(v) Water supply reservoirs within University Lake, Cane Creek, and Upper Eno Watersheds.

a. Measure along a line running perpendicular to the high water mark or floodplain boundary (whichever is farther from the Lake) 100 feet from such high water mark or floodplain boundary plus an additional distance equal to: 4 x slope x 100

b. "Slope" is expressed as a percentage derived by dividing the rise in elevation between the high water line of the Lake and a point 100 feet from that point along the above described perpendicular line, by 100.

(d) The existing natural vegetation in the designated buffer areas shall not be disturbed in any way that would reduce the area's effectiveness in achieving the objectives set forth in this subsection.

(e) Buffer areas from which the vegetative cover has been removed shall be planted or otherwise provided with ground cover devices or structures sufficient to allow the buffer area to accomplish the objectives set forth in this subsection.

(f) Buffers shall not be used as temporary erosion control devices during construction.

(9) Sediment Storage

(a) Sediment shall be retained on the site of the development.

(10) Detention or Retention Areas –

(a) Retention and detention ponds may be used to retain and detain the increased and accelerated runoff which the development generates.

(b) Water shall be released from detention ponds into watercourses or wetlands at a rate and in a manner approximating the natural flow which would have occurred before development.

(c) Retention and detention ponds shall be designed so that they maintain their structural integrity when subject to a 100-year storm.

(d) Detention and retention areas shall be designed so that shorelines are sinuous rather than straight and so that the length of the shoreline is maximized, thus offering more space for the growth of littoral vegetation.

(e) The banks of detention and retention areas shall slope at a gentle grade into the water as a safeguard against drowning, personal injury or other accidents, to encourage the growth of vegetation and to allow the alternate flooding and exposure of the areas along the shoreline as water levels periodically rise and fall.

(11) Open Space

(a) The use of drainage facilities and vegetated buffer zones as open space, recreation, and conservation areas shall be encouraged.

(b) Recreational activities undertaken in these open space areas shall be limited to passive or leisure activities.

(12) Grassed Swales

(a) Drainage within the development shall be accommodated by the natural drainage systems whenever possible.

(b) The use of grassed drainageways to channel water shall be encouraged.

(c) The velocity of travel in this grassed swale shall range between 2-4 feet/second.

(13) Retention of Runoff from Industrial Sites

(a) On sites developed for industrial purposes (i.e., uses involving the manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembly of goods, merchandise, or equipment), retention or detention areas meeting the standards set forth in Section 6.15.7(C)(10) shall be used to insure that runoff is retained on the site before being released. The purpose of this requirement is to insure that, not only will the standard set forth in Section 6.15.8(A) be met, but also a mechanism will be provided to safeguard the watershed against the spillage of toxic or dangerous substances.

(D) Additional Standards for Borrow and Waste Areas

(1) When the person conducting the land-disturbing activity is also the person conducting the borrow and waste disposal activity, areas from which borrow is obtained and which are not regulated by the provisions of the Mining Act of 1971, and waste areas for surplus materials other than landfills regulated by the Department's Division of Solid Waste Management shall be considered as part of the land-disturbing activity where the borrow material is being used or from which the waste material originated.

(2) When the person conducting the land-disturbing activity is not the person obtaining the borrow and/or disposing of the waste, these areas shall be considered a separate land-disturbing activity.

(E) Additional Standards for Access and Haul Roads

(1) Temporary access and haul roads, other than public roads, constructed or used in connection with any land-disturbing activity shall be considered a part of such activity.

(2) For development in the University Lake, Cane Creek, and Upper Eno Watersheds, these access and haul roads shall have gravel pads placed at the entrance of the site of a land-disturbing activity.

(F) Additional Standards for Operations in Lakes or Other Natural Watercourses

(1) Land-disturbing activity in connection with construction in, on, over or under a lake or natural watercourse shall be planned and conducted in such a manner as to minimize the extent and duration of disturbance of the stream channel.

(2) The relocation of a stream, where relocation is an essential part of the proposed activity, shall be planned and executed so as to minimize changes in the stream flow characteristics except when justification for significant alteration to flow characteristics is provided.

(3) Every effort shall be made to maintain buffer zones consisting of existing vegetation between the land-disturbing activity and the watercourse.

(G) Additional Standards for Economic Development Districts

The following additional standards shall apply within the Economic Development Districts:

(1) Lot grading must be done in such a way as to preserve the topographic features and maintain natural drainage patterns, and to provide positive drainage. In locating buildings, parking, and other features on the site, the following standards must be met:

(a) Minimize disturbance and phase development wherever practical.

(b) Preserve existing vegetation, especially significant stands of trees along drainageways, on steep slopes, and in buffer areas.

(c) Use the natural shape of the land with minimal grading to locate features in a way that minimized impacts on and off the site.

(2) All site grading must be designed to meet the standards shown on the following table:

TABLE 6.15.7.G.2: SLOPE GRADING STANDARDS

SITE AREA	MINIMUM SLOPE	MAXIMUM SLOPE
Planting Areas	2%	3:1
Parking Lot Pavement	2%	4%
Driveways and Access Drives	2%	5%
Pedestrian Plaza Areas	1%	2%
Sidewalks	1%	8%

(3) No cut or fill slopes of any type may be steeper than 3:1 and must have smooth vertical transitions. Where space limitations demand, terracing with approved retaining walls will be utilized. Where retaining walls are used, they must be constructed of a material compatible with the building architecture.

(4) Berms, channels, swales, etc. must be graded in such a way as to be an integral part of the landscape, and paved surfaces must be designed with smooth vertical transitions between changes in slope.

(5) In order to minimize soil erosion, practical combinations of the following shall be used:

(a) Expose the smallest practical area of cleared land during construction.

(b) Temporary ditches, dikes, vegetation, and/or mulching must be used to protect critical areas exposed during development or construction.

(c) Sediment control measures must be installed and maintained to remove sediment from run-off waters during development.

(d) Permanent landscaping and groundcover must be installed as soon as practical after construction activities are completed.

(e) Temporary groundcover must be used for fill material subject to erosion and on construction projects over six months duration.

6.15.8 Stormwater Outlet Protection

(A) Control of Discharge in University Lake, Cane Creek, and Upper Eno Watersheds

After development of a site, the peak discharge of stormwater runoff resulting from a ten-year storm shall be no greater than that which would result from a ten-year storm on the same site prior to development. This requirement shall apply to the following:

(1) Commercial, industrial, office, and institutional developments,

(2) Multi-family residential developments of more than ten units, and

(3) Single-family detached residential developments where more than three lots are to be created.

(B) Control of Velocity

(1) Persons shall plan and conduct land-disturbing activity so that the post-construction velocity of the 10-year storm runoff in the receiving watercourse to the discharge point does not exceed the greater of:

(a) The velocity established by the table in Section 6.15.8(C)(3)of the subsection; or

(b) The velocity of the 10-year storm runoff in the receiving watercourse prior to development.

(2) If conditions (a) or (b) of this Subsection above cannot be met, then the receiving watercourse, to and including the discharge point, shall be designed and constructed to withstand the expected velocity anywhere the velocity exceeds the "prior to development" velocity by 10%.

(C) Standards

(1) Intent

Stream banks and channels downstream from any land disturbing activity shall be protected from increased degradation by accelerated erosion caused by increased velocity of runoff from the land disturbing activity.

(2) Acceptable Management Measures

(a) Measures applied alone or in combination to satisfy the intent of this Subsection are acceptable if there are no objectionable secondary consequences.

(b) Innovative techniques and ideas will be considered and may be used when shown to have the potential to produce successful results. Some alternatives are to:

(i) Avoid increases in surface runoff volume and velocity by including measures to promote Infiltration to compensate for increased runoff from areas rendered impervious;

(ii) Avoid increases in stormwater discharge velocities by using vegetated or roughened swales and waterways in lieu of closed drains and high velocity paved sections;

(iii) Provide energy dissipaters at outlets of storm drainage facilities to reduce flow velocities to the point of discharge; these may range from simple rip-rapped sections to complex structures; and

(iv) Protect watercourses subject to accelerated erosion by improving cross sections and/or providing erosion-resistant lining.

(3) Permissible Velocities

TABLE 6.15.8.C.3: MAXIMUM PERMISSIBLE VELOCITIES		
MATERIAL	FPS	MPS
Fine Sand (noncolloidal)	2.5	0.8
Sandy Loam (noncolloidal)	2.5	0.8
Silt Loam (noncolloidal)	3.0	0.9
Ordinary Firm Loam	3.5	1.1
Fine Gravel	5.0	1.5
Stiff Clay (very colloidal)	5.0	1.5
Graded, Loam to Cobbles (noncolloidal)	5.0	1.5
Graded, Silt to Cobbles (colloidal)	5.5	1.7
Alluvial Silts (noncolloidal)	3.5	1.1
Alluvial Silts (colloidal)	5.0	1.5
Coarse Gravel (noncolloidal)	6.0	1.8
Cobbles and Shingles	5.5	1.7
Shale and Hard Pans	6.0	1.8
Source: Adapted from recommendations by the Special Committee on Irrigation Research, American Society of Civil Engineers, 1926, for channels with straight alignment. For sinuous channels, multiply allowable velocity by 0.95 for slightly sinuous channels, by 0.9 for moderately sinuous channels, and by 0.8 for highly sinuous channels.		

(4) Exceptions

This rule shall not apply in areas other than the University Lake, Cane Creek, and Upper Eno Watersheds where it can be demonstrated that storm water discharge velocities will not create an erosion problem in the receiving watercourse.

6.15.9 Responsibility for Installation and Maintenance

(A) On-Site Facilities

(1) During the development of a site, the person engaged in or conducting the land-disturbing activity shall be responsible for installing and maintaining all temporary and permanent erosion and sedimentation control measures and facilities as required by the approved or revised Erosion Control Plan, any provision of this Ordinance, the Act, or any order adopted pursuant to this Ordinance or the Act.

(2) The responsibility for installing and maintaining permanent erosion and sedimentation control measures and facilities after completion of the site development shall lie with the land owner or person in possession or control of the land except facilities and measures installed within road or street rights-of-way or easements accepted for maintenance by a government agency.

(B) Off-Site Facilities

(1) The Erosion Control Officer may allow stormwater runoff that is charged in volumes or at rates in excess of those otherwise allowed by this Ordinance to be discharged into drainage facilities off the site of development if the off-site facilities and the channels leading to them are designed, constructed, and maintained in accordance with the standards of this Ordinance.

(2) Adequate provision must be made for the sharing of the construction and maintenance expenses of the facilities.

(3) A request to use off-site drainage facilities and all information related to the proposed off-site facilities should be made part of the developer's erosion and sedimentation control plan.

(C) Additional Measures

Whenever the Erosion Control Officer determines that significant sedimentation is occurring as a result of land-disturbing activity, despite application and maintenance of protection practices, the person conducting the land-disturbing activity or the person responsible for maintenance will be required to take additional protective action.

6.15.10 Existing Uncovered Areas

(A) Existing Sites

All uncovered areas existing on the effective date of this Ordinance which are consistent with the following:

(1) Resulted from land-disturbing activities not excluded under Section 6.15.4, and

(2) Are outside the University Lake, Cane Creek, and Upper Eno Watersheds and exceed 20,000 square feet, and

(3) Are subject to continued accelerated erosion, and

(4) Are causing off-site damage from sedimentation,

Shall be provided with a ground cover or other protective measures, structures, or devices sufficient to restrain accelerated erosion and control off-site sedimentation.

(B) Notice of Violation

(1) The Erosion Control Officer will serve upon the landowner or other person in possession or control of the land written notice of violation by registered or certified mail, return receipt requested, or other means reasonably calculated to give actual notice.

(2) The notice will set forth the measures needed to comply and will state the time within which such measures must be completed. In determining the measures required and the time allowed for compliance, the authority serving notice shall take into consideration the economic feasibility, technology, and quantity of work required, and shall set reasonable and attainable time limits for compliance.

(C) Plan Requirements

The Erosion Control Officer reserves the right to require preparation and approval of an Erosion Control Plan in any instance where extensive control measures are required.

(D) Reservoir Sites

This Subsection shall not require ground cover on cleared land forming the future basin of a planned reservoir unless the disturbance and length of time of the exposure prior to the filling of the reservoir will result in erosion and sedimentation of the downstream channel.

SECTION 6.16: ENVIRONMENTAL IMPACT REPORTS

6.16.1 Purpose and Intent

(A) Pursuant to the North Carolina Environmental Policy Act, the Orange County Board of Commissioners adopted the regulations and standards included herein to:

(1) Encourage the wise and productive use of the county's natural resources;

(2) Encourage a public and governmental awareness of our environment and of the consequences of development which affect it;

(3) To require that a full disclosure be made as to the anticipated effect of proposed development on the resources of the county; and

(4) Permit and facilitate full enforcement of all ordinances and regulations concerning the environment in an efficient, coordinated and comprehensive manner.

(B) The intent of the regulations and standards included in this Section is to provide a mechanism for full disclosure of anticipated impacts of developments as herein defined and to make such information publicly available so that citizens of the county may have input into developmental issues before they become moot.

(C) Specifically, the intent of the regulations and standards included in this Section is to require the preparation and evaluation of environmental impact documents for projects that either require certain state permits, or require a local land use permit for development within environmentally sensitive areas, as provided in Section 6.16.3 of this Ordinance.

6.16.2 Exemptions

The following projects and uses are exempt from the Environmental Assessment (EA) and Environmental Impact Statement (EIS) requirements set forth herein and no environmental documentation is required:

(A) Any project involving a total area of two acres or less.

(B) Routine repairs and housekeeping projects.

(C) Routine grounds maintenance and landscaping.

(D) Bonafide farming operations, not including sludge disposal.

(E) Single-family residential development, except those reviewed as MPD-CZ.

(F) Any project located outside of the Orange County Planning Jurisdiction, including Transition Areas subject to development regulations of any Town within Orange County.

6.16.3 Environmental Assessment

(A) Applicability

Environmental Assessment is required for non-exempt projects that:

(1) Qualify as a small or large generator of hazardous waste as defined by the North Carolina Department of Health and Human Services (Hazardous Waste Branch of Solid Waste Management Section); and/or

(2) Involves as an integral part of the operation of a commercial or industrial activity more than 10,000 gallons per day of water usage, exclusive of domestic water (25 gpd per employee), and water used for climate control (air conditioning and heating); and/or

(3) Require grading in excess of 40,000 square feet, exclusive of roads, for non-residential or attached residential development; and/or

(4) Require grading in excess of 40,000 square feet, exclusive of roads, for non-residential components of residential development (golf courses, recreation facilities, and the like); and/or

(5) Require any of the following Environmental permits:

(a) A Mining Permit pursuant to the NC Mining Act.

(b) A State NPDES (National Pollutant Discharge Elimination System) Permit, as administered by the NC Division of Water Quality.

(c) A Non-Discharge Permit for a land application waste disposal system.

(d) A permit for sludge disposal site.

(6) Require Environmental Documentation by a State or Federal agency.

(7) Are located within the Water Quality Critical Area of the Water Supply Watershed, as defined in the Land Use component of the Orange County Comprehensive Plan; and/or

(8) Contain sites identified in "An Inventory of Sites of Cultural, Historic, Recreational, Biological, and Geological Significance in the Unincorporated Portions of Orange County" or "Inventory of the Natural Areas and Wildlife Habitats of Orange County, North Carolina"; and/or

(9) Contain lands with slopes in excess of 25% outside of drainage easements or stream buffers, as determined by USGS Topographic maps, at a contour interval of ten feet.

(B) Requirements of an Environmental Assessment

The Environmental Assessment (EA) shall consist of a document supplied by the Planning Department to address issues of environmental concern to the County, and completed by the applicant. Those issues include:

(1) Topography of site and slopes;

(2) Drainage issues, such as on-site streams or easements and location relative to water supply watersheds, water quality critical areas and special flood hazard areas;

(3) Natural or Cultural Resources;

(4) Mining of Earth products;

(5) Generation or storage of hazardous or toxic wastes;

(6) Wastewater treatment methods and sludge disposal; and

(7) Water usage.

6.16.4 Environmental Impact Statement

(A) Applicability

(1) For projects which require submittal of an Environmental Assessment, an Environmental Impact Statement (EIS) will also be required if the project has a significant environmental impact. A project has a significant environmental impact when it:

(a) Involves surface or subsurface extraction activity requiring a Mining Permit issued by the State; and/or

(b) Involves long-term storage or disposal of hazardous wastes; and/or

(c) Requires an EIS by a Federal or State agency [see (3) below]; and/or

(d) Fails to adequately protect (as described in Section 7.6.3(F)(2) of this Ordinance) sites identified in “Inventory of Sites of Cultural, Historic, Recreational, Biological, & Geological Significance in the Unincorporated Portions of Orange County" and the "Orange County Inventory of Natural Areas"; and/or

(e) Involves a land surface application wastewater treatment system, within the Water Quality Critical Area of Water Supply Watersheds as defined by the Orange County Comprehensive Land Use Plan.

(2) Orange County reserves the right to require preparation of an EIS pursuant to Section 6.16.4(A)(1), notwithstanding a Finding of No Significant Impact on the part of Federal or State agencies.

(3) Pursuant to §113A-8(b) of the North Carolina General Statutes, major development projects for which an EIS is required by a Federal or State agency shall be exempt from the EIS submittal requirement in Section 6.16.4(A)(1). The County may require the applicant to produce a copy of the EIS submitted to the Federal or State agency as proof of compliance.

(B) Requirements for an EIS

(1) General Requirements

(a) In order to meet the primary purpose of an EIS, which is to serve as a decision-making tool to ensure that the purposes and policies defined in the North Carolina Environmental Policy Act of 1971 (G.S. 113A) are given full consideration in the ongoing programs and actions of state and local government, an EIS shall be prepared as follows:

(i) It should provide a full and fair discussion of significant environmental impacts, and

(ii) It should inform decision-makers and the public of reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the environment.

(b) Preparers should use a format for EIS's which will encourage good analysis and clear presentation of all alternatives, including the proposed activity, while minimizing length and complexity.

(c) EIS documents should not exceed 50 pages and should include site location maps.

(2) Format and Content

An EIS shall include the following sections and shall comply with the standards for each:

(a) Cover Sheet

A single page cover sheet including the following information;

(i) Designation of the document as a draft, supplementary or final statement;

(ii) Title of the proposed activity that is the subject of the statement;

(iii) List of any involved cooperating entities,

(iv) Name, address, and telephone number of the person who can supply further information.

(b) Summary

(i) An adequate and accurate summary of the statement stressing the major conclusions, areas of controversy, and issues to be resolved.

(ii) The summary shall also list all federal, state, and local permits, licenses, certifications, and other approvals which must be obtained in implementing the proposal. If there is any uncertainty about whether any one of these is necessary, it should be so indicated.

(c) A completed Environmental Assessment document

(d) Statement of Purpose and Need for the proposed activity

(e) Comparison of Alternatives

(i) Based upon information and analysis on the affected environment and environmental consequences, the EIS should present the environmental impacts of the alternatives, including the proposed activity, in comparative form.

(ii) To the extent possible, the comparison of alternatives should quantify how the purpose and need would be satisfied by each alternative and the proposed activity.

(iii) The Comparison of Alternatives should also:

a. Explore and evaluate all reasonable alternatives;
b. Discuss the reasons for the elimination of alternatives from detailed study;
c. Include appropriate mitigation measures not already included in the alternatives; and
d. Describe the environment of the area(s) to be affected and the environment to be created by the alternatives under consideration. The description should be no longer than is necessary to understand the effects of the alternatives.
e. Describe environmental consequences, such as;

i. Direct effects and significance;

ii. Indirect effects and significance;

iii. Possible conflicts between the proposed activities and the objectives of federal, state, and local plans, policies, and controls for the affected area.

f. List the names and qualifications of the persons who were primarily responsible for preparing the EIS.

(f) Appendices (As Necessary)

If an appendix is included in an EIS, it should meet the following requirements:

(i) Consist of materials substantiating any analysis fundamental to the principal document, as distinct from material of lesser significance that may accompany the document or be incorporated by reference;

(ii) Normally be analytic and relevant to the decision to be made;

(iii) Shall not be counted in the EIS 50 page limit, and

(iv) Be circulated with the EIS or be readily available upon request.

SECTION 6.17: TRAFFIC IMPACT ANALYSIS

6.17.1 Purpose

The purpose of the traffic impact analysis is to insure that proposed developments do not adversely affect the highway network and to identify any traffic problems associated with access from the site to the existing transportation network. The purpose of the study is also to identify solutions to potential problems and to present improvements to be incorporated into the proposed development.

6.17.2 Applicability

(A) Except as provided herein, a traffic impact study shall be required for all special use permits, subdivisions, CZ applications, and site plans that meet the following criteria:

(1) Special Use Permit: Estimated traffic generated by the permit exceeds 800 trips/day.

(2) Subdivision: Contains 80 or more dwelling units or the estimated traffic generated by the subdivision exceeds 800 trips/day.

(3) CZ Application: Estimated traffic generated by the development exceeds 800 trips/day.

(4) Site Plan: Estimated traffic generated by the development exceeds 800 trips/day.

(B) Orange County may require any special use permit, subdivision, CZ application, or site plan application to be accompanied by a traffic impact study when a road capacity or safety issue exists. If one is required, the County will notify the applicant of the reason for the requirement.

(C) If the project is reviewed as a Conditional Use District or MPD-CZ, only one traffic impact study is required for special use permit or Master Plan approval unless revisions are proposed that would increase traffic or change access.

6.17.3 Exemptions

(A) Special use permits, subdivisions with 80 or more dwelling units, or site plans that will generate traffic in excess of 800 trips/day may be exempted from the requirements to prepare and submit a traffic impact study in accordance with the following:

(1) If a traffic impact study has previously been prepared for this particular project or development and there is to be no change in land use or density that would increase travel and no change in access to the external street system, or

(2) Material is submitted to demonstrate that traffic created by the proposed development or subdivision, when added to existing traffic, will not result in a need for transportation improvements.

(B) The Planning Director shall review material submitted in support of an exemption and will determine from that material whether or not to grant the exemption.

(C) If an exemption is granted, documentation of the exemption will be submitted as part of the staff recommendation.

6.17.4 Scoping Meeting

(A) Prior to the preparation of the traffic impact study, a scoping meeting shall be held, including the planning staff, the applicant, and the preparer of the study.

(B) The discussion at this meeting should set the study parameters, including the following:

(1) Study area,

(2) Planned and committed roadway improvements (by NCDOT or others),

(3) Road links and intersections to be analyzed,

(4) Preliminary traffic distribution,

(5) Other planned or approved developments to be considered,

(6) Traffic growth rate,

(7) Available data,

(8) Periods for which analysis is to be performed, and

(9) Other staff concerns.

(C) The qualifications of the preparer may be discussed at or prior to this meeting.

6.17.5 General Requirements and Standards

A traffic impact study shall be prepared by a qualified professional traffic engineer and/or certified transportation planner with previous traffic study experience and shall contain the following information:

(A) General Site Description

(1) The site description shall include:

(a) The size,

(b) Location,

(c) Proposed land uses,

(d) Number of units and gross square footage by land use,

(e) Existing land use and zoning,

(f) Construction staging, and

(g) Completion date of the proposed land development to the extent known or able to be described at the time the application is prepared.

(2) If the development is residential, types of dwelling units and number of bedrooms shall also be included.

(3) A brief description of other major existing and proposed land developments within the study area shall be provided.

(4) The general site description shall also include probable socio-economic characteristics of potential site users to the extent that they may affect the transportation needs of the site (i.e., number of senior citizens).

(B) Transportation Facilities Description

(1) The description shall contain a full documentation of the proposed internal and existing external transportation system. This description shall include the following:

(a) Proposed internal vehicular, bicycle and pedestrian circulation,

(b) All proposed ingress and egress locations.

(c) All internal roadway widths and rights-of-way

(d) Turn lanes, parking conditions, traffic channelizations, and any traffic signals or other intersection control devices at all intersections within the site.

(2) The report shall describe the entire external roadway system within the study area.

(3) Major intersections in the study area and all intersections or driveways adjacent to or within 400 feet of the site shall be identified and sketched.

(4) All existing and proposed public transportation services and facilities within one mile of the site shall also be documented.

(5) Future highway improvements, including proposed construction and traffic signalization, shall be noted. This information shall be obtained from North Carolina's Transportation Improvement Program.

(6) Any proposed roadway improvements due to proposed surrounding developments shall also be noted.

(C) Existing Traffic Conditions

(1) Existing traffic conditions shall be documented for all roadways and intersections in the study area. This shall include documentation of traffic accident counts as recorded by the N.C. Department of Transportation District Engineers Office, municipal or county law enforcement, and the N.C. Highway Patrol.

(2) Existing traffic volumes for average daily traffic, peak highway hour(s) traffic and peak development generated hour(s) traffic, if appropriate, shall be recorded.

(3) Manual traffic counts at major intersections in the study area shall be conducted, encompassing the peak highway and development generated hour(s), if appropriate, and documentation shall be included in the report.

(4) Existing average daily or peak hour traffic counts made within one year of the study date may be used subject to Planning Director approval.

(5) A volume/capacity analysis based upon existing volumes shall be performed during the peak highway hour(s) and the peak development generated hour(s), if appropriate, for all roadways and major intersections expected to be impacted by development traffic.

(6) Levels of service shall be determined for each signalized intersection or roadway segment analyzed above.

(7) This analysis will determine the adequacy of the existing roadway system to serve the current traffic demand. Roadways and/or intersections experiencing levels of service E or F shall be noted as congestion locations.

(D) Transportation Impact of the Development

(1) Estimation of vehicular trips to result from the proposed development shall be completed for the average weekday, the average daily peak hours of highway travel in the study area, and, if appropriate, peak hour of traffic generation by the development.

(2) Vehicular trip generation rates to be used for this calculation shall be obtained from an accepted source such as "Trip Generation" (Institute of Transportation Engineers, Fourth Edition, 1987 as amended).

(3) These development generated traffic movements as estimated, and the reference source(s) and methodology followed shall be documented.

(4) These generated volumes shall be distributed to the study area and assigned to the existing roadways and intersections throughout the study area.

(5) Documentation of all assumptions used in the distribution and assignment phase shall be provided.

(6) All average daily traffic link volumes within the study area shall be shown graphically.

(7) Peak hour turning movement volumes shall be shown for signalized and other major intersections, including all access points to the development.

(8) Pedestrian and bicycle volumes at school crossings and as otherwise applicable shall be reported.

(9) Any characteristics of the site that will cause trip generation to vary significantly from average rates available in published sources shall be documented, including such factors as diversion of passer by traffic, internal capture, staggered work hours, or use of transit.

(E) Analysis of Transportation Impact

(1) The total traffic demand that will result from construction of the proposed development shall be calculated. This demand shall consist of the combination of the existing traffic generated by the proposed development, and traffic due to other developments and other growth in traffic that would be expected to use the roadway at the time the proposed development is completed.

(2) If staging of the proposed development is anticipated, calculations for each stage of completion shall be made.

(3) This analysis shall be performed for average weekday traffic, the peak highway hour(s) and if appropriate, peak development generated hour(s) for all roadways and major intersections in the study area.

(4) Volume/capacity calculations shall be completed for all major intersections. It is usually at these locations that capacity is most restricted.

(5) All access points and pedestrian crossings shall be examined for adequate sight distance and for the necessity of installing traffic signals. The traffic signal evaluation shall compare the projected traffic and pedestrian volumes to the warrants for traffic signal installation.

(F) Conclusions and Recommended Improvements

(1) Levels of service for all roadways and signalized intersections serving 10% or more of peak hour project traffic shall be reported.

(2) All roadways and/or signalized intersections showing a level of service below D in urban or developed areas or below C in rural areas shall be considered deficient, and specific recommendations for the elimination of these problems shall be listed. This listing of recommended improvements shall include, but not be limited to the following elements:

(a) Internal circulation design,

(b) Site access location and design,

(c) External roadway and intersection design and improvements,

(d) Traffic signal installation and operation, including signal timing, and

(e) Transit service improvements.

(3) All physical roadway improvements shall be shown in sketches.

6.17.6 Submission and Implementation

The traffic impact study will be submitted to the Orange County Planning Department within the applicable time frame indicated herein and reviewed as part of the development review process. Recommendations will be incorporated into the approval process as indicated herein.

(A) Special Use Permit

(1) Time of Submission

The traffic impact study shall be submitted to the Planning Department with and as part of, the application for special use permit.

(2) Implementation

(a) The Planning Department and other agencies or officials as appropriate, shall review the impact study to analyze its adequacy in solving any traffic problems that will occur due to the proposed use.

(b) The Board of County Commissioners or Board of Adjustment, as appropriate, shall consider the impact study and the analysis of the impact study before the application is approved or denied.

(c) The Board of County Commissioners or Board of Adjustment, as appropriate, may decide that certain improvements on or adjacent to the site or on roadways or intersections for which the improvements are needed to adequately and safely accommodate site traffic are mandatory for special use permit approval and may make these improvements conditions of approval, may require modifications in the use, or may deny the permit.

(B) Subdivision Review

(1) Time of Submission

(a) The sketch plan should be sufficiently detailed to allow the Planning Department to assess the need for a traffic impact study.

(b) The traffic impact study shall be submitted to the Planning Department with and as part of, the preliminary plan application for subdivision approval.

(2) Implementation

(a) The Planning Department and other agencies or officials as appropriate, shall review the impact study to analyze its adequacy in solving any traffic problems that will occur due to the subdivision.

(b) The Planning Department and Planning Board may recommend and the Board of County Commissioners may decide that certain improvements on or adjacent to the site are mandatory for plan approval and may attach these conditions to the approval.

(c) If the Board of County Commissioners concludes that additional improvements are necessary, the applicant shall have the opportunity to resubmit alternative improvement designs for approval.

(C) CZ Application

(1) Time of Submission

The traffic impact study shall be submitted to the Planning Department with and as part of, the CZ application.

(2) Implementation

(a) The Planning Department and other agencies or officials as appropriate, shall review the impact study to analyze its adequacy in solving any traffic problems that will occur due to the proposed development.

(b) The Planning Department and Planning Board may recommend and the Board of County Commissioners may decide that certain improvements on or adjacent to the site are mandatory for plan approval and may attach these conditions to the approval.

(c) If the Board of County Commissioners concludes that additional improvements are necessary, the applicant shall have the opportunity to resubmit alternative improvement designs for approval.

(D) Site Plan Approval

(1) Time of Submission

The traffic impact study shall be submitted to the Planning Department with and as part of, the site plan.

(2) Implementation

(a) The Planning Department and other agencies or officials as appropriate shall review the impact study to analyze its adequacy in solving any traffic problems that will occur due to development proposed on the site plan.

(b) The Planning Department may recommend that certain improvements on or adjacent to the site or on roadways or intersections for which the improvements are needed to adequately and safely accommodate site traffic are mandatory for site plan approval and may require these improvements to be on the approved site plan.

SECTION 6.18: AFFORDABLE HOUSING

6.18.1 Purpose and Intent

In order to provide for the availability of affordable housing to all segments of the population, bonus intensities are intended to provide incentive for the development of affordable housing. It

is further intended that bonus intensities be used to promote economically mixed housing developments and to contribute to the provision of a range of housing types for moderate and low income households.

6.18.2 General Provisions

(A) An increase in density may be permitted for developments which provide on site or off site housing opportunities for low or moderate income households.

(B) A contract shall be approved by the County Attorney and the Orange County Department of Housing and Community Development (HCD) as a condition of Site Plan, Special Use Permit, Rezoning or Subdivision approval guaranteeing that the reserved units will be purchased by or rented to qualifying households, and shall be binding for a period of not less than 15 years from the date on which the unit is first occupied. The reserved lots or rental units shall be indicated on the site plan, Master Plan, or Preliminary Plan.

6.18.3 Applicability

(A) A density bonus may not be approved for a project located within any Water Supply Watershed designated in the Land Use Element of the Comprehensive Plan.

(B) A 25% density bonus for duplex or multi-family units may be approved in accordance with the following:

(1) A minimum of 40% of the units are to be rented to families earning less than 60% of Orange County median income, adjusted for family size, as determined by the U.S. Department of Housing and Urban Development (HUD), hereinafter, "median income", OR

(2) A minimum of 20% of the units are to be rented to families earning less than 50% of median income.

(C) A 25% density bonus for single family residential development may be approved if the greater of two units or all of the bonus units are to be sold to families earning less than 80% of median income

(D) A 25% density bonus for single family residential development may be approved if land with suitable soils or access to public water and sewer is donated to Orange County for the purpose of the development of affordable housing. The donated land shall contain at a minimum the land area needed to develop the greater of two units or the total number of the bonus units, in accordance with the zoning requirements of the district in which the donated land is located, or with minimum lot size of 40,000 square feet in unzoned areas

(E) A 50% density bonus may be approved if at least 20% of the units are to be occupied by families earning less than 50% of median income and the remaining 80% of units are occupied by families earning less than 80% of median income. This bonus shall not apply to lands which have been donated to Orange County in exchange for a density bonus pursuant to Section 6.18.3(D) above.

6.18.4 Contract for Sale of Single-Family Residences

(A) Approval of the Special Use Permit, site plan, CZ application, or preliminary plat shall not occur until there is a executed contract between the property owner and Orange County, which shall also be binding on future owners of the reserved lots.

(B) The contract shall be administered by HCD, and shall include the following provisions:

(1) All sales and re-sales shall be approved by HCD to assure ownership by qualifying buyers in accordance with the following eligibility criteria.

(a) Family income, as defined in Article 10 of this Ordinance, at the time of purchase shall not exceed the limits set forth in Section 6.18.3. Qualifying buyers may have up to $10,000 in net assets, as defined in Article 10 of this Ordinance, at the time of purchase.

(b) At least one member of a qualifying household must have lived or worked in Orange County for the past 12 months.

(2) The contract shall apply to each of the reserved lots, and shall continue to affect a particular lot for a minimum period of 15 years after the initial sale of that lot.

(3) There shall be no occupancy of the unit prior to its sale to a qualifying buyer.

(4) The contract shall include a timeline by which construction and sale of the reserved units will be accomplished.

(5) The resale price of any reserved housing unit shall not, at any time during the life of the contract, exceed the maximum amount affordable to the purchasing household.

(6) The maximum sale or resale price shall be determined by HCD, calculated by using HUD modeling for housing affordability. HUD modeling takes into consideration assumptions such as interest rates, percentage of annual income allowed for housing, and amount of down payment.

(7) In the event that the financial status of the buyer significantly improves prior to the expiration of the contract period, the buyer may lease the unit, provided that the lessee and the lease are approved by HCD. HCD shall use the standards set forth in Section 6.18.5 to determine whether or not to approve the lease. In addition, the term of the lease shall be for a minimum period of two years.

(8) Violation of any of the terms of the contract required by this Ordinance may constitute grounds for revocation of the Special Use Permit and rezoning of the land, as provided in this Ordinance.

6.18.5 Contract for Rental of Duplex or Multi-Family Units

(A) Approval of the Special Use Permit, site plan, CZ application, or Preliminary Plat shall not occur until there is a contract between the property owner or developer and Orange County, which shall also be binding on future owners of the development.

(B) The contract shall be administered by HCD, and shall include the following provisions:

(1) All rental applications shall be approved by (HCD) to assure occupancy by qualifying households in accordance with the following eligibility criteria.

(a) Family income, as defined in Article 10 of this Ordinance, at the time of rental shall not exceed the limits set forth in Section 6.18.3. Qualifying renters may have up to $5,000 in net assets, as defined in Article 10 of this Ordinance, at the time of initial rental.

(b) At least one member of a qualifying household must have lived or worked in Orange County for the past 12 months.

(c) Families whose income increases above the eligibility requirements may continue to occupy the rental unit, unless otherwise required through terms of the rental agreement between the lessor and lessee.

(2) Every change in occupancy during the 15 year term of the contract shall be approved by HCD to assure continued compliance with eligibility criteria.

(3) Maximum Allowable Rent

(a) The maximum rent allowed shall be computed by multiplying the applicable percentage of median income by the value of median income at the time of the transaction, then multiplying the resulting value by the maximum percentage of income spent for housing, as recommended by the mortgage banking industry.

(b) The value for median income used in calculating maximum allowable rent shall be adjusted to reflect the maximum family size appropriate for the number of bedrooms, as determined by HCD.

6.18.6 Disclosure of Contract Terms to Potential Home-Buyers

(A) Staff from the Planning Department and the Department of Housing and Community Development shall meet with the prospective buyer prior to the purchase to assure that all terms of the contract are fully understood. Explanation of the terms of the contract shall include the following implication:

(1) Building permits for the improvements to the structure may be obtained if the owner wishes to remodel or construct an addition, or construct accessory structures. However, there is no assurance that the investment will be regained if the unit is sold prior to the expiration of the contract due to the requirement that it be purchased by a moderate income household.

(B) Home ownership counseling shall be made available to first time buyers to provide information on such topics as insurance and maintenance. The counseling shall be provided by the Department of Housing and Community Development.

6.18.7 Conveyance of Property to Orange County

(A) Land donated to Orange County pursuant to Section 6.18.3(D) to enable a developer to obtain a density bonus shall be donated in trust for the purpose of the development of affordable housing.

(B) An agreement between the developer and Orange County and the instruments of conveyance shall insure this trust as determined by the County Attorney.

SECTION 6.19: ADEQUATE PUBLIC FACILITIES: SCHOOLS

6.19.1 Purpose

The purpose of this Section is to ensure that, to the maximum extent practical, approval of new residential development will become effective only when it can reasonably be expected that adequate public school facilities will be available to accommodate such new development.

6.19.2 General Provisions

(A) Memoranda of Understanding

(1) There are two Schools Adequate Public Facilities Memoranda of Understanding, hereafter referred to as “the MOUs” or “the MOU” as the context requires, each relative to one of the two school districts in the County.

(2) Parties to the two agreements are as follows:

(a) Chapel Hill-Carrboro School District- The Town of Chapel Hill, Town of Carrboro, Orange County, and Chapel-Hill Carrboro City Board of Education.

(b) Orange County School District- Town of Hillsborough, Orange County, and Orange County Board of Education.

(B) For purposes of this Section, the terms “building capacity” and “school membership” shall have the same meaning attributed in the MOUs.

(C) The Chair of the Board of County Commissioners or any member temporarily acting as Chair may, in his or her official capacity, administer oaths to witnesses in any hearing before the Board of County Commissioners concerning a special exception or an appeal of School District denial of a CAPS.

6.19.3 Applicability

(A) The provisions of this Section shall apply to the entirety of the County lying outside of the following:

(1) The municipalities therein,

(2) The extraterritorial planning jurisdiction, if any, of the municipalities therein and

(3) The Joint Planning Area Transition Area, if any, of the municipalities therein.

(B) The Chapel Hill-Carrboro School District and the Orange County School District are each declared an overlay district in order to implement Schools Adequate Public Facilities as prescribed in this Section. Within the Chapel Hill-Carrboro School District Overlay District and within the Orange County School District Overlay District, the provisions of this Section apply.

6.19.4 Service Levels

(A) As provided in the MOUs, adequate service levels for public schools shall be deemed to exist with respect to a proposed new residential development if, given the number of school age children projected to reside in that development, and considering all the factors listed in the MOU, projected school membership for the elementary schools, the middle schools, and the high schools within the School District will not exceed the following percentages of the building capacities of each of the following three school levels:

TABLE 6.19.4.A: SCHOOL SERVICE LEVELS	
Elementary School	105%
Middle School	107%
High School	110%

6.19.5 Certificate of Adequate Public School Facilities

(A) Subject to the remaining provisions of this Article, no approval of a site plan, special use permit, a major subdivision preliminary plat or a minor subdivision final plat for a residential development shall become effective unless and until a Certificate of Adequate Public School Facilities (CAPS) for the project has been issued by the School District.

(B) A CAPS shall not be required for a general use or special use rezoning or for a master land use plan. However, even if a rezoning or master plan is approved, a CAPS will nevertheless be required before any of the permits or approvals identified in subsection (A) of this section shall become effective, and the rezoning of the property or approval of a master plan provides no indication as to whether the CAPS will be issued. The application for rezoning or master plan approval shall contain a statement to this effect.

(C) A CAPS must be obtained from the School District. The School District will issue or deny a CAPS in accordance with the provisions of the MOUs.

(D) A CAPS attaches to the land in the same way that development permission attaches to the land. A CAPS may be transferred along with other interests in the property to which such CAPS is issued, but may not be severed or transferred separately.

6.19.6 Expiration of Certificates of Adequate Public School Facilities

A CAPS issued in connection with approval of a site plan, special use permit, a major subdivision preliminary plat or a minor subdivision final plat shall expire automatically upon the expiration of such permit approval.

6.19.7 Exemption From CAPS

(A) In recognition of the fact that some new development will have a negligible impact on school capacity, a CAPS shall not be required for the following:

(1) Residential developments restricted by law and/or covenant for a period of at least 30 years to housing for the elderly and/or adult care living and/or adult special needs;

(2) Residential developments restricted for a period of at least 30 years to dormitory housing for university students.

(B) If the use of a development restricted as provided herein changes, then before a permit authorizing such change of use becomes effective, a CAPS must be issued just as if the development were being constructed initially.

6.19.8 Previously Approved Projects and Projects Pending Approval

(A) Except as otherwise provided herein, the provisions of this Section shall only apply to applications for approval of site plans, special use permits, major subdivision preliminary plats or minor subdivision final plats that are submitted for approval after the effective date of this Section.

(B) The provisions of this Section shall not apply to amendments to site plans, special use permits, major subdivision preliminary plats or minor subdivision final plats issued prior to the effective date of this Section so long as the approvals have not expired and the proposed amendments do not increase the number of dwelling units authorized within the development by more than 5% or five dwelling units, whichever is less.

(C) Special Exceptions

(1) The Board of County Commissioners shall issue a special exception to the CAPS requirement to an applicant whose application for approval of a site plan, special use permit, a major subdivision preliminary plat or a minor subdivision final plat covers property within a planned unit development or master plan project that was approved prior to the effective date of this Section, if the Board of County Commissioners finds, after an evidentiary hearing, that the applicant has:

(a) Applied to the School District for a CAPS and the application has been denied,

(b) In good faith made substantial expenditures or incurred substantial binding obligations in reasonable reliance on the previously obtained planned unit development or master plan approval, and

(c) Would be unreasonably prejudiced if development in accordance with the previously approved development or plan is delayed due to the provisions of this Section.

(2) In deciding whether these findings can be made, the Board of County Commissioners shall consider the following, among other relevant factors:

(a) Whether the developer has installed streets, utilities, or other facilities or expended substantial sums in the planning and preparation for installation of such facilities which were designed to serve or to be paid for in part by the development of portions of the planned unit development or master planned project that have not yet been approved for construction;

(b) Whether the developer has installed streets, utilities, or other facilities or expended substantial sums in the planning and preparation for installation of such facilities that directly benefit other properties outside the development in question or the general public;

(c) Whether the developer has donated land to the School District for the construction of school facilities or otherwise dedicated land or made improvements deemed to benefit the School District and its public school system;

(d) Whether the developer has had development approval for a substantial amount of time and has in good faith worked to timely implement the plan in reasonable reliance on the previously obtained approval;

(e) The duration of the delay that will occur until public school facilities are improved or exist to such an extent that a CAPS can be issued for the project, and the effect of such delay on the development and the developer.

(3) The decision of the Board of County Commissioners involving a special exception application under Section 6.19.8(C) is subject to review by the Orange County Superior Court by proceedings in the nature of certiorari. Any petition for review by the Superior Court shall be filed with the Clerk of Superior Court within 30 days after a written copy of the decision of the Board of County Commissioners is delivered to the applicant and every other party who has filed a written request for such copy with the Clerk to the Board of County Commissioners at the time of its hearing on the application for a special exception. The written copy of the decision of the Board of County Commissioners may be delivered either by personal service or by certified mail, return receipt requested.

6.19.9 Appeal of School District Denial of a CAPS

(A) The applicant for a CAPS which is denied by the School District may, within 30 days of the date of the denial, appeal the denial to the Board of County Commissioners.

(B) The appeal shall be heard by the Board of County Commissioners at an evidentiary hearing before it. At this hearing the School District will present its reasons for the denial of the CAPS and the evidence it relied on in denying the CAPS. The applicant appealing the denial may present its reasons why the CAPS application should have, in its view, been approved and the evidentiary basis it contends supports approval.

(C) The Board of County Commissioners may do one of the following:

(1) Affirm the decision of the School District,

(2) Remand to the School District for further proceedings in the event evidence is presented at the hearing before the Board of County Commissioners not brought before the School District, or

(3) Issue a CAPS.

(D) The Board of County Commissioners will only issue a CAPS if it finds that the CAPS should have been issued by the School District as prescribed in the MOU.

(E) A decision of the Board of County Commissioners affirming the School District may be appealed by the applicant for a CAPS by proceedings in the nature of certiorari and as prescribed for an appeal under Sections 6.19.8(C)(3) and 6.19.2(C)of this Ordinance.

6.19.10 Information Required From Applicants

(A) The applicant for a CAPS shall submit to the School District all information reasonably deemed necessary by the School District to determine whether a CAPS should be issued under the provisions of the MOU.

(B) An applicant for a CAPS special exception or an applicant appealing a CAPS denial by the School District shall submit to the Board of County Commissioners all information reasonably deemed necessary by the Board of County Commissioners to determine

whether a special exception should be granted as provided in Section 6.19.8(C) or for the hearing of an appeal of a School District denial of a CAPS as provided in Section 6.19.9.

(C) A copy of a request for a CAPS special exception or of an appeal of a School District denial of a CAPS shall be served on the superintendent of the School District. Service may be made by personal delivery or certified mail, return receipt requested.

SECTION 6.20: PUBLIC SEWER CONNECTION

6.20.1 Required Use of Public Sewer Service

(A) All structures or properties used for human occupancy, employment, recreation, or other purposes are required, at the property owner's expense, to connect wastewater facilities directly to the public wastewater system in accordance with the provisions of the governing sewer use ordinance of the public sewer system provided that the following conditions apply

(1) The property is in a designated public sewer service area.

(2) A public gravity sewer line or gravity sewer manhole is adjacent to or crosses the property. In this case, adjacent is defined as one or more of the following:

(a) the easement for the sewer line is on the property or butted against the property line and within 500 feet of the structure to be connected;

(b) the gravity sewer line or gravity sewer manhole is located in a public right-of-way of a public road which borders the property, whether on the same side of the road itself or the opposite side, such that no private easement would be required to allow the property owner to connect and within 500 feet of the structure to be connected;

(3) The structure or property to be connected is within the Water and Sewer Management Planning and Boundary Agreement Primary Service Area for Orange County;

(4) The North Carolina Department of Transportation is willing to grant an encroachment into public road right-of-way for the purpose of connecting to the public sewer system, if necessary.

(B) If the structure or property is situated below the elevation necessary to obtain a one-percent grade in the sewer connection line, but is otherwise accessible to a public sewer as provided in (A) above, the owner shall provide a private sewage pumping station. Design and installation of the pumping station shall adhere to all State and local plumbing and other building codes, in addition to adhering to all the connection requirements and standard specifications of the governing sewer use ordinance.

(C) If an existing septic facility is determined by the Orange County Environmental Health Department to have failed (or be inadequate for the current or proposed use) and the property is accessible to a public sewer system as provided in (A), the owner shall be required to connect to the public sewer system unless a viable repair area can be identified on the property. If a viable repair area is identified on the property, the owner shall not be required to connect to the public sewer system, but may choose to connect if so desired.

(D) There shall be no such connection requirement for any structure or property if an adequate septic facility is currently in use and in good working order.

ARTICLE 7: SUBDIVISIONS TABLE OF CONTENTS

SECTION 7.1: GENERAL PROVISIONS 7-1
7.1.1 Purpose 7-1
7.1.2 Jurisdiction and Applicability 7-1
7.1.3 Compliance with Plans and Other Applicable Regulations 7-1
SECTION 7.2: CLASSIFICATION OF SUBDIVISIONS 7-1
7.2.1 Exempt Subdivisions 7-2
7.2.2 Minor Subdivisions 7-2
7.2.3 Major Subdivisions 7-2
SECTION 7.3: PHASING OF MAJOR SUBDIVISIONS 7-3
SECTION 7.4: IMPROVEMENTS AND PERFORMANCE GUARANTEES 7-3
7.4.1 Generally 7-3
7.4.2 Improvements Required 7-3
7.4.3 Completion of Improvements 7-4
7.4.4 Performance Guarantees 7-4
7.4.5 Maintenance of Required Improvements 7-5
7.4.6 Property Owners' Association 7-5
7.4.7 Assumption of Maintenance Responsibilities by Property Owner's Association 7-6
7.4.8 Maintenance Guarantees – Public Roads 7-6
SECTION 7.5: SUBDIVISION AGREEMENTS 7-7
SECTION 7.6: GENERAL DESIGN STANDARDS 7-7
7.6.1 Minimum Lot Size 7-8
7.6.2 Residential Density 7-8
7.6.3 Land Suitability 7-8
SECTION 7.7: LOTS 7-9
7.7.1 Generally 7-9
7.7.2 Shape and Orientation 7-9
7.7.3 Relationship to Street 7-10
7.7.4 Flag Lots 7-10
SECTION 7.8: ACCESS AND ROADWAYS 7-12
7.8.1 Streets – General Standards 7-12
7.8.2 Public Streets – Where Required 7-13
7.8.3 Public Streets - Construction Standards 7-13
7.8.4 Private Roads – When Permitted 7-13
7.8.5 Private Road Standards 7-16
7.8.6 Alleys 7-27
SECTION 7.9: RESERVATION OF SPACE FOR UTILITIES 7-27
7.9.1 Easements Required 7-27
7.9.2 Subdivisions in Transition Areas 7-28
7.9.3 Terms and Conditions of Easements 7-28
SECTION 7.10: RESERVATION OF SCHOOL SITES 7-28
7.10.1 Applicability 7-28
7.10.2 Method of Reservation 7-28
7.10.3 Acquisition of Reserved Site 7-28
SECTION 7.11: RECREATIONAL FACILITIES 7-29
7.11.1 Applicability 7-29
7.11.2 Area Requirements 7-29
7.11.3 Site Suitability 7-30
7.11.4 Site Improvements 7-31
7.11.5 Method of Provision or Dedication 7-33
7.11.6 Payments in Lieu of Dedication 7-34
SECTION 7.12: CLUSTER DEVELOPMENTS 7-34
7.12.1 Generally 7-34
7.12.2 Criteria in the Rural Buffer (RB) Zoning District 7-35
7.12.3 Reductions in Lot and Setback Requirements 7-35
7.12.4 Ownership of and Conveyance of Cluster Recreation/Open Space 7-36
7.12.5 Criteria for Approval of Major Subdivision Preliminary Plan or Minor Subdivision Final Plat 7-36

ARTICLE 7: SUBDIVISIONS TABLE OF CONTENTS

7.12.6 Additional Submittal Requirements 7-37

SECTION 7.13: FLEXIBLE DEVELOPMENTS 7-37

7.13.1 Purpose 7-37

7.13.2 Applicability 7-38

7.13.3 Open Space Standards 7-38

7.13.4 Development Standards 7-45

7.13.5 Street Standards 7-53

7.13.6 Water Supply and Sewage Disposal Facilities 7-54

7.13.7 Design Guidelines 7-54

7.13.8 Evaluation Criteria 7-56

7.13.9 Density Bonuses 7-58

SECTION 7.14: SPECIFICATIONS FOR PLAT DRAWINGS 7-59

7.14.1 Minor Subdivisions 7-59

7.14.2 Major Subdivisions 7-60

7.14.3 Final Plat Specifications 7-66

ARTICLE 7: SUBDIVISIONS

SECTION 7.1: GENERAL PROVISIONS

7.1.1 Purpose

(A) The purpose of this Article is to guide and regulate the subdivision of land within Orange County, for sale or building development, in order to:

(1) Ensure the public health, safety, and welfare;

(2) Provide for the sound use of land;

(3) Ensure adequate planning of street systems;

(4) Avoid overcrowding of land;

(5) Prevent fire, panic, and other dangers;

(6) Ensure that water and sewage systems are safe and adequate;

(7) Prevent flood damage;

(8) Facilitate an orderly use of land;

(9) Ensure the proper legal description and monumenting of subdivided land; and

(10) Encourage the proper management of Orange County's natural resources.

(B) It is the expressed purpose of this Article to provide for, in addition to the above, the protection of water resources in Orange County, through the use, alone or in combination, of buffer zones, varying lot sizes, slope restrictions, vegetation, or other equally effective techniques. Innovative techniques on the part of the developer are encouraged where these techniques can be shown to be as effective as the specific requirements of the Article.

7.1.2 Jurisdiction and Applicability

(A) In accordance with the North Carolina General Statutes, no person may subdivide their land within the planning jurisdiction of Orange County except in accordance with the provisions of this Ordinance.

(B) No subdivision shall be recognized by the Planning Department until a final plat of the subdivision has been approved and signed by the Planning Director and recorded in the Orange County Register of Deeds Office, including the recordation of any additional documentation required by this Ordinance.

(C) As provided in North Carolina General Statutes, the Orange County Review Officer shall not certify a plat of any subdivision within the County's subdivision jurisdiction unless the plat has been approved in accordance with the provisions of this Ordinance.

7.1.3 Compliance with Plans and Other Applicable Regulations

All subdivisions shall comply with applicable general provisions, standards, and policies outlined within this Ordinance and the Orange County Comprehensive Plan, as well as with any special planning studies, small area plans, corridor plans, or special planning studies approved or adopted by the Board of County Commissioners.

SECTION 7.2: CLASSIFICATION OF SUBDIVISIONS

Subdivisions shall be classified as Exempt, Minor, or Major, in accordance with the provisions of this Section. Review procedures for all subdivisions are contained in Article 2.

7.2.1 Exempt Subdivisions

(A) In accordance with North Carolina General Statutes, the following activities do not constitute a subdivision and are expressly exempt from established review and approval processes, provided that the property's exempt status is confirmed in accordance with the procedures detailed in Article 2:

(1) The combination or recombination of portions of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the County, including private road justification standards, as detailed within this Ordinance.

(2) The division of land into parcels greater than ten acres if no street right-of-way dedication is involved.

(3) The public acquisition by purchase of strips of land for widening or opening streets.

(4) The division of a tract in single ownership of the entire area of which is no greater than two acres into not more than three lots, if no street right-of-way dedication is involved and if the resultant lots are equal to or exceed the standards of the County as detailed within this Ordinance.

(B) Exempt subdivision shall be required to meet all applicable requirements for the granting of zoning and building permits.

7.2.2 Minor Subdivisions

A subdivision shall be classified as "minor" if it does not:

(A) Create more than five lots, including the residual acreage, from any one tract of land in any ten year period;

(B) Dedicate or improve any new public street other than widening an existing public street;

(C) Extend public water and/or sanitary sewerage systems other than laterals to serve individual lots; and

(D) Necessitate the installation of drainage improvements which would require easements through one or more lots to serve other lots.

7.2.3 Major Subdivisions

(A) A major subdivision is any subdivision that is not an Exempt or Minor subdivision, as classified in subsections 7.2.1 and 7.2.2. Major subdivisions are further classified as follows:

(1) **Major Subdivision, Standard**

All subdivisions not classified as an Exempt Subdivision; Minor Subdivision; Major Subdivision, Class A Special Use; or Major Subdivision, Conditional Use.

(2) **Major Subdivision, Class A Special Use, Rural Designated**

A tract of land in a Rural Designated area on the Growth Management System map that is proposed for a subdivision of 21-40 lots.

(3) **Major Subdivision, Class A Special Use, Urban Designated**

A tract of land in an Urban Designated area on the Growth Management System map that is proposed for a subdivision of 21-79 lots.

(4) **Major Subdivision, Conditional Use, Rural Designated**

A tract of land in a Rural Designated area on the Growth Management System map that is proposed for a subdivision of 41 or more lots.

(5) **Major Subdivision, Conditional Use, Urban Designated**

A tract of land in an Urban Designated area on the Growth Management System map that is proposed for a subdivision of 80 or more lots.

(B) For the purpose of determining whether a subdivision is a Major Subdivision, Class A Special Use (Rural Designated or Urban Designated), or a Major Subdivision, Conditional Use District (Rural Designated or Urban Designated), the number of lots created shall be determined by counting the cumulative number of lots created, through subdivisions, on a tract or parcel of land as the boundaries of said tract or parcel of land existed in the Land Records of Orange County as of November 5, 2003.

SECTION 7.3: PHASING OF MAJOR SUBDIVISIONS

A major subdivision may be developed in phases, provided that:

(A) Each phase contains at least five lots, unless depicted on a phasing plan approved by the Board of County Commissioners as part of the preliminary subdivision plat with the express determination that the proposed phasing makes it unlikely that a subdivider would willingly abandon a final phase that contains a required extension of a road or other infrastructure;

(B) The degree and extent of road, water supply, sewage disposal, stormwater management, erosion and sedimentation control, and other required improvements in the phase and previously approved phases is sufficient to serve or handle all development within the phase;

(C) The number of lots and amount of required open space in the phase and any previously approved phases is proportional; and

(D) A phasing plan showing the phases of development and the requirements of this Ordinance that will be satisfied in each phase is approved by the Board of County Commissioners as part of the preliminary plat.

SECTION 7.4: IMPROVEMENTS AND PERFORMANCE GUARANTEES

7.4.1 Generally

(A) Improvements proposed by the subdivider or required by this Ordinance, shall be constructed in accordance with the standards and requirements provided in this Ordinance.

(B) In those instances where said improvements are required to be constructed subsequent to the approval of the Final Plat, plans and specifications for said improvements shall be approved by the appropriate agency and reference to said improvements shall be made part of the Final Plat.

7.4.2 Improvements Required

(A) Subdividers are responsible for the construction, installation, and maintenance of required improvements in accordance with the standards in this Ordinance in addition to any applicable federal, state, or county standards to include, but not be limited to, the following:

(1) All roads within the subdivision and improvements to existing roads required for safe and adequate access to the subdivision;

(2) Road signs;

(3) Water supply and wastewater systems, other than individual wells and septic tanks;

(4) Drainage facilities and easements;

(5) Stormwater management devices;

(6) Erosion and sedimentation control devices;

(7) Low-impact (passive) and active recreation amenities;

(8) Fire suppression management facilities;

(9) Open space or landscape management facilities; and

(10) Any other on- or off-site improvements required by this Ordinance or required at the time of preliminary plat approval.

(B) If the subdivider records a plat for only a portion of the subdivision for which a preliminary plat was approved, the improvements required to be constructed, installed, and maintained in accordance with said recorded plat shall be those improvements that the Planning Director deems necessary to serve the lots shown on the recorded plat.

7.4.3 Completion of Improvements

(A) The Planning Director shall not approve a final plat presented for recordation until:

(1) All required improvements have been completed; or

(2) A performance guarantee has been provided in accordance with the provisions detailed herein.

(B) An improvement shall be deemed completed only after the appropriate public agency has certified that the improvement(s) has been installed in accordance with the approved preliminary plat, the approved construction plan, and in accordance with applicable federal, state, and county regulations.

(C) In lieu of certification from a public agency, the Planning Director is authorized to accept certification from the applicant's licensed professional engineer or licensed professional surveyor or other professional as authorized by the North Carolina General Statutes that the improvements have been installed in accordance with all applicable standards.

7.4.4 Performance Guarantees

(A) Performance guarantees shall be required for the purpose of ensuring that subdividers/developers properly install all required subdivision improvements in a timely manner, in accordance with approved plats and construction plans.

(B) The term of a performance guarantee shall not exceed two years. The Planning Director may, for good cause and with the approval of the provider of the guarantee, grant extensions of the term, with each such extension not to exceed one year.

(C) Performance guarantees must be in the form of a performance bond, irrevocable letter of credit, or cash escrow account. The form of guarantee shall be determined by the subdivider/developer.

(D) The performance guarantee shall be conditioned upon the performance of all work necessary to complete the required subdivision improvements within the time period specified at the time of preliminary plat or construction plan approval.

(E) The amount of the performance guarantee shall equal at least 125% of the estimated cost, including project management costs, of the required improvements that have not been installed by the time of final plat submittal.

(F) The estimated cost of required improvements, including project management costs, must be itemized by improvement type and certified by the subdivider/developer's licensed professional engineer. In the case of minor subdivisions, the subdivider's licensed professional engineer or licensed professional surveyor may provide the itemized cost estimate. Cost estimates shall be based on industry norms within Orange County.

(G) If a subdivider/developer fails to properly install required improvements within the term of the guarantee, the guarantee will be deemed in default. In the case of default, the County is authorized to use the guarantee funds to complete the required subdivision improvements or to let a contract for installation of the required improvements.

(H) Once the conditions of the performance guarantee have been completed to the satisfaction of the appropriate agencies and any required maintenance guarantee has been provided in accordance with the provisions of this Ordinance, the guarantee shall be released.

(I) All improvements shall be completed in accordance with the conditions associated with the approved plat(s) and the applicable standards contained in this Article. No financial guarantee may be released until all required certifications of completion have been provided.

(J) Once all of the required improvements have been at least 50% certified, the financial guarantee may be reduced by the ratio that the completed improvements bear to the total improvements required. However, only one such reduction shall be permitted prior to releasing the entire performance guarantee.

7.4.5 Maintenance of Required Improvements

Improvements installed as a requirement of subdivision approval shall be maintained by the subdivider/developer until they are accepted for maintenance by:

(A) For a public road, the North Carolina Department of Transportation;

(B) For utilities, the utility provider;

(C) For landscaping, the individual homeowners or a property owners' association; and

(D) For a private road and other community facilities such as recreation and stormwater management improvements, the individual homeowners or a property owners' association or similar legal entity.

7.4.6 Property Owners' Association

(A) Where a neighborhood, property owners', or homeowner's association or similar legal entity is to be responsible for the maintenance and control of any improvements required as part of subdivision approval, the subdivider shall file, with the Planning Department and record with the final plat, a declaration of covenants and restrictions, articles of incorporation, where required, and/or by-laws as approved by the County Attorney that will govern the maintenance and control of such improvements. Provisions shall include but not be limited to the following:

(1) The association shall be established before any homes are sold and/or any building occupied;

(2) Membership shall be mandatory for each home buyer and all successive buyers;

(3) The association shall be responsible for liability insurance, local taxes and maintenance of recreation and other facilities, including streets and utility lines;

(4) The homeowners must pay their pro rate share of the costs, and any sums levied by the association that remain unpaid shall become a lien on the individual homeowner's property which shall be subordinate only to tax and mortgage liens;

(5) If all or any portion of the property held by the association is being disposed of, or if the association is dissolved, adequate recreation space shall be deeded to Orange County or the appropriate unit of local government to satisfy the public recreation space required by this Ordinance;

(6) The lot owner of each dwelling unit or lot shall have voting rights in the association; and

(7) The homeowners association shall be able to adjust any assessments to meet changed needs.

(B) When articles of incorporation are required, they shall be submitted in the form in which they will be filed with the North Carolina Secretary of State and, upon filing, a copy of the articles of incorporation shall be provided to the Planning Department.

7.4.7 Assumption of Maintenance Responsibilities by Property Owner's Association

In those instances where a property owner's association, as detailed within subsection 7.4.6, is to assume maintenance responsibility for improvements within the subdivision, the following process shall be adhered to:

(A) The subdivider/developer shall be required to submit to the Planning Department, in writing, notification that he or she intends to transfer maintenance responsibilities to an established property owner's association.

(B) The subdivider/developer shall coordinate and schedule a joint meeting with Planning Department staff and property owner's association members and officers to review the status of all required improvements and outline the association's perpetual maintenance responsibility. The meeting shall take place at the Planning Department's office during normal business hours.

(C) The subdivider/developer shall prepare a document, to be approved in both form and content by the Planning Department and County Attorney, outlining the current conforming status of all required improvements and providing documentation that the improvements have recently been inspected and certified as being compliant with federal, state, and local regulations.

(D) Officers of the property owner's association shall review and sign the said document confirming the association's obligation in the perpetual maintenance of all improvements and facilities for which responsibility is being assumed.

(E) Said document shall, upon execution, be recorded with the Orange County Register of Deeds, at the expense of the subdivider/developer, as formal recognition that maintenance responsibilities have been assumed by the property owner's association.

(F) The Planning Department shall not release the subdivider/developer of maintenance responsibilities, or authorize the release of performance guarantees, until this process is completed.

7.4.8 Maintenance Guarantees – Public Roads

(A) Maintenance guarantees shall be required for the purpose of ensuring that roads that are to be dedicated to the public are properly maintained, free from defects, between the time of construction and the time of formal acceptance for maintenance by the North Carolina Department of Transportation.

(B) A maintenance guarantee shall be in place before any required performance guarantee is released or before any building permits are issued for subdivisions containing public road improvements.

(C) Maintenance guarantees for public road facilities shall stipulate that the subdivider/developer will maintain all required public road improvements, drainage improvements, and sedimentation and erosion control improvements to the standards of this Ordinance until the public road improvements are added to the state-maintained road system. The guarantee shall also state that the subdivider/developer will be responsible for correcting any defects that may arise during the maintenance period and shall remove temporary sedimentation and erosion control measures.

(D) Maintenance guarantees shall be in the form of a performance bond, irrevocable letter of credit, or cash escrow account and shall conform to the following:

(1) The amount of the guarantee shall be at least 15% of the total cost of constructing the public road improvements (excluding the costs of clearing and rough grading).

(2) The estimated cost of the required improvements must be itemized and certified by the applicant's licensed professional engineer or licensed professional surveyor, if the surveyor was the original preparer of the plans for the subdivision.

(3) In the case of minor subdivisions, the subdivider's licensed professional engineer or licensed professional surveyor may provide the itemized cost estimate.

(4) Cost estimates must be based on industry norms within Orange County.

(5) The Planning Director or Planning Board may require a higher guarantee amount when deemed necessary to address higher potential correction costs due to the subdivision's size and site characteristics, but in no event may the amount exceed 25% of estimated construction costs.

(E) The guarantee shall have a term of two years and shall provide an option for annual renewal if the subdivider/developer has:

(1) Arranged for County inspection of the improvements,

(2) Submitted to the County an acceptable estimate of the costs necessary to correct any deterioration or defects discovered by the inspection, and

(3) Increased the amount of the security by the amount of said estimate.

(F) The subdivider/developer shall pay a fee in accordance with the Fee Schedule adopted by the Board of County Commissioners at the time of the initial posting of the guarantee and for each subsequent renewal or extension to cover the County's administrative costs.

SECTION 7.5: SUBDIVISION AGREEMENTS

(A) The subdivider of all minor and major subdivisions shall record a subdivision agreement outlining the limitations associated with the development of created lots at the Orange County Register of Deeds at the same time the Final Plat is recorded.

(B) The purpose of the subdivision agreement is to provide detail on various development limitations that will regulate the overall development of property consistent with the approval of the subdivision.

(C) This subdivision agreement shall, at a minimum, outline the following development criteria for property within the subdivision:

(1) Required development setbacks for lots within the project.

(2) Impervious surface limits for the lots within the development.

(3) The presence of identified environmental features (i.e. stream buffers, flood plain, wetlands, etc) and an explanation on how development of the lot(s) is impacted.

(4) The presence of identified cultural features listed by the North Carolina Heritage Program, or identified in "An Inventory of Sites of Cultural, Historic, Recreational, Biological, and Geological Significance in the Unincorporated Portions of Orange County" or "Inventory of the Natural Areas and Wildlife Habitats of Orange County, North Carolina".

(5) Identification of soil and septic limitations, if any, for each lot.

(6) Access restrictions for the project and individual lots.

(7) Limitations on land uses.

(8) Maintenance requirements for all roadways as well as references to the project's road maintenance agreement, if required.

SECTION 7.6: GENERAL DESIGN STANDARDS

The avoidance of congestion and overcrowding and the creation of conditions essential to public health, safety and the general welfare may be best accomplished through the application of design standards

providing for the distribution of population and traffic, safe and coordinated street systems, approved water supply and sewage disposal systems, usable lots and conformance to plans for Orange County as recommended by the Planning Board and adopted by the Board of Commissioners. The following general requirements and principles of land subdivision shall be observed:

7.6.1 Minimum Lot Size

(A) All lots shall contain the minimum lot area required by Article 3 of this Ordinance and shall comply with all applicable development standards.

(B) Any lot which provides an easement for individual septic disposal for use by a separate lot shall contain an additional 20,000 square feet to accommodate the septic easement.

7.6.2 Residential Density

The allowable density on a given parcel of property proposed for subdivision shall comply with the residential maximum density requirements in Section 4.2.4.

7.6.3 Land Suitability

(A) In reviewing subdivision proposals, the Planning Department and Planning Board shall consider the overall design of the subdivision with the suitability of the land for development to insure that the platting and development of the subdivision will not create a danger to the health, safety, and welfare of Orange County residents.

(B) Land suitability shall be determined by an investigation of conditions including but not limited to flood prone areas, soil drainage, drainage patterns, slope, historic sites, maximum anticipated levels of land disturbance for the project and all proposed individual lots, and unique natural areas. The investigations shall be carried out by the Planning Board, the Planning Department, or other agencies or individuals having the appropriate technical expertise.

(C) Special Flood Hazard Areas shall be considered during the review process.

(D) Soils shall be evaluated for suitability or provisional suitability for septic tanks according to guidelines established in the Laws and Rules for Ground Absorption Sewage Disposal Systems, incorporated herein by reference.

(1) Each lot that does not contain a suitable building site shall be designated on the plat as being of restricted development potential and by instrument recorded in the Orange County registry as specifically prescribed by Section 7.14.3(E)(1) of this Ordinance.

(E) Drainage

(1) Soil suitability, including slope and drainage, shall also be evaluated according to soil characteristics indicated by the Orange County Soil Survey and topography indicated by the U.S. Geological Topographic Maps.

(2) Each lot shall contain a suitable building area safe from inundation and erosion.

(3) Sanitary sewer systems, septic tank drainfields, water systems, wells, and adjacent properties shall be protected from inundation by surface water.

(4) Roads, driveways and utilities shall be protected from damage caused by improper stormwater management.

(5) Mechanical devices, drainage easements, natural buffers, large lots, and/or other technical means may be used to achieve these drainage objectives. Natural drainageways are a preferred means of stormwater run-off removal. The characteristics (including capacity) of natural drainageways shall be protected.

(6) Runoff levels from the 25-year storm after the site is developed shall not be greater than the rate of runoff on the same site in its natural state.

(7) In cases where anticipated land disturbance for the subdivision and the proposed lots will cumulatively exceed established thresholds denoted within Section 6.14.5 of this Ordinance, a formal stomnwater management plan shall be required as part of the application submittal.

(F) Resource Protection

(1) Applications for subdivision shall be evaluated by the Planning Department and Planning Board for potential impairment of habitat of rare and endangered species or unique natural areas.

(2) A strategy shall be developed to protect resources listed by the North Carolina Heritage Program, or identified in "An Inventory of Sites of Cultural, Historic, Recreational, Biological, and Geological Significance in the Unincorporated Portions of Orange County" or "Inventory of the Natural Areas and Wildlife Habitats of Orange County, North Carolina".

(a) The strategy shall provide protection of identified natural and cultural resources from impacts which could result from development of the subdivision, and shall include one or more of the following:

(i) Dedication of conservation easements,

(ii) Restrictive covenants prohibiting clearing or disturbance of the resource areas,

(iii) Dedication of resource areas to Orange County,

(iv) Clustering of lots to minimize land disturbance and preserve the special features of the property,

(v) Other restrictions or development options which provide an adequate level of protection.

(3) The Planning Department shall review available documentation of the particular site and determine if the proposed strategy adequately protects the identified resources.

(4) Maps, studies, and reports which are relevant to this section shall be maintained by the Planning Department.

SECTION 7.7: LOTS

7.7.1 Generally

All lots shall conform to all of the requirements of this Ordinance for the zoning district and any overlay district in which they are located.

7.7.2 Shape and Orientation

(A) The shape and orientation of lots shall be appropriate to the location of the subdivision and the development intended.

(B) Interior lot lines extending from a street should be approximately perpendicular or radial to the street right of way line.

(C) Lot lines shall be located to permit efficient installation and maintenance of utility lines on utility easements, to maximize buildable area, and, where applicable, to provide a suitable area for septic systems.

(D) Commercial and industrial lots shall be of sufficient size to include off street service facilities, and off street parking of all vehicles used by all patrons and employees.

7.7.3 Relationship to Street

(A) Each lot shall abut a publicly dedicated street except in subdivision approved with private roads. In the latter situation, each lot must abut a private road or a state maintained road which is shown on the approved plat and constructed pursuant to the standards set by Orange County.

(B) Upon recommendation of the Planning Board and approval of the County Commissioners, the construction of the access road may be postponed until building or market development is undertaken.

(1) In this case the lots shall be designated on the plat: "This lot may not be sold, nor a building permit issued, until the access road has been built as specified for this subdivision."

(C) Except where reverse frontage is desirable, double frontage lots should be avoided.

7.7.4 Flag Lots

(A) Intent

Orange County discourages and restricts forming flag lots. A flag lot shall be permitted if necessary to allow a property owner reasonable use and benefit from his/her land or to alleviate situations which would otherwise cause extreme hardship for him/her.

(B) Lot Standards

Flag lots are allowed only:

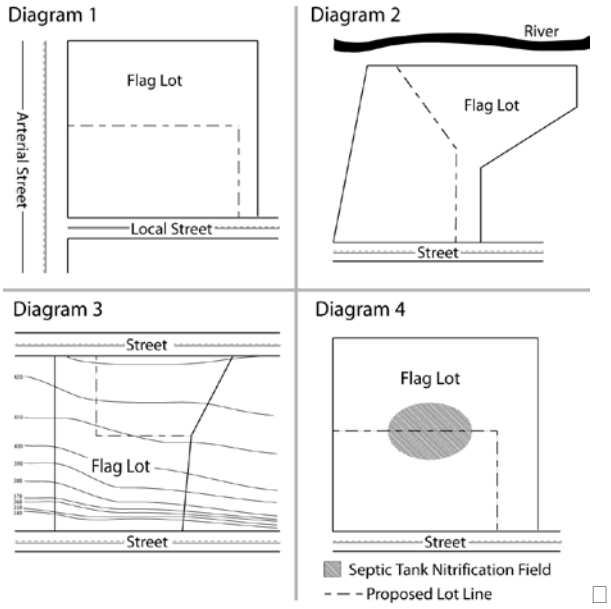
(1) Where necessary to eliminate access onto arterials (See Fig. 7.7.4.B, Diagram 1);

(2) To reasonably utilize irregularly shaped land (See Fig. 7.7.4.B, Diagram 2);

(3) To reasonably utilize land with difficult topography (See Fig. 7.7.4.B, Diagram 3); and

(4) To reasonably utilize land with limited sites suitable for septic tank nitrification fields (See Fig. 7.7.4.B, Diagram 4);

Figure 7.7.4.B: Flag Lots



(5) Where it is unlikely that a road created in lieu of a flag lot would ever be extended, or otherwise needed to provide access to adjoining parcels; or

(6) To provide for the protection of significant natural or cultural resources.

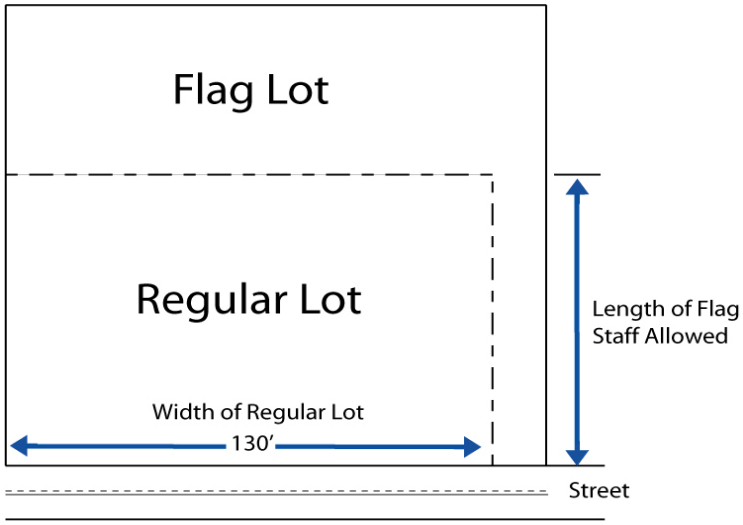
(C) No flag lot shall be permitted if it increases the number of access points onto an arterial or collector street.

(D) The length of a flag lot between the street onto which it has access and the point where a lot dimension parallels the street shall be based on the size of the proposed regular lot. The following table indicates the allowed length of the flag portion of the lot based on the required minimum width of the regular lot (see example graphic).

TABLE 7.7.4.D: LOT SIZE REQUIREMENTS

SIZE OF REGULAR LOT	REQUIRED MINIMUM WIDTH OF REGULAR LOT	LENGTH OF FLAG STAFF ALLOWED
40,000 sq. ft. to 1 acre	130 feet	308 to 336 feet
1+ acres to 2 acres	130 feet	337 to 671 feet
2+ acres	130 feet	672 to 700 feet [1]
[1] Maximum length allowed		

Figure 7.7.4.D: Flag Lot Measurement Standards



(E) The maximum length allowed on any flag lot is 700 feet.

(1) The lot width and street frontage of a flag lot may be reduced to 35 feet.

(2) The Planning Director may approve further reductions to a minimum of 20 feet where topographical conditions permit the construction of an adequate driveway within that width.

(3) The Planning Director may also require greater widths where necessary to insure adequate access.

(F) All flag lots created after October 3, 1988 shall be composed of contiguous land area, and that area shall not be divided by street right of way or other lots. A private road easement may divide a new lot only if all of the following criteria are met:

(1) The land underlying the easement in the same ownership as the remainder of the lot; and

(2) The proposed easement contains an existing road or driveway which is to be used for access to new lots; OR the proposed easement if located along a property line will have an irregular shape; and

(3) The minimum lot area requirement can be met on one side of the road easement but not both sides.

(G) Those lots with land area divided by a public road right-of-way prior to October 3, 1988 shall not be further subdivided in a manner which creates any additional lots with divided area.

SECTION 7.8: ACCESS AND ROADWAYS

7.8.1 Streets – General Standards

(A) Consistency with Comprehensive Plan

(1) The provision of street rights-of-way shall conform to and meet the requirements of the Orange County Comprehensive Plan.

(2) Reservation for or dedication of street rights-of-way for future transportation facilities proposed in the adopted Comprehensive Plan shall be required where appropriate.

(3) A subdivider shall not be required to provide or dedicate right-of-way for a proposed street to which access would be prohibited by any governmental agency.

(B) Compliance with Approved Access Management Plans and Studies

(1) Subdivision of land abutting a roadway for which the Board of County Commissioners has approved recommendations from a plan or corridor study is subject to provisions of the approved corridor plan or study.

(a) In such cases, the subdivider shall provide any improvements or other means to ensure construction recommended in such plan or corridor study. Such improvements may include facilities for bicycles, sidewalks, and public transportation.

(b) The subdivider, in cases where the recommendations address access management, shall use design elements recommended in the plan or corridor study to reduce conflict points.

(2) Policies prescribed in Phase V of the Access Management Awareness Project and Report, or other adopted studies of strategies, shall be considered during subdivision and site plan review to assess access management and other corridor design considerations.

(C) Coordinated Street System

(1) All subdivisions shall have a coordinated street system with public or private streets that access a public municipal street or a public State maintained street in accordance with the following:

(a) Public street rights-of-way shall abut adjacent properties as necessary to provide connectivity to the countywide transportation network; and

(b) Lot access to streets serving the subdivision shall be limited in the case of streets that provide a link between two or more roads designated in the Comprehensive Plan as arterials or collectors.

(c) All subdivisions shall have at least one street that intersects with or joins a public municipal street, or a public State maintained street.

7.8.2 Public Streets – Where Required

Public streets are generally required in all subdivisions and shall be required where it is found that:

(A) The subdivision streets would be accepted by the State for maintenance if:

(1) They are built in a manner which satisfies the minimum State design and construction criteria for subdivision streets; and

(2) They would satisfy other requirements for addition to the State maintenance system, including, but not limited to, the general density standard of at least two occupied residences for each one-tenth of a mile of subdivision street.

If, upon review of a subdivision plat, it is determined that the general density standard is met, but a design standard is not, a re-design will be required where possible. For example, if the number of lots proposed along a subdivision street would clearly satisfy the density standard, but the street design was such that the centerline radius did not meet the minimum standard of 230 feet for level land, a new street design would be required. Another example is a situation where a landscaped island or entrance median prevents acceptance of the street for maintenance.

The State's criteria and standards are identified in the following publications: Subdivision Roads - Minimum Construction Standards and Traditional Neighborhood Development (TND) Guidelines, prepared by and available from the N.C. Department of Transportation; or

(B) The subdivision streets extend existing streets which are public; or

(C) The subdivision streets are part of a development which is located in an area designated as Urban or Transition by the Orange County Comprehensive Plan; or

(D) A proposed street is designated as an arterial or collector on an approved Thoroughfare Plan for a municipality or in the Orange County Comprehensive Plan; or

(E) The subdivision streets are part of a non-residential development consisting of office, retail, industrial, and similar businesses, each located on a separate lot. This provision shall only apply to that portion of a subdivision being developed for non residential purposes.

7.8.3 Public Streets - Construction Standards

Public dedicated streets must meet the minimum construction standards as adopted by the N.C. Department of Transportation for acceptance of streets as additions to the State Highway System.

7.8.4 Private Roads – When Permitted

(A) A private road shall be deemed justified for a minor residential subdivision resulting in no more than three lots provided:

(1) No new lots have been created from the parent tract, through subdivision or other manner exempted from subdivision regulations, since the more recent:

(a) Date of adoption of this provision (September 18, 2001); or

(b) Ten years from the date of recordation of the parent tract if the lot being subdivided was created using the three-lot private road justification provision.

The parent tract, for the purpose of this provision, is the lot or tract of land that is being subdivided.

(2) All resulting lots meet the minimum lot area per dwelling unit and maximum density requirements for the zoning district, including any overlay district, in which the subdivision is located.

(B) A minor residential subdivision of three or fewer lots shall be encouraged to provide a private access easement for one adjacent lot to access the private road in order to reduce the number of access points on a public road.

(C) For all other subdivisions the Planning Board and the Board of County Commissioners (in the case of major subdivisions) and Planning staff (in the case of minor subdivisions) shall consider the design features in this subsection (8.8.4) when determining whether to permit private roads.

(D) There is no right to a private road in any subdivision containing more than three lots.

(E) At a minimum, a private road may be justified if the subdivision meets standards of (1) below and at least two other design features (2 through 7) listed below.

(1) The location and design of the subdivision is such that it clearly preserves the rural character of the County through:

(a) The provision of lot sizes and building setbacks significantly greater than those required by the zoning district in which the proposed subdivision is located, including any overlay district requirements, in accordance with the following standards:

(i) Lot Sizes – Conventional Subdivision

a. All lots in the subdivision must be at least 80,000 square feet if the minimum lot size or area per dwelling unit of the zoning district is 40,000 square feet or less.
b. All lots must be at least 120,000 square feet (2.75 acres) if the minimum lot size or area per dwelling unit of the zoning district is 80,000 square feet.
c. All lots must be at least 130,680 square feet (three acres) if the minimum lot size or area per dwelling unit of the zoning district is 87,120 square feet (two acres).
d. All lots must be at least five acres for all other cases.
e. Minimum building setbacks for lots located on a private road shall be twice those required.

(ii) Lot Sizes – Cluster Subdivision or Flexible Development without Density Bonus

a. In zoning districts having a minimum lot size of 40,000 square feet:

i. All lots must be at least 80,000 square feet in subdivisions providing 40% or less open space;

ii. All lots must be at least 70,000 square feet in subdivisions providing 41% - 49% open space;

iii. All lots must be at least 60,000 square feet in subdivisions providing 50% or greater open space.

b. In zoning districts having a minimum lot size or area per dwelling unit of 80,000 square feet or two acres (87,120 square feet):

i. All lots must be at least 130,680 square feet (3 acres) in subdivisions providing 40% or less open space;

ii. All lots must be at least 90,000 square feet (2.07 acres) in subdivisions providing 41% - 49% open space;

iii. iAll lots must be at least 60,000 square feet (1.38 acres) in subdivisions providing 50% or greater open space.

c. Minimum building setbacks for lots located on a private road shall be twice those required.

(b) The retention and/or provision of landscaping and use of clustering of dwelling units to:

(i) Screen the view of the subdivision from public roads,

(ii) Maintain a wooded or forested character,

(iii) Maintain scenic views, or

(iv) Preserve wildlife, botanical, historic, archaeological and/or recreation sites; and/or

(c) The preservation of site features which directly enhance the special or unique cultural, historical, archaeological or biological characteristics of the immediate area as referenced in:

(i) "An Inventory of Sites of Cultural, Historic, Recreational, Biological, and Geological Significance in the Unincorporated Portions of Orange County" or,

(ii) For historic sites, if the site is deemed eligible by the State Historic Preservation Office for inclusion in the National Register of Historic Places.

(2) The number, location and/or size of lots to be located in the subdivision are such that, even if constructed to State standards, the streets would not be accepted by the State for maintenance due to density or other State requirements.

(3) At least 50% of the site is to be dedicated and preserved through restrictive covenants and contains recreation and/or open space areas of significant botanical, wildlife, historic and/or archaeological sites as referenced in "An Inventory of Sites of Cultural, Historic, Recreational, Biological, and Geological Significance in the Unincorporated Portions of Orange County."

(4) In subdivisions proposed to be located in a Watershed Protection Overlay District, as designated in Section 4.2 of this Ordinance, stream buffers are increased by at least 25% above those required by Section 6.13 of this Ordinance and the impervious surface allowed is decreased by at least 15% to allow greater infiltration of storm water runoff to prevent the pollution of water supply reservoirs.

(5) The site contains topographic and environmental features, such as streams, steep slopes, or watersheds that would be adversely affected by the use of roads constructed to State standards because of factors such as significant amounts of earthwork (cut and fill) that would contribute to increased run off of stormwater and siltation.

(6) The site is already developed to 100% of the capacity which could be achieved after approval of the subdivision and some or all of the non-conforming aspects of existing development on the site will be made more conforming as a result of the proposed subdivision, and all conforming aspects of the development will remain conforming.

(7) There is only one subdivision road proposed and:

(a) Its length does not exceed 350 feet,

(b) It serves no more than five lots,

(c) Its grade does not exceed 9%, and

(d) The land being subdivided is not connected to, or part of, another subdivision required to be served by public roads.

(F) The Declaration of Development Restrictions, prepared by the Planning Department and recorded concurrently with the Final Plat, shall include a statement that further subdivision of any of the lots may require that the road be upgraded to a higher private road classification, or to public standards, and that the cost of the upgrade will be the responsibility of the subdivider.

(G) Where a parcel being subdivided was created by a previous subdivision approved after July 5, 1983, then the previous subdivision as well as the proposed subdivision will be considered in determining whether a private road is still justified.

(H) It shall be the responsibility of the applicant for subdivision approval to supply a written statement justifying the reasons for private roads in the proposed subdivision.

(I) Compliance with one or more of the standards in this subsection (8.8.4) does not insure approval of either a public or private road within a proposed subdivision.

(J) A private road shall be required to meet standards set by Orange County as described in Section 7.8.5. Satisfactory proof that the standards are met will be required by the County Manager or his/her appointed agents.

(K) If a subdivision is to contain private roads, the subdivider shall have the County's Standard Road Maintenance Agreement entitled, "DECLARATION OF RESTRICTIONS AND PROVISIONS FOR PRIVATE ROAD MAINTENANCE" prepared and processed in accordance with Section 2.14 for minor subdivisions or Section 2.15 for major subdivisions and shall conform to the requirements of Section 7.14.3(6)(b)(ii).

(L) The land within a private road easement shall be included within the lot boundaries of the lot or lots which border the easement. The road maintenance agreement shall include a provision that if the road is dedicated for public use at a later date, then the lot boundaries will be revised to extend only to the edge of the right-of-way, in accordance with NCDOT standards.

7.8.5 Private Road Standards

(A) Purpose and Intent

(1) In Orange County, the preference is to serve subdivisions with State-maintained (NCDOT) public streets or municipal streets. The County recognizes, however, that private roads may be beneficial in some cases where the developer provides significantly larger lots, and where a private road graded to a narrower cross-section saves valuable vistas, trees, or natural resources, and reduces cut-and-fill and overall land disturbance. Where the developer clearly provides benefits such as enhancing entrances or streetscapes off an adjoining public road, saving trees, providing large lots, reducing disturbance, and "fitting" lots better into their natural surroundings, the Planning Department, Planning Board, and Board of County Commissioners may permit the use of private roads.

(2) The County is concerned about the logical and safe extension of public roads throughout the County and notes that private roads cannot be served by school buses and sometimes not by rescue squads and fire trucks. Private roads are generally unpaved and property owners who use the road are solely responsible for maintenance of the road.

(3) The County will approve only private roads where the "benefits" outweigh the negative aspects.

(4) Private roads shall never be approved simply to save money.

(5) Private roads are a privilege, and not a right, and must be justified by the particular lot arrangement and benefits provided by each development.

(B) General Requirements

(1) Private Roads serve lots within subdivisions that do not have access to state-maintained roads.

(2) Private Roads insure that all lots have documented legal right-of-way and provide adequate access for residents and emergency vehicles.

(3) Private Roads may be allowed in a subdivision where, in the judgment of the Planning Board and with the approval of the Board of County Commissioners, it is found that the nature and location of the subdivision are such that a private road is justified.

(a) In determining whether to permit Private Roads in subdivisions, the design features contained in subsection (F)(5) of this Section shall be considered.

(b) It is the responsibility of the subdivider to supply a written statement justifying the reasons for Private Roads in the proposed subdivision.

(4) After approval of and initial construction of the Private Road, maintenance must be provided by the property owners of lots located along the road. A Road Maintenance Agreement or Declaration between the lot owners is required to insure that the needed repairs are made (see subsection (F)(10)(i)).

(5) Since Private Roads are not constructed to North Carolina Department of Transportation standards, they will not be added to the Secondary Road System and will not be maintained by the State or Orange County.

(C) Classifications

(1) The standards and specifications for Private Roads apply to subdivisions in Orange County and the class of road required depends on the number of lots served by the road.

(a) A Class B road serves 1 to 5 lots or dwelling units.

(b) A Class A road serves 6 to 12 lots or dwelling units.

(2) All Private Roads in a major subdivision require the approval of the Board of County Commissioners.

(3) Before the final plat of the subdivision can be recorded, the Private Road must be built and approved, or the applicant must post a security instrument with the County in an amount that would cover the cost of constructing the road.

(4) Class B Private Roads intended to serve two lots or dwelling units are not required to be constructed to Orange County Standards or to be inspected before recordation of the final plat.

(a) Orange County recommends that such Class B roads be built to these standards in order to provide adequate access, especially for emergency vehicles which require the clearances and turn areas shown on the specifications.

(D) Construction Standards for Private Roads

The standards described herein are the minimum set forth by the County. Orange County has not determined, and is not responsible for determining, that these standards are adequate or appropriate for all uses by landowners. The standards also may not meet NCDOT criteria. No road will be accepted for maintenance by NCDOT unless or until NCDOT standards are met.

TABLE 7.8.5.D BASIC STANDARDS AND SPECIFICATIONS FOR PRIVATE ROADS				
	CLASS A	CLASS B		
Max. Number of Lots	12	2	3	5
Right-of-Way Width	50 ft.	50 ft.	50 ft.	50 ft.
Travel-Way Width	18 ft.	No Standard	12 ft.	12 ft.
Road Maintenance Agreement Required	Yes	Yes	Yes	Yes
Maintenance Responsibility	Property Owners	Property Owners	Property Owners	Property Owners

(1) Certificate of Construction

(a) A registered land surveyor must certify in writing to the Planning Department that the travelway of the Private Road, either existing, upgraded or newly constructed, is within the platted right-of-way.

(b) A professional engineer must certify in writing to the Planning Department that a Private Road, either existing, upgraded, or newly constructed, meets the standards of the required class for the subdivision, provided however, there is no requirement for written certification by a professional engineer for a private road serving three or fewer lots.

(c) The following must be inspected and certified:

(i) The proper material has been used in the travelway and it is built to the required width and thickness;

(ii) The shoulders are the correct width and the typical cross section is in place;

(iii) The road is on the proper grade;

(iv) Ditches are in place where necessary to provide adequate drainage, in accordance with sound engineering practice;

(v) Necessary storm pipes of proper size, materials and construction are in place and energy dissipaters installed, in accordance with sound engineering practice;

(vi) All disturbed areas are properly stabilized;

(vii) The required road sign is in place;

(viii) An adequate turn-around is in place at the end of the road;

(ix) Required vertical and horizontal clearance is provided; and

(x) Sight distance and construction at the intersection with a public road has been approved by NCDOT.

(2) Travelway

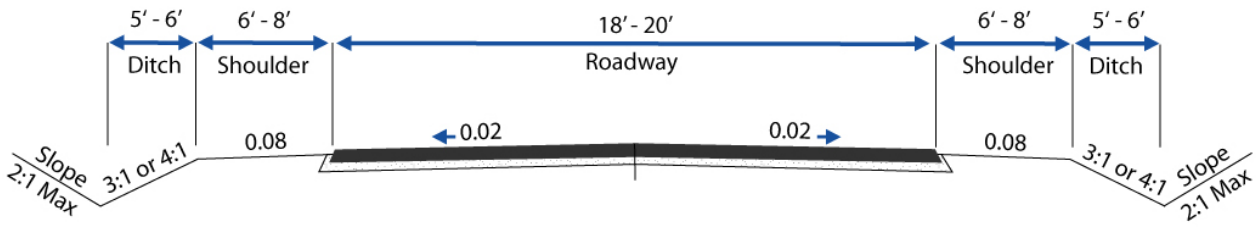
(a) The travelway must be surfaced and compacted with a material acceptable to Orange County to the required width of the particular class of road.

(b) A crown should be built into the travelway so that water will drain from the road surface into the side ditch.

(c) The crown should not be so great as to cause vehicles to slide off the travelway when ice or snow is on the road.

(d) Generally the road and shoulder should be crowned as shown in the drawing below so that runoff will drain to the ditches on both sides of the road.

Figure 7.8.5.D.2: Crowning of Roadway, NCDOT Typical Shoulder/Cross Section



(e) In some situations it may be desirable not to crown the road but to have the travelway sloped to a single ditch as shown below. This is applicable in four situations:

(i) Where it is necessary to cut down on the length of a ditch in order to reduce the erosion potential by decreasing the volume of runoff,

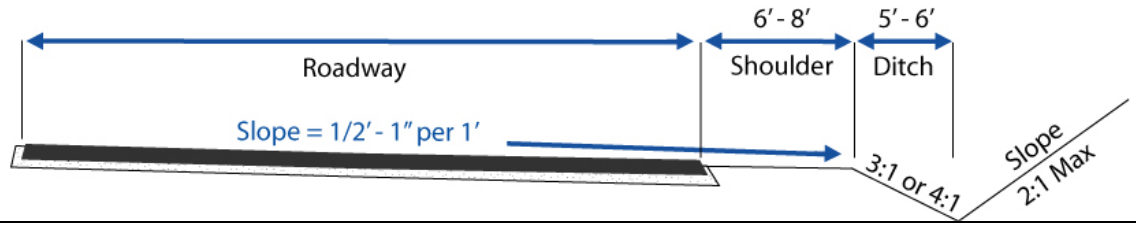
(ii) Where it is difficult to construct ditches due to rock,

(iii) To provide for super-elevation, or

(iv) In curves.

(f) The single slope described in (e) should always drain toward the inside of a curve. The crown slope of the road and shoulder should be approximately 1/2 to 1 inch per foot.

Figure 7.8.5.D.2.e/f: Crowning of Roadway, NCDOT Typical Shoulder/Cross Section Single Slope



(3) Surface Materials

(a) Acceptable material for surfacing the travelway is Aggregate Base Course (commonly called "crusher run").

(b) Soil type base materials (commonly called "Chapel Hill Gravel" or "Chapel Hill Grit") will be accepted under the following conditions:

(i) The material originates from a quarry approved by the North Carolina Department of Transportation.

(ii) The grade of the road is less than 8%.

(iii) Where the grade is greater than 8% a layer of crusher run stone will be placed over the Chapel Hill Gravel before compaction.

(iv) Sources of surface material shall be verified with the certifying professional before placement.

(4) Fill Material

(a) Where filling is necessary to raise the roadbed, cross watercourses or fill stump holes, it shall be done with suitable material that is free of roots or other organic matter.

(b) The fill should be firmly compacted to reduce settlement that will cause ruts or holes in the finished road.

(5) Traffic Flow

(a) Private Roads shall provide for two-way traffic in order to prevent conflict of vehicles meeting head-on.

(b) Two-way traffic for Class B roads can be accomplished by widening the travelway at prescribed locations to at least 16 feet to allow vehicles to pass or to pull over and stop while another vehicle passes.

(c) Plans showing road and right-of-way location, ditches and culverts, extent of clearing, and existing and finish contour lines shall be approved by the Erosion Control Officer.

(6) Medians

(a) Medians may be permitted between travel lanes when it is demonstrated that such design is desirable for the preservation of natural resources, or that excessive cut and fill would be required to construct a roadway to the standard width.

(b) Medians may be permitted only in accordance with the following:

(i) Each lane shall contain a minimum of 14 feet of vertical and horizontal clearance.

(ii) Each lane shall contain a minimum travelway of eight feet, or 1/2 of the required width for the applicable road class, whichever is greater.

(iii) No lots shall access directly onto any divided portion of the road unless there is adequate cross-access provided through the median, or some other acceptable means of access and turnaround for emergency vehicles.

(iv) Both lanes shall be contained within a single easement.

(v) A standard travelway of required width for the road class shall be constructed where the private road intersects with another private or public road.

(vi) Signs indicating "One Way" and/or a split roadway shall be provided where the lanes diverge.

(7) Grade

(a) The grade of the road should not exceed 12% because of the difficulty of operating vehicles on such a steep road and the high potential for erosion of the travelway and ditches.

(b) Where possible, the road should be constructed along the contour of the land to avoid steep grades.

(c) In exceptional circumstances a variance may be granted for a grade greater than 12%, as may be approved by the Board of Adjustment prior to construction (see Section 2.10 for variance procedures). Circumstances where a variance will be considered are:

(i) There is no other reasonable access or location of the road,

(ii) Relocating the road would create other, more serious problems with drainage, stabilization, or environmental impact, and/or

(iii) The length of the segment with grade greater than 12% is no longer than 100 feet.

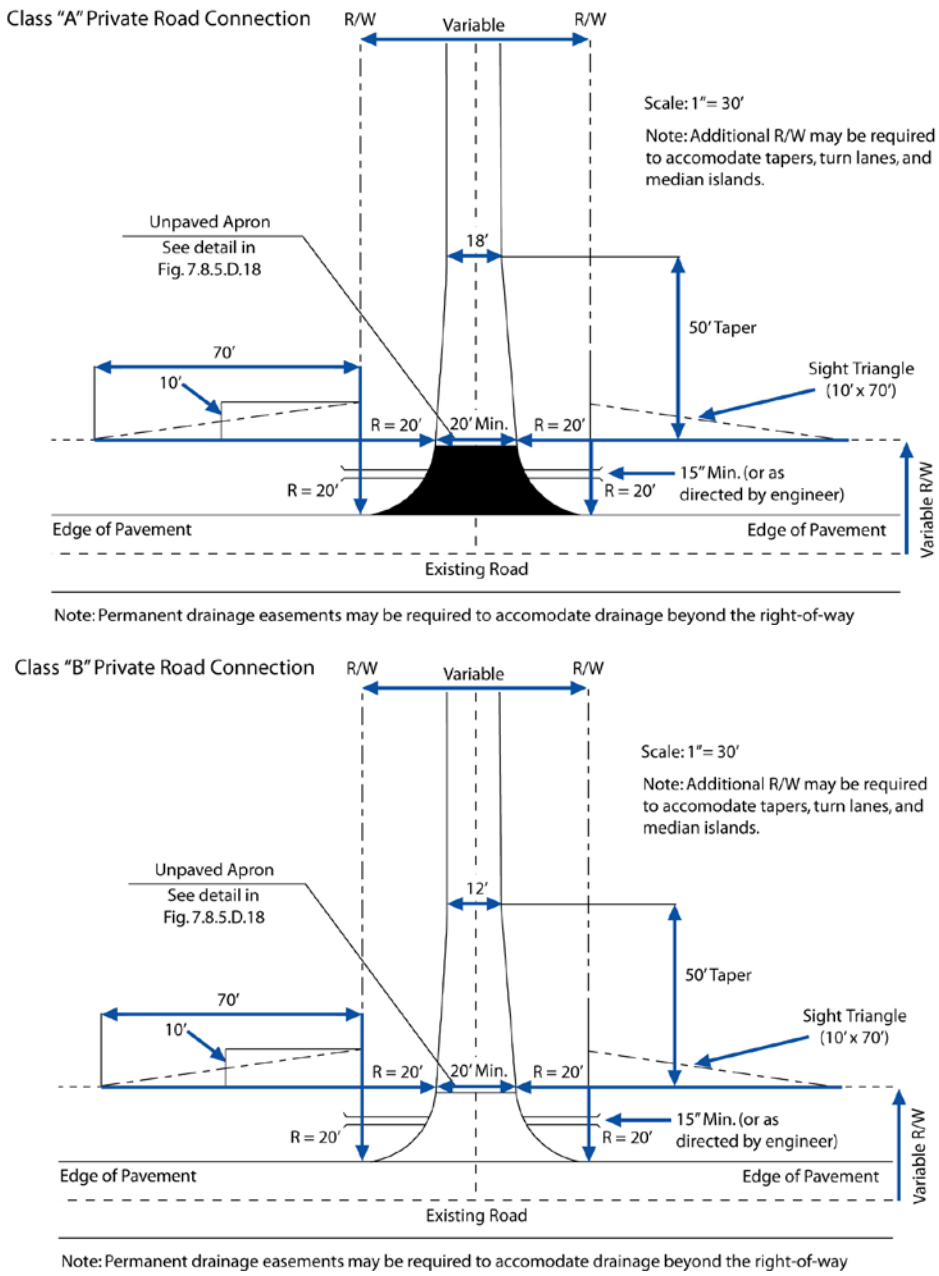
(8) Intersection with Public Road

(a) The intersection of the Private Road with the existing public road shall permit a safe entrance and exit.

(b) Adequate sight distances along the public road shall be provided by choosing a good location for the right-of-way and clearing sight triangles when building the road.

(c) The intersection of a Private Road with a public road must provide an adequate place for cars to stop before entering the public road. See the diagram below.

Figure 7.8.5.D.8: Intersection with Public Road



(d) The Private Road must flare at the public road in order to permit a vehicle to enter the Private Road when another vehicle is waiting to exit on the Private Road. The dimensions of the required flare are 20-feet for both a Class A and Class B Private Road, as shown in Figure 7.8.5.D.8.

(9) Drainage

(a) Ditches shall be constructed to provide drainage from the road and adjacent areas.

(b) The ditches shall be built with sufficient depth and width to carry the expected volume of water.

(c) The side slopes shall be graded so that they can be stabilized and to prevent vehicles from becoming stuck if they slide into the ditch.

(d) Where the road crosses streams or minor watercourses, culverts shall be installed to prevent ponding and washouts of the road for the design five-year storm.

(e) On streams where it is not economical to install a large culvert of the required size, the Erosion Control Officer may allow the installation of a smaller culvert if engineering equivalent provisions are made to protect the road surface and fill slopes from erosion when runoff tops the road.

(10) Turn-Arounds

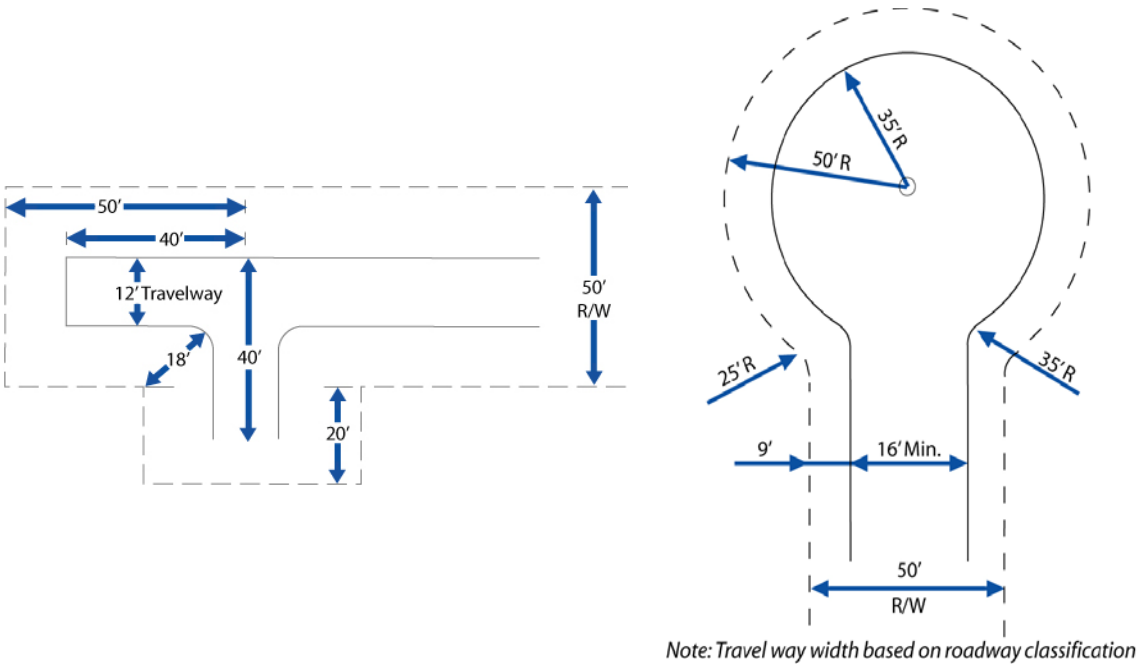
(a) Vehicle turn-around areas shall be provided at the end of all dead end roads. This can be accomplished by ending the road in a cul-de-sac or a "T".

(b) The "T" type turn-around is preferred.

(c) Culs-de-sac shall have a minimum diameter of 70 feet.

(d) A "T" turn-around must conform to the dimensions in the diagram below.

Figure 7.8.5.D.10: "T" Type Turn-Arounds



(e) The location of the turn-around will depend on the arrangement of the lots in the subdivision.

(f) If the Private Road serves only one lot the turn-around should be located near the building site.

(g) In a subdivision with several lots the turn-around should be at the end of the road and the necessary right-of-way provided.

(11) Road Name and Sign

(a) The road name shall be verified with the Orange County Planning Department to insure that the proposed name does not duplicate an existing name.

(b) The road sign shall have one double-sided blade showing the name of the Private Road and another showing the name of the existing State maintained road.

(c) Class B roads of any length are required to be named and to have a road sign posted.

(12) Right-of-Way

(a) The right-of-way shall be 50-feet wide and indicated on the final plat.

(b) Requests for rights-of-way less than 50-feet in width must be approved by the Board of County Commissioners. In no case shall a right-of-way less than 25-feet in width be approved.

(c) Bends in the right-of-way must be at angles that will permit construction of curves with a 125-foot minimum centerline radius (see subsection (17) below).

(13) Vegetation

(a) All areas disturbed by the construction of the road, including the shoulders, ditch banks, cut and fill slopes and any borrow areas, shall be seeded in permanent vegetation to stabilize the soil and prevent erosion.

(b) Seeding should be done immediately after grading is completed and before the final inspection by the Planning Department.

(c) The disturbed area shall be smoothed and lightly harrowed to break up the soil and prepare a good seedbed. The following materials are recommended per 1,000 square feet:

(i) 1.4 lbs. Fescue grass seed

(ii) 0.4 lbs. German or Browntop millet (to provide temporary cover until the grass becomes established)

(iii) 90 lbs. lime

(iv) 23 lbs. 10-10-10 Fertilizer

(v) Two 40 lb. Bales of straw for mulch (enough to cover 75% of the ground surface)

(d) Other types of permanent vegetation may be substituted as long as they provide adequate cover to prevent erosion.

(14) Maintenance

(a) Maintenance of the Private Road must be provided by the lot owners that are served by the road.

(b) The required Road Maintenance Agreement between the lot owners is required to insure that the cost is shared equally and a mechanism for maintenance is set up.

(c) The responsibility for maintenance is the property owners and neither the State nor Orange County will maintain the road.

(d) Regular attention shall be given to the following items in order to assure that the road will remain in good condition:

(i) The vegetation shall be mowed, limed and fertilized as needed. Areas that erode or where seeding is unsuccessful should be reseeded.

(ii) Culverts shall be kept clear of trash and other obstructions that could prevent or reduce the culverts function. If culverts are not kept clear it will cause runoff to flow over the road and may cause flooding upstream. Ditch banks and bottoms shall be protected from erosion by maintaining good vegetation.

(iii) The travelway shall be maintained by grading the surface material to fill any potholes that develop and to evenly spread the surface material where the soil has been uncovered because of erosion.

(iv) The road name sign shall be kept visible and legible so that visitors and emergency personnel can easily locate the road.

(15) Vertical Clearance

A minimum 14-foot vertical clearance shall be provided above the travelway to permit the passage of large vehicles under power lines and tree limbs.

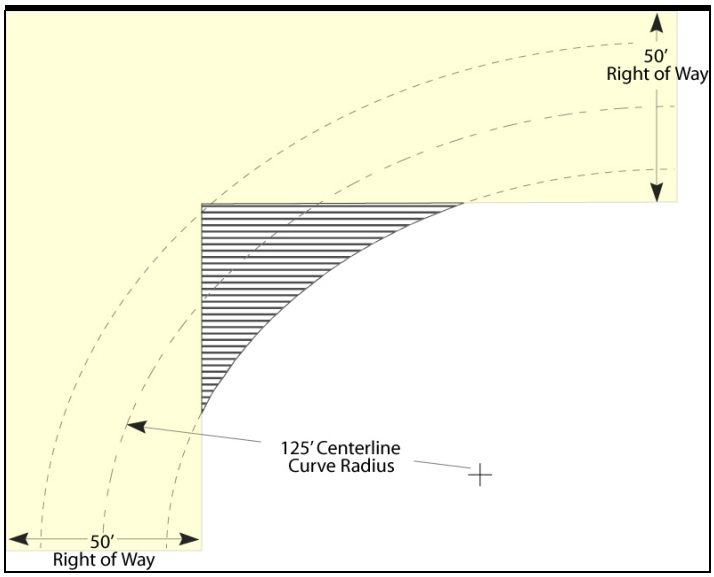
(16) N.C. Department of Transportation Driveway Permit

The property owner is responsible for obtaining the required permit for access to the state maintained road. This permit can be obtained from the DOT in Hillsborough. Permits are normally granted on request.

(17) Minimum Curve Radius

(a) New curves shall be constructed with a minimum centerline radius of 125-feet (see graphic).

Figure 7.8.5.D.17.a: Minimum Curve Radius



(b) The right-of-way shall be designed with bends that will provide sufficient width to construct the road to the minimum radius. For example, a 90 degree bend in a 50-foot right-of-way will not provide enough area to construct a road 18-feet wide.

(c) The right-of-way must include sufficient width for the travelway and the necessary shoulders, ditches and slopes.

(d) A curve radius of less than 125-feet may be approved if all of the following conditions are met:

(i) The road existed prior to the adoption of subdivision regulations or was approved as part of an earlier subdivision;

(ii) Reconstruction of the existing road to meet a 125-foot curve radius is not feasible due to the extent of earthwork which would be required and/or the inability to reconfigure the existing right-of-way location due to ownership or the location of existing structures, wells or septic systems;

(iii) Standards pertaining to road width and grade will be met;

(iv) The subdivision can be approved with a Class B private road;

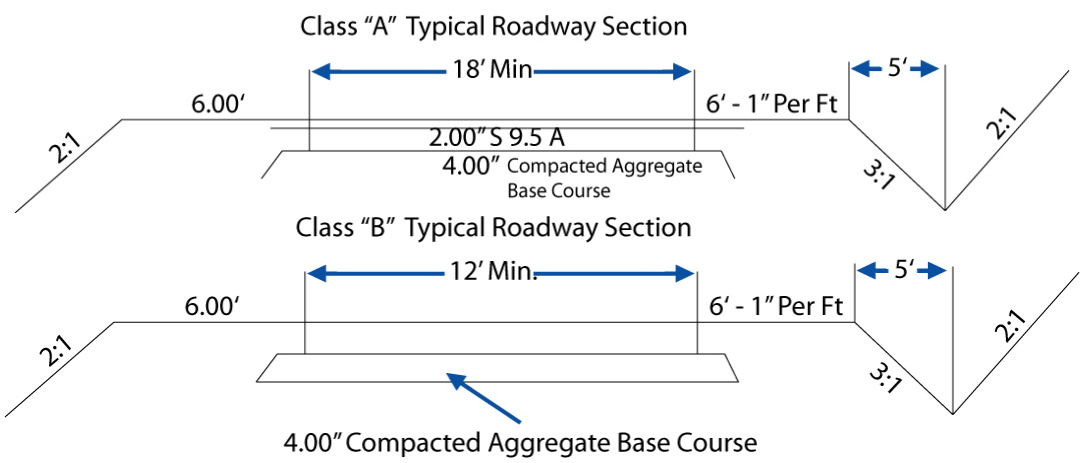
(v) Documentation is received from the Staff Engineer that the proposed curve radius would provide for adequate vehicular access and circulation; and

(vi) Documentation is received from the Department of Emergency Services stating that the proposed curve radius would provide access for the largest emergency vehicle expected to use the road.

(18) Typical Cross-Section

The drawings below illustrate the typical cross sections for Class A and Class B Private Roads.

Figure 7.8.5.D.18: Typical Cross Sections



(E) Compliance with Erosion and Sedimentation Control Regulations Required

Private road construction shall conform to the erosion and sedimentation control provisions of this Ordinance (see Section 6.15).

(F) Inspections and Certifications

(1) Private road construction must be inspected and the construction certified in writing to the Orange County Planning Department by a North Carolina Professional Engineer.

(2) The location of the travelway within the right-of-way must be certified to be within the platted private road right-of-way by a North Carolina Registered Land Surveyor.

(3) The road must be inspected during construction so that any changes or improvements necessary to insure approval can be made before the stone is placed and the shoulders and ditches are seeded and mulched.

(4) The subdivider or his/her representative must inform the professional making the certification prior to the start of construction and at intervals during construction when inspections are needed so that they can be scheduled.

TABLE 7.8.5.F: CERTIFICATION REQUIREMENTS FOR SUBDIVISION PRIVATE ROADS		
Maximum Number of Lots in Subdivision	3 or Fewer	4-12
Professional Engineer Road Construction Certification Required	No	Yes
Surveyor Certification Roadway in Platted Right-of-Way	Yes	Yes

(5) Inspections by the Planning Department are made only to insure the following:

(a) That the road is built to the required dimensions;

(b) That the stone travelway is provided to the required width;

(c) That adequate drainage is provided;

(d) That any disturbed areas are seeded and mulched to establish permanent vegetation; and

(e) To verify that the required road sign is in place.

(6) The subdivider is responsible for supervising construction and for quality control inspections for clearing and grubbing of the right-of-way, compaction of fill, construction materials, and so forth.

(7) The subdivider or representative should employ a qualified grading contractor (and supervisor if necessary) to insure that the road is in the correct location and that acceptable methods and materials are used.

(8) Bonds or letters of credit cannot be released or reduced until completion of the road is certified. Arrangements for payment between the subdivider and contractor are not the responsibility of Orange County.

7.8.6 Alleys

(A) Alleys shall be required for lots used for commercial and industrial purposes except that this requirement may be waived where other definite and assured provision is made for service access.

(B) Alleys shall not be provided in residential subdivisions unless necessitated by unusual circumstances.

(C) The width of an alley shall be adequate for the purpose which it serves.

(D) Dead end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turn around facilities at the dead end as may be recommended by the Planning Board and approved by the Board of County Commissioners.

SECTION 7.9: RESERVATION OF SPACE FOR UTILITIES

7.9.1 Easements Required

(A) Where several utilities are available or can be anticipated to serve a subdivision according to utility extension plans, utility easements, setbacks or other methods of providing services may be required for service in that subdivision.

(B) Except where utilities may be located in approved alleys, easements, setbacks, or other methods, not less than six feet in width may be required on each side of rear and side lot lines.

(C) Utility easements, setbacks, or other methods may be required along said lot lines or across lots for the extension of existing or planned utilities such as poles, wires, conduits, storm or sanitary sewers, water lines, and/or gas lines.

7.9.2 Subdivisions in Transition Areas

Subdivisions located within Transition areas, as designated in the adopted Comprehensive Plan and the Joint Planning Area Land Use Plan, which are to be served by individual wells and septic tanks, may be required to dedicate water and sewer easements if the provision of such easements is necessary to provide for future extension of utilities within the Transition Area in an orderly and efficient manner.

7.9.3 Terms and Conditions of Easements

(A) It is not the intent of this section that the terms of any easement or way required by this Section be dictated by Orange County.

(B) Any such terms and conditions may be negotiated between the subdivider/landowner and the utility company. Provided, however, that where utilities are required for subdivision approval, the Planning Department and/or Planning Board shall require an instrument executed by the subdivider/landowner and the utility company setting forth the said terms and conditions at the time the preliminary plan is reviewed by the Planning Department and/or Planning Board.

SECTION 7.10: RESERVATION OF SCHOOL SITES

7.10.1 Applicability

(A) In every subdivision, school sites may be reserved in accordance with the adopted Comprehensive Plan.

(B) For authorization to reserve school sites to be effective, the Board of County Commissioners, prior to the adoption of the Comprehensive Plan or any amendment thereto pertaining to school sites, shall have jointly determined with the Board of Education having jurisdiction over the area, the specific location, size, and suitability of each school site to be reserved.

(C) All sites so designated shall appear in the adopted Comprehensive Plan.

7.10.2 Method of Reservation

(A) Whenever a subdivision which includes part of all of a school site to be reserved is submitted for approval, the Planning Department and the Board of County Commissioners shall immediately notify the Board of Education having jurisdiction over the area.

(B) The Board of Education shall promptly decide whether it wishes the site to be reserved and shall notify the Planning Department and Board of County Commissioners of its decision.

(C) If the Board of Education does not wish the site to be reserved, no site shall be reserved.

(D) If the Board of Education does wish the site to be reserved, the subdivision may not be approved without the reservation and without the school site being designated on the subdivision plat as such.

7.10.3 Acquisition of Reserved Site

(A) The Board of Education must acquire the school site either by purchase or by exercise of the power of eminent domain within 18 months after the date the site is reserved.

(B) If the Board of Education has not purchased the site or begun proceedings to condemn the site within 18 months if site reservation, the subdivider may treat the land as freed of the reservation.

SECTION 7.11: RECREATIONAL FACILITIES

7.11.1 Applicability

(A) Every person, firm or corporation who subdivides land for residential and/or non-residential purposes shall be required to dedicate a portion of such land for the purpose of public recreation/open space, including the preservation of natural and cultural resources, to serve the leisure needs of the residents of the subdivision and the residents of the immediate neighborhood within which the subdivision is located.

(See Article 10 for definition of "immediate neighborhood". The Planning Department keeps a map showing the location of recreation service area boundaries)

(B) In all cases, the Recreation and Parks Advisory Council shall review and make recommendations to the Planning Board and Board of County Commissioners on the provision or dedication of recreation and/or open space areas.

7.11.2 Area Requirements

(A) At least 1/57 of an acre shall be dedicated for each dwelling unit planned or provided for in the subdivision plan, except where land is located in the Special Flood Hazard Overlay District and/or is characterized by steep slopes (15% or greater), then at least 1/20 of an acre of such land shall be dedicated for each dwelling unit.

(B) If the application of the provisions of Article 3 (Required Minimum Recreation Space Ratio, as shown on the table of each zoning district) and Section 6.3 (Land Use Intensity System) of this Ordinance results in a greater amount of land, then the difference between the application of the standards above and those of the referenced Articles shall be established as private recreation for the use of the residents of the development.

(C) The total land area dedicated as part of a nonresidential subdivision shall be determined by an analysis of the site, the use(s) to be located thereon and the designation of recreation and/or open space sites as shown on the adopted Comprehensive Plan.

(1) The site analysis shall be prepared by the applicant and shall identify in written and graphic form those areas characterized by:

(a) Steep slopes (15% or greater),

(b) Special flood hazard areas and wetlands,

(c) Rock outcroppings,

(d) Mature woodlands (trees of 18 inches or greater in diameter),

(e) Existing structures and cemeteries, and

(f) Lakes, ponds, rivers and other water resources.

(2) A written and graphic description shall also be submitted by the applicant which identifies:

(a) The proposed use of each lot in the subdivision,

(b) The approximate amount of building and parking coverage for each lot, and

(c) The approximate number of employees associated with each use.

(3) In no case shall the total land area be less than that required by application of the provisions of Article 3 (Required Minimum Pedestrian/Landscape Ratio, as shown on the Table of each zoning district) and Section 6.3 (Land Use Intensity System) of this Ordinance.

7.11.3 Site Suitability

(A) Land provided or dedicated for active recreational purposes shall be of a character, slope, and location suitable for use as for play areas, tennis courts, multi-purpose courts, picnic areas, ball fields, and other similar recreation uses.

(B) Active recreation areas shall be located on land that is relatively flat (0 to 7-1/2% slopes), free of wetlands and/or flood plains, free of easements for public utility transmission lines, and is otherwise capable of accommodating active recreation uses.

(C) Land provided or dedicated for low impact recreation and open space purposes shall be of a character, slope, and location suitable for use for walking, jogging, reading and similar quiet activities, and the preservation of natural features and cultural resources such as steep slopes, rock outcrops, native plant life and wildlife cover, mature woodlands, and water resources.

(D) In all cases, active and low impact recreation sites as well as open space areas designated in the adopted Comprehensive Plan shall be incorporated into the design of the subdivision.

(E) Criteria for evaluating the suitability of proposed recreation areas shall include but not be limited to the following:

(1) Location

(a) Land dedicated for recreation purposes shall be located so as to serve the needs of the residents of the subdivision and the residents of the immediate neighborhood within which the subdivision is located.

(b) Recreation areas shall be located so as to provide, insofar as possible, reasonable accessibility to all residents of the subdivision and residents living in the immediate neighborhood.

(c) Recreation areas shall be located where more land more suited for recreational purposes due to shape, level slopes and/or dry soil conditions is present.

(d) Where proposed park sites are shown in the adopted Comprehensive Plan, and a subdivision contains a portion of the park site, then the developer may be required to locate the recreation area in accordance with the park site as shown thereon.

(2) Unity

(a) Land dedicated for recreation purposes shall be a single parcel except where it is determined that two or more parcels are suited to the needs of a particular subdivision.

(b) The Planning Department and/or Planning Board may recommend, and the Board of County Commissioners may require, the dedication of a connecting path in addition to the land required in Section 7.11.2 above.

(i) Where a connecting path is necessary, a path right-of-way of up to 50 feet in width may be required, but in no case shall the path right-of-way be less than 30 feet in width.

(3) Accessibility

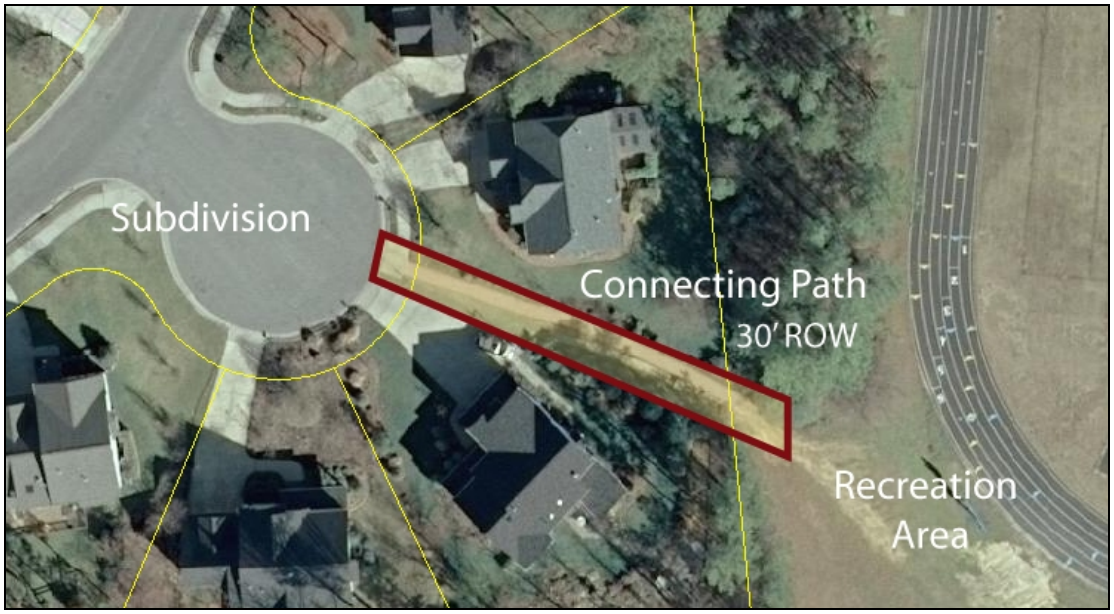
(a) Land dedicated for recreational purposes shall have at least 50 feet of frontage on at least one street within the subdivision.

(b) Where a recreation area is not accessible due to lot arrangement, the Planning Department and/or Planning Board may recommend, and the Board of County Commissioners may require, the dedication of connecting paths which link the recreation area with other streets within the subdivision (see figure below).

(i) Connecting paths so required shall be in addition to the land required in Section 7.11.2 above.

(ii) Connecting paths may require a right-of-way of up to 50 feet in width but in no case shall the path right-of-way be less than 30 feet in width.

Figure 7.11.3.E.3: Connecting Paths



7.11.4 Site Improvements

(A) Private recreation facilities, either required or provided at the option of the applicant, shall meet the standards for site improvements contained in the Table below.

(B) When choosing improvements for a recreational area, the anticipated characteristics and needs of the residents shall be considered in conjunction with the size of the development, any physical constraints posed by the site, and the availability of other improvements within the same general area as the subdivision.

(1) As an example, the existence of a multi-purpose court in an adjacent, existing subdivision and the availability of the facility for use by residents of the proposed subdivision may indicate to the applicant that another facility, such as a tennis court, would be more appropriate.

(C) Recreation facilities which are suitable for various age groups include, but are not limited to those shown in the Table below.

(D) Trash receptacles shall be provided for all recreational areas regardless of the number and type of other improvements located thereon.

TABLE 7.11.4.D: SITE IMPROVEMENTS				
AGE GROUP	FACILITY	RECOMMENDED SPACE REQUIREMENTS	RECOMMENDED SIZE AND DIMENSIONS	RECOMMENDED ORIENTATION
Families	Tot Lot: Enclosed play area with play apparatus and sand box Open, turfed area for active play Shaded area for quiet activity	2,000 – 4,000 sq. ft.	Enclosed play area of 21 sq. ft. per family Turfed area and shaded area of at least 40 sq. ft.	None specified
Families Adults	Basketball Court	4,400 – 8,000 sq. ft.	46'x74' to 50'x94' court dimensions with 5' unobstructed space on all sides	Long axis north-south
Families	Badminton Court	1,500 – 2,600 sq. ft.	Singles - 17'x44' Doubles - 20'x44' 5' unobstructed space on all sides	Long axis north-south
Families Adults Senior Citizens	Tennis Courts	6,200 – 8,400 sq. ft.	36'x78' with 12' clearance on both sides; 21' at both ends	Long axis north-south
Families Adults	Volleyball Court	2,800 – 4,000 sq. ft.	30'x60' with 10' clearance on all sides	Long axis north-south
Families Adults	Softball Field	1.5 – 2.0 acres	Baselines – 65' Pitching distance 40'-46' Field radius from plate – 275' between foul lines	Locate home plate so pitcher throwing across sun and batter not facing it; line from home plate through pitchers mound runs east-north-east.
Families	Soccer Field	1.7 – 2.1 acres	195' to 225' x 300' to 360' with 10' minimum clearance on all sides	Fall season – long axis northwest to southeast; for longer periods, north to south
Families Adults	Handball Court (3-wall)	1,000 sq. ft.	20'x40' – Minimum of 10' to rear Minimum 20' overhead clearance	Long axis north-south, front wall at north end
Families Adults Senior Citizens	Swimming Pools	0.5 – 2.0 acres	Minimum of 27 sq. ft. of water surface per swimmer Ratio of 2:1 deck vs. water	None-although care must be taken in siting of lifeguard stands in relation to afternoon sun
Families Adults Senior Citizens	Pedestrian Paths	None	Well defined head room with maximum 10' width Maximum average grade 5%, not to exceed 15% Path width 6'-8'	None

TABLE 7.11.4.D: SITE IMPROVEMENTS				
AGE GROUP	FACILITY	RECOMMENDED SPACE REQUIREMENTS	RECOMMENDED SIZE AND DIMENSIONS	RECOMMENDED ORIENTATION
Senior Citizens	Shuffleboard	570 sq. ft.	10'x52' with 2.5' clearance at both ends 2' clearance on both sides	Long axis north-south
Senior Citizens	Horseshoes	240 sq. ft.	6' square pitchers box Steel stakes 1" diameter, 14" above ground, spaced 40' apart	Long axis north-south
Senior Citizens	Croquet Court	1,800 sq. ft.	25'x55' playing area with 2.5" clearance on all sides	Long axis north-south
Families Adults Senior Citizens	Park Bench Picnic Tables Grills Trash Receptacles	One picnic table per 50 residents with 50 sq. ft. of land per table	Minimum table dimensions – 36"W x 72"L x 30"H Tables, benches, and other similar facilities securely anchored to ground	None other than provision of shading for picnic tables and benches
Families Adults Senior Citizens	Picnic Shelter Structure	One open shelter per 60 residents	Minimum shelter dimensions – 20'x30' with minimum of ten picnic tables and accompanying benches located therein and securely anchored to ground Fireplace shall be installed at one end	None

(E) Parking shall be constructed in accordance with the Standards contained in Section 6.9 of this Ordinance.

7.11.5 Method of Provision or Dedication

(A) Public Recreation Area

(1) Land dedicated for public recreation area as required by this Ordinance shall be designated on both the preliminary and final plat(s) of the subdivision and must be dedicated to an appropriate unit of local government.

(2) Determination of the appropriate unit of local government shall be made by the Board of County Commissioners, upon recommendation from the Recreation and Parks Advisory Council and the Planning Board.

(3) Acceptance of the dedication may be one in trust if deemed appropriate by the Board of County Commissioners.

(B) Private Recreation Area

(1) Land provided for private recreation purposes must be conveyed to the trustees provided in an indenture establishing an association of homeowners.

(2) The recreation area must be conveyed to the trustees subject to covenants and easements to be approved by the Planning Board and Board of County Commissioners and which provide for the continued maintenance and control of the recreation area in a manner which assures its continuing use for its intended purpose.

(3) Where the recreation area is conveyed to a homeowners association, the subdivider shall file a declaration of covenants and restrictions in accordance with the provisions of Section 7.14 of this Ordinance.

7.11.6 Payments in Lieu of Dedication

(A) Any subdivider required to dedicate recreation area pursuant to this Ordinance may, with the approval of the Board of County Commissioners, make a payment in lieu of dedication or make a combination of land dedicated payment.

(B) Before approving a payment in lieu of dedication, the Board of County Commissioners shall find that no recreation and/or open space sites have been designated on the adopted Comprehensive Plan for property in question.

(C) The payment in lieu of dedication shall be equal to $422 per lot for a subdivision to be located in the service area of a community park as shown on the Recreation Service Area Boundaries map available in the Planning Department.

(D) The payment in lieu of dedication shall be equal to $455 per lot for a subdivision to be located in the service area of a district park as shown on the Recreation Service Area Boundaries map available in the Planning Department.

(E) Where a combination of land dedication and payments in lieu are approved, the subdivider shall be given a credit equivalent to $10,000 per acre of land dedicated for recreation purposes.

(1) The credit amount shall be determined by multiplying the number of acres to be dedicated by $10,000 per acre.

(a) If the total payment in lieu as determined above is larger than the credit amount, the subdivider shall pay the difference between the two amounts.

(b) If the credit amount is larger than the total payment in lieu as determined above, no additional payment in lieu is required.

(c) The subdivider may not transfer the excess credit from one subdivision to another.

(F) Upon approval by the Board of County Commissioners, payment in lieu of dedication shall be made at the time of final subdivision plan approval or within one year of approval of the preliminary subdivision plan, whichever occurs first.

(G) All monies received by Orange County pursuant to these requirements shall be used only for the acquisition and development of recreation, park and open space sites to serve the residents of the development and the residents of the immediate neighborhood within which the development is located.

(H) The Board of Commissioners shall also have the authority to sell land dedicated pursuant to these provisions with the proceeds of any such sale used solely for the acquisition of other recreation, park or open space sites within the immediate neighborhood within which the development is located.

SECTION 7.12: CLUSTER DEVELOPMENTS

7.12.1 Generally

(A) Cluster development:

(1) Allows for greater design flexibility and originality,

(2) Permits the reasonable use of land with difficult physical conditions (topography, floodplain, unique natural areas, etc.),

(3) Respects the physical qualities of the land,

(4) Reduces the overall development and public costs, and

(5) Preserves open space to serve recreational, scenic and public service purposes.

(B) Cluster developments permit the modification and variation of lot and yard requirements provided that the sum of reductions in lot area becomes common open and for recreation space for the benefit of all residents of the cluster development or for dedication to public use.

(C) Cluster development may be required where protection of environmental resources identified in "An Inventory of Site of Cultural, Historic, Recreational, Biological, and Geological Significance in the Unincorporated Portions of Orange County" or "Inventory of the Natural Areas and Wildlife Habitats of Orange County, North Carolina" cannot be accomplished through the development of a standard subdivision.

(D) If not required by (C) above, cluster developments are an option for the developer.

(E) All cluster developments, whether required or opted for by the developer, shall be done in compliance with the provisions and standards related to or referring to cluster developments contained in this Section.

7.12.2 Criteria in the Rural Buffer (RB) Zoning District

Cluster developments may be approved in the Rural Buffer zoning district upon the following findings:

(A) The tract is a minimum of 400,000 square feet.

(B) Approved water supply and wastewater treatment systems are available and each lot is served by separate water supply and sewerage connections.

(C) The total number of lots proposed for the tract, excluding parcels of reserved recreation/open space is not greater than the number determined by dividing the gross land area, excluding public and private road rights-of-way, by the minimum lot size required for the Rural Buffer zoning district and Watershed Protection Overlay District requirements for University Lake Watershed, if applicable.

(D) The recreation/open space reserved within the tract conforms Section 7.11.

(E) The minimum amount of land reserved as recreation/open space shall be the sum of all reductions in minimum lot area as a result of the cluster form of development and/or the minimum recreation/open space required in Section 7.11, whichever is greater.

(F) Cluster open space shall not include areas devoted to public or private vehicular streets.

(G) Cluster developments in the UNIV-PW and UNIV-CA Watershed Protection Overlay Districts shall comply with the development standards as set forth in Sections 4.2 and 6.6 of this Ordinance.

7.12.3 Reductions in Lot and Setback Requirements

For lots created as part of a cluster development, minimum lot area, lot width and setback requirements as specified in Article 3 of this Ordinance may be reduced as set forth below.

(A) Minimum lot area requirements may be reduced to no less than one acre.

(B) Minimum lot width requirements may be reduced to no less than 104 feet.

(C) Minimum front setback requirements may be reduced to 30 feet except where the front lot line forms an exterior boundary of the cluster development in which case no reduction shall be permitted.

(D) Minimum rear and side setback requirements may be reduced to 10 feet except where the rear and side lot line forms an exterior boundary of the cluster development in which case no reduction shall be permitted.

7.12.4 Ownership of and Conveyance of Cluster Recreation/Open Space

(A) Cluster recreation/open space shall be dedicated to the public unless the Board of County Commissioners finds that the size, location, type of development, or cost of development or maintenance of such space or the availability of public open/recreation space would make public use undesirable or unnecessary.

(B) The applicant may request that the cluster recreation/open space be designated for private use.

(C) If cluster open/recreation space is not dedicated for public use, it shall be subject to approved legal arrangements sufficient to assure its maintenance and preservation for the intended purpose as provided in Section 7.14.3.

(D) Open space designed to protect environmental resources identified in “An Inventory of Sites of Cultural, Historic, Recreational, Biological, and Geological Significance in the Unincorporated Portions of Orange County” or “Inventory of the Natural Areas and Wildlife Habitats of Orange County, North Carolina” shall be adequately protected through dedication of conservation easements, dedication to Orange County, restrictive covenants, or other means found appropriate for the long-term preservation of the particular site or resource.

7.12.5 Criteria for Approval of Major Subdivision Preliminary Plan or Minor Subdivision Final Plat

In addition to the requirements outlined in Article 2, an approved major subdivision preliminary plan or minor subdivision Final Plat shall provide for a total environment better than that which could be achieved under standard regulations and must meet the following criteria:

(A) Individual lots, buildings and streets shall be designed and situated to minimize alteration of the natural site features to be preserved.

(B) The usability of cluster open/recreation space shall be determined by the size, shape, topographic and location requirements specified in Section 7.11.

(C) Cluster open space shall include irreplaceable natural features such as, but not limited to, streams, significant stands of trees, individual trees of significant size and/or species, uncommon plant communities, wildlife habitats and rock outcroppings.

(D) Cluster recreation space shall be easily accessible to pedestrians, including the handicapped.

(E) (E) The suitability of cluster open space intended for scenic value shall be determined by its visibility from adjoining properties and streets and shall seek to lessen the area devoted to motor vehicle access.

(F) Diversity and originality in lot layout shall be encouraged to achieve the best possible relationship between the land and the development.

(G) Up to one-fourth of the land with slopes greater than 15% may be removed or altered only when such slopes are small and isolated and do not otherwise adversely affect the design of the development.

(H) At least 20% of the gross land area is designated as common open space.

(I) No more than 50% of the required common open space shall be used exclusively for sewage treatment systems, utilities, or other uses which prohibit access by the residents

of the cluster subdivision. This restriction does not apply to areas of historic or natural significance which may be protected by access restrictions.

7.12.6 Additional Submittal Requirements

In addition to the requirements outlined in Article 2 regarding Major Subdivision Preliminary Plans or Minor Subdivision Final Plats, applications must be accompanied by:

(A) Application shall be identified as a Cluster Development Subdivision.

(B) A precise description of the extent to which the proposed modifications depart from the standard requirements of the applicable zoning district and the reasons for such departures.

(C) The location, type and area of the common open space and the adequacy of the amount and function of the open space in terms of densities and dwelling types proposed.

(D) Written site analysis accompanies by an illustrative site map, which identifies the following:

(1) Slopes 7½ - 15%,

(2) Slopes 15% and greater,

(3) Existing vegetation,

(4) Significant stands of trees,

(5) Significant examples of a particular species of tree occurring in a native stand and specimen trees,

(6) Drainage and waterways,

(7) Special flood hazard areas,

(8) Significant rock outcroppings,

(9) Significant scenic vistas,

(10) Soils with limitations for on-site wastewater systems and building development,

(11) The manner in which the plan makes adequate provision for water and wastewater treatment, and

(12) The relationship of the plan to the physical environment, the neighborhood in which it is proposed to be established and the intent of the provisions providing for the establishment of a cluster subdivision.

SECTION 7.13: FLEXIBLE DEVELOPMENTS

7.13.1 Purpose

(A) The purpose of Flexible Development is to preserve agricultural and forestry lands, natural and cultural features, and rural community character that might be lost through conventional development approaches.

(B) To accomplish this goal, greater flexibility and creativity in the design of such developments is encouraged and allowed. Specific objectives are as follows:

(1) To preserve areas of the county with productive soils for continued agricultural and forestry use by preserving blocks of land large enough to allow for efficient operations.

(2) To encourage the preservation and improvement of habitat for various forms of wildlife and to create new woodlands through natural succession and reforestation where appropriate.

(3) To minimize site disturbance and erosion through retention of existing vegetation and avoiding development on steep slopes.

(4) To preserve open land, including those areas containing unique and sensitive features such as natural areas and wildlife habitats, steep slopes, streams, wetlands, and floodplains.

(5) To preserve scenic views and elements of the county's rural character, and to minimize perceived density by minimizing views of new development from existing roads.

(6) To preserve and maintain historic and archaeological sites and structures that serve as significant visible reminders of the county's social and architectural history.

(7) To provide for the active and low impact recreational needs of county residents, including implementation of the Master Recreation & Parks Plan.

(8) To provide greater efficiency in the siting of services and infrastructure by reducing road length, utility runs, and the amount of paving for development.

(9) To create compact neighborhoods accessible to open space amenities and with a strong identity.

7.13.2 Applicability

(A) All Flexible Development subdivision plats shall comply with the requirements and standards specified herein and in all respects with other applicable codes and ordinances to the extent that they are not in conflict with these provisions.

(B) Flexible Developments located within the Stoney Creek Basin Overlay District shall comply with provisions of Section 4.8 of this Ordinance.

(C) The Village Option for a Flexible Development shall not be located in the Rural Buffer (RB) zoning district.

(D) Applicants seeking approval of a Minor Subdivision Final Plat by the Planning Department are encouraged to work with the Planning Department staff in identifying and preserving open space areas as part of such developments.

7.13.3 Open Space Standards

(A) Minimum Required Open Space

(1) Where a developer elects to seek approval of a Flexible Development as specified herein, at least 33% of the total land area in the Flexible Development must be set aside as protected open space.

(2) Such open space shall meet the standards contained in this Section unless the developer chooses to seek approval of a conventional subdivision as specified herein.

(B) Planning for Open Space

(1) Open space design in subdivision projects shall be planned as part of a comprehensive project design.

(2) The long-term success of open space is improved when a layout is chosen with a perspective of future usefulness, efficiency, connectivity and compatibility with both existing development and other types of open spaces.

(3) Open space is an important amenity for subdivision residents and an essential part of the County’s character and environmental quality.

(4) Open space planning must indicate a thoughtful understanding of that importance, and shall be evaluated based on its merits.

(5) A Flexible Development subdivision plan shall always provide open space which prominently meets at least one of the three following goals in open space design:

(a) The Maintenance of Wildlife Corridors and/or Habitat;

(b) The Preservation of Rural Character; or

(c) The Creation or Protection of Space for Outdoor Recreation.

(6) When relevant, a Flexible Development subdivision plan shall address the following additional goals in open space design:

(a) The Protection of Other Natural Resources,

(b) The Improvement or Maintenance of Visual Amenities,

(c) The Creation or Protection of Managed Resource Production,

(d) The Improvement or Maintenance of Public Health and Safety, and

(e) The Creation or Protection of Public Purpose and/or Utility Infrastructure.

(7) The primary means by which goals in open space design are addressed are composition, accessibility, size and shape.

(8) The primary way to achieve these open space design goals is by the application of standards to these fundamental land characteristics:

(a) Composition

The natural and constructed features of land indicate what types of open-space goals it can support. For each of the listed open space goals, certain characteristics are required or preferred. Compositional requirements and preferences are stated throughout this section.

(b) Accessibility

All Flexible Development plans shall, unless the open space is to preserve conservation values that require minimal disturbance, provide open space access to the public at large and/or subdivision residents, in accordance with Section 7.13.3(D).

(c) Size and Shape

The usefulness of open space can be lessened when it is fragmented or shaped in long narrow segments. The most functional open space is large enough to maximize the benefits to ecological, environmental, cultural, recreational and/or visual uses. Size and shape requirements are listed in Section 7.13.6.

(9) An open space plan may use other land characteristics as well, if a direct link to the goals of (5) and (6) above is shown.

(C) Types of Open Space

The types of open space conserved through Flexible Development shall be consistent with the following standards and shall be comprised of two types of land: "Primary Conservation Areas" and "Secondary Conservation Areas".

(1) Primary Conservation Areas

(a) These areas have sensitive environmental features and/or significant cultural resource areas, which may make them legally or practically unbuildable.

(b) These areas are the first open spaces to be chosen towards meeting the minimum 33% requirement.

(c) Secondary Conservation Areas may not be counted towards the 33% requirement unless all potential Primary Conservation Areas, other than those listed in (e) below, have been set aside.

(d) Primary Conservation Areas include:

(i) Wetlands

Including, but not limited to, streams, creeks, ponds, reservoirs, stormwater management facilities for watershed protection purposes, and adjoining land areas identified as part of:

a. The National Wetlands Inventory Maps for the county, prepared by the U.S. Fish and Wildlife Service;
b. The "Orange County, N.C. Soil Survey," prepared by the U.S.D.A. Soil Conservation Service;
c. The "Inventory of Natural Areas and Wildlife Habitats," as prepared by the Triangle Land Conservancy;
d. LANDSAT satellite data collected and analyzed under the Albemarle-Pamlico Estuarine Study;
e. A required environmental assessment or environmental impact statement; and/or
f. A site analysis conducted by a registered engineer, land surveyor, landscape architect, architect or land planner using data from the U.S. Army Corps of Engineers.

(ii) Floodplains (100-year) and Alluvial Soils

Identified as part of:

a. The "Flood Insurance Study: Orange County, N.C.," prepared by the Federal Emergency Management Agency (FEMA); and
b. The "Orange County, N.C. Soil Survey," prepared by the U.S.D.A. Soil Conservation Service.

(iii) Steep Slopes

Defined as those greater than 25%, identified as part of:

a. The "Orange County, N.C. Soil Survey," prepared by the U.S.D.A. Soil Conservation Service; and/or
b. A site analysis conducted by a registered engineer, land surveyor, landscape architect, architect or land planner and calculated using topographic maps from an actual survey or from the U.S. Geological Survey.

(iv) Natural Areas and/or Wildlife Habitats

As identified as part of:

a. The "Inventory of Natural Areas and Wildlife Habitats," as prepared by the Triangle Land Conservancy;
b. A required environmental assessment or environmental impact statement; and/or
c. An independent site study conducted by a trained botanist and/or biologist.

(v) Historic and Archaeological Sites

Listed on the National Register of Historic Places or included on the state's national register study list, designated as a local historic landmark, designated as a local historic district, and/or identified as having a high potential for archaeological remains as part of:

a. The "Chapel Hill Township Architectural Survey: Final Report";
b. The "Orange County Multiple Property Documentation Form: Historic Resources of Orange County";

c. "An Archaeological Survey of Portions of Orange County, N.C.";
d. A required environmental assessment or environmental impact statement; and/or
e. An independent site study conducted by a trained architectural historian or archaeologist.

Where a historic or archaeological site is to be set aside as a separate lot, and preserved and/or restored as part of a flexible development, the entire area within the lot may be credited toward meeting the minimum open space requirement.

(vi) Wildlife Corridors

As identified in the Orange County Comprehensive Plan.

(e) A single, connected area of open space that meets one or more of the definitions of Primary Conservation Area in (d) above may be expanded by up to 20% of its area to provide an additional buffer.

Although the expanded area might not meet any other definitions of Primary Conservation Area, it may be considered as such, except that:

(i) Expansion areas may not be, in turn, expanded under this provision,

(ii) Expansion areas may not be selected as Primary Conservation Area unless all site areas meeting any other Primary Conservation Area definition have already been selected as open space, and

(iii) Expansion areas must be in the same natural state as the Primary Conservation Area that is being expanded.

(2) Secondary Conservation Areas

(a) If there is not enough Primary Conservation Area acreage on site to meet the mandatory 33% open space requirement and if there are no off-site Primary Conservation areas proposed, then Secondary Conservation Areas shall be used to complete the 33% requirement.

(b) Secondary Conservation Areas have fewer restrictions, with regard to location, and allow more flexibility to improve overall open space design and purpose. These areas, unless specified otherwise, receive full credit toward meeting the minimum open space requirement of Flexible Developments.

(c) Secondary Conservation Areas may be proposed for the following attributes:

(i) Access

a. An area may be chosen as a Secondary Conservation Area because of its benefit in providing open space access to residential lots in accordance with regulations listed in 7.13.3(D).

b. Access areas shall also include desired compositional, size and shape attributes, as listed in this subsection (2).

(ii) Composition

Sites chosen for Secondary Conservation Areas must have one or more of the following characteristics or uses:

a. Woodlands

Including forestland for the planting and production of trees and timber, where management practices such as selective timber harvesting and wildlife enhancement are employed. Such woodlands may consist of hardwood, pine, and/or mixed pine-hardwood forests identified as part of:

i. LANDSAT satellite data collected and analyzed under the Albemarle-Pamlico Estuarine Study;

ii. A site analysis conducted by a registered engineer, land surveyor, landscape architect, architect or land planner using aerial photographs and/or satellite imagery;

iii. A required environmental assessment or environmental impact statement; and/or

iv. An independent site study conducted by a trained botanist and/or forester.

b. Farmland

i. Prime agricultural land as identified by the U.S.D.A. Soil Conservation Service in "Important Farmlands: Orange County, N.C." and which is in active use for the production of crops and/or the raising of livestock is particularly encouraged.

ii. Farmland also includes space on individual lots used for gardens, ponds, horse paddocks and barns, and similar uses.

c. Slopes of 15% to 25%

Slopes that require special site planning due to their erosion potential, limitations for septic tank nitrification fields, and terrain or elevation changes. Such areas may be suitable for building, but higher site preparation and construction costs are to be expected.

d. Other Historic and/or Archaeological Sites

As identified from the same sources as for primary conservation area sites (see 7.13.3(C)(1)(d)(v) above).

e. Public and/or Private Recreation Areas and Facilities Including:

i. “Active recreation areas” such as public recreation areas, including district and community parks as identified in the master recreation and parks plan; and private recreation facilities, including golf courses, playing fields, playgrounds, swimming pools and courts for tennis, basketball, volleyball and similar sports. Because they represent uses in which natural lands are cleared, graded and managed for intensive activities, only half (50%) of the land in this category may be credited toward meeting the minimum open space requirement.

ii. “Low-impact recreation areas” such as pedestrian, bicycle and equestrian trails, picnic

areas, community commons or greens, and similar kinds of areas, whether public or private. Land in this category receives full credit toward meeting the minimum open space requirement.

f. Scenic Views

Natural and cultural features visible from designated scenic road corridors, including views from the road as well as views outward from potential home sites are particularly encouraged. Landscape buffers that screen the view of development and preserve the character of rural public roads are also included in this category.

g. Pedestrian Open Space Area (POSA)

A POSA is a traversable corridor at least 50 feet wide, undeveloped except for pedestrian recreation amenities, and in common ownership.

i. POSAs are not required to have constructed walking paths, but they must be reasonably passable on foot.

ii. The final composition of a POSA shall be evaluated on the intent of the overall access plan in the subdivision.

iii. If the POSAs connect active or low impact recreation areas, or if the POSAs are identified as a recreation amenity, then a constructed path can be required as a part of the approval process.

iv. Landscaping to ensure compatibility with the natural and scenic goals of open space shall also be evaluated.

v. POSAs shall not be used to connect significant habitat and wildlife open-space sections. Wildlife corridors are for this purpose.

vi. All POSAs shall be connected to other types of open space.

vii. In a Flexible Development subdivision, all existing access ways shall, if practicable, be connected into a single system.

viii. Flexible Subdivisions shall also have at least one POSA and, when practicable, connect to at least one outside edge of the subdivided property, in order to preserve the ability to connect the POSA with future, adjacent projects.

ix. POSAs may be used to satisfy up to 5% of the 33% open space requirement for flexible development (for example, in a subdivision containing 100 acres of total land area, up to 1.65 acres of the total POSA in the subdivision would count towards meeting the 33% (33-acre) open space requirement).

h. Roadside Buffers

Areas buffering public roads, when they are at least 75 feet in width, measured in one direction from the nearest edge of the right-of-way may be considered Secondary Conservation Areas.

i. Roadside buffers must be composed of undisturbed natural vegetation or of enhanced vegetation if enhanced vegetation is installed as a condition of the approval.

i. Greenbelt Linkages

Areas that can be used as part of a connected greenbelt path, within an approved County Greenbelt program.

(d) Size and Shape

Secondary Conservation Areas, to the extent possible, shall be part of substantially sized and/or contiguously linked open space sections and meet guidelines as stated in Section 7.13.8.

(D) Access to Open Space

(1) General public accessibility to and within open space shall be evaluated on a case-by-case analysis of the goals and the intended use(s) of the open space in that particular development.

(a) Primary Conservation Areas, due to their considerable recreation, scenic and cultural public values, shall be made available for the use of the public at large through access by public road. However, it will not be feasible for public use to be provided in all cases (e.g. fragile cultural sites, protected and/or private habitat areas, hazardous slopes and wetlands, etc.).

(b) Secondary Conservation Areas shall be available to, at least, subdivision residents, particularly when it includes active and low impact recreation areas. In some cases, this level of public entry may not be appropriate (e.g. working timber or agricultural resource areas).

(2) If less than half of designated open space is Primary Conservation Area, the subdivision plan shall provide direct access to Primary or Secondary Conservation Area to at least 75% of project lots. The remaining lots shall be within approximately 300 feet of an accessible point of Primary or Secondary Conservation Area.

(3) If the majority of open space is Primary Conservation Area, the subdivision plan shall provide direct access to Primary or Secondary Conservation Area to at least 50% of project lots. The remaining lots shall be within approximately 600 feet of an accessible point of Primary or Secondary Conservation Area.

(E) Ownership of Open Space

Open space within a flexible development may be owned and/or administered by any of the following methods, either individually or in combination. All open space shall be permanently restricted from further subdivision.

(1) Fee simple dedication to the County, another unit of local government, the state or a private nonprofit land conservancy. The County may reject any proposed dedication at its discretion prior to or during the application process.

(2) Dedication of conservation easements to the County, another unit of local government, the state or a private nonprofit land conservancy. Such easements may apply to a single property owned by a homeowner's association and/or to all or portions of individual lots owned by one or more property owners. The County may reject any proposed dedication at its discretion prior to or during the application process.

(a) Where conservation easements have been dedicated and accepted prior to application for approval of a flexible development proposal, the land subject to the easement may be counted toward satisfying the 33% open space requirement, provided that it is a portion of and in the same ownership as the land to be subdivided.

(3) Ownership by a homeowner's association where specific development restrictions and maintenance requirements are included as part of its bylaws and as irrevocable articles of restrictive covenants.

(4) Ownership by individual property owners, of estate lots only, where specific development restrictions and maintenance requirements are included as part of restrictive covenants and/or permanent conservation easements applicable to such lots.

(F) Maintenance of Open Space

(1) Natural features shall be maintained in their natural condition, but may be modified to improve their appearance, function or overall condition, as recommended by experts in the particular area being modified. Permitted modifications may include the following:

(a) Reforestation;

(b) Woodland management;

(c) Pasture or cropland management;

(d) Buffer area landscaping;

(e) Stream bank protection; and/or

(f) Wetlands management

(2) Unless accepted for dedication or otherwise agreed to by the County, another unit of local government, the state or a private nonprofit land conservancy, the cost and responsibility of maintaining open space and any facilities located thereon shall be borne by the property owner and/or homeowner's association.

7.13.4 Development Standards

Flexible Development subdivision plats shall be prepared in accordance with one or more of the following development options: Estate Lot Option; Conservation-Cluster Option; Village Option.

(A) Estate Lot Option

For lots created as part of an estate lot development, the following standards apply:

(1) Each estate lot shall have a lot size of at least four acres.

(2) For each estate lot, a building envelope (buildable area) shall be defined of sufficient size to accommodate a single-family detached dwelling and customary accessory uses, including, but not limited to, storage buildings and garages, patios and decks, lawns, and driveways, septic systems including repair areas and well sites.

(3) The building envelope of an estate lot may not exceed 50% of the total lot area and shall not include designated Primary and/or Secondary Conservation Areas.

(4) Only the area outside of the building envelope of an estate lot may be counted toward meeting the minimum open space requirement. To the highest degree possible, the open space area shall be contiguous to open space designated on the adjacent lot(s) and shall not include required front yard and side yard setbacks unless the front or side yard contains significant primary or secondary conservation areas.

(5) A septic system repair area and/or well can be located within the secondary conservation area provided the land designated for the septic system and/or well is not more than one quarter of the secondary conservation area of the lot. No septic system, repair area and/or well can be located in the primary conservation area of a lot.

(6) Each building envelope on an estate lot shall adhere to the following spacing standards:

TABLE 7.13.4.A.6: BUILDING ENVELOPE SPACING STANDARDS FOR ESTATE LOTS	
Minimum spacing between building envelopes on adjacent lots	100 feet
Minimum spacing between building envelope and subdivision boundary or off-site public street right-of-way	150 feet
Minimum spacing between building envelope and on-site public or private street right-of-way	50 feet
Minimum spacing between building envelope and any other lot line	30 feet
Minimum spacing between building envelope and wetland or water bodies (lakes, ponds, streams, etc.)	100 feet

(7) Provided the arrangement, design, and shape of estate lots is such that lots provide satisfactory and desirable sites for building; contribute to the preservation of designated Primary and/or Secondary Conservation Areas; provide convenient access for emergency service vehicles; and satisfy all building envelope spacing standards, the minimum required lot frontage may be reduced to not less than 20 feet for flag lots, and lots fronting on culs-de-sac and "T" turnarounds.

(8) Estate lots shall be restricted against further subdivision through deed restrictions and/or permanent conservation easements. Primary and Secondary Conservation Areas located outside building envelopes shall be restricted against further development through conservation easements and/or deed restrictions.

(9) Estate lot subdivision road(s) shall be designed to provide internal access to all lots in the subdivision. Private driveways shall access existing state maintained roads only via subdivision roads providing internal access to lots in the subdivision.

(10) A 100-foot Type F buffer meeting the requirements of Section 6.8.6 shall be provided along the frontage of all existing state maintained roads adjacent to the subdivision boundaries.

(a) In areas of dense mature forest, existing vegetation may be used to fulfill the buffer requirements.

(b) If additional planting is required, new plant materials that satisfy the buffer requirements of Section 6.8.5 shall be installed and maintained in accordance with provisions of Section 6.8.

(B) Conservation-Cluster Option

A conservation-cluster subdivision is one in which building lots are grouped together through a transfer of allowable density within the subdivided tract provided the transfer of density within the subdivision does not increase the average density in any overlay zoning district.

In a conservation-cluster subdivision designed with density transfer, lots smaller than the minimum lot size permitted in the zoning district are allowed provided such lots and subdivisions are developed in accordance with the following standards:

(1) Land saved through lot size reductions shall consist of designated Primary and/or Secondary Conservation Areas.

(2) The total amount of land set aside as Primary and Secondary Conservation Areas shall equal the sum of all reductions in minimum lot area and shall comprise at least 33% of the total land area in the subdivision.

(3) Both Primary and Secondary Conservation Areas shall be placed in undivided preserves which adjoin housing areas that have been designed more compactly to create larger conservation units that may be enjoyed by all residents of the subdivision and, if possible, enjoyed visually by the general public. Such undivided open space shall be accessible to the largest number of lots within the development. To achieve this, the majority of houselots should abut undivided open space to provide residents with direct views and access. Safe and convenient pedestrian access to the open space from all adjoining houselots shall be provided, except in the case of farmland or other resource areas vulnerable to human disturbance. The design must meet the criteria outlined in Section 7.13.8 which sets forth conservation area design characteristics.

(4) Where undivided open space is designated as separate non-contiguous parcels, no parcel shall consist of less than three acres in area, nor have a length-to-width ratio in excess of 4:1, except such areas that are specifically designed for neighborhood commons or greens; playfields; buffers adjacent to wetlands, watercourses, and rural roads; wildlife corridors; or trail links.

(5) Each lot must contain a buildable area of sufficient size to accommodate a single-family detached dwelling and customary accessory uses, including, but not limited to, storage buildings and garages, patios and decks, lawns, driveways, septic systems including repair areas and well sites. A septic system and/or well site may be located in a secondary conservation open space area provided it does not occupy more than one quarter of the secondary conservation area. No septic system, repair area and/or well can be located in the primary conservation area.

(6) Provided the arrangement, design, and shape of cluster lots is such that lots provide satisfactory and desirable sites for building, and contribute to the preservation of designated Primary and/or Secondary Conservation Areas, minimum lot area, lot width, and setback requirements as specified in Article 3 of this Ordinance may be reduced as set forth below.

(a) Minimum lot area requirements may be reduced by 65% of the minimum lot size permitted by the zoning district including any overlay district requirements; however, minimum lot area may not be smaller than 40,000 square feet within a watershed protection overlay district where lots are served by individual septic systems.

(b) Minimum lot width requirements may be reduced to 100 feet in the AR and R1 Districts. Minimum lot width requirements may be reduced by 30% in all other zoning districts.

(c) Minimum front, rear, and side setback requirements may be reduced by 25% but shall be no less than ten feet.

(d) Minimum lot frontage requirements may be reduced to 20 feet for lots fronting on culs-de-sac and “T” turnarounds.

(e) Minimum spacing between building envelopes and the subdivision boundary or off-site public street right-of-way shall be 100 feet and may be counted as open space.

(7) Conservation-cluster subdivision road(s) shall be designed to provide internal access to all lots in the subdivision. Private driveways shall access existing state maintained roads only via subdivision roads providing internal access to lots in the subdivision.

(8) Cluster lots shall be restricted against further subdivision through deed restrictions and/or permanent conservation easements. Primary and Secondary Conservation Areas shall be dedicated to Orange County, another unit of local government, the State of North Carolina, a private non-profit land conservancy or a homeowners association.

(C) Village Option

Villages represent a modified form of cluster development intended to serve as physical, social, and economic focal points in rural portions of the county. Consequently, villages are appropriate locations for civic uses, such as schools and churches, as well as a variety of economic functions, including stores and workshops, and residential building types designed to accommodate a range of socio-economic groups.

(1) The location, size, and composition of each village will be a function of the development potential of the land associated with the settlement, including, but not limited to:

(a) The zoning of the site, including the maximum allowable number of dwelling units;

(b) The method of water supply and sewage disposal, including the number of approved disposal sites;

(c) The presence of Primary and Secondary Conservation Areas, including contiguous areas located on adjoining properties;

(d) The presence of existing and/or proposed transit routes and corridors, and areas of future urban growth; e.g., Transition Areas; and

(e) The presence of protected watersheds, including defined critical areas.

(2) Villages shall meet the following general standards:

(a) Village Proper

The village proper is the village, comprised of residential units with associated commercial, office, and service functions.

(i) The village proper may not exceed 100 acres in size and shall be built in a compact manner so as to permit pedestrian accessibility to its center within a five minute walk.

(ii) The village proper is to be distinguished from the village conservancy by a well-defined "edge" of closely spaced buildings in contrast with the open space of the conservancy.

(iii) A village proper may not be located closer than one-half mile from the edge of another village proper, and every effort shall be made to keep the separate settlements visually distinct.

(iv) The village proper is to be built in a generally rectilinear pattern of interconnecting streets, defined by buildings, street furniture, and landscaping, as places to be shared equally by pedestrians and automobiles.

(v) A hierarchy of parks and squares is to be provided and distributed strategically throughout the village and culminate in a central civic space called the “Village Green.”

(vi) Village lots shall be restricted from further subdivision through deed restrictions and/or permanent conservation easements.

(vii) The village proper may be composed of four uses: Storefront Uses, Townhouse Uses, single-family detached Residential Uses, and Workshop Uses. These uses and the standards applicable to each are described in (3) below.

(b) Village Conservancy

The village conservancy is a continuous open space area surrounding the village proper, representing the land from which dwellings have been transferred to the village proper.

(i) In lieu of a continuous open space area, a village conservancy may consist of open space and estate lots, provided all estate lots meet the standards of (A) above.

(ii) Open space within the village conservancy shall consist of designated Primary and/or Secondary Conservation Areas.

(iii) The amount of land set aside as open space in the village conservancy shall comprise at least 33% of the total land area in the subdivision and shall be no less than 100 feet in width at any place, except for short connecting links.

(iv) Primary and Secondary Conservation Areas within the village conservancy shall be restricted from further development through dedication to Orange County, another unit of local government, the State of North Carolina, a private non-profit land conservancy or a homeowners association, including the recording of conservation easements.

(3) Village Development Standards

The specific standards applicable to the village proper and its component parts are described in the following tables.

TABLE 7.13.4.C.3: VILLAGE DEVELOPMENT STANDARDS	
GENERAL PROVISIONS	
Land Use	▪ Land within a village shall be available for uses as provided in this subsection (C). ▪ Mixed uses of buildings is encouraged in central areas of the Village Proper, and single-story, single-use buildings are discouraged.
Land Allocation	▪ Similar land use categories shall generally front across streets, and dissimilar categories may abut at rear property lines. ▪ Corner lots which front on streets of dissimilar use categories shall be designated the category with the greater intensity of use.
Lots & Buildings	▪ Lot design and building placement within each area of the village proper should be varied to create a distinct character, and permit a range of activities and intensities of use. ▪ All buildings, except outbuildings, shall have their main entrance opening to a street or square. ▪ Stoops, open colonnades, and open porches may encroach into the front yard setbacks. ▪ Buildings placed less than five feet from a side property line shall be windowless on those sides (does not apply to front and back); provided, however, small ventilation windows and clerestory windows are permitted.

TABLE 7.13.4.C.3: VILLAGE DEVELOPMENT STANDARDS	
Streets & Alleys	▪ All lots and tracts within the village proper shall have access to pedestrian and vehicular routes. ▪ Every village proper shall have two access points to paved roadways designated as collector and/or arterial streets. ▪ There shall be a continuous network of alleys to the rear of the lots in the Village Proper. Alleys shall be 16 feet in paved width if two-way; 12 feet in paved width if one-way. ▪ Every village proper shall provide a pedestrian network which includes parks, squares, sidewalks along streets, and alleyways through blocks. The network shall link all parts of the village proper, making walking easier than driving. Wherever practicable, streets shall be aligned in such a way that they provide terminal vistas of parks, greens, commons, squares, and large buildings of a public, semi-public or civic nature. ▪ No block face shall have a length greater than 500 feet without an alley providing through access. ▪ Streetlamps, between eight and 15 feet in height, and equipped with incandescent or metal halide lights, shall be installed on both sides of streets at all street intersections and at mid-block where block lengths exceed 400 feet.
Parking	▪ On-street parking directly fronting a lot shall count toward fulfilling the parking requirement. ▪ The number of required off-street parking spaces may be reduced by demonstrating the availability of shared parking. ▪ Parking lots shall be located at the rear or at the side of buildings. Such lots shall be screened from the sidewalk by a masonry wall or wood fence, no less than 75% opaque, built along the property line, and at least three feet in height. ▪ Street trees shall be installed within four feet of the property line abutting a street at no more than 40 foot intervals. They shall be deciduous and of varieties that obtain a mature height of at least 50 feet. ▪ Adjacent parking lots shall have internal vehicular connections.
PUBLIC & CIVIC USE PROVISIONS	
Land Use	Land designated as part of Public and Civic Uses may include the following: ▪ Parks and squares; and ▪ Community buildings and facilities, including meeting halls, libraries, post offices, schools, day care centers, churches, civic clubs, police and/or fire substations, recycling centers, maintenance facilities, and similar uses. ▪ Large scale recreational uses shall be located outside the village proper within the village conservancy.
Land Allocation	▪ At least 10% of the land area in the village proper shall be set aside for Public and Civic Areas. ▪ Each village proper shall contain a central civic space or "village green" of at least one acre in size. The village green shall be surrounded on at least three sides by Storefront and/or Townhouse Areas which may include closely spaced, detached row houses, and storefront buildings or "shops". ▪ Each village proper shall contain a "meeting hall" located adjacent to the village green, designed and sized to accommodate a village meeting, constructed in the early stages of village development, and owned and operated by the residents of the village; e.g., the homeowners association. ▪ The requirement of providing a "meeting hall" may be satisfied through assurances that a community center, school or church may be used for and is of sufficient size to accommodate a village meeting. ▪ At least 5% of the land area in the village proper shall be arranged in a series of parks and squares designed to serve as focal points for residential neighborhoods, and linked together by a system of pedestrian sidewalks and avenues. Wherever possible, they shall be positioned to form "terminal vistas" at the ends of streets or along bends in the street alignment. ▪ At least 2% of the land area in the village proper shall be designated for other permitted public and civic uses such as schools, day care centers, churches, and similar uses. ▪ Land included in the village green, parks, and squares, may be counted toward satisfying the 33% open space requirement.
Lots & Buildings	▪ Buildings located in Public and Civic Areas shall be subject to the same setback and height standards of uses on adjacent lots. For example, a meeting hall located adjacent to a Townhouse Area shall meet the same setback and building height standards as required for buildings in a Townhouse Area.
Streets & Alleys	▪ Streets fronting on Public and Civic Area lots shall conform to the same standards as land uses across from or adjoining the lots. For example, the streets fronting a meeting hall located adjacent to a Townhouse Area shall meet the same standards as required in a Townhouse Area. ▪ Street trees shall be installed within four feet of the property line abutting a street at no more than 40-foot intervals. They shall be deciduous and of varieties that obtain a mature height of at least 50 feet.

TABLE 7.13.4.C.3: VILLAGE DEVELOPMENT STANDARDS	
Parking	▪ The number of parking and loading spaces shall be provided in accordance with Section 6.9 of this Ordinance. ▪ No fewer than 75% of the parking spaces shall be located to the rear of the building being served. The remaining spaces shall be accommodated in curbside parallel spaces and/or in side parking lots screened from the street.
STOREFRONT USE PROVISIONS	
Land Use	Land designated for Storefront Uses may be used for the following purposes: ▪ Personal service shops, including, but not limited to, barber and beauty shops, tailors, shoe repair, dry cleaners, and similar uses. ▪ Specialized retail stores, including, but not limited to, the sale of gifts, novelties, flowers, books, antiques, jewelry, apparel, toys and crafts, stationery, and similar uses. Corner groceries, general stores, hardware stores, and drug stores are also permitted. ▪ Restaurants, excluding fast food and/or drive-in establishments. ▪ Business and professional offices, including, but not limited to, real estate and insurance offices, travel agencies, medical and dental offices, opticians, banks and financial institutions (excluding drive-in windows), lawyers, engineers, and similar uses. ▪ Studios for art, dance, music, and photography. ▪ Accessory residential apartments built over stores and offices. Where provided, at least 25% of the floor area shall be designated for residential use.
Land Allocation	▪ Not more than 5% of the land area in the Village Proper shall be designated for Storefront Area use. ▪ Storefront Area lots shall have a minimum lot frontage of 16 feet. ▪ A maximum of five lots may be combined for the purpose of constructing a single building. ▪ Setback requirements on combined lots shall be the same as for single lots.
Lots & Buildings	▪ Buildings lots shall have their front facade; e.g., building wall facing the street, built to within five feet of the front property line along at least 70% of the lot frontage. ▪ The unbuilt portion of the lot frontage shall have a masonry wall or wood fence, no less than 75% opaque, built within five feet of the property line, and at least three feet in height. ▪ Buildings shall have no setback from at least one side property line except on corner lots where the side yard setback adjacent to the street shall be five feet. ▪ Building coverage may not exceed 70% of the lot area. ▪ Buildings may not exceed three stories in height.
Streets & Alleys	▪ Lots shall front on a street with a maximum right-of-way width of 70 feet, consisting of at least two 12-foot travel lanes, 8-foot parallel parking on both sides, and 12-foot sidewalks on both sides. ▪ Lots shall have their rear lot lines coinciding with the right-of-way of a 24-foot alley, containing a vehicular pavement width of at least 12 feet if one-way or 16 feet if two-way. ▪ Street trees shall be planted on both sides of the street at no more than 40-foot intervals. They shall be deciduous and of varieties that obtain a mature height of at least 50 feet. ▪ Provision shall be made for service delivery, utility poles (if any), and trash collection at the rear lot line.
Parking	▪ The number of parking and loading spaces shall be provided in accordance with Section 6.9 of this Ordinance. ▪ Not less than 75% of the parking spaces shall be located to the rear of the building. The remaining spaces shall be accommodated in curbside parallel spaces and in side parking lots screened from the street.
TOWNHOUSE USE PROVISIONS	
Land Use	Land designated for Townhouse Uses may be used for the following purposes: ▪ Attached dwellings including townhouses and apartments. ▪ Day care centers. ▪ Bed and breakfast establishments. ▪ Retirement centers. ▪ Home occupations of a professional and/or office nature when located on the second floor of a permitted outbuilding. ▪ An accessory residential apartment when located on the second floor of a permitted outbuilding.

TABLE 7.13.4.C.3: VILLAGE DEVELOPMENT STANDARDS	
Land Allocation	▪ Not more than 5% of the land area in the Village Proper shall be designated for Townhouse Area use. ▪ Townhouse Area lots shall have a lot frontage of 50 feet. ▪ A maximum of 12 lots may be combined for the purpose of constructing a single building containing apartments. ▪ Setback requirements on combined lots shall be the same as for single lots.
Lots & Buildings	▪ When attached, townhouses shall generally not comprise more than 15% of the street frontage in a residential district. ▪ Buildings shall be set back either five feet or 15 feet from the front property line. ▪ The lot frontage shall have a masonry wall, wood fence or hedge, no less than 50% opaque, built within five feet of the property line, and at least three feet in height. ▪ Buildings shall have no required setback from side property lines except on corner lots where the side yard setback adjacent to the street shall be five feet. ▪ Building coverage may not exceed 70% of the lot area. ▪ Buildings may not exceed three stories in height. ▪ One outbuilding is permitted on each lot, provided its ground floor area does not exceed 450 square feet, it does not to exceed two stories in height, and it is located within 30 feet of the rear property line and at least four feet from one side property line.
Streets & Alleys	▪ Lots shall front on a street with a maximum right-of-way width of 60 feet, consisting of at least two 12-foot travel lanes, 8-foot parallel parking on both sides, and 6-foot sidewalks on both sides. ▪ Lots shall have their rear lot lines coinciding with the right-of-way of a 24-foot alley, containing a pavement width of at least 12 feet if one-way or 16 feet if two-way. ▪ Provision shall be made for service delivery, utility poles (if any), and trash collection at the rear lot line. ▪ Street trees shall be planted on both sides of the street at no more than 40-foot intervals. They shall be deciduous and of varieties that obtain a mature height of at least 50 feet.
Parking	▪ The number of parking and loading spaces shall be provided in accordance with Section 6.9 of this Ordinance. ▪ All off-street parking spaces shall be located to the rear of the building, with access through an alley only. On-street parking shall be provided in parallel spaces.
RESIDENTIAL USE PROVISIONS	
Land Use	Land designated for Residential Uses may be used for the following purposes: ▪ Detached single-family dwellings. ▪ Home occupations of a professional and/or office nature when located on the second floor of a permitted outbuilding. ▪ An accessory residential apartment when located in a permitted outbuilding.
Land Allocation	▪ At least 40% of the land area in the Village Proper shall be designated for House Area use. ▪ Densities within Residential Use areas should decrease as distance from the Village Center increases. ▪ House Area lots shall have an average lot frontage of 75 feet. ▪ A maximum of two lots may be combined for the purpose of constructing a single building. ▪ Setback requirements on combined lots shall be the same as for single lots.
Lots & Buildings	▪ Buildings shall be set back between 15 feet and 25 feet from the front property line. ▪ On at least 30% of all Residential Use area lots, the lot frontage shall have a masonry wall, wood fence or hedge, no less than 50% opaque, built within five feet of the property line, and at least three feet in height. ▪ Buildings shall be set back from the side property lines equivalent (in total) to no less than 20% percent of the lot width. The entire setback may be allocated to one side. ▪ Buildings shall be set back no less than 30 feet from the rear property line. ▪ Building coverage may not exceed 50% of the lot area. ▪ Buildings may not exceed two stories in height. ▪ One outbuilding is permitted on each lot, provided its ground floor area does not exceed 450 square feet, it does not to exceed two stories in height, and it is located at least four feet from one side property line. There is no setback requirement for outbuildings from the rear property line.

TABLE 7.13.4.C.3: VILLAGE DEVELOPMENT STANDARDS	
Streets & Alleys	▪ Lots shall front on a street with a maximum right-of-way width of 60 feet, consisting of at least two 12-foot travel lanes, 8-foot parallel parking on one side, and a 5-foot sidewalk on one side. ▪ Lots shall have their rear lot lines coinciding with the right-of-way of a 24-foot alley, containing a vehicular pavement width of at least 12 feet if one-way; 16 feet if two-way. ▪ Provision shall be made for service delivery, utility poles (if any) and trash collection at the rear lot line. ▪ Street trees shall be planted on both sides of the street at no more than 40-foot intervals. They shall be deciduous and of varieties that obtain a mature height of at least 50 feet.
Parking	▪ The number of parking and loading spaces shall be provided in accordance with Section 6.9 of this Ordinance. ▪ All off-street parking spaces shall be located to the side or rear of the building. When access is through the lot frontage, garages and carports shall be located a minimum of 10 feet behind the front building wall line. Front-facing garage doors shall be painted to match the color of the main house.
WORKSHOP USE PROVISIONS	
Land Use	Land designated for Workshop Uses may be used for the following purposes: ▪ Farm service support establishments. ▪ Building and landscaping contractors. ▪ Establishments involved in the repair, assembly, and/or manufacture of products which require only hand or table mounted electrical tools. ▪ Automotive service uses, including the servicing and repair of automobiles, and sale of automobile parts, but excluding body repair shop and automobile storage. ▪ Warehousing and distribution establishments, provided all storage is conducted entirely within a building.
Land Allocation	▪ Not more than 2% of the land area in the Village Proper shall be designated for Workshop Area use. ▪ Workshop Area lots shall be grouped together, located at the edge of the Village Proper, and be no closer than 500 feet to the Village Green. ▪ Workshop Area lots shall have a maximum lot frontage of 150 feet. ▪ A maximum of two lots may be combined for the purpose of constructing a single building. ▪ Setback requirements on combined lots shall be the same as for single lots.
Lots & Buildings	▪ Buildings shall not be required to provide setbacks from front or side property lines. ▪ Workshop Area lots shall be separated from other types of use categories at the side or rear property lines (except an entry onto an alley) by a continuous masonry or wood wall of not less than 10 feet in height or by a landscaped buffer of 100 feet in width. ▪ Building coverage may not exceed 70% of the lot area. ▪ Buildings may not exceed two stories in height.
Streets & Alleys	▪ Lots shall front on a street with a maximum right-of-way width of 60 feet, consisting of at least two 12-foot travel lanes, 8-foot parallel parking on one side, and 5-foot sidewalks on both sides. ▪ Lots shall have their rear lot lines coinciding with the right-of-way of a 24-foot alley, containing a vehicular pavement width of at least 12 feet if one-way; 16 feet if two-way. ▪ Provision shall be made for service delivery, utility poles (if any) and trash collection at the rear lot line. ▪ Street trees shall be planted on both sides of the street at no more than 40-foot intervals. They shall be deciduous and of varieties that obtain a mature height of at least 50 feet.
Parking	▪ The number of parking and loading spaces shall be provided in accordance with Section 6.9 of this Ordinance. ▪ All off-street parking spaces shall be located to the side or rear of the building. ▪ On-street parking spaces shall be curbside, and parallel to the curb.

7.13.5 Street Standards

All streets in Flexible Developments shall conform to the standards contained in Section 7.8.3 or 7.8.4 and 6.17 of this Ordinance, provided, however, private roads will be permitted as follows:

(A) The number of lots served by a private road shall be limited as specified by the Orange County Private Road Standards in Section 7.8.4 of this Ordinance.

(B) Where a Flexible Development has 12 lots or less, the street system may consist of different classes of private roads provided a logical hierarchy of private roads is planned, with those of lower classification connecting to those of higher classification.

(C) Where a Flexible Development has more than 12 lots, the street system may consist of public streets and private roads provided:

(1) The street system in the development forms a logical hierarchy of thoroughfares with streets of lower classification connecting to streets of higher classification;

(2) The development contains no more than 50 lots;

(3) All entrance roads serving the development are public streets;

(4) All streets which stub-out at property lines to provide for the extension of or connection to future street systems are public streets; and

(5) Private roads are not proposed as part of a Village (Section 7.13.4 (C)) except in the Village Conservancy portion of the development.

(D) Private, dead-end roads may be terminated in a cul-de-sac or "T" turnaround. Where a "T" turnaround is used as the terminus for a private road, the dimensions (e.g., turning radius) of the "T" shall be sufficient to allow emergency service and trash collection vehicles adequate room to turn around.

(E) Existing street rights-of-way may not count toward the minimum 33% open space requirement. However, new street rights-of-way may be counted but only to the extent that they are required to pass through or by open space uses as defined herein to link one buildable portion of a site with another; and they are located and/or constructed so as to have no adverse impacts on Primary and Secondary Conservation Areas.

7.13.6 Water Supply and Sewage Disposal Facilities

Water supply and sewage disposal facilities to serve Flexible Developments may be provided through the use of:

(A) Individual wells and septic tanks provided either on each lot or in off-lot locations protected through recorded easements; or

(B) A community water and/or sewage disposal system designed, constructed, and maintained in conformity with all applicable state, federal, and local rules, regulations, and policies; or

(C) Connection to a water and/or sewage disposal system operated by a municipality, association, or water or sewer authority. System extensions are permitted only in accordance with applicable water and sewer, and land use policies and shall be sized only to serve the Flexible Development for which the system is extended; or

(D) A combination of the above alternatives.

7.13.7 Design Guidelines

(A) Determining Density or Lot Yield

(1) Overall density shall be based upon the minimum lot size requirements of the zoning district in which the Flexible Development is to be located and on the basis of a Conventional Subdivision or "Yield" Plan conforming to the regulations governing lot dimensions, land suitable for development, and street design. Although such plans shall be conceptual in nature and are not intended to involve significant engineering or surveying costs, they must be realistic.

(2) Potential building lots and streets must not be shown in areas that would not ordinarily be permitted in a Conventional Plan i.e., Special Flood Hazard Areas, wetlands, steep slopes, etc.).

(3) If the residential lots are proposed to be served by septic systems, the “Yield” plan shall show soil suitability for individual septic tanks by a preliminary soil suitability analysis performed in the field on at least 50% of the proposed lots with all of the proposed lots located on a map showing the location of soil types suited for septic systems based on the Orange County, N.C. Soil Survey. The soil suitability analysis and map shall be prepared by a Soil Scientist in consultation with the Soil Scientist of the Environmental Health Division of the Orange County Health Department.

(4) The number of lots achieved through the preparation of a Conventional Subdivision or “Yield” Plan is the number of lots which must be used in preparing the Flexible Development Plan. The number of lots may not be increased through the proposed use of an alternative or community sewage disposal system. Increases are permitted, however, at the Preliminary Plan stage where a more detailed soils analysis clearly demonstrates that a greater number of lots is achievable than shown on an approved Concept Plan.

(B) Design Process

Flexible Development subdivisions shall be designed around both the Primary and Secondary Conservation Areas, which together constitute the total required open space. The design process should therefore commence with the delineation of all potential open space, after which potential house sites are located. Following that, access road alignments are identified, with lot lines being drawn in as the final step.

This "four-step" design process is further described as follows:

(1) Open Space Designation

(a) All potential Conservation Areas, both Primary and Secondary, shall be identified using a Site Analysis Map as described in Section 7.14.2(A)(3).

(b) Primary Conservation Areas shall consist of those features described in Section 7.13.3(C)(1).

(c) Secondary Conservation Areas shall comprise at least half of the remaining land and shall include the most sensitive and noteworthy natural, scenic, and cultural resources as described in Section 7.13.3(C)(2).

(d) Guidance as to which parts of the remaining land to classify Secondary Conservation Areas shall be based upon on-site visits and the criteria contained in Section 7.13.8.

(2) House Site Location

(a) Potential house sites shall be tentatively located.

(b) The proposed location of houses within each lot represents a significant decision with potential impacts on the ability of the development to meet the criteria contained in Section 7.13.8.

(c) Generally, house sites should be located no closer than 100 feet from Primary Conservation Areas.

(d) House sites may be situated 50 feet from Secondary Conservation Areas to permit the enjoyment of scenic views without negatively impacting Primary Conservation Areas.

(3) Street and Lot Layout

(a) Proposed streets shall be aligned to provide vehicular access to each house in the most reasonable and economical manner.

(b) When lots and access streets are laid out, they shall be located in such a way that avoids or at least minimizes impacts on both Primary and Secondary Conservation Areas.

(c) To the greatest extent practical, wetland crossings and streets traversing slopes over 15% shall be strongly discouraged unless such streets link one buildable portion of a site with another and no other means of access is available.

(4) Drawing in the Lot Lines

(a) Lot lines shall be drawn around potential house sites.

(b) Each lot must contain a buildable area of sufficient size to accommodate a single-family detached dwelling and customary accessory uses, including, but not limited to, storage buildings and garages, patios and decks, lawns, and driveways.

(c) Individual wells and septic systems, where these are to be provided, may be located within the undivided conservation lands if sufficient space is not available on the lots.

7.13.8 Evaluation Criteria

(A) Generally

(1) All open space planning shall show consideration of the specific physical characteristics of the land parcel being developed, meet open space design goals, and adhere to the three fundamental land characteristics of open space as set forth in Section 7.13.3(B)(5).

(2) At any given site, the types of resources may vary widely in character (e.g., a natural area compared to a historic site) and each type of resource may have areas of greater or lesser significance (e.g., a notable example of local vernacular building traditions compared to a much altered older home). Priorities for conserving such resources should therefore be based upon a thorough site analysis and an understanding of what is more special, unique, noteworthy, environmentally sensitive, and/or historic as compared with other similar features or different types of resources.

(3) In evaluating the layout of lots and open space, the criteria in (B) through (G) below will be considered as indicating design appropriate to the site's features and meeting the intent of the Flexible Development standards.

(4) Whereas diversity and originality in lot layout are encouraged, it is recognized that not all objectives may be achieved on a given site. Each applicant must therefore to achieve the best possible relationship between development and preservation objectives.

(B) Criteria Applicable to all Flexible Development Projects

The following criteria apply to all Flexible Development projects:

(1) The shape and placement of open space shall meet the following:

(a) Be reasonably contiguous;

(b) Be coherently configured;

(c) Shall abut existing or potential open space on adjacent properties;

(d) Be supportive of stated open space goals;

(e) Should not be overly fragmented as to minimize edges; and

(f) Be connected, when applicable and reasonable, to other open space in the same project and/or to existing or potential off-site open space or pedestrian paths in land parcels adjacent to the Flexible Development area.

(g) Long narrow segments are discouraged except in the case of POSA's, stream or wildlife corridors, greenbelt paths, view preservation areas (aka vista or visual amenity preservation area -- an area left open to allow for the public viewing of one or more natural or constructed features of high visual quality), or landscape buffers adjoining street rights-of-way and/or neighborhood boundaries.

(2) The pedestrian circulation system shall be designed to ensure that pedestrians can walk safely and easily on the site, between properties and activities or special features within the neighborhood open space system.

(3) Roadside footpaths and off road trails shall connect with each other and link with existing or potential open space on adjoining parcels.

(4) Protect and preserve all wetlands, floodplains and steep slopes from clearing, grading, filling or construction except as may be approved by the Board of County Commissioners.

(5) All landscape plantings used within open space and other common areas (i.e.neighborhood greens), cul-de-sac islands, and along sides of new streets shall be only native species shade trees and flowering shrubs with high wildlife conservation value.

(C) Forest Land/Natural Areas Conservation

Where the goal of the Flexible Development project is to conserve forest land and/or natural areas and wildlife habitats, the following criteria apply:

(1) Dwellings should be located in unwooded parts of the site away from mature forests, natural areas, and/or wildlife corridors.

(2) When any woodland is developed, care shall be taken to locate buildings, streets, yards, and septic disposal fields to avoid mature forests, natural areas, and/or wildlife corridors.

(3) To the greatest extent practicable, development should be designed around existing hedgerows and treelines between fields or meadows.

(4) The impact on larger woodlands (greater than five acres), especially those containing mature trees, natural areas, and/or wildlife corridors, should be minimized.

(D) Farmland Conservation

Where the goal of the Flexible Development project is to conserve farmland, the following criteria apply:

(1) Locate building lots in forested areas away from existing pastures, cropland, feedlots, and similar uses.

(2) If development must be located on open fields or pastures because of greater constraints on other parts of the site, dwellings should be sited in locations at the far edge of a field, as seen from a public road.

(3) Identify the most productive portions of existing fields, pastures, and cropland, and locate building lots on less productive land.

(4) Provide buffers of at least 75 feet in width between building lots and cropland and pastures to reduce the potential for conflict between residents and farming activities.

(E) Conservation of Scenic Views

Where the goal of the Flexible Development project is to conserve scenic views, the following criteria apply:

(1) Leave scenic views and vistas unblocked or uninterrupted, particularly as seen from public roadways. Consider "no-build, no-plant" buffers along public roadways where views or vistas are prominent or locally significant.

(2) In wooded areas where a sense of enclosure is a feature to be maintained, consider a "no-build, no-cut" buffer created through the preservation of existing vegetation.

(3) Where development is located in unwooded areas clearly visible from existing public roads, it should be buffered from direct view by a vegetative buffer or an earth berm constructed to reflect the topography of the surrounding area.

(4) Protect rural roadside character and scenic views by providing larger lots (e.g., two acres or more) adjacent to existing public roads.

(5) Protect rural roadside character and vehicular carrying capacity by avoiding development fronting on existing public roads and limiting access to all lots from interior rather than exterior roads.

(6) Unless buildings can be effectively screened or buffered with trees, avoid siting new construction on or close to prominent hilltops or ridges where rooflines are seen above the horizon.

(F) Historic and Archaeological Features

Where the goal of the Flexible Development project is to conserve historic and archaeological sites and structures, the following criteria apply:

(1) Design around and preserve sites of historic, archaeological or cultural value so as to safeguard the character of the feature(s), including fences and walls, farm outbuildings, burial grounds, abandoned roads, and earthworks.

(2) New streets, driveways, fences, and utilities must be sited so as not to intrude unnecessarily on rural, historic landscapes. Wherever possible, streets and driveways are to follow existing hedgerows, fence lines, and historic farm drives.

(3) New developments must include plantings which incorporate native species and historic landscape materials so as to harmonize with the character of the area.

(4) Building designs and styles used in new construction should be compatible with the architectural style of historic buildings located on or adjacent to the site, especially in terms of scale, height, roof shape, and exterior materials.

(G) Recreation Provision

Where the goal of the Flexible Development project is to provide recreation and parks facilities for neighborhood residents and/or the general public, the guidelines contained in Section 7.11 shall apply.

7.13.9 Density Bonuses

The maximum number of building lots or dwelling units in a Flexible Development shall not exceed the number that could otherwise be developed by the application of the minimum lot size requirement and/or density standard of the zoning district or districts in which the parcel is located. However, increases in the number of building lots or dwelling units are permitted through at least one of the following two options.

(A) To Encourage Affordable Housing

A density increase is permitted pursuant to Section 6.18 of this Ordinance where the Flexible Development provides on-site or off-site housing opportunities for low or moderate-income families.

(B) To Encourage Additional Open Space

(1) A density increase is permitted where more than 33% of the total land area in the Flexible Development is set aside as protected open space. The amount of the density increase shall be based on the following standard:

(a) For each additional acre of protected open space provided in the Flexible Development, one additional building lot or dwelling unit is permitted.

(2) In lieu of providing additional open space in the Flexible Development, the applicant may purchase in fee simple or less than fee (e.g., development rights) land separate from the Flexible Development which is comprised of Primary and/or Secondary Conservation Areas as defined in Section 7.13.3I. The amount of the density increase shall be based on the following standards:

(a) For each five acres of Primary Conservation Area preserved off-site, one additional building lot or dwelling unit is permitted.

(b) For each two acres of Secondary Conservation Area preserved off-site in areas which require a two-acre minimum lot size, one additional building lot or dwelling unit is permitted.

(c) For each one acre of Secondary Conservation Area preserved off-site in areas which require a 40,000 square foot minimum lot size, one additional building lot or dwelling unit is permitted.

(3) Land purchased in fee may be dedicated to Orange County. For land purchased in less than fee, a conservation easement dedicated to Orange County shall be recorded which restricts the development potential of the land.

(4) Location of Open Space Bonus Units

Density increases to encourage additional open space are limited to Flexible Developments proposed in the following locations:

(a) Within Transition Areas as designated in the Land Use Element of the Comprehensive Plan. Within such areas, the maximum permitted density is 2.5 dwelling units per acre unless the applicant obtains approval of a zoning district classification which permits a higher density.

(b) Outside of Transition Areas but within an area designated for service by a utility provider as part of an adopted long-range water and/or sewer extension plan. Within such areas, the maximum permitted density is 1.3 dwelling units per acre.

(c) Outside of Transition Areas but within 3/4 of a mile of an interstate corridor or a major thoroughfare designated as a high occupancy vehicle (HOV)/busway route as part of an adopted regional transit plan. Within such areas, the maximum permitted density is 2.5 dwelling units per acre.

(d) Outside of Transition Areas but within 1/2 mile of a transit station designated as part of an adopted regional transit plan. Within such areas, the maximum permitted density is five dwelling units per acre.

Within these locations, public water and sewer service may be extended, provided the applicant can demonstrate that such service is necessary to serve the density increases achieved through the use of the bonus option(s) described above.

SECTION 7.14: SPECIFICATIONS FOR PLAT DRAWINGS

The requirements of this Section shall apply to the format of drawings.

7.14.1 Minor Subdivisions

(A) Concept Plan

The required Concept Plan for Minor Subdivisions consists of:

(1) A scaled copy of a current Orange County GIS Map for the property denoting its current orientation and layout. This map may be obtained from the Planning Department for a fee in accordance with the adopted fee schedule and shall contain at a minimum the following information:

(a) Contour lines,

(b) Soils,

(c) Water features, and

(d) Any known easements.

(2) A scaled drawing in black ink or pencil detailing the proposed division of property including, but not limited to, the following:

(a) The scale of the drawing,

(b) A north arrow,

(c) The date of preparation,

(d) The Parcel Identification Number (PIN) number(s) of the lot(s) subject to the application,

(e) The proposed property lines for each lot, including acreage and layout,

(f) The delineation of any known and required stream buffers on the proposed lot(s),

(g) The proposed method for ingress and egress including a description of how each lot will be afforded access,

(h) A narrative detailing the development of all proposed roadways.

(i) A private road justification, if required under Section 7.8, and

(j) Any other reasonable relevant information.

(B) Final Plat

Final plats shall adhere to the specifications contained in Section 7.14.3.

7.14.2 Major Subdivisions

(A) Concept Plan

(1) In General

(a) The required Concept Plan for Major Subdivisions consists of three parts:

(i) A Site Analysis Map;

(ii) A Conventional Subdivision Option; and

(iii) A Flexible Development Option.

(b) The Concept Plan shall be prepared according to the “four-step” process for designing Flexible Development subdivisions, as described herein.

(c) The Concept Plan shall be drawn in black ink or pencil to a scale of not less than 200 feet to the inch. The scale chosen shall be large enough to show all required detail clearly and legibly.

(2) Required General Information

Each Site Analysis Map and Development Option shall contain the following general information:

(a) A sketch vicinity map showing the location of the subdivision in relation to the existing street or highway system;

(b) The plotted boundaries of the tract from deeds or maps of record and the portion of the tract to be subdivided;

(c) The total acreage to be subdivided, including tax map, block and lot number reference;

(d) The name, address and telephone number of the subdivider or owner and the person responsible for the subdivision design;

(e) Scale, approximate north arrow and date of plat preparation; and

(f) Name of subdivision.

(3) Site Analysis Map

As determined from readily identifiable on-site inventories, aerial photographs, maps of record, State/Federal resource maps, and local planning documents and inventories, the Site Analysis Map shall contain the following information:

(a) Primary Conservation Areas

Identification of physical resources associated with the site which restrict its development potential or contain significant natural and/or cultural resources, including:

(i) Topographic contours at ten-foot intervals, showing rock outcrops and slopes of 7 ½% to 15%, and more than 15%.

(ii) Soil type locations and characteristics relating to seasonal high water table and depth to bedrock.

(iii) Hydrologic characteristics of the site, including drainage tributaries, surface water bodies, floodplains, and wetlands.

(iv) Natural areas, and wildlife habitats and corridors.

(v) Historic and archaeological sites listed on the National Register of Historic Places or included on the State's National Register study list, designated as a local historic landmark, located in a local historic district, and/or identified as having a high potential for archaeological remains.

(b) Secondary Conservation Areas

Identification of significant site elements on buildable portions of the site, including:

(i) Vegetation of the site, defining approximate location and boundaries of woodland areas, and, wherever possible, vegetative association in terms of species and size. Information from aerial photographs shall be acceptable at the Concept Plan stage.

(ii) Current land use and land cover (cultivated areas, pastures, etc.), existing buildings and structures, and burial grounds.

(iii) Scenic views onto the site from surrounding roads as well as views of scenic features from within the site as determined by field survey.

(iv) Other historic and archaeological sites and structures.

(c) Transportation and Utility Systems

Identification of facilities associated with the movement of people and goods, or the provision of public services, including:

(i) Railroad and street rights-of-way.

(ii) Easements for vehicular access, electric and gas transmission lines, and similar uses.

(iii) Public and private water and sewer lines and storm drainage facilities.

(4) Conventional Subdivision Option

The Conventional Subdivision Option shall contain the following information:

(a) The proposed street layout within the subdivision, including travelway and right-of-way widths, and connection to existing streets;

(b) The location of soils suitable for individual septic systems as determined by:

(i) Preliminary soil suitability analyses of 10% to 15% of the proposed lots; or

(ii) Provision of a map showing the location of soil types suited for septic systems as based on the Orange County, N.C. Soil Survey. The map shall be prepared in consultation with the Soil Scientist of the Environmental Health Division of the Health Department.

(iii) The proposed arrangement of lots within the subdivision, including size and number, as based on soil suitability analysis.

(5) Flexible Development Option

The Flexible Development Option shall contain the following information:

(a) The proposed arrangement of lots within the subdivision, including size and number.

(b) The proposed street layout within the subdivision, including travelway and right-of-way widths, and connection to existing streets.

(c) The location, type, and area of the open space proposed in the subdivision, including open space to be preserved:

(i) In a separate lot or lots under the ownership of a homeowner's association.

(ii) As part of individually owned lots through a conservation easement applicable to multiple lots.

(iii) As part of individually owned estate lots through designation of buildable areas and the use of restrictive covenants.

(iv) In a separate lot or lots through dedication for public use, such as a park site, to a unit of local government, state government or a private land conservancy.

(d) The location of proposed water supply and sewage disposal facilities, including:

(i) Well sites for individual and community water systems.

(ii) Nitrification fields and land application areas for community sewage disposal systems employing subsurface disposal and spray irrigation, respectively.

(iii) Nitrification fields and land application areas for individual on- and off-lot sewage disposal systems employing subsurface disposal and spray irrigation, respectively.

(iv) Public water and sewer lines, where such facilities are available or capable of being extended.

(e) Where the applicant is seeking approval only of a Flexible Development Plan, he/she shall submit information showing the location of soils suitable for individual septic systems as required in subsection 4(b) above.

(B) Preliminary Plat

(1) In General

(a) The Preliminary Plat shall be prepared by a North Carolina registered land surveyor, professional engineer or registered architect or landscape architect.

(b) The Preliminary Plat shall be drawn in black ink or pencil at a scale of not less than 200 feet to the inch nor more than 20 feet to the inch. The scale chosen shall be large enough to show all required detail clearly and legibly.

(c) Approximate dimensions and locations are acceptable provided that on the Final Plat all information shall be based on an actual field survey.

(d) The sheets shall be numbered in sequence if more than one sheet is used.

(2) Title Block

The title block shall contain the following information:

(a) The proposed name of the subdivision, preceded by the words "Preliminary Plan of _____", which shall not duplicate nor closely approximate, phonetically or in spelling, the name of any other subdivision in Orange County;

(b) The scale, approximate north arrow, date of preparation and any other pertinent legend data;

(c) County and township location; Parent Parcel Identification Number, tax map, block and lot number of the parcel; and deed book and page citations for the property to be subdivided; and

(d) The name and address of the owner(s) of the land to be subdivided, the name and address of the subdivider if other than the owner, and the name, address, registration number and seal of the registered land surveyor, professional engineer or registered architect or landscape architect responsible for preparation of the plat.

(3) Vicinity Map

(a) A vicinity map showing the general location of the subdivision in relation to the surrounding area shall be placed on the plat.

(b) The vicinity map shall be shown at a sufficient size to show the relationship of the tract to the existing street or highway system and readily recognized Orange County landmarks.

(c) Streets and roads shall be identified by State road number and name.

(4) Existing Site Data

Information on existing conditions shall be shown as noted below.

(a) Boundary Lines

(i) The approximate or survey location, including distances and bearings for boundary lines of the subject tract.

(ii) The location, width and purpose of all recorded easements and any readily visible and apparent easements.

(iii) The approximate location of boundary lines which abut the tract shall be shown as dashed lines. The boundary lines of the tract shall be shown by a heavy line which provides quick and easy distinction between the property to be subdivided and adjacent properties.

(iv) The approximate location of corporate limit lines, township boundaries, and county lines.

(v) The names of owners of adjacent unsubdivided land.

(vi) For adjacent subdivided land, the subdivision plat name, plat book and page number, and perimeter lot numbers abutting the tract to be subdivided.

(b) Streets and Transportation Systems

(i) The location, name and right of way width of streets, roads and railroads abutting the tract

(ii) Surface material and width of travelways.

(iii) The location of any existing curbs, gutters and culverts. These features shall also be shown in cross section.

(iv) The location and width of alleys, sidewalks, bike lanes, transit systems, and bus stops.

(c) Utility Systems

(i) The location and size (if appropriate) of all:

a. Above ground installations of major electric, CATV and telephone transmission lines,

b. Underground gas transmission mains,

c. Underground water mains and sanitary sewer lines, and

d. Important storm sewer systems on or abutting the tract shall be shown.

(ii) Information about underground installations of the utilities listed above shall be based on information obtained from the respective utility provider.

(d) Contour Information

(i) Existing contours on the tract shall be shown at vertical intervals of not more than ten feet.

(ii) Contours shall be referenced to mean sea level datum as obtained from the latest applicable U.S. Geological Survey topographic map or other geodetic bench mark.

(iii) Where a field topographic survey of the tract has been performed, contours shall be referenced to a permanent identifiable bench mark.

(e) Other Conditions

(i) Streams and rivers, ponds or lakes, swamps or marshes, and natural areas identified in “An Inventory of Sites of Cultural, Historic, Recreational, Biological and Geological Significance in the Unincorporated Portion of Orange County” or “Inventory of the Natural Areas and Wildlife Habitats of Orange County, North Carolina”.

(ii) Manmade features including houses, barns, and known or identified cemeteries shall be shown in their approximate location.

(iii) The zoning of the subject tract and adjacent properties shall be noted.

(5) Subdivision Layout Data

Information on the proposed development shall be shown as noted below.

(a) Site Calculations

Site calculations shall be shown as follows and may be approximate, provided that the Final Plat shows all calculations based on an actual field survey:

(i) Acreage in tract to be subdivided;

(ii) Lineal feet of road centerlines and approximate acreage within new street rights of ways;

(iii) Acreage in recreational areas and other non-residential uses; and

(iv) Total number of lots or parcels created.

(b) Lot Arrangement

(i) Proposed lot lines, lot and block numbers and the approximate dimensions and area of each proposed lot shall be shown on the plat.

(ii) Lot areas exclusive of road right of way shall be shown.

(iii) Blocks shall be consecutively numbered or lettered in alphabetical order and all lots in each block shall be consecutively numbered.

(iv) Required building setback lines shall be shown for each lot or noted on the plat.

(c) Dedications, Reservations, and Easements

(i) The location and approximate dimensions of all property to be set aside for recreational use or other public or private dedications, reservations or easements shall be shown.

(ii) The purpose and conditions of the dedication, reservation or easements shall be noted.

(iii) For recreation areas with improvements, a separate sheet shall be provided showing the proposed site dimension and improvements drawn at a scale of not less than 50 feet to the inch, or at a different scale if approved by the Planning Director.

(d) Streets and Transportation Systems

(i) The location, dimensions and classification (public or private) of all proposed streets, easements, alleys and other right of ways shall be shown on the plat.

(ii) The location and dimensions of proposed pedestrian paths and sidewalks, bike lanes or paths, and bus stops shall also be shown.

(iii) Proposed streets, pavement or travelway widths shall be denoted as well as typical roadway cross sections. The approximate centerline radius shall be shown on all proposed streets.

(iv) Proposed street names shall be indicated on the plat. Such names shall not duplicate or approximate the name of any other street in Orange County except where a proposed street is the continuation or extension of an existing street.

(6) Utility and Drainage Data

(a) Proposed utility systems shall be shown on the plat, including but not limited to:

(i) Public or private community water supply systems,

(ii) Public or private community sewage disposal systems, and

(iii) Storm drainage facilities, including existing and proposed drainageways and channels.

(b) Any easements associated with such utility systems shall also be denoted and the purpose for the easements designated on the plat.

(7) Landscaping and Buffer Data

The following information shall be denoted on the Preliminary Plat to demonstrate compliance with the provisions of Section 6.8 of this Ordinance:

(a) Existing trees and/or vegetation to be preserved and proposed trees and/or landscape materials to be installed.

(b) Required buffers.

(8) Special Flood Hazard Area (SFHA) Standards

(a) The boundary of the Special Flood Hazard Area zoning overlay district shall be designated and labeled on the plat as required by this Ordinance.

(b) For subdivisions located within a Watershed Protection Overlay District, as identified on the Orange County Zoning Atlas, the following information shall be designated and labeled on the plat:

(i) Impervious surface data as required by Section 4.2 of this Ordinance;

(ii) Stream buffers as required by Section 6.13 of this Ordinance; and

(iii) Stormwater detention and/or retention sites and undisturbed areas for infiltration purposes as required by the Section 6.14 of this Ordinance.

7.14.3 Final Plat Specifications

(A) Plat Preparation

(1) The Final Plat shall be drawn in accordance with the requirements of G.S. 47-30 as amended and to the specifications of this Section. The plat shall be prepared by a Professional Land Surveyor at a scale of not less than 100 feet to the inch nor more than 20 feet to the inch.

(2) All Final Plats shall be prepared in accordance with the Manual of Practice for Land Surveying in North Carolina as prepared by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors.

(B) Title Block

A title block shall be placed on the plat, which shall contain the following information:

(1) The name of the subdivision, preceded by the words "Final Plat of _____", which shall not duplicate nor closely approximate, phonetically or in spelling, the name of any other subdivision in Orange County, and, where the plat at hand is only part of a larger subdivision bearing the same name, the unit or section number of other necessary identification;

(2) The graphic scale in feet per inch in words or figures and bar graph; a north arrow accurately positioned and designated as magnetic north, true north, North Carolina State Plane Coordinate Grid System North or north referenced to a recorded instrument with the recording reference shown; the date or dates the survey was conducted; and any other pertinent legend data;

(3) State, county and township location; tax map, Parent PIN, block and lot number references; and deed book and page number citations for the property being subdivided; and

(4) The name and address of the owner(s) of the land being subdivided; the name and address of the subdivider if other than the owner; and the name and address, registration number and seal of the land surveyor responsible for preparation of the plat.

(C) Vicinity Map

(1) A vicinity map showing the general location of the subdivision in relation to the surrounding area shall be placed on the plat.

(2) The vicinity map shall be drawn at a sufficient size to show the relationship of the tract to the existing street or highway system and readily recognized Orange County landmarks.

(3) The vicinity map shall show the street names in addition to the SR designations.

(D) Existing Site Data

Information on existing conditions shall be shown as noted below.

(1) Boundary Lines

(a) The location, distance and bearings for the boundary line of the tract to be subdivided.

(b) Areas not designated as lots that will be under common ownership such as a conservancy, public agency or similar entity or a homeowners' association's ownership shall be appropriately labeled as tracts.

(c) Locations of corporate limits or Extraterritorial Zoning Jurisdiction (ETJ) lines, township boundaries, and county lines.

(d) The names of owners and Parcel Identification Numbers (PIN) of adjacent land.

(e) For adjacent land that is platted, the subdivision plat name, plat book and page number abutting the tract to be subdivided shall also be shown.

(2) Other Conditions

(a) If any portion of the final plat includes land referenced in the "Inventory of the Natural Areas and Wildlife Habitats of Orange County, North Carolina" it shall be shown on the plat.

(b) Constructed features including houses, barns, sheds, railroads and overhead utility lines.

(c) Cemeteries if designated either by a previously recorded instrument or if disclosed to or found by the surveyor during the course of the survey.

(d) All street rights-of-way, which adjoin the boundaries of the tract being subdivided, shall be shown with dashed lines and shall denote the right-of-way location and width.

(E) Subdivision Layout Data

The lot design plan shall be drawn and shall show the following information:

(1) Lot Arrangement and Development Potential

(a) The lot lines, Parent Parcel Identification Number, and lot and block numbers of each lot shall be shown on the plat.

(b) Blocks shall be consecutively numbered or lettered in alphabetical order and, all lots in each block shall be consecutively numbered.

(c) Lot and block numbers provided shall be in substantial compliance with those shown on the approved Preliminary Plat.

(d) The location and dimensions of all lot lines, all new easements and any existing easements which are recorded or easements which are visible and apparent reservations, and areas dedicated to public or private use with notes stating their purposes shall be shown on the Final Plat.

(e) Lots shown on the Final Plat shall be substantially the same as those shown on the approved Preliminary Plat.

(f) Front, rear, and side yard setbacks that are greater than the minimum setback requirements of the district in which the parcel is located shall be designated with dashed lines on the individual lots and labeled as ‘Minimum Setback’.

(g) All lots which are of restricted development potential shall be noted on the Final Plat with reference to a separate recorded instrument which describes the restricted lot(s) by metes and bounds and designates the lot as “Of restricted development potential because of (specify condition), pursuant to Section 7.6.3 of the Orange County Unified Development Ordinance”.

(2) Streets and Transportation Systems

(a) The location, dimensions and classification (public or private) of all streets, new easements or any existing easements which are recorded or which are visible and apparent uses, alleys and other public or private ways shall be shown on the Final Plat, including pedestrian and non-motorized vehicle easements.

(b) All streets intended for future extension either within or beyond the boundaries of the subdivision shall clearly be indicated on the Final Plat by the words, “Subject to future extension”.

(c) A No Vehicular Access Easement (NVA) (aka Negative Access Easement) 10 feet in width shall be designated, with a dashed line, along the right-of-way of all lots and tracts where direct vehicular access to a roadway is not approved.

(d) Street names, including State road numbers if applicable, shall be indicated on the Final Plat and shall not duplicate or approximate the name of any other street in Orange County, or an adjacent County if a similar street name is in use in the vicinity, except where a street is the continuation or extension of an existing street.

(e) All street names shall be approved through the Orange County Land Records office.

(3) Utility and Drainage Data

(a) Construction plans shall be submitted to proper authorities, as required, to document any new:

(i) Public or private community water supply system,

(ii) Public or private community sewage disposal system, and/or

(iii) Storm drainage facilities.

(b) Written approval of the reviewing authorities and a set of approved construction plans shall be submitted to the Planning Department prior to approval of the Final Plat.

(c) The location and purpose of all new easements for utility systems shall be shown on the Final Plat, including, but not limited to,:

(i) Sanitary sewers,

(ii) Septic tanks and nitrification fields,

(iii) Storm sewer lines,

(iv) Water mains,

(v) Gas, transmission mains,

(vi) Overhead electric, telephone and CATV transmission mains, and

(vii) Any other above or below ground utility systems which are contained within a designated easement.

(d) It is understood that utility distribution systems to individual lots for gas, electric, telephone, and TV cable service are customarily covered by “blanket easements” or “general easements”. If these easements have been recorded, the recording data shall be shown on the plat. Otherwise, these easements need not be denoted on the plat.

(4) Landscaping and Buffer Data

Buffers widths and locations as required by Section 6.8 of this Ordinance shall be shown on the Final Plat and specified in a separate document to be recorded concurrently with the Final Plat. The Deed Book and Page reference shall be noted on the Final Plat.

(5) Special Flood Hazard Area (SFHA) Standards

(a) The boundary of the Special Flood Hazard Area zoning overlay district shall be designated and labeled on the plat as required by this Ordinance.

(b) For subdivisions located within a water supply watershed of regional and/or local importance, the following information shall be shown on the Final Plat:

(i) The maximum impervious surface data as required by Section 4.2 of this Ordinance shall be shown for each lot.

(ii) Stream buffers as required by Section 6.13 of this Ordinance shall be delineated with widths noted on the Final Plat.

(iii) Development restrictions within the stream buffer shall be specified in a separate document to be recorded concurrently with the Final Plat. The Deed Book and Page reference shall be noted on the Final Plat.

(iv) Storm water detention and/or retention sites and undisturbed areas for infiltration purposes as required by Section 4.2 and 6.13 of this Ordinance shall be delineated and labeled on the Final Plat.

(v) Any restrictions or requirements associated with the detention/retention sites shall be specified in a separate document to be recorded concurrently with the Final Plat. The Deed Book and Page reference shall be noted on the Final Plat.

(6) Protection of Natural and Cultural Resources

(a) Any areas identified in the "Inventory of the Natural Areas and Wildlife Habitats of Orange County, North Carolina" shall be shown on the Final Plat.

(b) A description of the resource, and the conditions of subdivision approval, which assure its protection shall be included in a document of describing development restriction to be recorded concurrently with the plat.

(F) Certificates and Endorsements

(1) General

The Final Plat shall be made by or prepared under the supervision of a Professional Land Surveyor licensed to practice in the State of North Carolina and shall contain a certificate as required by Section 47-30 of the General Statutes and prepared in substantially the following form and acknowledged by a notary public:

"I, _____, certify that this plat was drawn under my supervision from (an actual survey made under my supervision) (deed description recorded in Book ____, Page ____, etc.) (other); that the ratio of precision is 1: _____; that the boundaries not surveyed are shown as broken lines plotted from information found in Book ____, Page ____; that this map was prepared in accordance with G.S. 47-30 as amended. Witness my hand and seal this _____ day of _____, A.D., 20___."

Seal or Stamp

Surveyor Registration Number

(The surveyor shall also certify on the plat as required by G.S. 47-30 (f) (11) as amended.)

(2) Certificates of Dedication and Maintenance

(a) The following certificate shall be printed on the Final Plat and shall be followed by the signature of the owner(s) of the property being subdivided acknowledged by a notary public.

"The undersigned owner hereby certifies that the land shown hereon is located within the subdivision-regulation jurisdiction of Orange County and hereby freely dedicates all rights-of- way, easements, streets, recreation areas, open spaces, common areas, utilities and other improvements to public or private common use as noted on this plat, and further assumes full responsibility for the maintenance and control of said improvements until they are accepted for maintenance and control by an

appropriate public body or by an incorporated neighborhood or homeowners association or similar legal entity."

Owner(s): _____

Date: _____

(b) Where a Final Plat shows a private road, an instrument substantially in the form of the County's Standard Road Maintenance Agreement entitled, "DECLARATION OF RESTRICTIONS AND PROVISIONS FOR PRIVATE ROAD MAINTENANCE", shall be recorded contemporaneously with the recordation of the approved Final Plat which guarantees: (a) right of access to any private road in the subdivision by all lots served by the road and by law enforcement and emergency vehicles, (b) right of access for the proposed private road to a State or municipally maintained road by way of direct access or other private roads, (c) perpetual maintenance for any private road serving the subdivision at the standards set for approval, and (d) provide record notice of the probability that future development dependent on the private roads for access will require upgrading of the roads to a higher private road standard or public dedication and upgrading of the road to North Carolina Department of Transportation standards.

This instrument shall also note acceptance by the owner of all liability related to the use of the road, and agreement to hold both the County and State harmless from such liability, and acknowledge that some public services may not be provided due to the private nature of the road. The guarantees of right of access and maintenance of the subdivision roads shall run with the land and shall be disclosed to any prospective purchaser of land in the subdivision as provided in North Carolina General Statutes Chapter 136- 102.6. Upon recordation the Deed Book and Page Number of the recorded document shall be referenced on the Final Plat.

Owner(s): _____

Date: _____

(c) The following shall be printed on the final plat and shall be followed by the signature of the County Manager:

"Orange County hereby accepts, for the use of the general public, without maintenance responsibility, the offer of public dedication of all public rights-of-way, public easements, public streets, public recreation areas, public open space, public utilities and other public improvements shown on this plat."

County Manager: _____

Date: _____

(3) Certificates of Approval

(a) A Final Plat for a minor subdivision shall show the following form for Planning Department endorsement: "I hereby certify that the subdivision plat shown hereon has been found to comply with the Orange County Subdivision Regulations, provided that this plat shall be recorded within ninety (90) days of final approval, approved by the Orange County Planning Department on _____(Date)."

_____ _____

Planning Director or Authorized Agent Date

(b) A Final Plat for a major subdivision shall show the following form for Planning Department endorsement: "I hereby certify that the subdivision plat shown hereon has been found to comply with the Orange County Subdivision Regulations. Provided that this plat shall be recorded within ninety (90) days of final approval, approved by the Orange County Planning Department on_____(Date)."

_____ _____

Planning Director or Authorized Agent Date

(c) (c) Where sewage disposal within all or a portion of a subdivision is to be accomplished through the installation and use of surface sewage disposal systems, the plat shall show the following form for Orange County Health Department endorsement:

"Soil and site evaluations have been conducted by the Orange County Health Department, Environmental Health Division, and unless otherwise noted, an area on each lot has been tentatively designated for the installation and repair of a wastewater system. This certification is not an Improvement Permit or an approval for a septic system on any of the lots. Subsequent changes to the lots may affect the ability to obtain Improvement Permits and/or Construction Authorizations.

_____ _____

Environmental Health Specialist Date

(d) Where water and/or sewage disposal is to be provided by a public or quasi-public entity the following statement shall be certified by the person authorized to represent the service provider:

"I hereby certify that the construction plans for the water system and/or sewer system have been approved for [Name of Project]. The utilities have been constructed, or secured via an irrevocable Letter of Credit, to the [Service Provider] standards.

_____ _____

[Authorized Signature] Date

_____ _____

[Attest Signature] Date

SEAL

(e) Where a division of property is found to be exempt from the provision of this Ordinance as specified in Section 7.2, the plat shall show the following statements for Planning Department endorsement:

"I hereby certify that the division of property shown and described hereon is exempt from the subdivision regulations contained in the Orange County Unified Development Ordinance.

_____ _____

Planning Director Date

(f) Where a property is recombining property that includes a vacant lot or an existing dwelling the following statement shall be shown on the plat:

"The recombination of existing lots has been reviewed by the Orange County Health Department, Environmental Health Division. Based on available information, this proposal does not appear to adversely affect the suitability of the lots for the issuance of an improvement permit, nor the installation, maintenance, or repair of an existing wastewater system.

This certification is not an Improvement Permit or an approval for septic system on any of the lots. Subsequent changes to the lots may affect the ability to obtain Improvement Permits and/or Construction Authorizations."

(g) Where lots have been approved for recordation by either the Orange County School System or the Chapel Hill/Carrboro School System the following statement and endorsements shall appear on the final plat:

I hereby certify that the lots shown on this plat have been approved by the _____ School System for recordation prior to [Insert date] in accordance with the Schools Adequate Public Facilities Ordinance.

_____ _____

Chair Date

_____ _____

Secretary Attest Date

SEAL

(h) All certificates and endorsement signatures on the Final Plat, except those of the County Manager, Planning Board Chair, Planning Director and Environmental Health Officer shall be notarized by the statement of a Notary Public entered on the Final Plat. The Notary Public statement shall be shown in substantially the following form:

"North Carolina _____ County

I, a Notary Public of the County and State aforesaid, certify that _____ personally appeared before me this day and acknowledged the execution of the foregoing certificate. Witness my hand and seal this ____ day of _____, 20___.

"Seal or Stamp Notary Public

My Commission expires _____

(4) Certificate of Improvements

(a) If the required improvements are completed prior to the submission of the Final Plat, then one of the following certificates shall be shown on the plat and followed by the County Manager's signature:

"The County Manager hereby certifies that all improvements required by the Orange County Subdivision Regulations have been installed as specified by the approved Preliminary Plat for _____ Subdivision and that said improvements comply with Orange County specifications."

County Manager: _____ Date: _____

(b) If the required improvements are not completed prior to the submission of the Final Plat and their completion is not insured by regulations applicable to developments financed by the U.S. Department of Housing and Urban Development, the following certificate shall be recorded followed by the County Manager's signature:

"The County Manager hereby certifies that (a) cash in the amount of $_____, or (b) an irrevocable letter of credit by an approved institution and as approved by the Orange County Attorney, has been posted with Orange County guaranteeing that all improvements will be installed as specified by the approved Preliminary Plat for _____

Subdivision. All required improvements must be completed within three hundred and sixty-five (365) days hereof."

County Manager: _____ Date: _____

ARTICLE 8: NONCONFORMITIES TABLE OF CONTENTS

SECTION 8.1: INTENT 8-1
8.1.1 Generally 8-1
SECTION 8.2: CLASSIFICATION 8-1
SECTION 8.3: COMPLETION OF NON-CONFORMING PROJECTS 8-1
8.3.1 Valid Permit Issued 8-1
SECTION 8.4: NON-CONFORMING USES INCOMPATIBLE WITH PERMITTED USES 8-3
SECTION 8.5: NON-CONFORMING SIGNS 8-3
8.5.1 Timeframe for Abatement 8-3
SECTION 8.6: SPECIAL PERMIT USES 8-3
SECTION 8.7: NON-CONFORMING LOTS 8-3
SECTION 8.8: NON-CONFORMING USES OF LAND WITHOUT STRUCTURES OR WITH MINOR STRUCTURES 8-3
SECTION 8.9: NON-CONFORMING USES OF MAJOR STRUCTURES, OR STRUCTURES AND PREMISES IN COMBINATION 8-4
SECTION 8.10: NON-CONFORMING STRUCTURES, OTHER THAN SIGNS 8-4
SECTION 8.11: NON-CONFORMING CHARACTERISTICS OF USE 8-5
SECTION 8.12: REPAIRS AND MAINTENANCE 8-5
SECTION 8.13: UNSAFE NON-CONFORMING STRUCTURES 8-5

ARTICLE 8: NONCONFORMITIES

SECTION 8.1: INTENT

8.1.1 Generally

(A) Non-conforming uses shall not be enlarged, expanded, intensified, or altered, except in conformance with this Ordinance.

(B) It is further the intent of this Ordinance that non-conformity shall not be used as grounds for adding other prohibited uses or structures, nor the enlarging by means of extension or expansion, except as specifically provided by this Ordinance.

(C) In the case of requirements related to external factors, such as distance requirements from other specified uses or landscaping requirements dependent upon adjacent property use, the subject parcel shall be considered conforming so long as its continuous use was established first.

SECTION 8.2: CLASSIFICATION

Non-conformities are classified as:

(A) Lots (see Section 8.7);

(B) Uses of land without structures or minor structures (see Section 8.8);

(C) Uses of major structures and premises (see Section 8.9);

(D) Structures (see Section 8.10); and/or

(E) Characteristics of uses (see Section 8.11)

which were lawful but would be prohibited, regulated, or restricted by the enactment of this Ordinance or a subsequent amendment thereto.

SECTION 8.3: COMPLETION OF NON-CONFORMING PROJECTS

8.3.1 Valid Permit Issued

All non-conforming projects on which construction was begun at least 180 days before the effective date of this Ordinance, or any modification thereto, as well as all non-conforming projects that are at least 25% completed in terms of the total expected cost of the project on the effective date of this Ordinance, or any modification thereto, may be completed in accordance with the terms of their permits, so long as these permits were validly issued and remain unrevoked and unexpired. If a development is designed to be completed in stages, this subsection shall only apply to the particular phase under construction.

(A) Except as provided this Section, all work on any non-conforming project shall cease on the effective date of this Ordinance, or any modification thereto, and all permits previously issued for work on non-conforming projects shall be revoked as of that date. Thereafter, work on non-conforming projects may begin or may be continued only pursuant to a zoning or special use permit issued in accordance with this Ordinance by the Planning Director or board authorized to issue permits for the type of development proposed. The county shall issue such a permit if it finds that the applicant has in good faith made substantial expenditures or incurred substantial binding obligations in some substantial way in reasonable reliance on conditions as they existed before the effective date of this Ordinance, or any modification thereto, and thereby would be unreasonably prejudiced if not allowed to complete the project as proposed. In considering whether these findings may be made, the Planning Director or appropriate board shall be guided by the following:

(1) All expenditures made pursuant to a validly issued and unrevoked building, zoning, special use, or soil erosion-sedimentation control permit shall be considered as evidence of reasonable reliance on the conditions that existed before this Ordinance, or modification thereto, became effective.

(2) Except as provided in subsection (1) above, no expenditures made more than 180 days before the effective date of this Ordinance, or modification thereto, shall be considered as evidence of reasonable reliance on the conditions that existed before this Ordinance, or modification thereto, became effective. An expenditure is made at the time there is a binding obligation to make that expenditure.

(3) To the extent that expenditures are recoverable with a reasonable effort, a party shall not be considered prejudiced by having made those expenditures. For example, a party shall not be considered prejudiced by having made some expenditure to acquire a potential development site if the property obtained is approximately as valuable under the new classification as it was under the old, for the expenditure can be recovered by a resale of the property.

(4) An expenditure shall be considered substantial if it is significant both in dollar amount and in terms of

(a) The total estimated cost of the proposed project, and

(b) The ordinary business practices of the developer.

(5) A developer shall be considered to have acted in good faith if actual knowledge of a proposed change in the land use law affecting the proposed development site could not be attributed to the developer.

(6) Even though a developer had actual knowledge of a proposed change in the land use law affecting a development site, the County may still find that the developer acted in good faith if they did not proceed with the plans in a deliberate attempt to circumvent the effects of the proposed ordinance. The county may find that the developer did not proceed in an attempt to undermine the proposed ordinance if it determines that (i) at the time the expenditures were made, either there was considerable doubt about whether any ordinance would ultimately be passed, or it was clear that the proposed ordinance would prohibit the intended development, and (ii) the developer had legitimate business reasons for making expenditures.

(7) The Planning Director shall not consider any application for the permit authorized by subsection (2) above that is submitted more than 60 days after the effective date of this Ordinance, or modification thereto. The Planning Director may waive this requirement for good cause shown, but in no case may it extend the application deadline beyond one year.

(8) The Planning Director shall send copies of this section to the persons listed as owners for tax purposes (and developers, if different from the owners) of all properties in regard to which permits have been issued for non-conforming projects or in regard to which a non-conforming project is otherwise known to be in some stage of development. This notice shall be sent by certified mail not less than 15 days before the effective date of this Ordinance, or modification thereto.

(9) The Planning Director shall establish expedited procedures for hearing applications for permits under this section. These applications shall be heard, whenever possible, before the effective date of this Ordinance, or modification thereto.

(10) When it appears from the developer's plans or otherwise that the non-conforming project was intended to be or reasonably could be completed in stages, segments, or other discrete units, the Planning Director shall not allow the non-conforming project to be constructed or completed in a fashion that is larger or more extensive than is necessary to allow the developer to recoup and obtain a reasonable rate of return on the expenditures he has made in connection with that non-conforming project.

SECTION 8.4: NON-CONFORMING USES INCOMPATIBLE WITH PERMITTED USES

It is the intent of this Ordinance that non-conforming uses shall be considered to be incompatible with the Permitted Uses within the zoning districts. Such non-conforming uses shall not be enlarged or extended in any respect.

SECTION 8.5: NON-CONFORMING SIGNS

8.5.1 Timeframe for Abatement

It is the intent of this Ordinance to regulate signs and to provide for the removal of signs that are non-conforming according to the standards set forth in Section 6.12. For signs in existence on the date of adoption of this Unified Development Ordinance (April 5, 2011):

(A) Within one year of notification by the Planning Director, each sign which does not comply with the provisions of Section 6.2.10 shall either be altered in such a way as to bring it into compliance or removed.

(B) Within five years of notification by the Planning Director, all other signs not in compliance with other provisions of 6.12 shall either be so altered as to bring them into compliance or be removed by the owner of the property.

SECTION 8.6: SPECIAL PERMIT USES

Any land use that:

(A) Was in existence prior to adoption of zoning regulations and would require the issuance of a Special Use Permit under terms of this Ordinance, or

(B) Is made non-conforming due to an amendment of this Ordinance changing the review and approval criteria of said land use from permitted to either a Class A or B Special Use.

Shall be deemed a conforming use of property within the confines of this Ordinance, subject to the following limitation: Any enlargement, replacement or modification of such a use shall require submittal, review, and approval of a Special Use Permit application as though it were a new use.

SECTION 8.7: NON-CONFORMING LOTS

(A) Lot(s) created in conformity with the standards existing and enforced by the County at the time of its creation shall be allowed to be developed in accordance with the provisions detailed herein.

(B) Lots made non-conforming through a rezoning of property shall be allowed to be developed in accordance with the provisions detailed herein.

(C) A one-family detached dwelling and customary accessory structures may be erected, occupied and used on a separate non-conforming lot of record in accord with other requirements applying in the zoning district in which the lot is located.

(D) Lots created in violation of the review and approval procedures detailed herein shall not be recognized or permitted to be developed.

SECTION 8.8: NON-CONFORMING USES OF LAND WITHOUT STRUCTURES OR WITH MINOR STRUCTURES

Non-conforming uses of land not involving any permanent structure with a replacement cost of $2,000 or combination of permanent structures with a replacement cost exceeding $5,000 as determined by the

Planning Director shall cease within two years of the adoption of this Ordinance, or any amendment hereto, which shall cause such uses to become non-conforming. Prior to termination, the following limitations shall apply:

(A) There shall be no enlargement, increased intensification or alterations to the use, its permanent structure, or both.

(B) If the use ceases for more than 90 consecutive days or a total of 180 days in a one-year period, subsequent use of the premises shall conform to the district regulations.

(C) No such use shall be located or moved to any portion of the lot other than that occupied at the time the non-conforming status was created.

(D) No such land shall be subdivided nor any structure added, except for purposes, and in a manner, conforming to district regulations. However, subdivision which does not increase the degree of nonconformity shall be permitted.

SECTION 8.9: NON-CONFORMING USES OF MAJOR STRUCTURES, OR STRUCTURES AND PREMISES IN COMBINATION

Non-conforming use of structures with a value higher than that stated in Section 8.8, or of such structures and premises in combination, may be continued, provided that:

(A) Such uses may not be enlarged, extended, altered or replaced, except for a change to a use permitted in the district in which located, except as provided in subsection (b) of this section.

(B) A non-conforming use may be extended through portions of a building manifestly arranged or intended for such use, but not otherwise, and shall not extend to occupy land outside such building or any additional building not used for such non-conforming use at the time that non-conforming status was established.

(C) If a non-conforming use ceases for more than 180 days in any two-year period, subsequent use shall conform to the regulations of the district in which located.

(D) Individual mobile homes within mobile home parks, non-conforming under this section, may be replaced with other individual mobile homes or dwelling units, provided that the total number of units does not exceed the number existing at the time that the mobile park became non-conforming.

(E) Individual mobile homes not located within mobile home parks may be replaced with other individual mobile homes or dwelling units provided that such replacement does not increase the degree of non-conformity.

(F) Non-conforming buildings or uses or other development may not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished conforming to the provisions of this Ordinance.

However, nothing in this Ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this Ordinance and located totally or partially within the floodway non-encroachment area, or stream setback, provided that the bulk of the building or structure below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback is not increased and provided that such repair, reconstruction, or replacement meets all of the other requirements of this Ordinance.

SECTION 8.10: NON-CONFORMING STRUCTURES, OTHER THAN SIGNS

A structure which is non-conforming, due to noncompliance with one or more dimensional requirements contained in Articles 3, 4, or 5 and which is used for a use permitted in the district in which located, may remain, provided that:

(A) Any structural change to the building shall not increase the degree of nonconformity. Structural changes which decrease or do not affect the degree of nonconformity shall be permitted.

(B) A non-conforming commercial or industrial structure destroyed to the extent of 60% or more of its floor area may only be reconstructed in accordance with the regulations of the district in which located, including those regulating:

(1) Minimum lot area per use;

(2) Minimum lot width;

(3) Required front setback;

(4) Required side and rear setback;

(5) Maximum building height;

(6) Required landscaping; and

(7) Required parking.

(C) A non-conforming commercial or industrial structure destroyed to the extent of 60% or more of its floor area and located on a non-conforming lot shall not be required to comply with dimensional requirements regulating minimum lot area per use and/or minimum lot width but shall comply with the dimensional requirements regulating (3) through (7) in subsection (B) above.

(D) A non-conforming residential structure destroyed to the extent of 75% or more of its floor area may only be reconstructed in accordance with the regulations of the district in which located, including those regulating:

(1) Minimum lot area per dwelling unit;

(2) Minimum lot width;

(3) Required front setback;

(4) Required side and rear setback;and

(5) Maximum building height.

(E) A non-conforming residential structure destroyed to the extent of 75% or more of its floor area and located on a non-conforming lot shall not be required to comply with either or both dimensional requirements regulating minimum lot area per dwelling unit and/or minimum lot width but shall comply with the dimensional requirements regulating (3) through (5) in subsection (D) above.

(F) Appeal(s) for a variance from the requirements of subsections (B) through (E) of this Section shall be heard by the board of adjustment.

SECTION 8.11: NON-CONFORMING CHARACTERISTICS OF USE

Non-conforming characteristics of use, which may include by way of illustration, but not limitation, inadequate parking and loading facilities; inappropriate landscaping; lighting; emissions; etc., may continue to operate but shall not be expanded, altered, changed or relocated in such a manner to increase the degree of nonconformity.

SECTION 8.12: REPAIRS AND MAINTENANCE

On any non-conforming structure or portion thereof, and on any structure containing a non-conforming use, ordinary repairs, or repairs or replacement of non-load bearing walls, fixtures, etc., over any consecutive 12-month period shall not exceed 10% of the current assessed value of the structure (or portion, if a non-conforming portion is included).

SECTION 8.13: UNSAFE NON-CONFORMING STRUCTURES

Non-conforming structures, or portions thereof, which are declared unsafe by the Chief Building Official for reasons other than lack of maintenance may be repaired and restored, except as provided in section 8.10 which limits reconstruction after damage.

ARTICLE 9: ENFORCEMENT TABLE OF CONTENTS

SECTION 9.1: INTENT 9-1
SECTION 9.2: VIOLATIONS 9-1
9.2.1 Violations Specifically 9-1
SECTION 9.3: VIOLATORS 9-1
9.3.1 Specifically 9-1
9.3.2 Charges and Entities 9-2
SECTION 9.4: ADMINISTRATION OF PERFORMANCE STANDARDS 9-2
SECTION 9.5: ENFORCEMENT PROCEDURE 9-2
9.5.1 Responsibility for Enforcement 9-2
9.5.2 Inspections and Investigations 9-2
9.5.3 Initial Notice of Violation 9-2
9.5.4 Appeals 9-3
9.5.5 Timeline for Abatement 9-3
9.5.6 Final Notice of Violation and/or Correction Order 9-4
9.5.7 Recurring Violations 9-4
9.5.8 Performance Standards 9-4
9.5.9 Failure to Comply 9-5
SECTION 9.6: PENALTIES, REMEDIES, AND ENFORCEMENT POWERS 9-5
9.6.1 In General 9-5
9.6.2 Permit Revocation 9-5
9.6.3 Permit Denial or Conditioning 9-6
9.6.4 Injunctive and Abatement Relief in Superior Court 9-6
9.6.5 Criminal Penalties 9-6
9.6.6 Stop Work Order 9-6
9.6.7 Civil Penalty 9-6
SECTION 9.7: ADDITIONAL PROCEDURES – SPECIAL FLOOD HAZARD AREA OVERLAY DISTRICT 9-7
9.7.1 Actions in Event of Violation 9-7
9.7.2 Order to Take Corrective Action 9-8
9.7.3 Failure to Comply with Order 9-8
SECTION 9.8: SOIL EROSION AND SEDIMENTATION CONTROL 9-8
9.8.1 Inspections and Investigations 9-8
9.8.2 Penalties 9-10
9.8.3 Injunctive Relief 9-11
9.8.4 Restoration of Areas Affected by Failure to Comply 9-12
9.8.5 Revocation of Land Disturbing Permit 9-12
SECTION 9.9: STORMWATER MANAGEMENT 9-12
9.9.1 Inspections and Investigations 9-12
9.9.2 Penalties 9-14
9.9.3 Injunctive Relief 9-15

ARTICLE 9: ENFORCEMENT

SECTION 9.1: INTENT

This Article provides for the methods of notification and penalties involved in enforcement of this Ordinance. Whenever possible, it is desirable to gain voluntary compliance with the provisions of this Ordinance without the necessity of pursuing formal enforcement measures.

SECTION 9.2: VIOLATIONS

9.2.1 Violations Specifically

Unless lawfully exempted, the following uses or actions shall be considered a violation:

(A) To use land or buildings inconsistent with the requirements of this Ordinance;

(B) To erect a building or structure inconsistent with the requirements of this Ordinance;

(C) To develop or subdivide land inconsistent with the standards of this Ordinance;

(D) To subdivide, transfer, or sell land by reference to a subdivision plat prior to plat approval and recordation as provided in Articles 2 and 7 . The description of metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land does not exempt the transaction from this Ordinance;

(E) To record a plat of any subdivision prior to approval of the plat as provided in Article 2;

(F) To install or use a sign inconsistent with the requirements of Section 6.12;

(G) To engage in the use of a building or land, the use or installation of a sign, the subdivision or development of land, or any other activity requiring one or more permits or approvals under this Ordinance without obtaining all required permits or approvals;

(H) To engage in the use of a building or land, the use or installation of a sign, the subdivision or development of land or any other activity requiring one or more permits under this Ordinance in any way inconsistent with any permit or approval and/or any conditions imposed;

(I) To engage in new development activities without an approved Erosion Control Plan and/or Stormwater Management Plan;

(J) To violate the terms of any permit or approval granted under this Ordinance or any condition imposed on such permit or approval including, but not limited to, Special Use Permits;

(K) To obscure, obstruct or destroy any notice required to be posted or otherwise given under this Ordinance;

(L) To violate any lawful order issued under this Ordinance; or

(M) To continue any violation of this Ordinance.

SECTION 9.3: VIOLATORS

9.3.1 Specifically

The following shall be considered violators of the Ordinance and subject to enforcement:

(A) Any person(s) who owns, leases, occupies, manages, or builds any structure or land development activity in violation of this Ordinance.

(B) Any person(s) who owns, leases, or occupies a use in violation of this Ordinance.

(C) An owner of property on which the violation of this Ordinance occurs.

(D) Any tenant or occupant of a property who has control over, or responsibility for, the use or development of the property.

(E) Any other person who participates in, assists, directs, creates, or maintains a situation that constitutes a violation of this Ordinance.

9.3.2 Charges and Entities

(A) A violation may be charged against more than one violator.

(B) For the purpose of this Article, the term "person" includes but is not limited to any individual, group of individuals, or any corporation, partnership, association, company, or business, trust, joint venture, or other legal entity.

SECTION 9.4: ADMINISTRATION OF PERFORMANCE STANDARDS

Determinations necessary for administration and enforcement of performance standards set forth herein range from those which can be made with satisfactory accuracy by a reasonable person using normal senses and no sophisticated equipment to those requiring great technical competence and complete equipment for precise measurement. It is the intent of this Ordinance that:

(A) Where determinations can be made by the Planning Director, using equipment normally available or obtainable without extraordinary expense. Such determinations shall be so made before notice of violation is issued.

(B) Where technical complexity or extraordinary expense makes it unreasonable for the County to maintain the personnel or equipment necessary for making difficult or unusual determinations, procedures shall be available for causing corrections of apparent violations of performance standards, for protecting individuals from arbitrary, capricious, and unreasonable administration and enforcement of performance standard regulations, and for protecting the general public from unnecessary costs for administration and enforcement.

SECTION 9.5: ENFORCEMENT PROCEDURE

9.5.1 Responsibility for Enforcement

The Planning Director shall enforce this Ordinance and the remedies authorized herein and shall have the authority to settle any violations that involve the payment of money to the governing body.

9.5.2 Inspections and Investigations

(A) A program of inspections and investigations to determine compliance with this Ordinance and orders, plans, permits, certificates, and authorizations issued under this Ordinance, is hereby authorized.

(B) Upon receipt of a complaint or other information suggesting a violation of this Ordinance, the Planning Director shall investigate the situation and determine whether a violation exists in accordance with the provisions of this Ordinance.

9.5.3 Initial Notice of Violation

(A) On determining that a violation exists, the Planning Director shall, whenever possible, make contact with the violator either in person or via telephone to discuss the violation and review the necessary steps to correct the violation.

(B) The Planning Director shall give the responsible person(s) written notice of the violation, either in person, or by certified or registered mail, return receipt requested. A copy of the notice shall also be sent by regular mail. Service shall be deemed sufficient if the notice by certified mail is unclaimed or refused, but the notice by regular mail is not returned by the post office within ten days after mailing, provided that a notice of violation is posted in a conspicuous place on the premises affected.

(1) The notice shall:

(a) Describe the nature of the violation and its location,

(b) State the actions necessary to correct the violation,

(c) Specify a reasonable time period in which the violation must be corrected,

(d) State the remedies and penalties authorized herein that the Planning Director may pursue if the violation is not corrected within the specified time limit,

(e) Invite the alleged violator to meet with the Planning Director to discuss the violation and how it may be corrected, and

(f) Contain a statement indicating that the decision referenced within the notice can be appealed to the Orange County Board of Adjustment as detailed within this Ordinance. This statement shall include language indicating that the appeal must be filled within 30 days from the date of the initial notice and shall provide the deadline for the submittal of the appeal application.

9.5.4 Appeals

(A) Any person aggrieved by the Planning Director's determination of a violation or a correction order may appeal that determination or order to the Board of Adjustment in accord with the provisions of Section 2.27 of this Ordinance, including payment of the appropriate fee.

(B) Except as provided in Section 2.27, an appeal generally stays all further actions to enforce a notice of violation, correction order, or Stop Work Order, until the Board of Adjustment has made a decision concerning the appeal.

(C) Civil Penalty Citations subsequent to the initial notice of violation may not be appealed to the Board of Adjustment.

(D) As detailed within Sections 2.12 and 2.27, the Board of Adjustment shall hear the appeal and may affirm, modify, or revoke the Planning Director's determination of a violation.

(E) If there is no appeal, the Planning Director's determination of the nature and degree of the violation are final.

9.5.5 Timeline for Abatement

The time allotted to abate an identified violation shall be at the sole discretion of the Planning Director and shall be based upon what is deemed a reasonable amount of time to abate the identified violation. The following standards shall apply"

(A) Within 30 days of receipt of an initial notice of violation, correction order, or Stop Work Order, the owner of the property on which the violation occurs may submit to the Planning Director a written request for extension of the specified time limit for correction of the violation.

(B) The Planning Director shall assist individuals in the preparation of the written request for extension in cases where an individual(s) is/are unable to prepare a written request.

(C) The Planning Director shall determine whether the time limit should be extended based on the information contained in the written request for extension. The Planning Director may extend the time limit as reasonably necessary to allow timely correction of the violation.

(D) In cases where an appeal of the notice of violation has been properly filed with the Board of Adjustment, as provided in Section 9.5.4, the 30 day period shall commence upon receipt of the notice of the Board of Adjustment decision concerning the violation or correction order.

(E) Following the time limit for correction of the violation, including any stay or extension thereof, the Planning Director shall determine whether the violation has been corrected. If the violation has been corrected, the Planning Director shall take no further action

against the alleged violator. If the violation has not been corrected, the Planning Director may act to impose one or more of the remedies and penalties specified in the notice of violation, correction order, or Stop Work Order.

(F) If delay in correcting a violation would seriously threaten the effective enforcement of this Ordinance or pose a danger to the public health, safety, or welfare, the Planning Director may seek immediate enforcement without prior written notice through any of the remedies or penalties detailed herein.

9.5.6 Final Notice of Violation and/or Correction Order

(A) The Planning Director's final written notice of violation (which may be the initial notice) shall also order correction of the violation, If the identified violation is not corrected within the timeframe stated in the Initial Notice of Violation or the decision is not appealed to the Board of Adjustment within the specified timeframes identified in the Initial Notice, a final written notice of violation shall be issued ordering the correction of the violation. This final notice shall:

(1) Specify a reasonable time period in which the violation must be corrected, and

(2) State the remedies and penalties authorized within this Ordinance that the Planning Director may pursue if the violation is not corrected within the specified time limit.

(B) The final written notice of violation shall be served upon the responsible person(s), either in person, posting the notice at the property in violation, or by certified or registered mail, return receipt requested. When service is made by certified mail, a copy of the notice shall also be sent by regular mail. Service shall be deemed sufficient if the notice by certified mail is unclaimed or refused, but the notice by regular mail is not returned by the post office within ten days after mailing, provided that a final notice of violation is posted in a conspicuous place on the premises affected.

(C) A notice is also not required where action is taken under 9.6.2, 9.6.3, and/or 9.6.6.

9.5.7 Recurring Violations

A new initial notice of violation is not required where a notice of a violation of the same kind has been issued to the same violator at the same property within the previous two years. In such cases, the violator may be charged with a continuing violation without further notice, as provided in this Section.

9.5.8 Performance Standards

(A) Planning Director Determination

Where the Planning Director determines that there is a violation of performance standards relating to emission of smoke, odor and explosive hazards influence, he/she shall take or cause to be taken lawful action to cause correction to within the limits set by such performance standards. Failure to obey lawful orders concerning such correction shall be punishable as provided herein.

(B) Technical Determinations

If the Planning Director believes there is a violation but is unable to make a final determination due to insufficient evidence, the following procedures shall apply:

(1) The Planning Director shall give written notice, by certified mail, to the person or persons responsible for the alleged violation. The notice shall describe the particulars of the alleged violation and the reasons why the Planning Director believes there is a violation, and shall require an answer or correction of the alleged violation within a specified time limit. The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation within the specified time limit set constitutes admission of violation of the terms of this Ordinance.

The notice shall further state that upon request of those to whom it is directed, technical determinations as described in this Ordinance will be made, and that if violations as alleged are found, costs of such determinations shall be charged against those responsible for the violation, in addition to such other penalties as may be appropriate. If it is determined that no violations exist, the cost of the determination will be paid by the County.

(2) If there is no reply within the specified time limit, and the alleged violation is corrected, it shall be noted, "violation corrected" on the copy of the notice, and shall be retained among the official records, taking such other action as may be warranted.

(3) If there is no reply within the specified time limit, thus establishing admission of violation(s) as provided within (1) above and the alleged violation is not corrected within the specified time limit, action shall be taken as is warranted by continuation of a violation after notice to cease.

(4) If a reply is received within the specified time limit indicating that the alleged violation will be corrected, but additional time is requested, the Planning Director may grant an extension, if it is deemed warranted in the circumstances of the case and if the extension will not cause imminent peril to life, health or property.

(5) If reply is received within the specified time limit requesting technical determinations, as provided in this Ordinance, and if the alleged violations continue, the Planning Director may call in properly qualified experts to make the determinations. If expert findings indicate violations of the performance standards, the costs of the determinations shall be assessed against the properties or persons responsible for the violation, in addition to such other penalties as may be appropriate under the terms of this Article. If no violation is found, the costs of the determinations shall be paid by the County, without assessment against the properties or persons involved.

9.5.9 Failure to Comply

If a violator does not comply with a notice of violation, correction order, or Stop Work Order, which has not been appealed, or with a final decision of the Board of Adjustment, the violator shall be subject to enforcement action as prescribed by State law or by this Ordinance.

SECTION 9.6: PENALTIES, REMEDIES, AND ENFORCEMENT POWERS

9.6.1 In General

(A) The Planning Director may pursue one or more of the remedies and penalties described herein or otherwise authorized by common law or statute to prevent, correct, or abate a violation of this Ordinance.

(B) Use of one of the authorized remedies and penalties does not preclude the use of any other authorized remedies or penalties, nor does it relieve any party to the imposition of one remedy or penalty from imposition of any other authorized remedies or penalties.

9.6.2 Permit Revocation

(A) In accord with the provisions of this Ordinance, the Planning Director, upon a written determination, may revoke any permit, certificate, or other authorization granted under this Ordinance for failure to comply with the provisions of this Ordinance or the terms and conditions of a permit or authorization granted under this Ordinance.

(B) Any permit, certificate, or authorization mistakenly issued in violation of State law or local ordinance, or issued on the basis of misrepresentations by the applicant, owner, or owner's agent may be revoked without such written determination.

9.6.3 Permit Denial or Conditioning

(A) As long as a violation of this Ordinance remains uncorrected, the Planning Director may deny or withhold approval of any permit, certificate, or other authorization provided for in this Ordinance that is sought for the property on which the violation occurs.

(B) The Planning Director may also condition a permit, certificate, or authorization on the correction of the violation and/or payment of a civil penalty, and/or posting of a compliance security.

9.6.4 Injunctive and Abatement Relief in Superior Court

(A) A violation may be corrected by any appropriate equitable remedy, a mandatory or prohibitory injunction, or an order of abatement as authorized by NCGS 153A-123.

(B) The Planning Director shall have the authority to execute an order of abatement if the violator does not comply with such order, and the costs of the execution shall be recovered by a lien on the property in the nature of a mechanic's or materialman's lien.

9.6.5 Criminal Penalties

(A) Any person, firm or corporation who violates the provisions of this Ordinance or fails to comply with any of its requirements shall, upon conviction, be guilty of a Class 3 misdemeanor and shall be fined not more than a maximum of $500.00, imprisonment of up to 30 days, or both, for each violation, as provided in NCGS Section 14-4.

(B) The Planning Director may refer a violation to the District Attorney for institution of criminal prosecution of the alleged violator.

9.6.6 Stop Work Order

(A) If a building or structure is erected, constructed, reconstructed, altered, repaired, converted, moved or maintained, or any building, structure or land is used in violation of a Stop Work Order, the Planning Director, in addition to other remedies, may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, moving, maintenance or use, to restrain, correct or abate the violation, to prevent occupancy of the building, structure or lands, or to prevent any illegal act, conduct, business or use in or about the premises.

(B) Notice of a Stop Work Order shall be in writing, directed to the person(s) conducting the violating activity and/or the property owner, and shall state the reasons for the issuance of the Order, and the conditions under which activity may be resumed. Notice shall be given by registered or certified mail, return receipt requested. A copy of the notice shall also be sent by regular mail. Service shall be deemed sufficient if the notice by certified mail is unclaimed or refused, but the notice by regular mail is not returned by the post office within ten days after mailing. Upon issuance of such Order, and posting of same on the site of the violation, all work on the site of the violation shall cease, except those activities necessary to bring the site into compliance with this Ordinance.

(C) The person(s) conducting the violating activity and/or the property owner may appeal the Stop Work Order to the Board of Adjustment pursuant to Section 2.27 of this Ordinance.

9.6.7 Civil Penalty

(A) The Planning Director may impose one or more civil penalties and issue one or more Civil Penalty Citations for a violation as provided in this subsection. If the violator does not pay the penalty, the Planning Director may collect it in a court through a civil action in the nature of a debt.

(B) Notice

The Planning Director shall give the responsible person(s) written notice of the civil penalty citation, either in person, or by certified or registered mail, return receipt requested. When service is made by certified mail, a copy of the notice shall also be sent

by regular mail. Service shall be deemed sufficient if the notice by certified mail is unclaimed or refused, but the notice by regular mail is not returned by the post office within ten days after mailing, provided that a notice of civil penalty citation is posted in a conspicuous place on the premises affected. The notice shall include a copy of the notice of violation, the amount of the penalty, information about where to pay the penalty, the deadline for payment, which shall be ten days from the date of the notice, and the possibility of civil and/or criminal enforcement.

(C) Penalty Amount

The Planning Director may impose a penalty of $500.00 per day of violation.

(1) For purposes of assessing the amount of a civil penalty, each day the violation remains uncorrected after receipt of the final notice of violation, correction order, Stop Work Order, or the receipt of the Civil Penalty Citation itself in the case of emergency enforcement, shall constitute a separate violation that subjects the violator to additional civil penalties.

(D) Settlement of Claims

The Planning Director is authorized to determine the amount of payment that will be accepted in full and final settlement of some or all of the claims the governing body may have in connection with the violation. The Planning Director shall indicate in writing the claims from which the violator is released. If the violation has not been remedied, payment shall not release a violator from potential criminal prosecution or a claim for injunctive relief and/or an order of abatement.

(E) Continuing Violations

(1) The Planning Director may issue a Civil Penalty Citation for a violation that continues without being corrected. The violator in such cases may be assessed a penalty for each day of the continuing violation.

(2) An initial Civil Penalty Citation for a single violation must be issued before a Civil Penalty Citation for a continuing violation is issued.

(3) If the violator has failed to pay the penalty and correct the violation after the initial Civil Penalty Citation, the violator is subject to a Civil Penalty Citation for a continuing violation with a daily penalty.

(4) An initial Civil Penalty Citation is not required if the Department has previously issued a Civil Penalty Citation to the violator for the same violation at the same location within the previous two years.

(5) The Planning Director may give a single notice of a Civil Penalty Citation for a continuing violation. The notice must contain a copy of the notice of violation and must state that the violation is continuing, that a daily penalty of a specified amount is being imposed, and that the penalty is cumulative.

(F) Judicial Action to Collect Civil Penalty

A civil action in the nature of a debt may be filed in any court of competent jurisdiction to collect an unpaid civil penalty imposed herein.

SECTION 9.7: ADDITIONAL PROCEDURES – SPECIAL FLOOD HAZARD AREA OVERLAY DISTRICT

9.7.1 Actions in Event of Violation

(A) Identified violations of the Special Flood Hazard Area Overlay District shall be sent a Notice of Violation. The Notice shall detail the nature of the violation and schedule a hearing with the Floodplain Administrator to review the situation.

(B) This hearing shall be held before the Floodplain Administrator at a designated place and time, not later than ten business days after the date of the Notice, at which time the

owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter.

(C) Following the hearing, the Floodplain Administrator may issue such order to alter, vacate, or demolish the structure; or to remove fill as appears appropriate.

9.7.2 Order to Take Corrective Action

(A) If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the structure or development is in violation of this Ordinance, he or she shall make an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than 60 days.

(B) Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.

(C) In the absence of an appeal (see Section 2.27.7), the order of the Floodplain Administrator shall be final.

9.7.3 Failure to Comply with Order

If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been filed, or fails to comply with an order of the governing body following an appeal, he or she shall be guilty of a Class 3 misdemeanor and shall be punished in the discretion of the court.

SECTION 9.8: SOIL EROSION AND SEDIMENTATION CONTROL

9.8.1 Inspections and Investigations

(A) Site Inspections

Agents, officials, or other qualified persons authorized by the County will periodically inspect land-disturbing activities to ensure:

(1) Compliance with the North Carolina Sedimentation Pollution Control Act of 1973 (“Act” in this Section), this Ordinance, or rules or orders adopted or issued pursuant to this Ordinance;

(2) The measures required in the plan are effective in controlling erosion and sediment resulting from land-disturbing activity.

Notice of the right to inspect shall be included in the letter of approval of each Erosion Control Plan.

(B) Authority to Enter Property and Conduct Investigations and Inspections

(1) No person shall willfully resist, delay, or obstruct an authorized representative, employee, or agent of Orange County, while that person is inspecting or attempting to inspect a land-disturbing activity under this section.

(2) The Erosion Control Officer shall have the power to conduct such investigations as deemed reasonably necessary to carry out the duties as prescribed in this Ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting the sites of any land-disturbing activities.

(3) No person shall refuse entry or access to any authorized representative or agent of the County who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out their official duties.

(C) Notice of Violation

(1) If it is determined that a person engaged in land-disturbing activity has failed to comply with the Act, this Ordinance, or rules, or orders adopted or issued pursuant to this Ordinance, a notice of violation shall be served upon that person.

(2) The notice may be served by any means authorized under N.C.G.S. 1A-1, rule 4.

(3) The notice shall specify a date by which the person must comply with the Act, or this Ordinance or rules, or orders adopted pursuant to this Ordinance, and inform the person of the actions that need to be taken to comply with the Act, this Ordinance, or rules or orders adopted pursuant to this Ordinance.

(4) No time period for compliance need be given for failure to submit an Erosion Control Plan for approval or for obstructing, hampering or interfering with an authorized representative while in the process of carrying out their official duties.

(5) Any person who fails to comply within the time specified is subject to the civil and criminal penalties provided in this Ordinance.

(6) In the event service cannot be accomplished by registered or certified mail, it may be accomplished in any manner provided in rule (4)j of the North Carolina Rules of Civil Procedure.

(D) Authority to Require Statements

(1) The Erosion Control Officer shall have the authority to require written statements, or the filing of reports under oath, with respect to pertinent questions relating to land-disturbing activities.

(E) Authority to Revoke Land Disturbing Permits

(1) The Erosion Control Officer shall have the authority to revoke Land Disturbing Permits issued by the Erosion Control Division as provided for within this Ordinance.

(F) Stop Work Orders

(1) Whenever any person is violating the soil erosion and sedimentation control provisions of this Ordinance or any rule or order adopted or issued pursuant to this Ordinance, or any term, condition, or provisions of an approved Erosion Control Plan, the Erosion Control Officer may, either before or after the institution of any other action or proceeding authorized by these regulations, issue a stop work order for the site on which the violation has occurred.

(2) Upon issuance of such an order and the posting of same on the site of the violation, all work on the site of the violation shall cease, except those activities necessary to bring the site into compliance with the soil erosion and sedimentation control provisions of this Ordinance.

(3) Notice of the stop work order shall be in writing, directed to the person conducting the land-disturbing activity and shall state the reasons for the issuance of the order, and the conditions under which work may be resumed.

(4) Notice shall be given by registered or certified mail. In the event service cannot be accomplished by registered or certified mail, it may be accomplished in any manner provided in rule 4(j) of the North Carolina Rules of Civil Procedure.

(G) Inspection & Report Procedure

(1) The landowner, the financially responsible party, or their duly appointed agent shall perform an inspection of the area covered by the plan after each phase of the plan has been completed and after establishment of temporary ground cover in accordance with N.C.G.S. 113A-57(2).

(2) The person who performs the inspection shall maintain and make available a record of the inspection at the site of the land-disturbing activity.

(3) The record shall set out any significant deviation from the approved erosion control plan, identify any measures that may be required to correct the deviation, and document the completion of those measures.

(4) The record shall be maintained until permanent ground cover has been established as required by the approved erosion and sedimentation control plan.

(5) The inspections required by this subsection shall be in addition to inspections required by N.C.G.S. 113A-61.1.

9.8.2 Penalties

(A) Civil Penalties

(1) Assessment of Penalties

(a) Any person who violates any of the soil erosion and sedimentation control provisions of this Ordinance or rules or orders adopted or issued pursuant to these regulations, or who initiates or continues a land-disturbing activity for which an Erosion Control Plan is required except in accordance with the terms, conditions, and provisions of an approved plan, shall be subject to a civil penalty.

(b) The maximum civil penalty for a violation is $5,000 per day.

(c) If, after the allotted time period has expired, the violator has not completed corrective action, a civil penalty may be assessed from the date the violation is detected.

(d) No time period for compliance need be given for failure to submit an Erosion Control Plan for approval or for obstructing, hampering, or interfering with an authorized representative while in the process of carrying out his official duties.

(e) Each day of a continuing violation shall constitute a separate violation.

(2) Demand for Payment of Penalty

(a) The Board of County Commissioners shall notify the person who is assessed the civil penalty of the amount of the penalty and the reason for assessing the penalty.

(b) The notice of assessment shall be served by any means authorized under Section 9.8.1 of this Ordinance, and shall direct the violator to either pay the assessment or contest the assessment, within 30 days after the receipt of the notice of assessment, by written demand for a hearing.

(c) If payment is not received within 30 days after demand for payment is made, the County or town, if applicable, may institute a civil action to recover the amount of the assessment.

(d) The civil action may be brought in the Superior Court of the county where the violation occurred, or in the county where the violator's residence or principal place of business is located.

(e) Such civil actions must be filed within three years of the date the assessment was due.

(f) An assessment that is not contested is due when the violator is served with a notice of assessment.

(g) An assessment that is contested is due at the conclusion of the administrative and judicial review of the assessment.

(3) Civil Penalty Assessment Factors

(a) The governing body of the (city), (town), (county) shall determine the amount of the civil penalty based upon the following factors:

(i) The degree and extent of harm caused by the violation,

(ii) The cost of rectifying the damage,

(iii) The amount of money the violator saved by noncompliance,

(iv) Whether the violation was committed willfully, and

(v) The prior record of the violator in complying of failing to comply with soil erosion and sedimentation control provisions this Ordinance.

(4) Notice of Civil Penalty Assessment

(a) The governing body of the (city), (town), (county) shall provide notice of the civil penalty amount and basis for assessment to the person assessed.

(b) The notice of assessment shall be served by any means authorized under N.C.G.S. 1A-1, Rule 4, and shall direct the violator to either pay the assessment or contest the assessment, within 30 days after receipt of the notice of assessment, by written demand for a hearing.

(5) Hearing

(a) A hearing on a civil penalty shall be conducted by the appropriate local agency, within 15 days after the date of the written demand for the hearing.

(b) The agency conducting the hearing shall make its recommendation to the governing body of the (city, (town), (county), within 15 days after the date of the hearing.

(6) Final Decision

(a) The governing body shall render its final decision on the civil penalty within 15 days of the receipt of the recommendation from the agency.

(7) Credit of Civil Penalties

(a) Civil penalties collected pursuant to this Section of the Ordinance shall be credited to the Civil Penalty and Forfeiture Fund.

(B) Criminal Penalties

Any person who knowingly or willingly violates any soil erosions and sedimentation control provision of this Ordinance or rule or order adopted or issued pursuant to these regulations, or who knowingly or willfully initiates or continues a land-disturbing activity for which an Erosion Control Plan is required except in accordance with the terms, conditions, and provisions of an approved plan shall be guilty of a misdemeanor punishable by imprisonment not to exceed 90 days or by a fine not to exceed $5,000, or by both, at the discretion of the court.

9.8.3 Injunctive Relief

(A) Civil Action in Superior Court

(1) Whenever the governing body of the Town or County has reasonable cause to believe that any person is violating or threatening to violate the soil erosion and sedimentation control provisions of this Ordinance or any rule or order adopted or issued pursuant to these regulations, or any term, condition, or provision of an approved Erosion Control Plan, it may, either before or after the institution of any other action or proceeding authorized by this Ordinance, institute a civil action in the name of the town or county for injunctive relief to restrain the violation or threatened violation.

(2) The action shall be brought in the Superior Court of Orange County.

(B) Order to Cease Violation

(1) Upon determination by a court that an alleged violation is occurring or is threatened, the court shall enter any order or judgment that is necessary to abate the violation, to ensure that restoration is performed, or to prevent the threatened violation.

(2) The institution of an action for injunctive relief under this section shall not relieve any party to the proceedings from any civil or criminal penalty prescribed for violations of the soil erosion and sedimentation control provisions of this Ordinance.

9.8.4 Restoration of Areas Affected by Failure to Comply

(A) The County may require a person who is engaged in a land-disturbing activity and failed to retain sediment generated by the activity, as required by N.C.G.S. 113A-57(3), to restore the waters and land affected by the failure so as to minimize the detrimental effects of the resulting pollution by sedimentation.

(B) This authority is in addition to any other civil or criminal penalty or injunctive relief authorized under this Ordinance.

9.8.5 Revocation of Land Disturbing Permit

(A) Whenever a person conducting a land-disturbing activity is not complying with the soil erosion and sedimentation control provisions of this Ordinance, the Land Disturbing Permit, the Approved Erosion Control Plan or any amendments to the Erosion Control Plan, the Erosion Control Officer may revoke the Land Disturbing Permit for the site.

(B) Notice of Revocation shall be sent by registered or certified mail to the person conducting the land-disturbing activity. In the event delivery cannot be accomplished by registered or certified mail, it may be accomplished in any manner provided in Rule 4 (j) of the North Carolina Rules of Civil Procedure.

(C) Upon receipt of the Revocation Notice, the person responsible must immediately order all land-disturbing activities to cease except those which are specifically directed towards bringing the site into compliance with the soil erosion and sedimentation control provisions of this Ordinance.

(D) Once the site has been inspected and remedial work approved by the Erosion Control Officer, the responsible party may reapply for a Land Disturbing Permit and pay the appropriate fee.

(E) Resumption of land disturbing activities other than those necessary to bring the site back into compliance with the soil erosion and sedimentation control provisions of this Ordinance before the reissuance of the Land Disturbing Permit shall constitute a violation of the Ordinance.

(F) The person conducting the land-disturbing activity may appeal the revocation of a Land Disturbing Permit following procedures set out in Section 2.27 of this Ordinance.

SECTION 9.9: STORMWATER MANAGEMENT

9.9.1 Inspections and Investigations

(A) Site Inspections

(1) Agents, officials, or other qualified persons authorized by the County will periodically inspect on-site BMPs and illegal discharges to ensure:

(a) Compliance with the North Carolina Sedimentation Pollution Control Act of 1973 (“Act” in this Section), this Ordinance, or rules or orders adopted or issued pursuant to this Ordinance;

(b) The measures required in the Stormwater Management plan being constructed in accordance with the approved plan.

(c) The permanent BMPs are not in need of any maintenance including, but not limited to, the following:

(i) Mowing of vegetation,

(ii) Vegetation re-establishment,

(iii) Tree removal (especially from wet detention ponds),

(iv) Stabilization of any eroding areas, and

(v) Structural (pipe, riser, dam, etc) repair.

(2) Notice of the right to inspect shall be included in the letter of approval of each Stormwater Management Plan.

(B) Authority to Enter Property and Conduct Investigations and Inspections

(1) No person shall willfully resist, delay, or obstruct an authorized representative, employee, or agent of Orange County, while that person is inspecting or attempting to inspect a required on-site BMP.

(2) The Erosion Control Officer shall have the power to conduct such investigations as deemed reasonably necessary to carry out the duties as prescribed in this Ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting the sites of any required on-site BMP.

(3) No person shall refuse entry or access to any authorized representative or agent of the County who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out their official duties.

(C) Notice of Violation

(1) If it is determined that a person responsible for construction or maintenance of any permanent on-site BMP, or removal of any Illegal Discharge has failed to comply with the Act, this Ordinance, or rules, or orders adopted or issued pursuant to this Ordinance, a notice of violation shall be served upon that person.

(2) The notice may be served by any means authorized under N.C.G.S. 1A-1, rule 4.

(3) The notice shall specify a date by which the person must comply with the Act, or this Ordinance or rules, or orders adopted pursuant to this Ordinance, and inform the person of the actions that need to be taken to comply with the Act, this Ordinance, or rules or orders adopted pursuant to this Ordinance.

(4) No time period for compliance need be given for encroaching on the riparian buffer or for obstructing, hampering or interfering with an authorized representative while in the process of carrying out their official duties.

(5) Any person who fails to comply within the time specified is subject to the civil and criminal penalties provided in this Ordinance.

(6) In the event service cannot be accomplished by registered or certified mail, it may be accomplished in any manner provided in rule (4)j of the North Carolina Rules of Civil Procedure.

(D) Authority to Require Statements

(1) The Erosion Control Officer shall have the authority to require written statements, or the filing of reports under oath, with respect to pertinent questions relating to stormwater management activities.

(E) Stop Work Orders

(1) Whenever any person is violating the stormwater management provisions of this Ordinance or any rule or order adopted or issued pursuant to this Ordinance, or any term, condition, or provisions of an approved Stormwater Management Plan, the Erosion Control Officer may, either before or after the institution of any other action or proceeding authorized by these regulations, issue a stop work order for the site on which the violation has occurred.

(2) Upon issuance of such an order and the posting of same on the site of the violation, all work on the site of the violation shall cease, except those activities necessary to bring the site into compliance with the stormwater management provisions of this Ordinance.

(3) Notice of the stop work order shall be in writing, directed to the person conducting the stormwater management activity in violation of the provisions of this Ordinance and shall state the reasons for the issuance of the order, and the conditions under which work may be resumed.

(4) Notice shall be given by registered or certified mail.

(5) In the event service cannot be accomplished by registered or certified mail, it may be accomplished in any manner provided in rule 4(j) of the North Carolina Rules of Civil Procedure.

9.9.2 Penalties

(A) Civil Penalties

(1) Assessment of Penalties

(a) Any person who violates any of the stormwater management provisions of this Ordinance or rules or orders adopted or issued pursuant to these regulations, or who fails to install, or complete any permanent on-site Nitrogen Reduction BMP or fails to conduct required maintenance on any permanent on-site BMP, or fails to remove an identified Illegal Discharge shall be subject to a civil penalty.

(b) The maximum civil penalty for a violation is $5,000 per day.

(c) If, after the allotted time period has expired, the violator has not completed corrective action, a civil penalty may be assessed from the date the violation is detected.

(d) No time period for compliance need be given for failure to submit a Stormwater Management Plan for approval or for obstructing, hampering, or interfering with an authorized representative while in the process of carrying out his official duties.

(e) Each day of a continuing violation shall constitute a separate violation.

(2) Demand for Payment of Penalty

(a) The Board of County Commissioners shall notify the person who is assessed the civil penalty of the amount of the penalty and the reason for assessing the penalty.

(b) The notice of assessment shall be served by any means authorized under Section 9.9.1 of this Ordinance, and shall direct the violator to either pay the assessment or contest the assessment, within 30 days after the receipt of the notice of assessment, by written demand for a hearing.

(c) If payment is not received within 30 days after demand for payment is made, the Erosion Control Officer may institute a civil action to recover the amount of the assessment.

(d) The civil action may be brought in the Superior Court of the county where the violation occurred, or in the county where the violator's residence or principal place of business is located.

(e) Such civil actions must be filed within three years of the date the assessment was due.

(f) An assessment that is not contested is due when the violator is served with a notice of assessment.

(g) An assessment that is contested is due at the conclusion of the administrative and judicial review of the assessment.

(3) Credit of Civil Penalties

(a) Civil penalties collected pursuant to this Section of the Ordinance shall be credited to the Orange County general fund as nontax revenue.

(B) Criminal Penalties

Any person who knowingly or willingly violates any stormwater management provision of this Ordinance or rule or order adopted or issued pursuant to these regulations, or who knowingly or willfully initiates or continues a development activity for which a Stormwater Management Plan is required except in accordance with the terms, conditions, and provisions of an approved plan shall be guilty of a misdemeanor punishable by imprisonment not to exceed 90 days or by a fine not to exceed $5,000, or by both, at the discretion of the court.

9.9.3 Injunctive Relief

(A) Civil Action in Superior Court

(1) Whenever the Board of County Commissioners has reasonable cause to believe that any person is violating or threatening to violate the stormwater management provisions of this Ordinance or any rule or order adopted or issued pursuant to these regulations, or any term, condition, or provision of an approved Stormwater Management Plan, it may, either before or after the institution of any other action or proceeding authorized by this Ordinance, institute a civil action in the name of the county for injunctive relief to restrain the violation or threatened violation.

(2) The action shall be brought in the Superior Court of Orange County.

(B) Order to Cease Violation

(1) Upon determination by a court that an alleged violation is occurring or is threatened, the court shall enter any order or judgment that is necessary to abate the violation, to ensure that restoration is performed, or to prevent the threatened violation.

(2) The institution of an action for injunctive relief under this section shall not relieve any party to the proceedings from any civil or criminal penalty prescribed for violations of the stormwater management provisions of this Ordinance.

ARTICLE 10: DEFINITIONS

SECTION 10.1: DEFINITIONS

For the purpose of this Ordinance, certain terms and words are herein defined and interpreted as follows:

AASHTO
American Association of State Highway and Transportation Officials.

Accessory Structure
A structure that is located on the same lot as a principal structure and houses an accessory use.

Accessory Use
An activity that may or may not be listed in the Permitted Use Table, which is conducted in conjunction with a permitted principal use, but constitutes only an incidental or insubstantial part of the total activity that takes place on the lot and is customary and ancillary to the established principal use of property. Accessory uses shall comply with all setback requirements for the district in which the use is located. For example, an in-ground swimming pool is required to meet all applicable setbacks including any required fencing around the physical pool, the concrete walkway around the pool, and any pump or utilities associated with the operation of the facility.

Adult Arcade
Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.

Adult Bookstore
A bookstore:

(a) Which receives a majority of its gross income during any calendar month from the sale or rental of publications (including books, magazines, other periodicals, videotapes, compact discs, other photographic, electronic, magnetic, digital, or other imaging medium) which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas, as defined in this article; or

(b) Having as a preponderance (either in terms of the weight and importance of the material or in terms of greater volume of materials) of its publications (including books, magazines, other periodicals, videotapes, compact discs, other photographic, electronic, magnetic, digital, or other imaging medium) which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas.

Adult Cabaret
A nightclub, bar, restaurant, theater, concert hall, auditorium or similar commercial establishment that for at least ten percent of its business hours in any day features:

(a) Persons who expose a Specified Anatomical Area; or

(b) Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities; or

(c) Films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or

(d) Persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

Adult Escort
A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person for the purpose of participating in, engaging in, providing, or facilitating Specified Sexual Activities.

Adult Escort Agency
A person or business that furnishes, offers to furnish, or advertises to furnish adult escorts as one of its business purposes for a fee, tip, or other consideration.

Adult Merchandise
Any product dealing in or with explicitly sexual material as characterized by matter depicting, describing, or relating to Specified Sexual activities or Specified Anatomical Areas.

Adult Motel
A hotel, motel or similar commercial establishment that offers accommodation to the public for any form of consideration and:

(a) Provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; and has a sign visible from the public rights-of-way that advertises the availability of this adult type of photographic reproductions; or

(b) Offers a sleeping room for rent for a period of time that is less than six hours; or

(c) Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than twelve hours.

Adult Patron
Any person who is physically present on the premises of a sexually oriented business and who is not an owner, employee, agent, subcontractor, or independent contractor of said business, or any entertainer or performer at said business.

Adult Video Store
A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video tapes or cassettes, video reproductions, CD-ROMs, slides, or other visual representations which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or any combination thereof.

Agricultural Processing Facility, Community
A facility utilized for the processing of produce and/or other commodities produced by no more than 5 cooperative farm partners for the consumption of others (e.g. small canning operation); Activities shall include, but may not be limited to, canning, dehydrations, washing, cutting or basic preparation of raw produce but does not include processing of live animals (see Meat Processing Facility). May include accessory retail sales of products processed on-site.

Agricultural Processing Facility
A facility utilized for the processing and packaging of produce and/or other commodities for transport to off-site wholesale or retail establishments. Facilities may be utilized by farm-based producers, restaurateurs, caterers, food entrepreneurs, and the like. Activities shall include, but may not be limited to, canning, dehydrations, washing, cutting or basic preparation of raw produce prior to shipment but does not include processing of live animals (see Meat Processing Facility). May include accessory retail sales of products processed on-site.

Agricultural Services
Commercial activities offering goods and services which support production of agricultural products or processing of those products to make them marketable. Examples include, but are not limited to, soil preparation, animal and farm management, landscaping and horticultural services, specialized commercial horticulture, specialized animal husbandry, biocide services, retail sales of farm/garden

products, supplies and equipment, equipment rental and repair service, tack shop, farrier, blacksmith, welding shops, facilities for animal shows, animal sales and auctions, agriculture-based clubs/meeting halls, storage of agricultural supplies and products, and processing plants for agricultural products including wineries and canneries.

Agricultural Water Uses
The use of waters for stock watering, irrigation and other farm purposes.

Agritourism
A business directly related or incidental to agricultural activities occurring on the bona fide farm on which it is located and conducted for the enjoyment or education of the public.

Airport (Heliport: S.T.O.L. Port), Air Carrier
A public airport served by a certified air carrier. This includes any runways, land areas or other facilities designed or used for landing, taking off, processing passengers or cargo.

Airport, Commuter Service (Heliport: S.T.O.L. Port)
A public airport, not served by a certified air carrier, but is served by one or more commuter airlines which enplaned 2500 or more passengers in the preceding calendar year.

Airport, General Aviation (Heliport: S.T.O.L. Port)
A public airport serving aviation other than airlines. This includes any runway, land area, or other facility designed or used for the landing and taking off of small aircraft.

Anchoring
The fastening of the mobile home to its mobile home stand in order to prevent upset or damage due to wind, erosion, flooding, or other natural forces.

Appeal
A request from a review of an administrative interpretation of any provision of this Ordinance by the Board of Adjustment.

Applicator
Any person, firm, corporation, wholesaler, retailer, distributor, any local, state or federal governmental agency, or any other person who applies fertilizer to the land of a consumer, or client, or to land they own, or to land they lease or otherwise hold rights.

Area of special flood hazard
See “Special Flood Hazard Area (SFHA) Overlay District”

Assembly/Packaging Operation
Assembly and packaging of merchandise for distribution by mail or carrier.

Auditorium
A place of assembly to watch and/or to hear athletic events, musical performances, dramatic or dance performances, speeches and/or ceremonies. The term is intended to include such uses as stadiums, coliseums, athletic centers, theaters and arenas.

Bed and Breakfast Inn
See “Rural Guest Establishments.”

Base flood
The flood having a 1% chance of being equaled or exceeded in any given year. It is often referred to as the 100-year flood.

Base flood elevation (BFE)
A determination as published in the Flood Insurance Study of the water surface elevations of the base flood. This elevation, when combined with the "Freeboard" (see definition) establishes the "Regulatory Flood Protection" (see definition) elevation.

Basement
Any area of the building having its floor sub grade (below ground level) on all sides.

Best Management Practices (BMPs)
A structural or non-structural management-based practice used singularly or in combination to reduce non-point source pollution to receiving waters in order to achieve water quality protection goals. (See also, Detention Pond and Engineered Stormwater Controls) (Unless otherwise specified, "BMP", when used in this Ordinance, refers to structural BMPs.)

Biosolids
Solid, semi-solid, or liquid residue (sewage sludge) generated during primary, secondary or advanced wastewater treatment processes of domestic sewage that is treated to state and/or federal standards for beneficial use (such as land application as fertilizer).

Buffer
A screening device used to moderate the adverse impacts of one land use upon another. Buffers may include walls, hedges, landscaped areas, berms, additional setbacks, or combinations of the above.

Buffer, Stormwater
A natural or vegetated area through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants.

Building Definitions
(See Structure, Structural Alterations, Mobile Home, Recreational Vehicle.)

Building Height
The vertical distance measured from the mean elevation of the proposed or completed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck lines of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

Building Measurement Definitions
(See Building Height, Story, Residential Floor Area, Length of Wall.)

Built-Upon Area
That portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel areas (e.g. roads, parking lots, paths), recreation facilities (e.g. tennis courts) etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.)

Building Wall
Any vertical surface of a building or structure (other than a pitched roof) that is integral to and could reasonably be constructed as part of the architecture of the building when a sign(s) are not being contemplated. Examples of building walls include but are not limited to: awnings, canopies, marquees, the vertical portion of gable roofs, parapets, mechanical penthouses, etc.

Camp
A recreation use which may include locations for tents, cabins, or other recreational sleeping structures, but would not include mobile homes or recreation vehicles. A camp may be owned by a profit or not-for-profit corporation.

Canal
See "Ditch."

Canopy, Service Station
A structure made of metal, aluminum, or other material intended to be free standing or affixed to a building that serves as an overhang intended to shield persons from the elements while using the service station.

Center in a Residence for 3 to 12 Children
A residence in which child care is provided, which is located on a public state maintained road, and which provides child care for more than three but, no more than 12 children.

Cessation of Use
For purpose of this Ordinance the term shall mean the vacancy, discontinuation, or abandonment of the use of a structure or parcel of property. A use shall not be considered ceased if the use is being marketed for sale or other forms of conveyance and documentation of such activities is provided.

Channel
A natural water-carrying trough eroded vertically into low areas of the land surface by erosive action of concentrated flowing water or a ditch or canal excavated for the flow of water.

Channel, Effluent
A discernable, confined, and discrete conveyance which is used for transporting treated wastewater to a receiving stream or other body of water.

Chemical storage facility
A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

Child Care
A program or arrangement where three or more children less than 13 years old, who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than four hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage, or adoption. Child care does not include the following:

a) Arrangements operated in the home of any child receiving care if all the children in care are related to each other or no more than two additional children are in care;
b) Recreational programs operated for less than four consecutive months in a year;
c) Specialized activities or instruction such as athletics, dance, art, music lessons, horseback riding, gymnastics, or organized clubs for children, such as Boy Scouts, Girl Scouts, 4-H groups, or boys and girls clubs;
d) Drop-in or short-term care provided while parents participate in activities that are not employment related and where the parents are on the premises or otherwise easily accessible, such as drop-in or short-term care provided in health spas, bowling alleys, shopping malls, resort hotels, or churches;
e) Public schools;
f) Non-public schools described in Part 2 of Article 39 of Chapter 115C of the North Carolina Statutes that are accredited by the Southern Association of Colleges and Schools and that operate a child care facility as defined under Child Care Facility for less than six and one-half hours per day either on or off the school site;
g) Bible schools conducted during vacation periods;
h) Care provided by facilities licensed under Chapter 110, Article 7 of the North Carolina General Statutes;
i) Cooperative arrangements among parents to provide care for their children as a convenience rather than for employment; and
j) Any child care program or arrangement consisting of two or more separate components, each of which operates for four hours or less per day with different children attending each component.

Child Care Facility
Includes child care centers, and any other child care arrangement not excluded by General Statute 110-86(2), that provides child care, regardless of the time of day, wherever operated, and whether or not operated for profit.

a) A child care center is an arrangement where, at any one time, there are three or more pre-school children or nine or more school-aged children receiving child care.
b) A family child care home is a child care arrangement located in a residence where, at any one time, more than two children, but fewer than nine children, receive child care.

Church
A structure in which persons regularly assemble for religious worship, which is maintained and controlled by a religious body organized to sustain public worship.

Club or Lodge, Private
An establishment operated by a corporation or association of persons for social, recreational, fraternal or charitable purposes, but which is not operated for profit or to render a service which is customarily conducted as a business.

Cluster Development
A subdivision in which building lots are grouped together through a transfer of allowable density within the subdivided tract. Cluster development permits more efficient development by creating lots with gross land areas smaller than those required for conventional lot-by-lot development, yet maintains application of normal lot density standards to the subdivided tract as a whole by requiring that land area saved by lot size reductions be reserved as permanent open space and/or recreation space.

Cold Storage Facility
A facility used to warehouse perishable foods and products prior to transport.

Commercial-Industrial Transition Activity Node Land
Land near major transportation routes that could be provided with public water and wastewater services and is appropriate for retail and other commercial uses; manufacturing and other industrial uses; office and limited (not to exceed 25% of any Node) higher density residential uses.

Commercial Transition Activity Node Land
Land focused on designated road intersections within either a 10- or 20-year transition area that is appropriate for retail and other commercial uses.

Community Center
A new or existing facility that is owned or operated by a non-profit group from the community for non-commercial activity.

Community Farmers' Market
An enclosed or open-air facility for the retail sale of locally produced vegetables, flowers, meats, commodities, plants, crafts, etc. For the purpose of this definition, "local" means Orange County and counties that share a border with Orange County.

Composting Operation
A facility designed and used for transforming food, yard waste and other organic material into soil or fertilizer through biological decomposition. This does not include backyard composting bins serving individual families.

Comprehensive Plan
An internally consistent and compatible statement of policies for the long term, physical development of that portion of Orange County under County jurisdiction, consisting of a statement of development policies and maps and text setting forth objectives, principles, standards and plan proposals for physical development.

The Comprehensive Plan also consists of adopted area plans which focus on a portion of the County such as a township, a watershed or an interstate highway interchange. Technical information and/or task force reports prepared as part of a plan element or an area plan and incorporated as part of the appendix of or as a supplement are also considered part of the Comprehensive Plan.

Concentrating Solar Thermal (CST) Devices

Systems that use lenses or mirrors, and often tracking systems, to focus or reflect a large area of sunlight into a small area. The concentrated energy is absorbed by a transfer fluid or gas and used as a heat source for either a conventional power plant, such as a steam power plant, or a power conversion unit, such as a sterling engine. Also known as Concentrated Solar Thermal (CST).

Conditional Districts

A zoning technique authorized by N.C.G.S. 153A-342 which allows for the imposition of mutually agreed upon individualized development conditions as part of the legislative rezoning process. The Conditional Use District and Conditional Zoning Districts are subsets of the term Conditional Districts. Land may be placed in a conditional district only upon petition of all of the owners of the land to be included; said petition must be approved following the procedures set forth in Section 2.9 of this Ordinance.

Conditional Use District (CUD)

A floating zoning district that has no permitted uses. Applications for a CUD must link the CUD to a general use zoning district and conform with all applicable development regulations for the corresponding general use zoning district. CUDs require approval of both a rezoning application and Class A Special Use Permit; see Sections 2.9.1 and 3.8.

Conditional Zoning District (CZD)

A specific floating zoning district with specific permitted uses, as detailed within this Ordinance..

Controlled Access Highway

A state or city highway, or section thereof, especially designed for through traffic and over, from, or to which highway owners or occupants of abutting property, or others, shall have only controlled right of easement of access. For the purposes of this Ordinance, Controlled Access Highway shall be Interstate 85, Interstate 40, and any area located within the Major Transportation Corridor (MTC) overlay district.

Cooperative Farm Partner

A local farmer or producer of agricultural products who forms a business arrangement with other local farmers and/or producers to collectively process, market, and/or sell agricultural goods. For the purpose of this definition, “local” means Orange County and counties that share a border with Orange County.

Cooperative Farm Stand

An open-air facility for the retail sale of produce, agricultural products, and/ or plants produced on-site and from not more than 4 other cooperative farm partners.

Country Store

An enclosed market not exceeding 1500 square feet in size for the retail sales of a variety of merchandise, which must include locally produced products. For the purpose of this definition, “local” means Orange County and counties that share a border with Orange County.

County

Orange County Government.

Custodial Care

A form of care that is primarily for the purpose of assisting a person in the activities of daily living or in meeting personal rather than medical needs, which is not intended to provide specific therapy as the result of an illness or injury and does not constitute skilled care. The term shall refer to personal care that does not require the continuing attention or supervision of trained, medical, or paramedical personnel.

Cutoff Fixture
An outdoor lighting fixture shielded or constructed in such a manner that no more 2.5% of the total light emitted by the fixture is projected above the horizontal plane of the fixture.

Day Care
Any child care arrangement under which a child less than 13 years of age receives care away from his own home by persons other than his parents, grandparents, aunts, uncles, brothers and sisters who are not minors, guardians or full time custodians.

Day Care Facility
Any day care center or child care arrangement that provides day care for more than five children, not including the operator's school age children, under the age of 13, on a regular basis of at least once per week for more than four hours but less than 24 hours per day, and those operating fewer than four hours per day that provide care for more children per adult care giver than would be permitted in an AA State licensed center, regardless of the time of day and regardless of whether the same children attend regularly.
The following facilities are not included:

a) Public schools;
b) Non-public schools whether or not accredited by the State Department of Public Instruction, which regularly and exclusively provide a course of grade school instruction to children who are of public school age;
c) Summer camps having children in full-time residence;
d) Bible schools conducted for no more than three weeks during vacation periods; and
e) Cooperative arrangements among parents who care only for their own children in an arrangement as a matter of convenience rather than to enable any participating parent to be employed.

Day Care Home, Large
A Day Care Facility located on a public state-maintained road, which provides day care for more than five but fewer than 16 children, within a residence.

Dedication
A gift, by the owner, of land for a specified purpose, or purposes. Because a transfer of property is entailed, dedication must be made by written instrument and is completed with an acceptance.

Designated Public Sewer Service Area
An area located within Orange County's Primary Service Area in the Water and Sewer Management, Planning, and Boundary Agreement, that is currently served by public sewer or is expected to be served by public sewer in the near-term (e.g., 18 months; demonstrated by issuance of an advertisement for bid, or similar device, for construction of public sewer facilities).

Detention Pond
A engineered stormwater control consisting of a pond constructed and maintained in accordance with Appendix A of this Ordinance, which allows for pollutants to settle and provides for the gradual release of the impounded water. The detention pond is the Best Management Practice which must be used within protected watersheds when engineered stormwater controls are required. (See also, Best Management Practices and Engineered Stormwater Controls)

Development
Any constructed change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials. Also includes any land-disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

Development, Existing
In the context of Stormwater provisions of this Ordinance for projects that do not require a State permit, shall be defined as those projects that are built, or those projects that at a minimum have established a

vested right under North Carolina zoning law as of the effective date of Orange County's Water Supply Watershed Protection Ordinance, or such earlier time that other Orange County ordinances shall specify, based on at least one of the following criteria:

a) Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid Orange County approval to proceed with the project, or
b) Having an outstanding building permit in compliance with G.S. 153A-344.1 or G.S. 160A-385.1, or
c) Having an approved site specific or phased development plan in compliance with G.S. 153A-344.1 or G.S. 160A-385.1.

For projects that require a State permit, such as landfills, NPDES wastewater discharges, land application of residuals, and road construction activities, existing development shall be defined as those projects that are built or those projects for which a State permit was issued prior to August 3, 1992.

Development Intensity Definitions

(See Non-residential Land Area, Non-residential Floor Area, Residential Floor Area, Floor Area Ratio, Open Space, Open Space Ratio, Livability Space, Livability Space Ratio, Recreation Space, Recreation Space Ratio, Pedestrian/Landscaped Space, Pedestrian/Landscaped Space Ratio.)

Direct Light

Light emitted directly from the lamp, off of the reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

Discharge

The addition of any human-induced effluent either directly or indirectly to state surface waters.

Discharge, Domestic Wastewater

Sewage, unprocessed industrial wastewater, other domestic wastewater, or any combination of these items. Domestic wastewater includes, but is not limited to, liquid waste generated by domestic water using fixtures and appliances, from any residence, place of business, or place of public assembly, even if it contains no sewage. Examples of domestic wastewater include once-through non-contact cooling water, seafood packing facility discharges, and wastewater from restaurants.

Discharge, Industrial

The discharge of industrial process treated wastewater or wastewater other than sewage. Stormwater shall not be considered to be an industrial wastewater unless it is contaminated with industrial wastewater. Industrial discharge includes:

a) Wastewater resulting from any process of industry or manufacture, or from the development of any natural resource;
b) Wastewater resulting from processes of trade or business, including wastewater from laundromats and car washes, but not wastewater from restaurants; or
c) Wastewater discharged from a municipal wastewater treatment plant requiring a pretreatment program.

Disposal, Solid Waste

The discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwater.

Disposal, Waste

The use of waters for disposal of sewage, industrial waste or other waste after approved treatment.

Ditch

A constructed channel, other than a modified natural stream constructed for drainage purposes, that is typically dug through inter-stream divided areas. A ditch or canal may have flows that are perennial, intermittent, or ephemeral and may exhibit hydrological and biological characteristics similar to perennial or intermittent streams.

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.

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.

Elevated Building
A non-basement building, which has its reference level raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns with openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls by allowing entry and exit of floodwaters and the unimpeded movement of floodwaters.

Encroachment
The advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede ore alter the flow capacity of a floodplain.

Engineered (or Structural) Stormwater Controls
A structural Best Management Practice (BMP) used to reduce non-point source pollution to receiving waters in order to achieve water quality protection goals. (See also Best Management Practices and Detention Pond) (Unless otherwise specified, "BMP", when used in this Ordinance, refers to structural BMPs.)

Environmental Document
An EA, EIS, or FONSI, or all of them.

Environmentally Sensitive Areas
Land which is subject to special natural environmental conditions such as flooding that present significant constraints to built development.

Equestrian Center
A facility designed and intended for the display of equestrian skills and the hosting of events including, but not limited to, show jumping, dressage, rodeos, general horse/mule shows, and similar equestrian disciplines. Events may be larger scale, such as horse shows expected to generate more than 80 traffic trips per day, and may be held more frequently than once per month. A commercial stable may be included on the site.

Existing Construction
Structures for which, the "start of construction" commenced before March 16, 1981. This term may also be referred to as "existing structures."

Existing manufactured home park or manufactured home subdivision
A manufactured home park or subdivision for which, for flood damage prevention purposes, the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) completed before March 16, 1981.

Extraction of Earth Products
The process of removal of natural deposits of mineral ores, soils or other solids, liquid or gaseous matter from their original location. It does not include any processing of such material, beyond incidental mechanical consolidation or sorting to facilitate transportation to the site of use or location of further processing.

FONSI
A Finding of No Significant Impact. As pertaining to an EA or EIS.

Family
For purposes of this Ordinance, family shall be defined as an individual or two or more persons related by blood, marriage or adoption, living together in a dwelling unit; or a group of not more than five persons who need not be related in a dwelling unit. A "family" may include five or fewer foster children.

Family Care Facility
A facility licensed by the appropriate state agency, as a family care facility for from one to six unrelated individuals.

Family Day Care Home
A residence in which childcare is provided, which provides childcare for no more than three children.

Family Income
The gross annual sum of all income received by all adult members of the household, including:

a) Earned income from wages for all family members over the age of 18;
b) Income from assets;
c) Child support, alimony, Welfare payments, Social Security payments, including SSI, Worker's Compensation and Unemployment benefits;
d) Regular contributions and gifts;
e) Income from a business;
f) Earned income tax credits;
g) Lump sum payments such as inheritance, insurance settlements, and proceeds from sale of property; and
h) Income from absent military personnel who are considered family members of the household.

Farming
The use of land consistent with the State of North Carolina's definition of farming, as contained in the General Statutes.

Farm, Bona Fide
The use of land meeting the criteria for "Farm" as defined by the State of North Carolina in the General Statutes.

Farm Equipment, Non-Farm Use of
Commercial use of the farm equipment for non-farming activities away from a bona fide farm. Examples include grading services and landscaping services.

Farm Equipment Rental, Sales and Service
An establishment engaged in the rental, sales, service, and/or repair of construction or farm equipment, including excavators, loaders, graders, bulldozers, farm tractors 50 horsepower or more in size and other large, heavy-duty types of equipment used in the construction or farming industries but not including horse trailers, trucks, or other vehicles designed for use on public roads.

Farm Supply Store
An establishment engaged primarily in the sale or rental of farm tools, small farming equipment, and farm supplies. Retail sales of animal feed, grain, hardware, lumber, tack, riding attire, animal care products, and the like may be an ancillary activity.

Federal Emergency Management Agency (FEMA)
The agency of the federal government chiefly responsible for studying and mapping flood plains and developing guidelines limiting development therein.

Feed Mill
A building with machinery and apparatus for grinding and/or bagging grain.

Fertilizer
Any substance containing nitrogen or phosphorous which is used primarily for its plant food content.

Financially Responsible Person
In regards to soil erosion and sedimentation control provisions, and party or entity who has financial or operation control over a land-disturbing activity and/or the landowner or party/entity in possession or control of the land who had directly or indirectly allowed a land-disturbing activity or had benefited from such activity.

Fixture
The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

Flexible Development

A subdivision in which greater flexibility and design creativity is encouraged and allowed to preserve agricultural and forestry lands, natural and cultural features, and rural community character that might otherwise be lost through conventional development approaches. At lease one-third (33%) of the land within a Flexible Development subdivision must be set aside as open space which may be preserved through:

a) An "estate lot" approach where all land is subdivided into lots four acres or greater in size, building lot area including setbacks are established on 50% of each lot, and the land area outside such area is preserved as open space provided that front and side yard setback areas shall not be counted toward meeting the minimum open space requirement except as specified by provisions of Section 8.13.4; or
b) A "conservation-cluster" approach where lot sizes are reduced and the land saved through such reductions is preserved as open space on separate lots owned and maintained through a homeowners association, a non-profit land conservancy or unit of state or local government; or
c) A "village" or modified cluster approach where dwelling units are clustered around a village green and supporting shops, and the village is surrounded by open space; or
d) Some combination of the above.

Floating Zoning District; Floating Zone

A zoning district that is defined in the text of the Ordinance but which is applied or mapped only upon the approval of a rezoning application/petition.

Flood and Flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Insurance

The insurance coverage provided under the National Flood Insurance Program (NFIP).

Flood Insurance Rate Map (FIRM)

An official, adopted Orange County map, issued by FEMA, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the county are delineated. These areas are incorporated within the official Zoning Atlas for Orange County as the Special Flood Hazard Area Overlay District.

Flood Insurance Study (FIS)

An examination, evaluation, and determination of flood hazard, corresponding water surface elevations (if appropriate), flood insurance risk zones, and other flood data in Orange County issued by FEMA. The FIS report contains corresponding flood profiles, as well as FIRMs.

Flood Lamp

See Outdoor Lighting, Flood Lamp.

Floodlight

See Outdoor Lighting, Floodlight.

Floodplain or Flood Prone Area

Any land area susceptible to being inundated by water from any source and is interchangeable terms.

Floodplain Administrator

The individual appointed to administer and enforce the floodplain management regulations.

Floodplain Development Permit

A document required for any disturbance within a mapped special flood hazard area prior to the commencement of any development activity.

Floodplain Management
The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain Regulations
This Ordinance, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power, which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

Flood Proofing
Any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitation facilities, or structures with their contents.

Floodway
The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. This term may also be referred to as “regulatory floodway.”

Flood Zone
A geographical area shown on a Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

Floor
See “Lowest Floor”.

Floor Area Ratio
Floor Area Ratio (FAR) is the maximum floor area permitted for each square foot of land area.

Footcandle
See Outdoor Lighting, Foot-candle.

Forest Plantation
An area of planted trees that may be conifers (pines) or hardwoods. On a plantation, the intended crop trees are planted rather than naturally regenerated from seed on the site, coppice (sprouting), or seed that is blown or carried into the site.

Forest Vegetation
The plants of an area which grow together in disturbed or undisturbed conditions in various wooded plant communities in any combination or trees, saplings, shrubs, vines, and herbaceous plants. This includes mature and successional forests as well as cutover stands.

Fraternity, Sorority House
A building occupied by and maintained exclusively for college or university students who are affiliated with a social, honorary or professional organization and which is recognized by the college, university or other institution of higher learning.

Freeboard
Height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood elevations.

Frontage, Building
The linear length of a building facing a public street right-of-way, exclusive of alleys; or the linear length of the street right-of-way that faces the building, whichever is smaller.

Frontage, Lot Line
The distance measured along the designated front lot line or public or private right-of-way or easement, as determined by the Planning Director, which affords vehicular access to the property between the points of intersection of the side lot lines with such right-of-way or easement. For the purposes of this definition, businesses have only one frontage.

Frontage, Tenant
Each lineal foot, or major portion thereof, measured along the main entry of a tenant space within a non-residential complex.

Full Cutoff Fixture
See Outdoor Lighting, Full Cutoff Fixture.

Functionally Dependent Facility
A facility, which cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking, or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

Garden Center
Retail sales operation providing lawn and garden supplies and small equipment rental primarily for home landscaping. Typical products include, but not limited to, decorative stone, garden ornaments, decorative pots, container plant stock, and bagged or bulk sand, mulch and topsoil. Seasonal sales such as Christmas trees, pumpkins and flowers are permitted in the outdoor display area.

General Use Zoning District
The various zoning districts contained in Article 3 of this Ordinance that are not Conditional Districts. Conditions cannot be applied to general use zoning districts.

Glare
Light emitting from a luminaire, solar panel, glass, or similar reflective surface with an intensity great enough to reduce a viewer's ability to see or to cause annoyance, and, in extreme cases, causing momentary blindness.

Golf Course
A tract of land designed and laid out for the game of golf. Golf courses include, but are not limited to courses open to the general public for a daily user fee, private courses available to members and their guests, courses proposed as single, independent uses, as well as those planned as an accessory use which is part of a residential or recreational development.
A golf course development may also include the following accessory uses and building typically associated with such a facility: club house; restaurant/snack bar; barroom; prop shop; billiards; table tennis, spa/health club; racquetball, hand ball, and tennis courts; swimming pool; locker rooms; and real estate sales office.

Goods, Incidental
Retail goods for sale in a manner customary and subordinate to the provision of a service, eg. Beautician selling hair products.

Gross Floor Area
The area within the perimeter of the outside walls of a building as measured from the exterior face of the exterior walls or from the centerlines of walls separating two buildings, with no deduction for hallways, stairs, closets, thickness of walls, columns, or other interior features.

Group Care Facility
A facility licensed by the appropriate state agency, as a group care facility for from seven to fifteen unrelated individuals excluding supervisory personnel, who are handicapped, aged or disabled and are undergoing rehabilitation, or extended care, and are provided services to meet their specific needs. This category includes group homes for all ages, half-way houses, foster and boarding homes. The following shall not be eligible for admission to a group care facility:

a) Persons addicted to or recuperating from the effects of an addiction to drugs or alcohol;
b) Persons adjusting to non-prison life, including but not limited to, pre-release, work release, probationary programs and juvenile detention centers.

Group Development
One or more principal structures built on a single lot, tract or parcel of land and designed for occupancy by more than one separate family, firm, business or other enterprise.

Guest Ranch
A rural lodge providing overnight accommodations for transient guests seeking a vacation experience characteristic to that of a rural ranch; onsite facilities may include lodge or cabin accommodations, dining facilities, barns, dance hall and recreational facilities, including but not limited to riding rings, trails, fishing holes and swimming facilities.

Habitable Rooms
Rooms designed and used for living, sleeping, eating, cooking, or combinations thereof. Bathrooms, toilet compartments, closets, halls, storage rooms, laundry and utility spaces, basement recreation rooms, and similar areas are not considered habitable rooms.

Hazardous Waste Management Facility
A facility or any portion of a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste on or in land in accordance with rules adopted by the State of North Carolina Department of Environment and Natural Resources.

Health Services
Establishments of licensed practitioners, or licensed persons independently practicing a profession, primarily engaged in rendering medical, surgical and other health related and allied personal care services in the health field (e.g. physicians, physical therapists).

High-Density Option
One of two approaches available for development in some watershed overlay districts. Generally, the high-density option relies on density limits and engineered stormwater controls to minimize the risk of water pollution.

Highest Adjacent Grade (HAG)
The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

Historic structure
Any structure that is:

a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
b) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
c) Individually listed on a local inventory of historic landmarks in communities with a “Certified Local Government (CLG) Program,” which has been approved by the Department of the Interior; or
d) Certified as contributing to the historical significance of a historic district designated by a community with a “Certified Local Government (CLG) Program”. (CLG Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of

Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966, as amended).

Holiday Decoration
Holiday displays, decorations and greetings, which relate to any federally designated holiday, legal holiday or religious holiday.

Home Occupation, Major
An accessory business use which is owned and operated by the resident of the property, located on a single parcel of land at least five acres in size in the AR and R-1 zoning districts, and is clearly incidental and subordinate to the principal residential use of the property. Major home occupations, which do not meet the standards of a minor home occupation, shall accommodate for larger scale accessory business uses by allowing for an increase in square footage, number of onsite employees, students, customers, clients, and annual events with an approved Class B Special Use Permit.

Home Occupation, Minor
An accessory business use, which is owned or operated by the resident of residentially-zoned property, and is clearly incidental and subordinate to the principal residential use of the property.

Hotel, Motel, Motor Lodge, Motor Inn, Inn, Tourist Court
A building or group of attached or detached buildings containing, in combination, ten or more lodging units, or ten or more dwelling units intended primarily for rental or lease to transients by the day or week, as distinguished from multi-family dwellings, rooming houses and residential hotels in which rentals and leases are for weekly or longer periods and occupants are generally residents rather than transients.

Hotel, Residential
A building or group of attached or detached buildings containing, in combination, ten or more lodging units available for occupancy only for periods of thirty days or longer, provided, however, that temporary lodging units for guests of regular tenants may be provided in any residential hotel, with number of such units limited to 10% of the number of tenant lodging units.

Immediate Neighborhood
A subdivision or area of the county which distinguishes it from other subdivisions or areas by virtue of its location within the service area of a park site or sites as shown on the adopted “Recreation Service Area Boundaries Map” on file in the Planning Department.

Impervious Surface
A surface composed of any material that impedes or prevents the natural infiltration of water into the soil. Such surfaces include concrete, asphalt and gravel surfaces. These include, but are not be limited to, streets and parking areas, sidewalks, patios, and structures that cover the land.

Industrial, Light
Manufacturing & processing operations that occur entirely indoors and have limited impacts on surrounding properties, including, but not limited to, production of the following: food products (i.e. commercial bakery, candy, and beverages, including bottling); surgical, medical and dental instruments; wood cabinets, furniture and upholstery; light machinery, including household appliances; toys, sporting and athletic equipment, excluding firearms and ammunition; and, paper products, such as bags, containers, and cardboard.

Industrial, Medium
Manufacturing & processing operations that may occur indoors or outdoors and have limited impacts beyond the boundaries of the zoning district, including, but not limited to, the following: heavy household, commercial and industrial appliances; manufactured homes, recreational vehicles and related components; automotive, farm and construction machinery; and, commercial building components.

Industrial, Heavy
Manufacturing & processing operations with a greater potential to impact surrounding properties, where a majority or large component of the operation may occur in the open air. Such uses may include, but not be limited to, the following: asphalt mixing plants; cement manufacturing or processing; commercial food processing (packing and rendering) plants, including meat, poultry and fish; and, concrete mixing plants.

Infiltration
The absorption of stormwater run-off into the ground. Infiltration allows for pollutants to be filtered from the water prior to its reaching the groundwater table, preventing the deposit of the pollutants directly into drinking water supplies.

Institutional Use
A nonprofit, religious, or public use, such as a church, library, public or private school, hospital, university, or government owned or operated building, structure, or land used for public purpose.

Interested Person
For purposes of quasi-judicial hearings an interested person is one who has standing as that term is defined by applicable North Carolina statutory and case law.

Junk Yard
An establishment operated or maintained for the purpose of storing, dismantling, salvaging, recycling, buying or selling scrap or used materials such as paper, metals, rubber, rags, glass, wrecked, used or dismantled products and articles, such as machinery, vehicles, appliances and the like.

Junked or Wrecked Motor Vehicles
Motor Vehicles which do not display a current license plate or a current registration sticker and which either: (a) are partially dismantled or wrecked, or (b) cannot be self-propelled or moved in the manner in which originally intended to move.

Kennel (Class I)
The keeping of more than six but less than 20 animals of any species, excluding domesticated livestock, on a parcel of property for the purpose of showing, competition, hunting, or sport. All animals shall be owned by the property owner.

Kennel (Class II)
An establishment involving animals of any species, excluding domesticated livestock, engaged in any of the following:

a) The owning or keeping, for any purpose, of 20 or more animals
b) The selling and/or training of guard dogs or security dogs
c) The keeping of more than five animals at any given time for the purpose of breeding, boarding, or rehabilitation.

The operator of a Kennel (Class II) shall be allowed to reside on the property to ensure the continuous care of the animals kept on-site.

Lamp
See Outdoor Lighting, Lamp.

Land Area Measurement Definitions
(See Lot Line, Lot Line Front, Lot Line Rear, Lot Line Side, Open Side, Open Space Front, Open Space Rear)

Land-Disturbing Activity
Any use of the land that results in a change in the natural cover or topography that may cause or contribute to sedimentation.

Landfill
A site within which is deposited solid waste material, including trash, construction debris, stumps, branches and limbs, garbage and industrial waste.

Landfill, Discharging
A landfill facility with liners, monitoring equipment and other measures to detect and/or prevent leachate from entering the environment and in which the leachate is treated on site and discharged to a receiving stream. Discharging landfills require a National Pollution System (NPDES) Permit from the North Carolina Division of Water Quality.

Land Use Intensity Definitions
(See Non-residential Land Area, Non-residential Floor Area, Residential Floor Area, Floor Area Ratio, Open Space, Open Space Ratio, Livability Space, Livability Space Ratio, Floor Area Ratio, Open Space, Open Space Ratio, Recreation Space, Recreation Space Ratio, Pedestrian/Landscaped Space, Pedestrian/Landscaped Space Ratio.)

Land Use Permit
A zoning permit, subdivision approval, building permit, site plan, special use permit, or conditional use permit.

Land Use Plan
A set of documents and maps that categorize existing patterns of land development and set guidelines for the desirable intensity, density, quantity, type, location and timing of future development based upon the goals and policies set forth in the Plan. The Land Use Plan can be found in the Land Use Element of the Comprehensive Plan.

Length of Wall
The horizontal distance from corner to corner. Where walls in continuous general frontage (as in the case of attached dwellings) are off-set by angles or setbacks of six feet or more, the length of each segment so set off shall be measured separately in establishing pertinent yard depth. Length of the wall of a circular building shall be construed as the diameter of the building.

Level of Service
A qualitative measure that describes the operational conditions or a road or intersection, as defined by the Highway Capacity Manual. The various service levels are defined by a range from A to F, with A representing free flow traffic conditions and F representing stop-and-go traffic.

Light, Flashing
A light that intermittently flashes on and off.

Light Source
The point of origin illumination emanates; usually a lamp. Please refer to the definition of Outdoor Lighting, Lamp for additional information.

Light Trespass
Intrusion of direct light projected from one property or roadway onto another property or roadway.

Livability Space
Livability space is part of total open space appropriately improved and located as outdoor living space for residents and for aesthetic appeal. Such spaces include lawns and other landscaped areas, walkways, paved terraces and sitting areas, outdoor recreational areas, and landscaped portions of street rights-of-way. Such space shall not be used for vehicles, except for incidental service, maintenance or emergency action.

Livability Space Ratio
Livability space ratio is the minimum square footage of non-vehicular outdoor space required for each square foot of land area in residential development. It is open space used for people, planting and visual appeal and does not include vehicular parking and access areas.

Lodgings
Living quarters which do not contain independent kitchen facilities, provided, however, that dwelling units occupied by transients on a rental or lease basis for periods of less than one week shall be considered lodging units even though they contain independent kitchen facilities.

Lodging Unit
A room or rooms connected together, constituting a separate lodging for one family only, physically separated from any other rooms or dwelling or lodging units. Where two or more rooms are connected by a doorway or doorways, and arranged, equipped and furnished in such a manner that they might reasonably be rented, leased or occupied, either individually or in combination, each room shall be construed as a lodging unit.

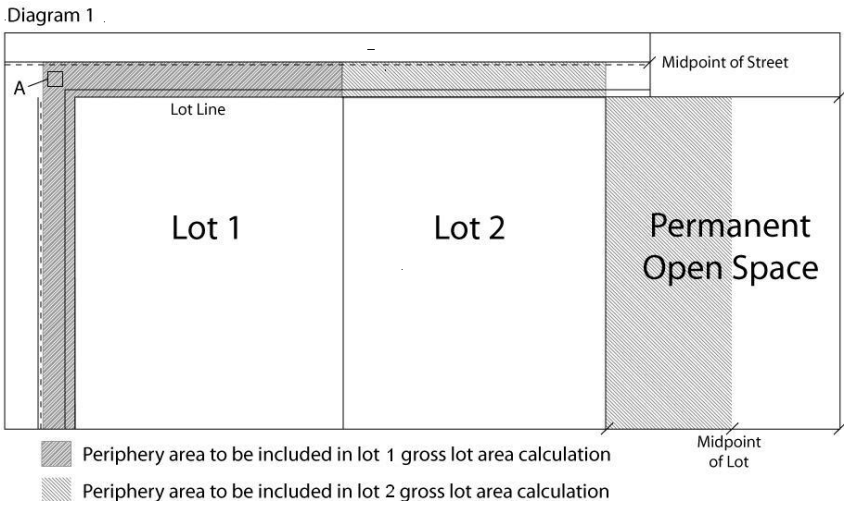
Logo
An established identifying symbol or mark associated with a business or business entity.

Lot
Land bounded by lines established for the purpose of property division. The term includes water areas included in the property so enclosed. As used in this Ordinance, unless the context indicates otherwise, the term refers to a zoning lot. (See Lot, Zoning).

Lot Definitions
(See Lot, Lot Zoning, Lot Non-Conforming, Lot Non-Legal for Zoning Purposes, Lot Area Net, Lot Area Gross, Lot Building Area Of, Gross Land Area of PD-H Districts, Setback, Lot Regular, Lot Irregular, Residential Land Area).

Lot, Flag
An irregularly shaped lot where the buildable portion of the lot is connected to its street frontage by an arm of the lot.

Lot Area, Gross
Where gross lot area is used as a basis for computation of maximum allowable floor area through application of floor area ratios, such gross area shall be computed as net area, defined below, plus half the width of adjoining permanent open space such as streets, parks, water areas and the lake (but not areas on buildable lots) up to the maximum specified for the district. Where such space adjoins lots on two adjacent sides, the area thus added shall include the area required to complete the gap otherwise left at the intersection, as indicated in the diagram below:



The gross area of lot 1 in the illustration would thus be the area within its boundaries plus the hatched areas at the top and side, including the small rectangle marked a. The gross area of lot 2 would include its net area plus the hatched area across its front and hatched area within 'Permanent Open Space'.

Lot Area
The total horizontal area within the lot lines of a lot exclusive of street or highway rights-of-way and easements of access to other property.

Lot, Creation of
A lot shall be recognized as "created" for purposes of compliance with this Ordinance, at the time of Preliminary Plan approval in the case of a Major Subdivision, and Final Plat approval in the case of a Minor Subdivision.
A lot shall no longer be recognized as having been created if a Final Plat was not approved and recorded within its required time limit and the Preliminary Plan expired.
This definition does not apply to lots of record.

Lot, Double Frontage
A continuous (through) lot which is accessible from both of the streets upon which it fronts on opposite sides.

Lot Line, Front
In the case of an interior lot, the lot line separating said lot from the street; in the case of a corner lot or through lot, the lot line separating said lot from that street which is designated as the front street in the request for a Building Permit.

Lot Line, Rear
The lot line opposite and most distant from the front line; in the case of irregularly shaped lots, such lot line shall be an imaginary line parallel to the front lot line but not less than ten feet along and measured within said lot.

Lot Line, Side
Any lot line which is not a front lot line or a rear lot line; a lot line separating a lot from a side street is an exterior side lot line, while a lot line separating a lot from another lot, or lots is an interior side lot line.

Lot, Non-Conforming
A legally subdivided lot shown on legally recorded plat, existing at the time regulations were passed requiring greater minimum width or area than provided on such lot, or establishing other limitations while such lot does not meet. Such lots may be considered substandard lots of record.

Lot, Non-Legal for Zoning Purposes

A lot which is neither a zoning lot nor a non-conforming lot. No such lot shall be used or occupied until it is made to conform to the requirements of this Ordinance and other applicable regulations.

Lot of Record

A lot created through the recordation of a deed or plat prior to the existence of subdivision regulations or created through the subdivision process as detailed herein. Lot of Record has other connotations within the confines of the Ordinance, including:

a) Compliance with density allotments detailed within Article 7 of this Ordinance, and
b) Compliance with impervious surface limitations as detailed in Articles 4 and 6.

The area and dimensions of the lot shall meet any regulations in effect at the time the lot was created. Further development of a lot of record shall be in accordance with the standards detailed herein.

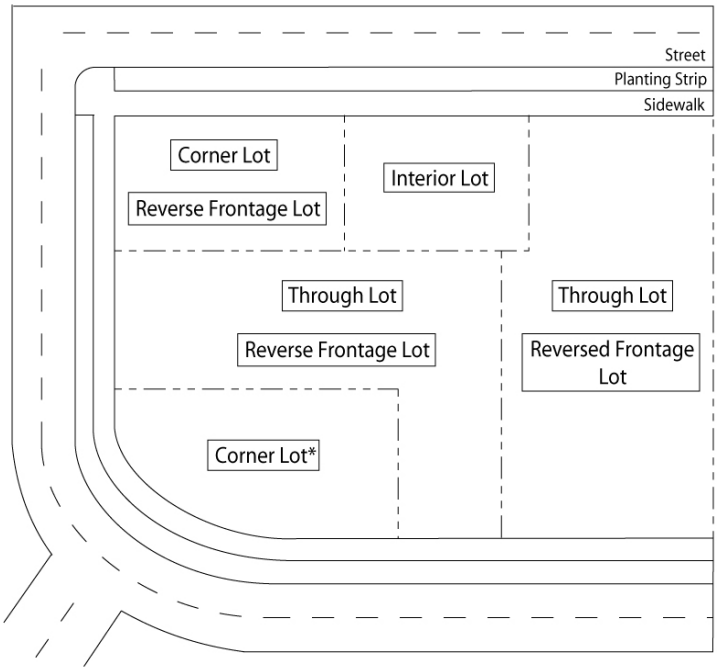
Lot, Regular

A lot with direct vehicular access to a street as required by subdivision regulations and so located, shaped and oriented to adjacent lots as to be reasonably adapted to application of general measurements as indicated below, and with location of setbacks by type (front, side, rear and special) logically determined by and related to adjacent setback patterns.

1. Types of Regular Lots
   The diagram below indicates terminology used herein with reference to regular, corner, interior, reversed frontage and through lots. In the diagram:
   A. Corner lots, defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot (projected if rounded) meet an interior angle of less than 135 degrees.
   B. Interior lot, defined as a lot abutting only one street.
   C. Through lot, defined as a lot other than a corner lot with frontage on more than one street.
   D. Reversed frontage lot, defined as a lot on which frontage is at right angles or approximately right angles (interior angle less than 135 degrees) to the general pattern in the area. A reversed frontage lot may also be a corner lot, an interior lot or a through lot.

Corner lots and through lots may be referred to as double frontage lots.

Diagram 2



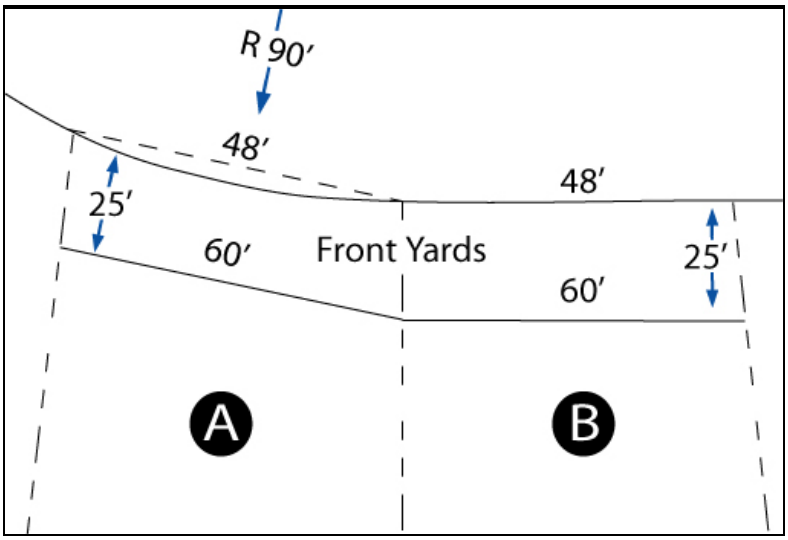
*Corner lot with interior angle greater than 135 degrees

Note: Corner lots and through lots may be referred to as doulbe frontage lots.

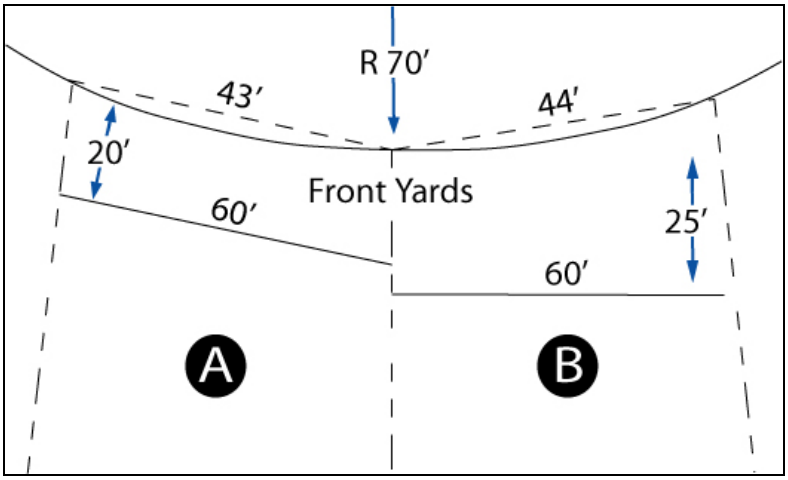
2. Depth of Regular Lot, Measurement
   Depth of a regular interior lot shall be measured from the midpoint of a line connecting the two side lot lines at the front of the lot to the mid-point of a line connecting the two side lot lines of the lot at the rear. Provided that in the case of lots not bounded by four lines, the rear line shall be constructed perpendicular to the longest front-to-rear axis at a point where the length of such rear line within lot lines is not less than 25 feet.

   Depth of regular corner and through lots shall be measured in the same manner, with the following adjustments. Lines constructed at street right-of-way lines corresponding to one or more side lot lines on interior lots, and lines constructed at street frontages corresponding to rear lot lines on interior lots shall conform to straight-line extensions or connections of the edges of the lot where radii have been established at intersections or streets are curvilinear.

3. Width of Regular Lot, Measurement
   Width of a regular lot shall be determined by measurement across the rear of the required front setback, provided however that width between side lot lines at the points where they intersect the street line shall not be less than eighty percent of the required minimum lot width, except in the case of lots on the turning circles of cul-de-sacs or at points of street curvature where the radius at the right-of-way line and intersecting the foremost points of the side lot lines is less than 90 feet, in which case the 80% requirement shall not apply. Diagram 3 and 4 indicate the relationships involved:



Lot "taper" permissible at 90' curve radius (A) or along straight street (B), with required front setback depth 25', required lot width 60'. (Street line 80% of lot width or measured at rear of required frontyard).



Lots with lines radial to a curved street line with curve radius less than 90' (in this case 70') need not comply with 80% rule. Lot C shows application with 20' front setback, D with 25' applies in turning circles of cul-de-sacs, or at sharp bends in streets.

On corner lots and through lots, width requirements shall be considered met if the regular lot has one frontage meeting such requirements and contains a buildable area of width, depth and area at least equivalent to that remaining on a rectangular interior lot of minimum dimensions required in the district.

4. Lot Frontage on Regular Lots
   A. On regular interior lots, the front shall be construed as the portion nearest the street.
   B. On regular corner lots, the front shall be construed as the shortest boundary adjacent to a street. If the lot has equal frontage on two streets, frontage shall be construed in setbacks, but only front and side setbacks. For most lots, depth of a rear setback shall be measured perpendicular to the lot line, so that the required setback is a strip of the minimum depth prescribed by district regulations. However, in the case of lots whose rear lines intersect in the general form of an angle pointing away from the street, the required rear setback shall be construed as running between the apex of the angle and a line parallel to the rear line of the required front setback, and

at the distance prescribed for a rear setback from the apex of the angle. Adjacent to the remainder of such lot lines, side setback requirements shall apply.

C. Side setback on regular lots are setbacks running from the rear line of the front setback to the front line of the rear setback. Depth of side setbacks shall be measured perpendicular to the side lot line, so that the required setback is a strip of the minimum depth prescribed by district regulations.

Lot, Subdivision

A piece, parcel or plat of land created pursuant to the subdivision regulations contained within this Ordinance and shown as such on a recorded subdivision plat.

Lot, Usable

The portion of a zoning lot unencumbered by stream buffers, drainage easements, public and private rights-of-way, access easements, and transmission line easements. Lot, Usable also excludes all areas within lots having slopes greater than 20%, all bodies of water including, but not limited to, ponds, lakes, reservoirs and the area within wildlife corridors (as defined in the Land Use Element of the Orange County Comprehensive Plan) up to a maximum width of 150 feet total or the width of the stream buffer, whichever is greater.

Lot, Zoning

A. Residential: A lot which complies with the dimensional requirements for the land use intended for the zoning district in which it is to be located and which lot is either a lot of record, a subdivision lot, or a lot created by a recorded subdivision plat not requiring Orange County subdivision approval.

B. Non-Residential: A lot which complies with the dimensional requirements for the land use intended for the zoning district in which it is located.

C. When a zoning lot is divided by the recording of an approved subdivision plat or by the recording of a subdivision plat not requiring Orange County subdivision approval, each resulting lot is a zoning lot.

D. In cases where authorities empowered to exercise eminent domain, by purchase or condemnation, create residual lots of lesser area, width or a combination thereof than required in the district, such lots shall be treated as non-conforming lots and used as permitted in Article 8 of this Ordinance (Non-conformities).

Low-Density Option

One of two approaches available for development in watershed overlay districts. Generally, the low-density option relies on density and impervious surface limits to minimize the risk of water pollution.

Lowest adjacent grade (LAG)

The elevation of the ground, sidewalk, patio slab, or deck support immediately next to the building after completion of the building.

Lowest floor

The sub floor, top of slab or grade of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

Lumen

See Outdoor Lighting, Lumen.

Luminaire

See Outdoor Lighting, Luminaire.

Mail Order House

Establishment primarily engaged in the retail sale of products by catalog and mail-order, and including catalog and order-taking offices.

Maintain
General servicing and upkeep to keep an object in a safe, operable, and attractive condition.

Major Development Project
Includes, but is not limited to, shopping centers, Conditional Use projects, and industrial and commercial projects, but does not include any projects of less than two contiguous acres in extent.

Major Intersection
Any intersection where traffic generated by a development proposal will have a significant impact on the operation of the intersection.

Manufactured Home
A dwelling unit, transportable in one or more sections that:

a) Is not constructed in accordance with the standards of the North Carolina Uniform Residential Building Code for One- and Two-Family Dwellings;
b) Is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis,
c) Exceeds 40 feet in length and eight feet in width,
d) The manufacturer voluntarily files certification required by the Secretary of the Department of Housing and Urban Development and complies with the standards established, and
e) Is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities.

Manufactured home park or subdivision
A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Manufacturing Use
An establishment engaged in the mechanical, physical, or chemical transformation of materials, substances, or components into new products. The assembling of component parts into a final product can also be considered part of this category.

Market Value
The building value, excluding the land, (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. An independent certified appraisal can establish a market value using: replacement cost depreciated by age of building (Actual Cash Value) or adjusted assessed values.

Massage
The manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping, applied by hand, arm, foot or mechanical device.

Massage Business
Any establishment or business wherein massage is practiced, including establishments commonly known as health clubs, physical culture studios, massage studios and massage parlors.

Massage, Business Of
The massage or treatment of any person for a fee or in expectation of a gratuity from the person massaged.

Massage, Profession Of
See "massage, business of".

Massage Practitioner
Any person engaged in the business or profession of massage.

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.

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 underskirting is required, connection to the required utilities (listed above) is optional.

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.

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, 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.

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;
e) Washing and polishing supplies;
f) Greasing and lubrication;
g) Provision and repair of fuel pumps, oil pumps and lines;
h) Minor adjustment and repair of carburetors;
i) Adjustment and repair of brakes;

j) Emergency repair of wiring;
k) Minor motor adjustments not involving removal of the head or crankcase;
l) Sales of beverages, packaged foods, tobacco products and similar convenience goods for customers, as accessory and incidental to the principal operations;
m) Provision of road maps and other travel information to customers;
n) Provision of restroom facilities; and
o) State motor vehicle inspections.

A service station is not a repair garage nor a body shop. Uses permissible at a service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles or trucks not in operating condition or other operations involving noise, glare, smoke, fumes or other characteristics to an extent greater than normally found in service stations.

Multiple Use

The combination on one lot of two or more principal uses, excluding outdoor advertising signs. (Under some circumstances, a second use may be regarded as accessory to the first, and thus a multiple use is not established.)

Net Assets

The equity value of real property such as land, buildings, Certificates of Deposit, Checking and Savings accounts, money market accounts, stocks, bonds, cash, IRA of KEOUGH accounts, gold or precious metals, and business equipment. Family or personal assets such as furniture, automobiles, wheelchairs or other special equipment, household goods, boats and recreational vehicles are not included.

New construction

Structures for which the “start of construction” commenced on or after March 16, 1981, and includes any subsequent improvements to such structures.

Night Club, Bar, or Pub

An establishment that allows food, alcoholic drink and/or entertainment.

Non-Conformance

Non-conformities are:

a) Lots;
b) Uses of land without structures or with minor structures only;
c) Uses of major structures and premises;
d) Characteristics of Use; and
e) Structures

which were lawful but would be prohibited, regulated or restricted by the enactment of this Ordinance or a subsequent amendment thereto. Non-conformity may also be created by lawful public taking or actions pursuant to a court order and have the same effect as violations of this Ordinance, if undertaken privately.

Non-Encroachment area

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot as designated in the Flood Insurance Study report.

Non-Point Source Pollution

Pollution which enters waters mainly as a result of precipitation and subsequent run-off from lands which have been disturbed by man's activities and includes all sources of water pollution which are not required to have a state or local or state permit for discharge into a stream.

Non-Profit Educational Cooperative

An organization operated on a non-profit basis whose purpose is to acquire, produce and distribute instructional materials for the benefit of its member institutions. Membership is comprised primarily of fully accredited schools of health, education, social, legal, environmental and/or engineering sciences in

institutions of higher learning (universities, colleges and technical institutes). On-site faculty development workshops and fellowship training programs may also be provided as part of the organization's purpose.

Non-Residential Development
Development of any land use which is not residential in nature, including uses (such as churches) which are allowed in residential zoning districts.

Non-Residential Floor Area - Inclusions and Exclusions
The sum of areas for non-residential use on all floors of the building measured from the outside faces of the exterior walls, including halls, lobbies, arcades, stairways, elevator shafts, enclosed porches and balconies, and below-grade floor areas used for non-residential access and storages. Not countable as floor area are:

a) Open terraces, patios, atriums, or balconies.
b) Any residential space.

Non-Residential Land Area
All land for non-residential development and related uses, including open space, within the district in the case of locations which are controlled by these regulations. Non-residential land area shall not be construed to include lands not beneficial to non- residential use due to location or character, or areas used predominantly for residential purposes.

Nursing Home
A facility, licensed by the appropriate state agency for the care of aged or infirmed individuals, that meet the requirements set forth in this Ordinance.

Nutrient Sensitive Waters
Those waters which are so designated in the classification schedule in order to limit the discharge of nutrients (usually nitrogen and phosphorous). They are designated by “NSW” following the water classification.

Obstruction
Includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across, or projecting into any watercourse, which may alter, impede, retard, or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

Office Use
A use of property for professional and clerical activities associated with the operation of a business.

Offices & Personal Services, Class 1
Offices and personal services that attract few customers or clients on premises other than employees, generate low traffic volumes (< 100 trips/day), and have no adverse impacts beyond the space occupied by the building.

Offices & Personal Services, Class 2
Offices and personal services that generate medium traffic volumes (100-400 trips/day), and have no adverse impacts beyond the lot boundaries.

Offices & Personal Services, Class 3
Offices and personal services that generate high traffic volumes (> 400 trips/day), and have no adverse impacts beyond the zoning district boundary.

Open Burning Of Trees, Limbs, Stumps And Construction Debris Associated With The Permitted Activity

The disposal of limbs, stumps and construction debris associated with the permitted activity by means of outdoor fires.

Open Space - (flexible development)

"Primary Conservation Areas" and "Secondary Conservation Areas", as defined in Section 7.13, which are preserved through conservation easements or other restrictions in a flexible development subdivision.

Open Space - (land use intensity)

A. Open space is the total horizontal area of uncovered open space plus half the total horizontal area of covered open space subject to limitations set forth below.
B. Uncovered open space is total gross land area not covered by buildings, plus open exterior balconies and roof areas improved as recreation space.
C. Covered open space is usable open space closed to the sky, but having two clear unobstructed open or partially open sides. Partially open sides is to be construed as 50% or more. Examples of covered space are covered balconies, covered portions of improved roof areas, or space under buildings supported on columns or posts or cantilevered. The square footage countable as covered open space shall not exceed the square footage of the open space sides.

Open Space Ratio

The minimum square footage of open space required for each square foot of gross land area. This area includes parking and vehicular access areas and it can also include balconies, and roofs improved for recreation.

Outdoor Advertising Industry

The organizations that provide outdoor displays or display space on a lease or rental basis.

Outdoor Lighting

Installation of lighting equipment, whether attached to poles, building structures, the earth, or any other location to allow for the illumination of a building and exterior area(s) within the confines of a defined property line. Included are open air spaces on a property, which are under a roof or other cover and not fully enclosed such as a canopy, pavilion, drive-through bay, or parking deck.

Outdoor Lighting, Cutoff Fixture

A fixture shielded or constructed in such a manner that no more than 2 ½% of the total light emitted by the fixture is projected above the horizontal plane of the fixture.

Outdoor Lighting, Direct Light

Light emitted directly from the lamp, off of the reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

Outdoor Lighting, Fixture

The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

Outdoor Lighting, Flood Lamp

A form of lighting designed to direct its output in a specific direction with a reflector formed from the glass envelope of the lamp itself. Such lamps are so designated by the manufacturers and are typically used in residential outdoor area lighting.

Outdoor Lighting, Floodlight

A form of lighting designated to direct its output in a diffuse, more or less specific direction, with reflecting or refracting elements located external to the lamp.

Outdoor Lighting, Foot-candle (fc)
A unit of measure denoting of the intensity or amount of light falling onto a surface, equal to one lumen per square foot and originally defined with reference to a standardized candle burning at one foot from a given surface. Abbreviated "fc."

Outdoor Lighting, Full Cutoff Fixture
A lighting fixture shielded or constructed and installed in such a manner that all light emitted, either directly from the lamp or a diffusing element or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal plane through the fixture's lowest light-emitting part.

Outdoor Lighting, Holiday Decoration
Holiday displays, decorations and greetings, which relate to any federally designated holiday, legal holiday or religious holiday.

Outdoor Lighting, Lamp
The source of electric light: the bulb. To be distinguished from fixture and luminaire.

Outdoor Lighting, Lumen
A unit of luminous flux. One foot-candle is one lumen per square foot. For the purposes of this Ordinance, the lumen-output values shall be the initial lumen output ratings of a lamp.

Outdoor Lighting, Luminaire
The complete lighting unit or fixture consisting of a lamp, or lamps and ballast(s) when applicable, together with the parts designed to distribute the light, including reflector, lens, or diffuser to position and protect the lamps, and to connect the lamps to the power supply.

Outdoor Lighting - Mercury Vapor Luminaries
Lamps within which ultraviolet and yellowish-green to blue visible light is produced by an electric discharge through mercury vapor.

Outdoor Lighting, Semi-Cutoff Fixture
An outdoor fixture shielded or constructed in such a manner that it emits no more than 5% of its light above the horizontal plane of the fixture, and no more than 20% of its light ten degrees below the horizontal plane of the fixture.

Outdoor Lighting – Sodium Vapor Luminaries
Lamps within which ultraviolet and yellowish-orange visible light is produced by an electric charge through a small amount of sodium and neon gas.

Outdoor Lighting, Tube Lighting
Gas-filled glass tube, excluding common fluorescent tube bulbs, that becomes luminescent in a color characteristic of the particular gas used, such as neon, argon, krypton, etc.

Outdoor Lighting, Upward
Projection of light above the horizontal plane.

Overlay Zoning District; Overlay Zone
A special zoning district that applies supplemental standards in addition to the underlying zoning requirements.

Package Treatment Plant
Privately owned and operated sewage treatment facility. These plants are prefabricated by the manufacturer and delivered as completed units to the clients.

Parking Deck
A special structure of two or more levels designed to be used for the temporary storage of motor vehicles.

Pedestrian/Landscape Ratio
This is the minimum square footage of pedestrian access and landscaped areas in a non-residential development for each square foot of gross land area.

Pedestrian/Landscaped Space
Pedestrian/landscaped space is part of total open space appropriately improved and located as outdoor space for pedestrian use and for aesthetic appeal. Such space includes lawns and other landscaped areas, walkways, paved terraces and sitting areas. Such space shall not be used for vehicles except for incidental service, maintenance or emergency actions.

Personal Services
An establishment engaged in providing services generally involving the care of the person (e.g. hairdresser, tailor).

Phase of Grading
One of two types of grading: rough or fine.

Photovoltaic (PV)
Technology that converts light directly into electricity.

Portable Building
A building not intended for residential use consisting of one or more modules constructed off the ultimate site of use and transported to that site.

Post-FIRM
Development for which construction started on or after March 16, 1981.

Pre-FIRM
Development for which construction started before March 16, 1981.

Premises
A parcel of land with its appurtenances and buildings which, because of its unity of use, may be regarded as a unit of real estate.

Principally Above Ground Structure
A structure whereby at least 51% of the actual cash value of the structure is located above ground.

Principal Structure
Any building or other structure occupied or used for the purpose of conducting the principal use of the property.

Principal Use
A use which falls under one of the categories listed in the Table of Permitted Uses, which is the primary and chief purpose for which a lot is used.

Professional Services
Establishments that specialize in performing professional, scientific, and technical activities for others. Examples include, but are not limited to, the following: accountants, architects, attorneys, dentists, doctors, engineers, real estate agents, and veterinarians.

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 for recreational, camping, travel, or seasonal use.

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
The portion of a structure or other development that must be compared to the regulatory flood protection elevation to determine regulatory compliance. For structures within Special Flood Hazard Areas designated as Zone AE, the reference level is the top of the lowest floor.

Regulatory flood protection elevation
The Base Flood Elevation plus the Freeboard establishes this elevation. In Special Flood Hazard Areas where Base Flood Elevations have been determined, this elevation shall be the Base Flood Elevation plus two feet of freeboard.

Rehabilitative Care Facility
A facility licensed by the appropriate state agency, as a group care facility for individuals who are handicapped, aged, disabled, youthful offenders, addicted to alcohol or drugs, requiring professional health care, adult supervision, or rehabilitation.

Remedy a violation
To bring the structure or other development into compliance with State and Orange County laws and regulations.

Repetitive loss
Flood-related damages sustained by a structure on two separate occasions during any ten year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25% of the market value, or the tax value in the absence of recent comparative sales, of the structure before the damage occurred.

Research Facility
A facility which accommodates research and research applications. Such facilities may include laboratories, offices, and other facilities for research and development, as well as prototype production facilities for product creation. Prototype production shall be limited in scale to that necessary to fully analyze the merits of the product. Facilities may be housed in multiple structures in a cohesive, campus-like design, provided all research and development activities are conducted wholly indoors.

Reservoir, Class I
A body of water, such as a pond or lake, confined by a dam or other barrier to be used for public water supply from which water flows by gravity or is pumped directly to a treatment plant or to a small intervening storage basin and thence to a treatment plant.

Reservoir, Class II
A body of water, such as a pond or lake, confined by a dam or other barrier to be used for public water supply from which water flows by gravity or is pumped to a Class I reservoir prior to final entrance to a water treatment plant.

Residential Development
Buildings for residential use such as attached and detached single family dwellings, apartment complexes, condominiums, townhouses, cottages, and their associated outbuildings such as garages, storage buildings, and gazebos.

Residential Floor Area
The sum of areas for residential use on all floors of the building measured from the outside faces of the exterior walls, including halls, lobbies, stairways, elevator shafts, enclosed porches and balconies, and below-grade floor areas used for habitation and residential access.
Not countable as floor area are:

a) Open terraces, patios, atriums, or balconies
b) Carports, garages, breezeways, toolsheds
c) Special-purpose areas for common use of occupants, such as recreation rooms of social halls
d) Staff space for therapy or examination in care housing
e) Basement space not used for living accommodations
f) Any commercial or other non-residential space.

Residential Land Area
All portions of a parcel or tract of land intended to support residential development of any classification (i.e. single-family, multi-family, etc), including accessory uses, and all land necessary to comply with the provisions of this Ordinance. With respect to subdivisions and Conditional District projects, this term shall be construed as including streets located entirely within the residential portion(s) of the development, common open space, lands accepted for dedication for public purposes, and accessory and commercial uses when developed as part of a mixed use development project.

Residential Use
A use of property characterized by the use of a structure(s) for habitation by an individual, family, or group of unrelated individuals.

Resources Management Plan
A document and map, submitted as a part of a Major Subdivision, Class A Special Use Permit application or a Major Subdivision, Conditional District Atlas Amendment with SUP application, that sets forth, in detail, the location of and the proposed methods for:

a) Protection of natural resources (i.e. habitat maintenance, existing vegetation, and mitigation of environmentally sensitive areas),
b) Ownership and maintenance of open spaces (common open space, proposed conservation easements, and landscape buffers)
c) Provision of services (solid waste management to include recycling, storm water management (temporary and permanent), irrigation systems to include the source of water,
d) The handling of land clearing debris.

Restaurant

An establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose design or principal method of operation includes one or both of the following:

a) Customers, normally provided with an individual menu, are served their foods and/or beverages by a restaurant employee at the same table or counter at which said items are consumed.
b) A cafeteria style setting is provided where food, and/or beverages are consumed within the restaurant structure.

Restaurant, Carry-Out

An establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose design or method of operation includes the following characteristics:

a) Foods and beverages within the restaurant building, within a motor vehicle parked upon the premises, or at other facilities on the premises outside the building, is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.
b) Foods and beverages are usually served in edible, paper, plastic or other disposal containers.

Restaurant, Drive-In

An establishment whose principal business is the sale of food, and beverages to the customer in a ready-to-consume state, and whose design, method of operation, or any portion of whose business includes one or both of the following characteristics:

a) Food and beverages are served directly to the customer in a motor vehicle by a carhop or by other means which eliminate the need for the customer to exit the motor vehicle.
b) The consumption of foods and beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is allowed, encouraged or permitted.

Retail, Class 1

Retail trade, sales, & rental of durable and convenience goods, merchandise & equipment, including mail order houses, where no adverse impacts occur beyond immediate space occupied by the building; operations are designed to attract & serve few customers or clients on premises other than employees of the principle use; there is a low volume of traffic generated (0-200 Trips/Day); and all operations are conducted entirely within a fully enclosed building with no outside storage.

Retail, Class 2

Retail trade, sales, & rental of durable and convenience goods, merchandise & equipment, including mail order houses, where no adverse impacts occur beyond the boundaries of the lot where the use is located and there is a medium volume of traffic generated (200-800 Trips/Day).

Retail, Class 3

Retail trade, sales, & rental of durable and convenience goods, merchandise & equipment, including mail order houses, where no adverse impacts occur beyond the boundaries of the zoning district and there is a high volume of traffic generated (more than 800 Trips/Day).

Retail Use

An establishment focused on selling goods or merchandise to the general public for personal or household consumption and the rendering of services incidental to the sale of merchandise.

Retreat Center
A new or existing facility operated by a corporation or association of persons or churches for social and recreational purposes. A retreat center may be owned by a profit or not-for-profit corporation.

Retrofitting
Measures, such as flood proofing, elevation, construction of small levees, and other modifications, taken on an existing building or its yard to protect it from flood damage.

Riding Stable
An establishment for boarding, breeding, training or raising of horses, ponies, mules, and/or donkeys for a fee; and/or rental of horses, ponies, mules, and/or donkeys for riding, driving, and/or instruction. Exercise rings shall be considered accessory uses to a commercial stable. Smaller scale events, such as horse shows expected to generate less than 80 traffic trips per day, may be held no more often than once per month. The operator of a commercial stable may reside on the property to ensure the continuous care of animals kept on the site.

Riparian Area
An area that is adjacent to a body of water.

Riverine
Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Road
See “Street.”

Rooming House
A building or group of attached or detached buildings containing, in combination, from three to nine lodging units for occupancy for weekly or longer periods, with or without board, for residents, as distinguished from hotels and tourist homes in which rentals are generally for daily or weekly periods and occupancy is by transients.

Rural Buffer
Land adjacent to an urban or transition area that is rural in character and which should remain rural and not require urban services.

Rural Community Activity Node Land
Land focused on designated road intersections which serve as a nodal crossroads for the surrounding rural community and is an appropriate location for any of the following: church, fire station, small post office, school, or other similar institutional uses and one or more commercial uses.

Rural Designated
Property that is not located in Urban Designated areas as defined in these definitions.

Rural Guest Establishments
A temporary lodging facility that is compatible to the primary land use of agriculture, forestry, open space, or otherwise rural residential activities. Rural guest establishments consist of three subcategories based on intensity and permit requirements, Bed and Breakfast, Bed and Breakfast Inn, and Country Inn, which are further defined below.

A. **Bed and Breakfast:** A private, owner-occupied dwelling in which the frequency and volume of paying guests is incidental to the primary use of the building as a private residence. One to three guestrooms are made available to transient visitors. The establishment shall not contain restaurant facilities, but may provide food service for transient guests only. (Zoning Permit)
B. **Bed and Breakfast Inn:** A business operated in a structure which is used primarily for providing overnight accommodations to the public, even though the owner or manager lives on the premises. The number of guestrooms may range from four to no more than eight. The

establishment shall not contain restaurant facilities, but may provide food service for transient guests only. (Class B SUP)

C. **Country Inn:** A business, which offers accommodations and dining in a predominately rural area. Overnight accommodations are available, and a full-service restaurant provides breakfast, lunch and dinner to guests and the general public. The number of guestrooms may range from four to no more than 24. The restaurant shall contain no more than 60 seats. (Class A SUP)

Rural Heritage Museum
A facility which stores and exhibits objects of historical, agricultural, and/or cultural interest for the purpose of educating the public about the rural heritage of Orange County and surrounding areas.

Rural Industrial Activity Node
Land focused on designated road intersections which serves as a nodal crossroads for the surrounding rural community and is an appropriate location for small-scale industrial uses which do not require urban type services.

Rural Neighborhood Activity Node
Land focused on designated road intersections within a Rural or Agricultural Residential area that is appropriate for small-scale commercial uses.

Rural Residential Land
Land in the rural areas of the County that is an appropriate location for low intensity and low density residential development which are not dependent on urban services.

Rural Special Event
A temporary or seasonal commercial activity that occurs on a bona fide farm and which is expected to attract more than 20 people at any given time.

Salvage yard
Property used for the storage, collection, and/or recycling of any type of equipment whatsoever, whether industrial or non-commercial, and including but not limited to vehicles, appliances and related machinery.

Saw Mill
A facility where off-site logs or timber are sawn, planed or otherwise processed into lumber or other wood products; not including the processing of timber for use on the same parcel of property.

Semi-Cutoff Fixture
An outdoor fixture shielded or constructed in such a manner that it emits no more than 5% of its light above the horizontal plane of the fixture, and no more than 20% of its light ten degrees below the horizontal plane of the fixture.

Septic System, Alternative
Any approved ground absorption sewage treatment and disposal system other than an approved privy or an approved septic tank system.

Septic Tank System
A subsurface sanitary sewage system consisting of a septic tank and a subsurface disposal field.

Setback
Yard space other than a court unoccupied and unobstructed by any structure or portion of a structure from thirty inches above the general ground level of the graded lot upward, except as specifically provided in these regulations; provided, however, that fences and walls may be permitted in any setback subject to height limitations established generally or for the district and, further provided that poles, posts and other customary accessories, ornaments, furniture and landscaping shall be permitted in any setback if they do not constitute substantial impediments to free flow of light and air across the setback or violate provisions of these or other regulations regarding visibility.

Sexually Oriented Devices
Any artificial or simulated Specified Anatomical Area or other device or paraphernalia that is designed principally for Specified Sexual Activities but shall not mean any contraceptive device.

Sexually Oriented Business
A business which offers its customers or adult patrons any device, activity or demonstration depicting Specified Sexual Activities , or which is intended to appeal to sexual interests, titillation or arousal of the customer or adult patron. A sexually oriented business shall include an adult establishment as in NCGS § 14-202.10(2) and, in addition, without limitation shall include: Adult Arcade, Adult Bookstore, Adult Video Store, Adult Cabaret, Adult Motel, and Adult Escort Agency.

Sign
Any letter, figure, character, mark, plane, point, marquee, design, poster, pictorial, picture, stroke, stripe, line, trademark, reading matter, or illuminated surface which is constructed, placed, attached, painted, erected, fastened or manufactured in any manner so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine, or merchandise, which are displayed in any manner, including out-of-doors.

Sign, Abandoned
A sign for which no legal owner can be found or any sign face or sign structure that advertises a business not conducted on the premises for over 90 days. In making the determination that a sign advertises a business no longer being conducted, the Planning Director shall consider the following: the existence or absence of a current occupational license, utility service deposit, or account; use of the premises; and relocation of the business.
Abandoned Sign shall also include the following:

a) Through age and/or obsolescence a sign that no longer conforms to structural or maintenance specifications of Section 6.12, or
b) Any pole, pylon, or structure expressly installed for the purpose of affixing a sign that bears no sign or copy.

Sign, Advertiser
Any person who is a lessee or owner of a sign, an agent of same, or anyone that has beneficial use of a sign.

Sign, Advertising Display Area
The advertising display surface area encompassed within any polygon that would enclose all parts of the sign. The structural supports for a sign, whether, they be columns, pylons, or a building, or a part thereof, shall not be included in the advertising area. Also known as Sign Area.

- An example of how advertising display area or sign area is calculated is as follows:

In most cases the rectangular shape of a sign equals the sign area.

- In this example, the sign area was determined by enclosing the letters in an imaginary rectangle:

In cases where there may not be any formally 'enclosed' area, the surface area shall include such reasonable and proportionate space as would be required if a border or frame were used.

Sign, Alteration of

Includes, but is not be limited to, the addition of sign surface area, the changing or relocation of light source or the relocation of an outdoor advertising display from one position to another. This term shall include structural changes in the sign, but shall not include the changing of copy on a sign that is designed as a changeable copy sign.

Sign, Animated

Any sign that uses movement or change of lighting to depict action or to create a special effect or scene.

Sign, Architectural Feature of

Any construction attendant to, but not an integral part of the sign, which may consist of landscaping, building, or structural forms that enhance the site in general; also, graphic stripes and other architectural painting techniques applied to a structure that serves a functional purpose, or when the stripes or other painting techniques are applied to a building provided such treatment does not include lettering, logos or pictures.

Sign Area

That area enclosed by one continuous line, connecting the extreme points or edges of a sign. The area shall be determined using the largest sign area or silhouette visible at any one time from any one point. This area does not include the main supporting sign structure, but all other ornamental attachments, inner connecting links, etc., which are not a part of the main supports of the sign are to be included in determining sign area. Also see "Sign, Advertising Display Area."

Sign, Awning

A structure supported entirely from the exterior wall of a building and composed of non-rigid materials (except for the supporting framework) upon which a sign is indelibly drawn, painted or printed.

- Following are examples of an awning signs:

Sign, Banner

A sign intended to be hung either with or without frames, possessing characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric of any kind. National flags, flags of political subdivisions, and symbolic flags of any institution or business shall not be considered banners for the purposes of this Ordinance. Banner signs are regulated under the Special Event Display section of Section 6.12.

- Following is an example of a banner sign:

Sign, Changeable Copy

A sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or the surface of the sign. This shall also include the changing of copies of billboards. Changeable copy signs, for the purposes of this Ordinance, shall mean signs on which the copy is changed manually. Also referred to as a reader board sign.

- Example of Changeable Copy Sign:

Sign, Construction

A sign that gives the name or names of principal contractors, architects, and lending institutions responsible for construction on the site where the sign is placed.

Sign Copy

The wording on a sign surface in either permanent or removable letterform.

Sign, Digital; Digital Display

A form of electronic display that shows information, advertising, and other messages utilizing LCD (Liquid Clear Display), LED (Light Emitting Diode), plasma displays, or involves the projection of an image onto a building or the surface area of a structure, which shall include a sign as defined herein.

Sign, Directional/Informational, On-site

An on-premise sign giving directions, instructions or facility information and which may contain the name or logo of an establishment but no advertising copy (e.g., parking or exit and entrance signs). Examples of on-site directional/information signs include:

Sign, Directory

A sign on which the names and locations of occupants or the uses of a building is given. This shall include office buildings and church directories

Sign, Double-Faced

A sign with two faces.

Sign, Drive-Through Menu Board

An outdoor menu for establishments offering service via a drive through window. These signs shall not be considered a ground or monument sign.

Sign, Electronic Changeable Message

An electronically activated sign whereby the message content or display, either wholly or in part, may be changed by means of electrical, electronic, or computerized program.

Sign, to Erect

To build, construct, attach, hang, place, suspend, or affix a sign.

Sign, Exempt

All signs for which permits are not required but which must, nonetheless, conform to the other terms and conditions of Section 6.12.

Sign, Flashing

A sign on which any portion of it changes light, intensity, switches on and off in a constant pattern, or contains moving parts or the optical illusion of motion caused by use of electrical energy or illumination.

Sign, Government

Any sign erected and maintained by a municipal, County, State, or Federal government for traffic direction or for designation of or direction to any school, park, hospital, historic site, or public service, property or facility.

Sign, Ground; Monument Sign

A sign supported on the ground by pillars, posts, masonry wall, or other similar approved structure erected on the ground, and not attached to any part of a building.

Sign, Hazardous Identification/Notification

A sign designed to provide essential public safety information concerning the storage or hazardous materials on a parcel of property. There shall be no limit on the number of signs that are erected for this purpose so long as the signs do not contain commercial advertising material, company logos or names.

Sign Height

The vertical distance measured from the top of the sign, including any supporting structure, frame, or architectural feature, to the grade of the land at the base of the sign or the grade level of the adjacent right-of-way providing access, whichever is less.

- Example of how height shall be determined:

Sign, Identification

A sign whose copy is limited to the name and address of a building, institution, development, community name, or person. This definition shall include signs identifying names of residential subdivisions, school sites, apartment/condominium developments, business/industrial parks, and other similar uses. Identification Signs can contain logos, art work, mascots, renderings, and other graphic representations designed to accentuate the advertisement.

- An example of identification sign includes:

Sign, Illegal

A sign that does not meet the requirements of this Ordinance and which has not received legal non-conforming status and which does not have permit authorization, if required, under the terms of previous ordinances.

Sign, Illuminated

A sign illuminated in any manner by an artificial light source.

Sign, Indirectly Illuminated

A sign that is lighted by a light source not seen directly.

Sign, Inflatable

A sign that is inflated to take on a specific shape or figure that is utilized to attract attention to a business event or location, special event, or parcel of property for commercial purposes. Inflatable signs are commonly utilized to announce special sales or events. As per the Orange County Sign Ordinance, Inflatable Signs shall be prohibited throughout the County. Any individual erecting an inflatable sign shall be subject to an immediate notice of violation and be required to remove the sign within the time it would normally take to deflate the sign.

- Examples of inflatable signs include:

Sign, Internally Illuminated

A sign whose light source is concealed or contained within the sign itself, and which becomes visible in darkness by shining through a translucent surface.

Sign, Landmark

A sign advertising that a specific structure or site is considered historically significant and is listed in the National Register of Historic Places, U.S. Department of Interior, or designated by local ordinance in accordance with guidelines issued by the U. S. Department of Interior.

Sign Maintenance

The cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the basic copy, design or structure of the sign.

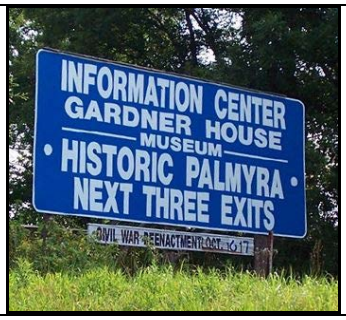
Sign, Nonconforming

A sign that was erected legally but that does not comply with subsequently enacted sign restrictions and regulations or a sign which does not conform to the sign code requirements but has received approval from the Board of Adjustment.

Sign, Off-Premise Commercial

A sign structure advertising an establishment, merchandise, service, or entertainment that is not sold, produced, manufactured, or furnished at the property on which said sign is located. This definition includes billboards and other similar outdoor advertising mechanisms.

- Example of an off-premise commercial sign includes:



Sign, Off-Premise Religious

A sign located off the property of a religious facility intended to provide directional information as to the location of a specific religious facility. Such signs shall only be erected at major roadway intersections and contain the name and address of the facility as well as a directional arrow to provide motorists an idea of which road is necessary to access the facility.

Sign, On-Premise Commercial

A sign that pertains to the use of the premises where it is located. On-Premise Commercial Signs can contain changeable copy or a reader board so long as the total square footage allowed for the sign is not exceeded. For the purpose of this ordinance, pole mounted signs shall not be permitted. Pole mounted signs shall be considered signs mounted on a single pole or mast rather than on two posts or poles or ground mounted.

- Examples of on-premise commercial signs include:

Sign Owner

A person recorded as such on official records. The owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the Planning Director (e.g., a sign leased from a sign company).

Sign, Pole

A sign that is elevated above the ground by one or more upright supports placed upon the ground and not attached to any part of a building.

Sign, Political

For the purposes of this Ordinance, a sign used in connection with a local, state, or national election or referendum.

Sign, Portable

An example of a portable sign:

A sign that is mobile and that may or may not have wheels. Portable signs advertise services offered by a non-residential operation on the parcel of property on which they are located.

Sign Prohibited

A sign that is not permitted by the sign provisions contained in this Ordinance.

Sign, Projecting

A sign that is attached to a building wall and extending perpendicular to, or approximately perpendicular to, the building wall and 12 inches or more beyond the face of the building wall.

Sign, Real Estate

A sign that is used to offer for sale, lease, or rent the property upon which the sign is placed.

- Examples of real estate signs include:

Sign, Roof

A sign, or any portion thereof, erected, constructed, or projecting upon or over the roof or parapet wall of any building whether the principal support for the sign is on the roof, wall, or any other structural element of the building. Where a building has more than one roofline, the roofline shall be considered to be highest roofline located directly behind the sign, as viewed from the business frontage.

Sign, Scrolling Display

The vertical, horizontal, flashing, or intermittent movement of a static message or display on an electronic changeable message sign.

Sign, Snipe

Any sign of any size, made of any material, including paper, cardboard, wood, vinyl, and metal, when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to a tree, utility pole, fence, existing sign, other similar object or is placed directly into the ground, and the advertising matter appearing thereon is not applicable to the premises upon which said sign is located. Also includes any sign installed without permission of the owner of the property upon which the sign is located. Snipe signs primarily advertise services, location of off-site developments or homes for sale, or other similar activities. Snipe signs are not permitted in Orange County.

- Examples of snipe signs include:

Sign, Special Event Displays or Signs

Signs or other attention grabbing devices such as pennants, flags, streamers, and other similar items that are designed to call attention to a special event and are only intended to be utilized on a temporary basis.

- Examples of special event displays or signs include:

Sign, Three-Dimensional

A sign that has height, depth and breadth that incorporates an object into an advertising sign (e.g., a three dimensional hamburger or life-sized pig advertising a food place).

- An example of a three-dimensional sign includes:

Sign, Time and Temperature

A sign containing illuminated numerals, which may flash alternately, to show the time and/or temperature.

Sign, Trailer

A sign mounted on a vehicle normally licensed by the state of North Carolina as a trailer and used principally for advertising or promotional purposes.

Sign, Wall

A sign painted or mounted on the wall of a building or structure. Wall signs can be comprised of reader boards or changeable copy signs. A wall sign can contain letters, symbols, trademarks, or other similar graphic representations designed to represent the name of an operation normally erected on the front or side of a structure.

Sign, Window

A sign erected on the interior side of a window of a place of business advertising any service, product, special, or sale conducted within the business where it is located. Window signs can also include the

stenciling of the name of a non-residential establishment and may include hours of operation, phone numbers, and other pertinent information associated with the non-residential land use.

- An example of a window sign includes:

Site Specific Development Plan

A plan approved by the Orange County Board of Commissioners in accordance with the Class A Special Use Permit process and which describes, with reasonable certainty, the type and intensity of use for a specific parcel or parcels of property located within the County's zoning jurisdiction. A Site Specific Development Plan shall be deemed approved upon the effective date of the Board of Commissioners' action.

Site Plans, Special Use Permits, Conditional Use Districts, Conditional Zoning Districts, and Preliminary Subdivision Plats may be approved as Site Specific Development Plans in accordance with the provisions of this Ordinance. Site Specific Development Plans are required only where an applicant wishes to vest his property rights for a period longer than that otherwise permitted by this Ordinance.

Solar Array – Accessory Use

Include any photovoltaic, concentrated solar thermal, or solar hot water devices that are accessory to, and incorporated into the development of an authorized use of the property, and which are designed for the purpose of reducing or meeting on-site energy needs.

Solar Array – Large Facility

A solar facility located on a developed or undeveloped parcel of property producing more than 20 but less than 100 kilowatts of power that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal (CST) devices, or various experimental solar technologies, with the purpose of supplying power to existing land use(s) as well as the wholesale or retail sale of generated electricity

Solar Array – Public Utility

A utility-scale commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal (CST) devices, or various experimental solar technologies, producing more than 100 kilowatts of power with the primary purpose of wholesale or retail sales of generated electricity.

Solid Waste Disposal Facility

Any facility involved in the disposal of any hazardous or non-hazardous refuses or sludge from a waste treatment plant, water supply treatment plant or air pollution control facility, domestic sewage and sludges generated by the treatment thereof in sanitary sewage collection, treatment and disposal systems, and other material that is either discarded or is being accumulated, stored or treated prior to being discarded, or has served its original intended use and is generally discarded, including solid, liquid, semisolid or contained gaseous material resulting from industrial, institutional, commercial and agricultural operations, and from community activities.

Solid Waste Disposal Site

Any place at which solid wastes are disposed of by incineration, sanitary landfill or any other method.

Special Event

A commercial activity attracting at least 20 people at any given time, that typically does not involve permanent structures, and does not occur more frequently than seven days in a 30-day period or more than 50 days per year. Examples of special events are craft shows, small festivals, concerts, medical or veterinary clinics, and sites operated by businesses engaged in hosting outdoor social events such as picnics or receptions sponsored by a restaurant or caterer.
Activities which are not included in this definition include:

a) Events of a personal or non-profit, nature such as family reunions and church activities;
b) Farm-related or rural events such as horse shows, 4-H events and auctions; and
c) Fund-raising events for non-profit organizations.

Special Flood Hazard Area (SFHA)

The land in the floodplain subject to a 1% or greater chance of being flooded in any given year as determined in Section 4.3 of this Ordinance, as defined by the base flood elevation. The mapped special flood hazard area approximates the base flood elevation.

Special Flood Hazard Area Overlay District

An overlay district establishing standards for development for properties within identified floodplains.

Special-Purpose Unit of Government

Any special district or public authority.

Special Use

A use which would not be appropriate generally throughout the zoning district or without special study, but which, if controlled as to number, area, location or relation to neighborhood, would be appropriate. Such uses which are listed as Special Uses in the Permitted Use Table, Section 5.2, may be installed and operated only after approval by the Board of Commissioners or by the Board of Adjustment, as appropriate, subject to the general and specific standards.

Specified Anatomical Areas

(a) Less than completely and opaquely covered human: (i) genitals, pubic region, (ii) buttocks, or (iii) breast below a point immediately above the top of the areola; or

(b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities

(a) Human genitals in a state of sexual stimulation or arousal;

(b) Acts of human masturbation, sexual intercourse or sodomy; or

(c) Fondling or other erotic touchings of human genitals, pubic regions, buttocks or breasts.

Start of Construction

Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

State Agency
Every department, agency, institution, public authority, board, commission, bureau, division, council, member of Council of State, or officer of the State government of the State of North Carolina.

State Clearinghouse
The clearinghouse agency established by the North Carolina Department of Administration under the North Carolina Environmental Policy Act.

State Mandate
The minimum Rules adopted by the Environmental Management Commission for application to North Carolina's water supply watersheds, as required by the Water Supply Watershed Protection Act. The purpose of the Act, as stated in its opening paragraph, is "... to protect and enhance the quality of the State's surface water supplies by establishing a cooperative program of water supply protection to be administered by local governments consistent with statewide management requirements established by the Environmental Management Commission (EMC)." (See related definition “Water supply watershed”).

Stockyard / Livestock Market
A facility where livestock are kept temporarily awaiting purchase and/or transport; such facilities may include enclosed pavilions, grandstands, paddocks, and stalls.

Stormwater Collection System
Any conduit, pipe, channel, curb, or gutter for the primary purpose of transporting (not treating) run-off. A stormwater collection system does include vegetated swales, swales stabilized with armoring or alternative methods where natural topography prevents the use of vegetated swales (subject to case-by-case review), curb outlet systems or pipes used to carry drainage underneath built-upon surfaces that are associated with development controlled by the provisions of 15A NCAC 2H 1003(c)(1).

Stream
A body of concentrated flowing water in a natural low area or natural channel on the land surface

Stream Buffer
An area of land adjacent to a stream or a FEMA-identified floodplain, whichever is greater, which, except as permitted within this Ordinance, must remain undisturbed in its natural state. Streams are identified by any of the following means:

a) Shown as solid blue lines or as broken blue lines on the USGS Quadrangle maps,
b) Shown as a water feature in the Orange County Soil Survey, or
c) A water feature identified by a field determination of County staff trained in surface water identification through the North Carolina Division of Water Quality (NCDWQ).

Stream buffers shall extend around the perimeter of all other water features if any portion of the stream buffer touches the water feature. Disputes pertaining to water feature identification decisions by County staff shall be filed directly to the NCDWQ.

Stream, Ephemeral (Stormwater)
A feature that carries only stormwater in direct response to precipitation with water flowing only during and shortly after large precipitation events. An ephemeral stream may or may not have a well-defined channel, the aquatic bed is always above the water table, and stormwater runoff is the primary source of water. An ephemeral stream typically lacks the biological, hydrological, and physical characteristics commonly associated with continuous or intermittent conveyance of water.

Stream, Intermittent
A well defined channel that contains water for only part of the year, typically during winter and spring when the aquatic bed is below the water table. The flow may be heavily supplemented by stormwater runoff. An intermittent stream often lacks the biological and hydrological characteristics commonly associated with the continuous conveyance of water.

Stream, Modified Natural
An on-site channelization or relocation of a stream channel and subsequent relocation of the intermittent or perennial flow as evidenced by topographic alterations in the immediate watershed. A modified natural stream must have the typical biological, hydrological and physical characteristics commonly associated with continuous conveyance of water.

Stream Order
A ranking of the relative sizes of streams within a watershed based on the nature of their tributaries. The smallest unbranched tributary is called first order, the stream receiving the tributary is called second order, and so on.

Stream, Perennial
A well-defined channel that contains water year round during a year of normal rainfall with the aquatic bed located below the water table for most of the year. Groundwater is the primary source of water for a perennial stream, but it also carries stormwater runoff. A perennial stream exhibits the typical biological, hydrological and physical characteristics commonly associated with continuous conveyance of water.

Street
A way for vehicular traffic whether designated as a street, highway, thoroughfare, parkway, throughway, freeway, road, avenue, boulevard, lane, place or however otherwise designated.

Street, Alley
A minor way used primarily for vehicular access to the rear or side of properties otherwise abutting a street at the front, and which is not intended for general circulation.

Street, Arterial
A street used primarily for through traffic, usually on a continuous route. These streets carry high volumes of traffic, in excess of 1,200 trips per day. For purposes of these regulations such streets include those so designated in the Comprehensive Plan or element thereof.

Street, Collector
A street used or designed to carry traffic between minor, local and subcollector streets and arterial streets, but may also provide direct access to abutting properties. It serves or is designed to serve directly or indirectly more than 100 units and is designed to be used or is used to carry more than 800 trips per day.

Street, Cul-de-sac
A street that generally terminates in a circular right-of-way. It is used or designed to be used to provide access to abutting properties.

Street, General Factors to Definition
For the purposes of these regulations, terms relating to streets are defined as follows. Determination of the classification of a street shall be by the following criteria:

1. The classification shall be based upon the projected volume of traffic to be carried by the street, stated in terms of the number of trips per day;
2. The number of dwelling units to be served by the street may be a useful indicator of the number of trips but is not conclusive;
3. Whenever a subdivision street continues an existing street that formerly terminated outside the subdivision or it is expected that a subdivision street will be continued beyond the subdivision at some future time, the classification of the street will be based upon the street in its entirety, both within and outside of the subdivision.

Street, Limited Access
A street to which access from adjoining property is not direct, but is combined, limited, channeled or prohibited. Limited access streets are one means for controlling access to arterial streets and usually provide one access point along a single block face.

Street, Local
A street used or designed primarily to provide access to abutting properties. It serves or is designed to serve at least ten but not more than 25 dwelling units and is expected to or does handle between 75 and 200 trips per day.

Street, Loop
A street used as a means for local traffic to leave and enter other streets without turning around, but providing access only to abutting properties. These streets are less than one mile in length and have no collector characteristics.

Street, Marginal Access
A minor street which is parallel to and adjacent to an arterial street, and which provides access to abutting properties and protection from through traffic. Marginal access streets may also be referred to as "service roads".

Street, Minor
A street used or designed primarily to provide access to abutting properties. It serves or is designed to serve not more than nine dwelling units and is expected to or does handle up to 75 trips per day.

Street, Private
A vehicular way, built to the private street standards of Orange County, not intended for public use or public dedication and which serves a limited number of lots. It is maintained by private property owners and intended for use by those private property owners.

Street, Public
A street which has been accepted for permanent maintenance by the State of North Carolina.

Street, Subcollector
A street used or designed to provide access to abutting properties, but is also designed to be used or is used to connect minor or local streets with collector or arterial streets. Including residences indirectly served through connecting street, it serves or is designed to serve at least 26 but not more than 100 dwelling units and is expected to or does handle between 200 and 800 trips per day.

Structure
Any walled and roofed building, a manufactured home, or a gas or liquid storage tank, that is built or constructed principally above ground, constructed or erected to a height of 30 inches or more, including but not limited to load bearing walls, columns, beams or girders.

Studio (Arts and Crafts)
Room or building where an art is taught, practiced or studied, or where a craft or product is manually produced. Typical studio users include artists, musicians, dancers, gymnasts, photographers, sculptors, wood and leather craftsmen, glass blowers, weavers, and silversmiths.

Study Area, Traffic Impact
The area in which a traffic impact analysis will be made and extending approximately one half mile along roadways adjacent to a development project and in both directions from all access points or to a major intersection along these roadways.

Subdivider
Any person or persons, firm or corporation subdividing land within the jurisdiction of this Ordinance.

Subdivision
All divisions of a tract or parcel of land into two or more lots, building sites or other divisions for the purpose of sale or building development (whether immediate or future) and includes all division of land involving the dedication of a new street or a change in existing streets.

Subdivision, Exempt

a) The combination or recombination of portions of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the County, including private road justification standards, as detailed within this Ordinance.
b) The division of land into parcels greater than 10 acres if no street right-of-way dedication is involved.
c) The public acquisition by purchase of strips of land for widening or opening streets.
d) The division of a tract in single ownership of the entire area of which is no greater than two acres into not more than three lots, if no street right-of-way dedication is involved and if the resultant lots are equal to or exceed the standards of the County as shown by its subdivision regulations.

Subdivision, Major

Any division of land that is not classified as an Exempt or Minor subdivision.

Subdivision, Minor

A division of a tract of land that does not:

a) Create more than five lots, including the residual acreage, from any one tract of land in any 24 month period;
b) Dedicate or improve any new public street other than widening an existing public street;
c) Extend public water and/or sanitary sewerage systems other than laterals to serve individual lots;
d) Necessitate the installation of drainage improvements which would require easements through one or more lots to serve other lots; and
e) At the option of the applicant, involve vesting of the subdivision for a period greater than one year.

Substantial damage

Damage of any origin sustained by a structure during any one year period whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred. See definition of “substantial improvement.” Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25% of the market value of the structure before the damage occurred.

Substantial improvement

Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one year period whereby the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures, which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either any correction of existing violations of State or Orange County health, sanitary, or safety code specifications which have been identified by the Orange County code enforcement official and which are the minimum necessary to assure safe living conditions, or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

Support System

A combination of footers, piers, caps, and shims that will, when properly installed, support the mobile home. Masonry walls may be installed as a cosmetic feature.

Taxidermy

The practice of preparing and preserving the skins of animals and of stuffing and mounting them in lifelike form.

Telecommunication Facilities, Accessory Use

A use incidental to, subordinate to, and subservient to the principal use of the property. As defined in this section an accessory use is a secondary use.

Telecommunication Facilities, Antenna
A system of electrical conductor communications equipment that transmits and/or receives electromagnetic radio signals used in the provision of all types of wireless communications services.

Telecommunication Facilities, Applicant
Any wireless service provider or wireless support structure owner submitting an application for a wireless facility.

Telecommunication Facilities, Application
A formal request, containing all necessary and required documentation, submitted to Orange County to construct or modify a wireless support structure or a wireless facility.

Telecommunication Facilities, Base Station
A station at a specific site authorized to communicate with mobile stations, generally consisting of radio receivers, antennas, coaxial cables, power supplies, and other associated electronics.

Telecommunication Facilities, Building Code
The most recently adopted or amended edition of the North Carolina State Building Code.

Telecommunication Facilities, Building permit
An official Orange County administrative authorization to begin construction consistent with the provisions of N.C.G.S. 153A-357.

Telecommunication Facilities, Collocation
The placement or installation of wireless facilities on existing structures, including electrical transmission towers, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes.

Telecommunication Facilities, Commercial Impracticability or Commercially Impracticable
The inability to perform an act on terms that are reasonable in commerce, the cause or occurrence of which could not have been reasonably anticipated or foreseen and that jeopardizes the financial efficacy of the project. The inability to achieve a particular financial return on investment or profit, standing alone, and for a single site, shall not deem a situation to be commercially impracticable and shall not render an act or the terms of an agreement commercially impractical.

Telecommunication Facilities, EIA-222
Electronics Industries Association Standard 222 (Structural Standards for Steel Antenna Wireless support structures and Antenna Support Structures).

Telecommunication Facilities, Eligible Facilities Request
A request for modification of an existing wireless tower or base station that involves collocation of new transmission equipment or replacement of transmission equipment but does not include a substantial modification.

Telecommunication Facilities, Equipment Compound
An area surrounding or near the base of a wireless support structure within which a wireless facility is located.

Telecommunication Facilities, Equipment enclosure
An enclosed structure, cabinet, or shelter used to contain radio or other equipment necessary for the transmission or reception of wireless communication signals.

Telecommunication Facilities, Existing Structure/Building
For purposes of this Section, any building or structure that currently exist on a parcel of land. Such structures may include, but shall not be limited to, telecommunications wireless support structures, overhead transmission line support structures, water tanks, silos, churches, schools, and utility poles.

Telecommunication Facilities, Extraordinary Conditions
Conditions subsequent to a hurricane, flood, tornado, or other natural or other disaster.

Telecommunication Facilities, FAA
The Federal Aviation Administration or its duly designated and authorized successor agency.

Telecommunication Facilities, FCC
The Federal Communications Commission or its duly designated and authorized successor agency.

Telecommunication Facilities, Fall Zone
The area in which a wireless support structure may be expected to fall in the event of a structural failure, as measured by engineering standards.

Telecommunication Facilities, Guyed Wireless support structure
A telecommunication wireless support structure that is supported, in whole or in part, by guy wires and ground anchors.

Telecommunication Facilities, Height
When referring to a wireless support structure, the distance measured from the pre-existing grade level to the highest point on the structure, including any antenna or lightening protection device.

Telecommunication Facilities, Inspections Division
A division of the Orange County Planning and Inspections Department.

Telecommunication Facilities, Master Telecommunications Plan ("Plan")
A plan developed for Orange County by the County's Planning Department that shows properties where owners have expressed interest in allowing the placement of telecommunications wireless support structures provided that all applicable federal, state, and local regulations are met. Information that may be shown on the plan will include existing wireless support structures, County defined Natural Areas, historic properties, scenic corridors, all major electrical lines, Voluntary Agricultural Districts, existing telecommunication wireless support structures, known bird migratory patterns through the County and all public and quasi-public properties that may allow telecommunication facilities. The Plan will be for purposes of disclosing information to telecommunication providers when they are seeking to establish their telecommunication networks in the County.

Telecommunication Facilities, Microwave dish antenna
A dish-like antenna used to link wireless service sites together by wireless transmission of voice or data.

Telecommunication Facilities, Modification or Modify
The addition, removal, or change of any of the physical and visually discernable components or aspects of a wireless facility or support structure, such as antennas, cabling, equipment shelters, landscaping, fencing, utility feeds, changing the color or materials or any visually discernable components, vehicular access, parking and/or an upgrade or change-out of equipment for better or more modern equipment. Adding a new wireless carrier or service provider to a wireless support structure as a collocation is a modification.

Telecommunication Facilities, Monopole Wireless support structure
A telecommunication wireless support structure consisting of a single pole or spire self supported by a permanent foundation, constructed without guy wires and ground anchors.

Telecommunication Facilities, Necessary
What is technologically required for the equipment to function as designed by the manufacturer and that anything less will result in prohibiting or acting in a manner that prohibits the provision of service as intended and described in the application.

Telecommunication Facilities, NIER
Non-Ionizing Electromagnetic Radiation.

Telecommunication Facilities, Panel Antenna
An inconspicuous, relatively flat, square or rectangular antenna designed to be affixed to the wall of a building or structure in order to receive and transmit signals from a telecommunication device.

Telecommunication Facilities, Personal Wireless Services (PWS) or Personal Telecommunications Service (PTS)
As defined and used in the 1996 Telecommunications Act.

Telecommunication Facilities, Repairs and maintenance
The replacement or repair of any components of a wireless facility where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without the addition, removal or change of any of the physical or visually discernable components or aspects of a wireless facility that will add to the visible appearance of the facility as originally permitted, but does not constitute a modification to a wireless facility or support structure.

Telecommunication Facilities, Roofline
The overall ridgeline of the structure, not including cupolas, elevator towers, clock towers or other similar features.

Telecommunication Facilities, Search ring
The area within which a wireless support structure must be located in order to meet service objectives of the wireless service provider using the wireless facility or wireless support structure.

Telecommunication Facilities, Self-Support/Lattice Wireless support structure
A tapered structure broad at the base and narrower at the top consisting of cross-members and diagonal bracing and without guyed support.

Telecommunication Facilities, Stealth or Stealth Technology
A design or treatment that minimizes adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such wireless support structures, which shall mean building the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances. Stealth technology includes such technology as Distributed Antenna System (DAS) or its functional equivalent or camouflage where the structure is disguised to make it less visually obtrusive and not recognized to the average person as a wireless support structure.

Telecommunication Facilities, Substantial Modification
The mounting of a proposed wireless facility on a wireless support structure that substantially changes the physical dimensions of the support structure.

Telecommunication Facilities, Telecommunication Equipment
Equipment, which is located either upon a telecommunication tower or a structure and includes some form of antenna for the purpose of transmitting and receiving wireless services.

Telecommunication Facilities, Utility pole
A structure that is designed for and used to carry lines, cables, or wires for telephone, cable television, or electricity, or to provide lighting.

Telecommunication Facilities, Unforeseen Events
Condemnations of existing telecommunications wireless support structures for road projects, casualty of existing telecommunications wireless support structures, blocking of signals from new construction necessitating a relocation of a telecommunication wireless support structure, or the need to replace an existing telecommunication wireless support structure for capacity issues, or for other reasons deemed necessary by the County Planning Director or his/her designee.

Telecommunication Facilities, Whip Antenna
A cylindrical antenna that transmits and/or receives signals in 360 degrees.

Telecommunication Facilities, Wireless facility
The set of equipment and network components, exclusive of the underlying wireless support structure or tower, including antennas, transmitters, receivers base stations, power supplies, cabling, and associated equipment necessary to provide wireless data and wireless telecommunications services to a discrete geographic area. This may also be referred to as a Personal Wireless Facility.

Telecommunication Facilities, Wireless facility Stealth
A wireless support structure designed using stealth technology such that its primary purpose is, or visually appears to be, something other than the support of telecommunications equipment, the apparent purpose of the wireless support structure is customarily considered as accessory to a use that is allowed in the zoning district, and the structure and its primary use comply with this Ordinance.

Telecommunication Facilities, Wireless support structure
A new or existing structure, such as a monopole, lattice, or guyed tower that is designed to support or capable of supporting wireless facilities. A utility pole is not a wireless support structure.

Telecommunication Facilities, Wireless Telecommunications Facility (WTF), Includes both Telecommunications Site and Personal Wireless Facility
A structure, facility or location designed, or intended to be used as, or used to support antennas or other transmitting or receiving devises. This includes without limit wireless support structures of all types, kinds and structures, including, but not limited to buildings, church steeples, silos, water towers, signs or other structures that can be used as a support structure for antennas or the functional equivalent of such. If further includes all related facilities and equipment such as cabling, equipment shelters and other structures associated with the facility. It is a structure and facility intended for transmitting and/or receiving radio, television, cellular, SMR, paging, 911, personal communications services (PCS), commercial satellite services, microwave services, and any commercial wireless telecommunication service not licensed by the FCC.

Temporary Custodial Care Unit
A transportable residential structure facilitating a caregiver's provision of short or long term care for a mentally or physically impaired person that is primarily assembled offsite, has no more than 1,000 gross square feet, and complies with applicable standards of the North Carolina State Building Code and/or Department of Housing and Urban Development (HUD). Temporary custodial care units shall not be installed on a permanent foundation and shall be classified as an accessory use to an single family detached dwelling unit. Includes mobile homes and temporary health care structures.

Temporary Residential Mobile Home
A mobile home, intended for residential use for a limited period of time, for purposes of providing temporary residential space during the installation of a replacement mobile home or construction of a stick-built or modular residential unit on the same lot, and for 30 days after the issuance of Certificate of Occupancy for the permanent unit. The temporary mobile home is not attached to a permanent or semi-permanent foundation.

Temporary Use Building
A building, not intended for residential use, consisting of one or more modules constructed off the ultimate site of use. The building is also not attached to a permanent or semi-permanent foundation.

Ten-Year Transition Land
Land located in areas that are in the process of changing from rural to urban densities and/or intensities, that are suitable for higher densities and/or intensities and could be provided with public utilities and services within the first 10-year phase of the Comprehensive Plan update or where such utilities and services are already present or planned. Non-residential uses implemented in accordance with small area plans and/or overlay districts may be appropriate.

Tourist Home
A building or group of attached or detached buildings containing, in combination, three to nine lodging units for occupancy for daily or weekly periods, with or without board, and primarily for occupancy by transients, as distinguished from rooming houses, in which occupancy is primarily by residents rather than transients.

Traffic Generation: Low
Uses which generate an average of less than 200 vehicle trips per day.

Traffic Generation: Medium
Uses which generate an average of between 200 and 800 vehicle trips per day.

Traffic Generation: High
Uses which generate an average of more than 800 vehicle trips per day.

Transmission Lines
a) For lines carrying electrical energy, transmission lines are those which carry 45,000 volts or more.
b) For lines which carry liquids or gases, transmission lines are those operating or designed to operate at pressures of one hundred pounds per square inch or greater.

Travel Trailer
A structure that is:
a) Intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle), and
b) Designed for temporary use as sleeping quarters, but that does not meet the definition of a manufactured home.

Tree, DBH
Diameter at breast height of a tree, which is measured at 4.5 feet above ground surface level.

Tree, Critical Root Zone
The minimum area beneath a tree which must be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. The critical root zone is approximately one foot of radial distance for every inch of tree's DBH, with a minimum of eight feet.

Tree, High Value
A tree that meets or exceeds the following standards: for pine species, 14” DBH or greater, or 18” or greater stump diameter, and for hardwood or wetland species, 16” DBH or greater, or 24” or greater stump diameter.

Trip Generation Rates
The total count of trips to and from a study site per unit of land use as measured by parameters such as dwelling units, acres, etc.

Twenty-Year Transition Land
Land located in areas that are in the process of changing from rural to urban, that are suitable for urban-type densities and should be provided with public utilities and services within the second 10-year phase of the Comprehensive Plan.

Upward
In the context of outdoor lighting, the projection of light above the horizontal plane.

Urban Designated
Land that is located within a Transition Area as identified in the Land Use Element of the Comprehensive Plan and also within a Primary Service Area as defined by the Water and Sewer Management Planning and the Boundary Agreement and Map adopted December 3, 2001 and as either may be amended from time to time.

Utility Lines and Line Equipment
The local distribution system of public utilities and community systems which include electricity, telephone, water, sewage disposal, and cable television. These systems are for local distribution of services and are not intended to be used for transmission or as trunk lines for utilities. Distribution systems for electrical system shall not exceed 45,000 volts; the distribution system for liquids or gases are those operating at pressure of less than 100 pounds per square inch.

Variance
A relaxation of the literal terms of this Ordinance where such variance will not be contrary to the public interest and, where, owing to conditions peculiar to the property and not the result of actions or the situation of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. A variance is authorized only for the dimensional controls of this Ordinance; establishment or expansion of a use otherwise prohibited shall not be permitted by a variance.

Variance, Minor, State Watershed Management
A variance from the minimum statewide water supply watershed protection rules that results in a relaxation by a factor of up to 10% of any management requirement under the low density requirement.

Variance, Major, State Watershed Management
A variance from the statewide water supply watershed regulations that results in the relaxation by a factor greater than 10% of any management requirement under the low density option or the relaxation of any management requirement that applies to a development project requiring construction of a BMP.

Vehicle Trip
A vehicle trip occurs when one vehicle travels from a point of origin to a point of destination.

Vested Right
The right to undertake and complete the development of a property under the terms and conditions of an approved Site Specific Development Plan, provided, however, failure to abide by such terms and conditions shall result in a forfeiture of vested rights. The vested right is attached to and runs with the applicable property and may be exercised by successors to the original landowner.
The period during which a vested right is in affect may be extended by amendments or modifications to the Site Specific Development Plan. An application for an amendment or modification to an approved Site Specific Development Plan shall be treated as a new application.
Once established, a vested right supersedes any zoning action which would affect with the type and intensity of use approved in the Site Specific Development Plan, EXCEPT:

a) Upon written consent of the landowner;
b) Upon findings, after a public hearing, that if the development were to proceed, natural or man-made hazards would pose a serious threat to the public health, safety and welfare;
c) To the extent that the landowner is compensated for costs and expenses other than loss of property value;
d) Upon findings, after a public hearing, that the applicant or his/her representative(s) intentionally supplied inaccurate or misleading information which led to the approval of the project; or
e) Upon findings, after a public hearing, that a change in a State or Federal law or regulation precludes development of the project as approved.

Vesting of rights does not preclude the application of overlay zoning districts which impose additional regulations, provided that the regulations are applicable to all property subject to this Ordinance, and the allowable type and intensity of use is not affected.

The vested right terminates at the end of the approved vesting period for buildings and uses for which building permits have not been issued. Building permits do not expire during the approved vesting period.

Veterinary Clinic
A facility staffed by at least one licensed veterinarian for the care and treatment of large and/or small animals. Such facilities may include grooming and short-term boarding as incidental uses.

Veterinary Clinic, mobile
A mobile medical facility staffed by one or more licensed veterinarians to provide care, diagnosis, and treatment of animals in need of medical or surgical attention.

Veterinary Hospital
A facility staffed by at least one licensed veterinarian for the specialized treatment of large and/or small animals. Said facilities may provide emergency medical services during and outside of normal business hours. Overnight care may be provided when it is necessary for the medical treatment of the animal.

Violation
The failure of a structure, use or development to be fully compliant or is inconsistent with any provision of this Ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this Ordinance is presumed to be in violation until such time as that documentation is provided.

Volume/Capacity Analysis
The procedures used to compare the volume of a roadway or intersection approach to its capacity (maximum number of vehicles that can pass a given point during a given time period). The procedures are described in the 1965 Highway Capacity Manual, Highway Research Board Special Report 87.

Walls, Primary
Walls containing primary windows and/or main exterior entrances to individual living quarters when directly facing the primary wall or other living quarters.

Walls, Secondary
Walls containing only secondary, or secondary and tertiary, windows.

Walls, Tertiary
Windowless walls or walls containing only tertiary windows.

Wastewater Treatment Facility
A system of wastewater collection, treatment, and disposal in single or multiple components, including ground absorption systems, non-discharge systems, and systems that discharge effluent to the surface waters, and any other system as may be permitted by the Orange County Health Department or the State of North Carolina. (ref. NCGS Article 11, Chapter 130A)

Waterbody, Perennial
A natural or constructed basin that stores surface water permanently at depths sufficient to preclude growth of rooted plants, including lakes, ponds, sounds, non-stream estuaries, and oceans. For the purpose of stormwater provision of this Ordinance, the waterbody must be part of a natural drainageway (i.e. connected by surface flow to a stream).

Water-Dependent Structure
Any structure for which the use requires access to or proximity to or citing within surface waters to fulfill its basic purpose, such as boat ramps, boathouses, docks and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas are not water-dependent structures.

Water Feature
A prominent aspect or characteristic of a geographic area that exhibits verifiable evidence of a presence of water in the soil. Examples of water features include, but are not limited to, perennial and intermittent streams, lakes, ponds, reservoirs, springs, artesian wells, irrigation wells, marshes or swamps, wetlands, and natural drainage ditches (non-ephemeral).

Water surface elevation (WSE)
The height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Watercourse
A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Water Supply, Public
A water supply system that serves a city or town located partly or entirely within Orange County that has a population in excess of 2,500.

Water Supply Watershed (or Protected Watershed)
Land that drains to existing reservoirs which are public water supplies or potential reservoir sites or stream intakes which have been designated for protection. All such lands have been classified by the Environmental Management Commission as WS-II, WS-III or WS-IV watersheds and require protection in accordance with the State Mandate. (See definition for “State Mandate”).

Water Supply Watershed Critical Area, County Designated
The land area within one-half mile of the normal pool elevation (or designated elevation) of an existing Class II water supply reservoir, or the ridgeline of the watershed, whichever is less; and the land area within one-half mile of the normal pool elevation (or designated elevation) of a proposed water supply reservoir designated for protection, or the ridgeline of the watershed, whichever is less; and the area within one-half mile of streams flowing into Class I reservoirs, as designated for protection within this Ordinance.

Water Supply Watershed Critical Area, State Required
The land area within one-half mile of the normal pool elevation of water supply reservoirs in which an intake is located (i.e., Class I reservoirs), or the ridgeline of the watershed, whichever is less.

Wetlands
Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. (Definition taken from EPA regulations at 40 CFR Section 230.3(t) and COE Regulations at 33 CFR Section 328.3(b), as of July 2nd, 2002)

Windows, Primary
Principal windows in habitable rooms except bedrooms and kitchens.

Windows, Secondary
Windows of habitable rooms other than primary windows.

Windows, Tertiary
Windows other than for habitable rooms.

Winery, production only
A facility utilized for making wines 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.

Winery with Minor Events

A facility utilized for making wines 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.

Winery with Major Events

A facility utilized for making wines 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.

Yard Space, Front

The required open space extending the full width of the lot and to a depth equal to the required setback line, measured horizontally at right angles to the rear lot line.

Yard Space, Rear

The required open space extending the full width of the lot and to a depth equal to the required setback line, measured horizontally at right angles to the rear lot line.

Yard Space, Side

The yard space of a lot which is established by and between the street, or the lot lines, and the required setback line and which shall be open, unoccupied and unobstructed by any structure or part thereof from the ground to the sky, except as otherwise provided by this Ordinance.