

## ORANGE COUNTY BOARD OF COMMISSIONERS

### QUARTERLY PUBLIC HEARING AGENDA

February 18, 2016

7:00 P.M.

Richard Whitted Meeting Facility  
300 West Tryon Street  
Hillsborough, NC 27278

NOTE: Information is available on-line at the "Meeting Agendas" link at:

<http://www.orangecountync.gov/>

and also in the Planning Department or the County Clerk's Office

**NOTICE TO PEOPLE WITH IMPAIRED HEARING:** Audio amplification equipment is available on request. If you need this assistance, please call the County Clerk's Office at (919) 245-2130.

#### A. OPENING REMARKS FROM THE CHAIR

#### B. PUBLIC CHARGE

The Board of Commissioners pledges to the residents of Orange County its respect. The Board asks its residents to conduct themselves in a respectful, courteous manner, both with the Board and with fellow residents. At any time should any member of the Board or any resident fail to observe this public charge, the Chair will ask the offending member to leave the meeting until that individual regains personal control. Should decorum fail to be restored, the Chair will recess the meeting until such time that a genuine commitment to this public charge is observed. All electronic devices such as cell phones, pagers, and computers should please be turned off or set to silent/vibrate.

#### C. PUBLIC HEARING ITEMS

1. **Unified Development Ordinance (UDO) Text Amendment** - To review government-initiated amendments to the text of the UDO regarding mailed notification requirements.
2. **Unified Development Ordinance (UDO) Text Amendment** - To review government-initiated amendments to the text of the UDO regarding temporary custodial care units.

#### D. ADJOURNMENT OF PUBLIC HEARING

#### E. WORK SESSION

1. **Review of Minimum Lot Size and Density Allowances for Subdivisions** – To review and discuss the County's subdivision development and review processes focusing primarily on minimum lot size and density limitations as they relate to the clustering of proposed subdivision lots.

**ORANGE COUNTY  
BOARD OF COMMISSIONERS  
QUARTERLY PUBLIC HEARING ACTION AGENDA ITEM ABSTRACT**  
**Meeting Date:** February 18, 2016

**Action Agenda  
Item No. C.1**

**SUBJECT:** Unified Development Ordinance Text Amendment – Mailed Notifications

**DEPARTMENT:** Planning and Inspections

**PUBLIC HEARING: (Y/N)**

Yes

**ATTACHMENT(S):**

1. Comprehensive Plan/UDO Amendment Outline Form (UDO/Zoning 2016-01)
2. Statement of Consistency
3. Proposed UDO Text Amendments
4. Draft Planning Board Minutes – January 6, 2016
5. Signed Planning Board Statement of Consistency

**INFORMATION CONTACT: (919)**

Perdita Holtz, Planning, 245-2578  
Craig Benedict, Planning, 245-2592

**PURPOSE:** To hold a public hearing on Planning Director initiated Unified Development Ordinance (UDO) text amendments regarding mailed notifications, receive the Planning Board's recommendation, and consider the course of action on the proposed amendments.

**BACKGROUND:** The "Amendment Outline Form" (Attachment 1) for these amendments was approved by the BOCC at its January 21, 2016 regular meeting. The purpose of these proposed amendments is as follows:

- Correct omissions in Sections 2.7.5, 2.9.1, and 2.9.2 of the UDO that should have been part of the materials adopted on November 5, 2015 which revised the public hearing process.
  - Specifically, the requirement for certified mail for Neighborhood Information Meeting (NIM) notifications is proposed to be revised to use first class mail.
  - The notification distance was increased from 500-feet to 1,000 feet in these sections in November 2015 and the intention was to use first class mail for the notifications but the adopted materials did not reflect the use of first class mail for the NIM notifications.
- Update mailed notice requirements in Sections 2.15 and 2.24 which relate to the required Neighborhood Information Meeting for Major Subdivisions (2.15) and Governmental Uses (2.24).
  - Specifically, the mailed notification boundary is proposed to be increased from 500 feet to 1,000 feet.
  - Also, for governmental uses, the requirement for certified mail is proposed to be revised to use first class mail.
  - These sections were not contemplated for modifications in 2015 but staff is suggesting that notification distances and mailing types should be consistent in the UDO.

Please see Section B of Attachment 1 for additional background and analysis.

Planning Director's Recommendation: The Planning Director recommends **approval** of proposed text amendments, including the:

- i. Statement of Consistency contained in Attachment 2, which indicates the proposed text amendments are consistent with the adopted Comprehensive Plan, are reasonable, and are in the public interest, and
- ii. The text amendment as contained in Attachment 3.

Planning Board Recommendation: At its January 6, 2016 meeting, the Board voted (9-1) to recommend **approval** of the Statement of Consistency and the amendment package. Minutes from this meeting are included in Attachment 4 and the signed Statement of Consistency is Attachment 5.

**FINANCIAL IMPACT:** Existing staff will complete the necessary work required for this amendment. Adoption of the proposed revisions is not expected to cause significant financial impacts (negative or positive).

**SOCIAL JUSTICE IMPACT:** The following social justice goal is applicable to this agenda item:

**GOAL: ENABLE FULL CIVIC PARTICIPATION**

Ensure that Orange County residents are able to engage government through voting and volunteering by eliminating disparities in participation and barriers to participation.

**RECOMMENDATION(S):** The Administration recommends the Board:

1. Receive the proposed amendments to the UDO as detailed in this abstract and attachments.
2. Conduct the public hearing and accept comment on the proposed amendments.
3. Close the public hearing. (Note that, because this is a legislative decision, additional comments at a later date are permitted).
4. Decide on one of the following options:
  - a. Adopt the proposed amendments by approving the Statement of Consistency (Attachment 2) and Ordinance (Attachment 3).
  - b. Defer a decision to a later BOCC regular meeting date.
  - c. Refer the item back to the Planning Board for a specific purpose.

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

UDO / Zoning-2016-01

Mailed Notification Requirements

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## A. AMENDMENT TYPE

### Map Amendments

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

### Text Amendments

- Comprehensive Plan Text:

Section(s):

- UDO Text:

- UDO General Text Changes  
 UDO Development Standards  
 UDO Development Approval Processes

Section(s): 2.7.5, 2.9.1, 2.9.2, 2.15.2, 2.24.2

- Other:

## B. RATIONALE

### 1. Purpose/Mission

- Correct omissions in Sections 2.7.5, 2.9.1, and 2.9.2 of the UDO that should have been part of the materials adopted on November 5, 2015 which revised the public hearing process.
- Update mailed notice requirements in Sections 2.15 and 2.24 which relate to the required Neighborhood Information Meeting for Major Subdivisions (2.15) and

Governmental Uses (2.24).
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## 2. **Analysis**

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

While updating the Unified Development Ordinance to incorporate amendments adopted on November 5, 2015, staff discovered inadvertent omissions in three sections: 2.7.5, 2.9.1, and 2.9.2. Text in these three sections was changed to increase the mailed notification distance from 500 to 1,000 feet but was not updated to modify the type of mailing from certified to first class mail, as was done in other sections and which was the intent of this aspect of the November 5<sup>th</sup> amendments.

Additionally, staff has analyzed other sections of the UDO that were not part of the November 5<sup>th</sup> amendments to determine if additional modifications are warranted as a result of changing the mailed notification boundary from 500 feet to 1,000 for certain types of review processes. Staff is recommending that the mailed notification requirements for the Neighborhood Information Meetings that are held for Major Subdivisions and Governmental Uses be updated to change the notification boundary from 500 feet to 1,000 feet and, in the case of governmental uses, to require first class mail rather than certified mail. Having consistency throughout the UDO in regards to distance requirements and the type of mailing should result in less potential confusion.

Staff notes that Section 5.10.8(2) requires a neighborhood information meeting in conjunction with a balloon test for telecommunication facilities. The current (unchanged in 2015) mailed notification distance for this type of facility is 1,000 feet and applicants are required to mail the notice via certified mail. Staff is not recommending a change to this particular process because a non-governmental entity is responsible for the mailings.

As detailed in the abstract, the Planning Director recommends approval of the text amendments.

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

<b>Land Use Goal 6:</b> A land use planning process that is transparent, fair, open, efficient, and responsive.
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## 4. **New Statutes and Rules**

N/A
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## C. PROCESS

### 1. TIMEFRAME/MILESTONES/DEADLINES

- a. BOCC Authorization to Proceed

January 21, 2016

- b. Quarterly Public Hearing

February 18, 2016 – also possible decision

- c. BOCC Updates/Checkpoints

January 6, 2016 – Planning Board meeting (agenda materials are available to all interested persons)

- d. Other

### 2. PUBLIC INVOLVEMENT PROGRAM

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

- a. Planning Board Review:

January 6, 2016 – the Board recommended approval of the proposal.

- b. Advisory Boards:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- c. Local Government Review:

Proposed text amendments were sent to JPA partners (Towns of Chapel Hill and Carrboro) on December 28, 2015 in accordance with the JPA Agreement since any project in the Rural Buffer would be subject to the amended sections. On December 30, the Town of Chapel Hill responded via e-mail that they have no concerns with the proposal. No comments were received from the Town of Carrboro.

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- d. Notice Requirements

Consistent with NC State Statutes – legal ad prior to public hearing

- e. Outreach:

General Public:

\_\_\_\_\_

Small Area Plan Workgroup:

Other:

**3. FISCAL IMPACT**

Consideration and approval will not create the need for additional funding for the provision of County services. Costs for the required legal advertisement will be paid from FY2015-16 Departmental funds budgeted for this purpose. Existing Planning staff included in the Departmental staffing budget will accomplish the work required to process this amendment.

**D. AMENDMENT IMPLICATIONS**

If adopted, the amendments would update the mailed notification requirements for neighborhood information meetings that take place for the type of project review/approval process in the amended sections.

**E. SPECIFIC AMENDMENT LANGUAGE**

See Attachment 3.

**Primary Staff Contact:**

Perdita Holtz, AICP

Planning Department

919-245-2578

pholtz@orangecountync.gov

**STATEMENT OF CONSISTENCY  
OF A PROPOSED UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT  
WITH THE ADOPTED ORANGE COUNTY 2030 COMPREHENSIVE PLAN**

Orange County has initiated an amendment to the Unified Development Ordinance (UDO) to modify mailed notification requirements.

The Planning Board finds:

- a. The requirements of Section 2.8 of the UDO have been deemed complete; and,
- b. Pursuant to Sections 1.1.5, and 1.1.7 of the UDO and to Section 153A-341 of the North Carolina General Statutes, the Board finds sufficient documentation within the record denoting that the amendment **is consistent** with the adopted 2030 Comprehensive Plan.
  1. The amendment is consistent with applicable plans because it supports the following 2030 Comprehensive Plan goals and objectives:

Land Use Goal 6: A land use planning process that is transparent, fair, open, efficient, and responsive.
- c. The amendment is reasonable and in the public interest because it:
  1. Corrects inadvertent omissions in amendments adopted on November 5, 2015.
  2. Provides consistency in mailed notification requirements among the various types of review procedures that require mailed notification, thereby minimizing potential confusion.

The Planning Board of Orange County hereby recommends that the Board of County Commissioners consider adoption of the proposed UDO text amendment.

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Chair

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Date

Ordinance # ORD-2016-006

**AN ORDINANCE AMENDING THE  
UNIFIED DEVELOPMENT ORDINANCE OF ORANGE COUNTY**

**Whereas**, Orange County has initiated amendments to its Unified Development Ordinance (UDO) to modify mailed notification requirements.

**Whereas**, on November 5, 2015, Orange County adopted amendments to its UDO which revised various aspects of the public hearing process for Comprehensive Plan-, UDO-, and Zoning Atlas-related amendments, and

**Whereas**, staff has determined there were omissions in Sections 2.7.5, 2.9.1, and 2.9.2 that should have been part of the amendments adopted on November 5, 2015, and

**Whereas**, staff has reviewed the UDO to determine that sections that were not contemplated for amendments in 2015 should be amended at this time to keep notification requirements consistent between the various processes that require mailed notification, and

**Whereas**, the requirements of Section 2.8 of the Unified Development Ordinance have been deemed complete, and

**Whereas**, the Orange County Planning Board has recommended approval of the proposed text amendments, and

**Whereas**, the County has held the required public hearing and has found the proposed text amendments are consistent with the goals and policies of the adopted Comprehensive Plan.

**Be it ordained** by the Board of Commissioners of Orange County that the Unified Development Ordinance of Orange County is hereby amended as depicted in the attached pages.

**Be it further ordained** that this ordinance be placed in the book of published ordinances and that this ordinance is effective upon its adoption.

Upon motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, the foregoing ordinance was adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

I, Donna S. Baker, Clerk to the Board of Commissioners for Orange County, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a meeting held on \_\_\_\_\_, 2016 as relates in any way to the adoption of the foregoing and that said proceedings are recorded in the minutes of the said Board.

WITNESS my hand and the seal of said County, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

SEAL

\_\_\_\_\_

Clerk to the Board of Commissioners

## Amendment Package for Mailed Notification Requirements

### Notes

The pages that follow contain the amendments necessary to the Unified Development Ordinance (UDO) text to ensure public notification requirements are consistent among the various procedures for mailed notifications. Amendments adopted on November 5, 2015 expanded the mailed notification distance from 500 feet to 1,000 feet for several types of actions and call for notifications to be mailed via first class mail. Staff has evaluated all procedures in the UDO that require mailed notifications to ensure requirements are consistent throughout the UDO. Staff recommends procedural consistency in order to avoid potential confusion.

Staff notes that Section 5.10.8(2) (not included in this package) requires a neighborhood information meeting in conjunction with a balloon test for telecommunication facilities. The current (unchanged in 2015) mailed notification distance for this type of facility is 1,000 feet and applicants are required to mail the notice via certified mail. Staff is not recommending a change to this particular process because a non-governmental entity is responsible for the mailings.

Proposed additions/changes to existing UDO text are depicted in red. Users are reminded that these excerpts are part of a much larger document (the UDO) that regulates land use and development in Orange County. The full UDO is available online at: <http://orangecountync.gov/planning/Ordinances.asp>

Please note that the page numbers in this amendment packet may or may not necessarily correspond to the page numbers in the adopted UDO because adding text may shift all of the text/sections downward.

Some text on the following pages has a large "X" through it to denote that these sections are not part of the amendments under consideration. The text is shown only because in the full UDO it is on the same page as text proposed for amendment. Text with a large "X" is not proposed for deletion; proposed deletions are shown in ~~red strikethrough~~ text.

- (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 **certified** 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.

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 **certified** 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.

- (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 **certified** 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.

**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 ~~500~~ **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.

- (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 **certified** notices of the meeting date, place, and time **via first class mail** to each property owner within **500 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 ~~is required to~~ shall submit ~~copies of the certified mail receipts written certification that the notices were mailed in compliance with the requirements of this subsection. The written certification shall denote denoting~~ 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.

MINUTES  
PLANNING BOARD  
JANUARY 6, 2016  
REGULAR MEETING

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**MEMBERS PRESENT:** Lydia Wegman (Vice Chair), At-Large Chapel Hill Township; James Lea, Cedar Grove Township Representative; Paul Guthrie, At-Large Chapel Hill Township; Andrea Rohrbacher, At-Large Chapel Hill Township; Maxecine Mitchell, At-Large Bingham Township; Patricia Roberts, Cheeks Township Representative; Laura Nicholson, Eno Township Representative; Herman Staats, At-Large; Lisa Stuckey, Chapel Hill Township Representative; Tony Blake, Bingham Township Representative

**MEMBERS ABSENT:** Buddy Hartley, Little River Township Representative

**STAFF PRESENT:** Craig Benedict, Planning Director; Michael Harvey, Current Planning Supervisor, Perdita Holtz, Special Projects Coordinator, Meredith Pucci, Administrative Assistant II; Ashley Moncado, Special Projects Planner

**AGENDA ITEM 1: CALL TO ORDER**

Lydia Wegman: Opened the meeting by making sure everybody was there that was coming.

\*\*\*\*\*

**AGENDA ITEM 8: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT** - To make a recommendation to the BOCC on government-initiated amendments to the text of the UDO regarding mailed notifications. This item is scheduled for the February 18, 2016 quarterly public hearing.  
**Presenter:** Perdita Holtz, Planning Systems Coordinator

*Perdita Holtz reviewed abstract.*

Paul Guthrie: How do you plan to confirm that the applicants have filed by first class mail? I know in certified mail you would have a postal receipt, how are you planning to be able to confirm that if there's a challenge to lack of notice?

Perdita Holtz: The planning department is actually involved in the mailed notifications and we do a certificate of mailing that you've seen in amendment packets. Whichever staff person is in charge of the mailing signs it to certify it was done as stated.

Paul Guthrie: We don't need to do any language in here to make sure that happens?

Perdita Holtz: Correct.... In the case of governmental uses, which those are most likely going to be your fire departments, we are asking that whoever is heading up that effort for the fire department would give us a statement that certifies that they mailed it when they said they mailed it.

Paul Guthrie: But you're going to monitor private individuals who are asking for an action that are required to mail?

Perdita Holtz: Yes, we actually do the mailing. The planning department does the mailing; they just pay for them.

Tony Blake: But you guys make a copy of everything that's sent out anyways, right?

Perdita Holtz: Well, we have the mailing list of property owners and the actual letter that goes into the file.

Lydia Wegman: Other comments?

54 Tony Blake: I had one from people that have called me, my phones lit up when they heard a story about the airport,  
55 and a couple of people were thinking that a broader notification should go out, in light of an airport. Or something that  
56 has significant impacts like noise or what have you. So I wanted to float that idea and I wanted to get that in the  
57 minutes so that the County Commissioners read it as well.

58  
59 Andrea Rohrbacher: I can't remember what the outcome of this point was, it seems that at one meeting we discussed  
60 putting some sort of lettering on the outside of the envelope to indicate that it had to do with development so that  
61 people wouldn't think that it was junk mail.

62  
63 Perdita Holtz: Right, and that is in there under the public hearing portion that it's going to say, "Notice of Hearing" on  
64 the outside of the envelope.

65  
66 Lydia Wegman: Other comments, questions?

67  
68 Paul Guthrie: I have one other. Someone who doesn't receive notice but hears about the project, will they just come  
69 directly to the planning organization and say, "Hey, we heard this was going on. What's going on?"

70  
71 Perdita Holtz: Yes, because there's still the sign that's posted on the property so anybody seeing that sign could  
72 contact us.

73  
74 Paul Guthrie: Because there are certain things that affect well beyond 1000 feet or 500 feet. So you're able to  
75 accommodate that without any problems? You don't need anything in the code to help you do that?

76  
77 Perdita Holtz: No.

78  
79 Paul Guthrie: Okay. Thanks.

80  
81 Craig Benedict: Perdita, can you explain to the Board the new process a little bit that's going to be occurring in this  
82 amendment that they're making recommendation and consistency before the public hearing?

83  
84 Perdita Holtz: I hit on it earlier tonight, it's the first time that we're doing this new process and tonight is making a  
85 recommendation in time for the February 18<sup>th</sup> quarterly public hearing so, it's the same types of actions, they're just  
86 occurring in a different order than they used to.

87  
88 Craig Benedict: So these do not get referred back to you unless the commission determines.

89  
90 Lydia Wegman: So the commission could vote in February to approve this and we would not see it again?

91  
92 Craig Benedict: That's correct. So there's some streamlining that we just accomplished as one of our goals for certain  
93 things that are more housekeeping items like this.

94  
95 Lydia: All right, any other comments or questions?

96  
97 Lisa Stuckey: Okay, so I move approval of the statement of the consistency which is attachment 2 and the proposed  
98 amendment package which is attachment 3 and that they be forwarded to the County Commissioners from the  
99 Planning Board.

100  
101 **MOTION** made by Lisa Stuckey to approve the text amendment. Seconded by Laura Nicholson

102 **VOTE:** Passed 9-1 (Tony Blake)

103  
104 Tony Blake: I'm opposed. I'm opposed because I think that there's room for other notification in the event of a major  
105 enterprise or undertaking, such as an airport.

106  
107 Lisa Stuckey: It occurs to me that that could be part of the airport amendments.

108  
 109 Tony Blake: Sure, well I don't know so it's not clear to me that you could amend the airport thing and have it  
 110 supersede this or what. That I'm not clear on. It's my way of highlighting it.  
 111  
 112 Lisa Stuckey: I think that's not a bad idea.  
 113  
 114 Lydia Wegman: Yeah. Craig or Perdita, any comments on that?  
 115  
 116 Perdita Holtz: That's something that can be looked at when we go forward with the airport regulations, that the ORC  
 117 looked at in November.  
 118  
 119 Paul Guthrie: I just want to follow up on that. I think that's right for the point that he's making. I think there are some  
 120 issues beyond that that we could stumble into that you may at some point want to give yourself a background policy  
 121 to help you carry that out and don't hit them blind without any resource other than the fact that the rules didn't say we  
 122 had to do it. I can think of lots of monster projects that don't take up a lot of ground that could have a great deal of  
 123 interest in the County as a whole, and so I think you need to think whether you need some kind of framing that will  
 124 give you the latitude to move ahead and not get stopped with procedural issues at the beginning.  
 125  
 126 Perdita Holtz: Well, there have been instances in the past, Paul, when there have been major actions that we've  
 127 gone out and done informational sessions and stuff like that, and that's done on a case by case basis depending on  
 128 what the action is. It's just, we haven't done anything like that for the past 2 or 3 years because there haven't been  
 129 major actions, but there is precedent that we've done stuff like that.  
 130  
 131 Lydia Wegman: And I'll just add if I could, that it seems to be that those are projects that would come up as  
 132 independent or individual projects where it might come up, as opposed to something that would easily generally  
 133 define in the UDO text amendment.  
 134  
 135 Perdita Holtz: Yes, and that's just something that the County can undertake as part of their discretion in being a  
 136 government, particularly with the County as the instigator. As you know, it gets dicier if it's a SUP.  
 137  
 138 Craig: When we submit to the commissioners say, an amendment outline form, they ask us to do something and we  
 139 develop this form to say, "this is how we think we can accomplish it, this is what Boards may be involved, maybe the  
 140 environmental board is part of the amendment process." And we also suggest public outreach that may be beyond  
 141 what the code says and that would be an opportunity for the commission to say, "Well, we think there should be a  
 142 broader outreach meeting beyond 1,000 feet. So that can occur, especially when it's government initiated.  
 143  
 144 Tony Blake: Yeah, the SUP case I was thinking of is the guy who builds the subdivision with 10 or 15 houses and a  
 145 runway and everybody's got their own little hangar; is that a public airport? Is that a private airport? And then if it's a  
 146 SUP and you only have to notify people within 1,000 feet that landing and taking off could extend quite a bit beyond  
 147 there. That's the just of my concern.  
 148  
 149 Lydia Wegman: Okay, great, thank you.  
 150  
 151 Patricia Roberts: Is there any airport planned?  
 152  
 153 Craig Benedict: No, there are no airports planned. We are in the process of updating our airport regulations. Some of  
 154 our outreach meetings were occurring around the holidays so it was decided to move it to a less busy time to  
 155 evaluate the new regulations. The best time to update your regulations is when there are no proposals out there. So  
 156 we will begin again, we're going to speak with the commissioners in a work session about the process and the  
 157 parameters of some of the updates and it probably will not come back until later this year.  
 158  
 159 Lisa Stuckey: I think all the schools I dealt with were in the cities of Chapel Hill or Carrboro, their jurisdictions. But  
 160 typically, we went way beyond 1,000 feet and there was a community meeting and there was a lot of use of various

161 media to get the word out because you don't want to build a big thing like that and then have all these people angry  
162 later. So you know what to incorporate.

163  
164 Tony Blake: Yeah, and it may be something that's already been considered and non-issue. I just couldn't find it  
165 anywhere and I couldn't find anywhere where this could be superseded by a SUP.

166  
167 Lydia Wegman: And the school would be a governmental use, wouldn't it?

168  
169 Perdita Holtz: Schools actually come under a different section but,there's outreach you have to do.

170  
171 \*\*\*\*\*

## Attachment 5

**STATEMENT OF CONSISTENCY  
OF A PROPOSED UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT  
WITH THE ADOPTED ORANGE COUNTY 2030 COMPREHENSIVE PLAN**

Orange County has initiated an amendment to the Unified Development Ordinance (UDO) to modify mailed notification requirements.

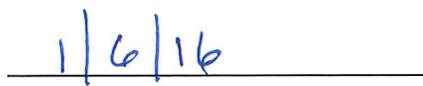
The Planning Board finds:

- a. The requirements of Section 2.8 of the UDO have been deemed complete; and,
- b. Pursuant to Sections 1.1.5, and 1.1.7 of the UDO and to Section 153A-341 of the North Carolina General Statutes, the Board finds sufficient documentation within the record denoting that the amendment **is consistent** with the adopted 2030 Comprehensive Plan.
  1. The amendment is consistent with applicable plans because it supports the following 2030 Comprehensive Plan goals and objectives:  
 Land Use Goal 6: A land use planning process that is transparent, fair, open, efficient, and responsive.
- c. The amendment is reasonable and in the public interest because it:
  1. Corrects inadvertent omissions in amendments adopted on November 5, 2015.
  2. Provides consistency in mailed notification requirements among the various types of review procedures that require mailed notification, thereby minimizing potential confusion.

The Planning Board of Orange County hereby recommends that the Board of County Commissioners consider adoption of the proposed UDO text amendment.

  
Chair

Lydia N. Wegman

  
Date

**ORANGE COUNTY  
BOARD OF COMMISSIONERS  
QUARTERLY PUBLIC HEARING ACTION AGENDA ITEM ABSTRACT**  
**Meeting Date:** February 18, 2016

**Action Agenda  
Item No.**   C.2  

**SUBJECT:** Unified Development Ordinance Text Amendment – Temporary Custodial Care Units

---

**DEPARTMENT:** Planning and Inspections

**PUBLIC HEARING:** (Y/N)

Yes

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**ATTACHMENT(S):**

**INFORMATION CONTACT:**

- |   |  |                            |                |                          |                |
|---|--|----------------------------|----------------|--------------------------|----------------|
| <ol style="list-style-type: none"> <li>1. Comprehensive Plan and Unified Development Ordinance (UDO) Amendment Outline Form and Session Law 2014-94</li> <li>2. Statement of Consistency</li> <li>3. Proposed Ordinance</li> <li>4. Approved May 26, 2015 Quarterly Public Hearing Minutes</li> <li>5. Approved September 1, 2015 BOCC Meeting Minutes</li> <li>6. Draft January 6, 2016 Planning Board Minutes and Statement of Consistency</li> </ol> | <table border="0"> <tbody> <tr> <td>Ashley Moncado, Planner II</td> <td style="text-align: right;">(919) 245-2589</td> </tr> <tr> <td>Craig Benedict, Director</td> <td style="text-align: right;">(919) 245-2575</td> </tr> </tbody> </table> | Ashley Moncado, Planner II | (919) 245-2589 | Craig Benedict, Director | (919) 245-2575 |
| Ashley Moncado, Planner II  | (919) 245-2589   |                            |                |                          |                |
| Craig Benedict, Director  | (919) 245-2575   |                            |                |                          |                |
- 

**PURPOSE:** To hold a public hearing on Planning Director initiated Unified Development Ordinance (UDO) text amendments regarding temporary custodial care units, receive the Planning Board's recommendation, and consider the course of action on the proposed amendments.

On August 1, 2014, the North Carolina State Legislature adopted regulations regarding the permitting of temporary health care structures in the state. These regulations allow for temporary health care structures to be permitted as an accessory use in any single family residential zoning district on lots zoned for single family detached dwellings if all the regulatory provisions outlined in Session Law 2014-94 are met. Since November 2014, staff has been working to amend the Orange County Unified Development Ordinance to incorporate these state regulations.

The amendment was presented for adoption consideration at the September 1, 2015 BOCC meeting. During discussion, BOCC members identified concerns with the proposed standards as being too restrictive for residents to provide care for mentally or physically impaired relatives, friends, or neighbors. Specific issues were identified regarding the relationship requirement between the occupant of the temporary health care structure and the occupant of the single family dwelling unit, North Carolina state residency standards, and the regulation requiring removal of the unit within 60 days.

Due to these concerns, the BOCC voted to reopen the public hearing and refer the item back to the Planning Board and staff to modify the proposed amendment to address comments received at the May 26, 2015 Quarterly Public Hearing and the September 1, 2015 BOCC meeting. Comments made at this meeting are included in Section C.1 of Attachment 1. Approved minutes from this meeting are included Attachment 5. Agenda materials from the hearing can be accessed at the following link:

[http://www.orangecountync.gov/departments/board\\_of\\_county\\_commissioners/agendas.php](http://www.orangecountync.gov/departments/board_of_county_commissioners/agendas.php).

The proposed revised amendment creates an entirely new land use, temporary custodial care units, which combines temporary health care structure standards outlined in Session Law 2014-94 and existing standards related to temporary mobile home units (custodial care) contained in Section 5.4.4 of the UDO. Proposed revisions to the amendment include:

- Proposed standards allowing for temporary health care structures and temporary mobile homes up to 1,000 square feet in size to be placed as an accessory use to an existing single family dwelling unit.
- The removal of the required Class B Special Use Permit for temporary mobile homes currently contained in the UDO.
- Proposed language increasing the number of unrelated persons that can live in a dwelling unit from three to five based on the North Carolina Residential State Building Code.
- The removal of language regulating signage content for the temporary health care structures proposed in the original amendment. Due to recent court rulings regarding signage, the County Attorney's office recommended removal of this language from the amendment.

In summary, all comments and concerns received at previous meetings have been incorporated into the proposed amendments.

#### Joint Planning Area (JPA) Agreement

The opportunity for comment by the JPA partners (Towns of Chapel Hill and Carrboro) is required for all UDO text amendments that may affect the RB (Rural Buffer) zoning district. Since temporary custodial care units will be permitted as an accessory use to a detached single family dwelling in the RB district, the proposed text amendments were submitted to the JPA partners for review and comment on December 22, 2015. To date, no comments have been received.

Planning Director's Recommendation: The Planning Director recommends **approval** of proposed text amendments, including the:

- i. Statement of Consistency contained in Attachment 2, which indicates the proposed text amendments are consistent with the adopted Comprehensive Plan, are reasonable, and are in the public interest, and
- ii. The text amendment as contained in Attachment 3.

Planning Board Recommendation: At its January 6, 2016 meeting, the Board voted unanimously to **recommend approval** of the Statement of Consistency and the amendment package. Draft minutes from this meeting and the signed Statement of Consistency are included in Attachment 6. Agenda materials from the January 6, 2016 Planning Board meeting can be viewed at: [http://www.orangecountync.gov/Planning Board Agenda Packet Jan 20161.pdf](http://www.orangecountync.gov/Planning_Board_Agenda_Packet_Jan_20161.pdf).

**FINANCIAL IMPACT:** Consideration and approval will not create the need for additional funding for the provision of County services. Costs for the required legal advertisement were paid from FY2014-15 and FY2015-16 Departmental funds budgeted for this purpose. Existing Planning staff included in the Departmental staffing budget will accomplish the work required to process this amendment.

**SOCIAL JUSTICE IMPACT:** The following Orange County Social Justice Goal is applicable to this agenda item:

- **GOAL: ENSURE ECONOMIC SELF-SUFFICIENCY**

The creation and preservation of infrastructure, policies, programs and funding necessary for residents to provide shelter, food, clothing and medical care for themselves and their dependents.

**RECOMMENDATION(S):** The Administration recommends the Board:

1. Receive the proposed amendments to the UDO as detailed in this abstract and attachments.
2. Conduct the public hearing and accept comment on the proposed amendments.
3. Close the public hearing. (Note that, because this is a legislative decision, additional comments at a later date are permitted).
4. Decide on one of the following options:
  - a. Adopt the proposed amendments by approving the Statement of Consistency (Attachment 2) and Ordinance (Attachment 3).
  - b. Defer a decision to a later BOCC regular meeting date.
  - c. Refer the item back to the Planning Board for a specific purpose.

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

## UDO / Zoning-2014-13 Temporary Custodial Care Units

### A. AMENDMENT TYPE

#### Map Amendments

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

#### Text Amendments

- Comprehensive Plan Text:

Section(s):

- UDO Text:

- UDO General Text Changes  
 UDO Development Standards  
 UDO Development Approval Processes

Section(s): Section 5.2, Table of Permitted Uses  
Section 5.4, Standards for Temporary Uses  
Section 5.5, Standards for Residential Uses  
Section 10.1, Definitions

- Other:

### B. RATIONALE

#### 1. Purpose/Mission

In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the UDO, the Planning Director has initiated a text amendment to incorporate changes in State Law, specifically Session Law 2014-94, related to the review and permitting of temporary health care structures. The proposed amendment will modify sections of the UDO in order to be consistent with North Carolina General Statutes.

## 2. Analysis

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

The amendments are necessary to ensure the permitting of a temporary health care structure is consistent with changes in State Law. Based on regulations set forth in Session Law 2014-94, the proposed amendment will incorporate the new use identified in Session Law into the UDO and address the review and permitting of temporary health care structures in order to be consistent with State Law. A copy of Session Law 2014-94 can be found at the end of this form. In addition, the amendment will address comments received at the May 26 Quarterly Public Hearing, June 3 Planning Board meeting, and September 1 BOCC meeting.

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

Chapter 4: Housing Element – Section 4.6 Goals  
Housing Goal 2: Housing that is useable by as many people as possible regardless of age, ability, or circumstance.

## 4. New Statutes and Rules

Session Law 2014-94 *An Act Relating To Zoning Provisions For Temporary Health Care Structures*

# C. PROCESS

## 1. TIMEFRAME/MILESTONES/DEADLINES

### a. BOCC Authorization to Proceed

November 18, 2014

### b. Quarterly Public Hearing

May 26, 2015

February 18, 2016

### c. BOCC Updates/Checkpoints

May 26, 2015 Quarterly Public Hearing. This item was reviewed at the hearing where the following comments were made:

- BOCC Member Comment: Orange County staff should explore modifying the amendments and the Unified Development Ordinance in order to make temporary health care structures easily available. The onerous requirements only allowing a relative to occupy a unit, requiring the unit be taken down 60 days after the person moves out or dies, and not allowing it to be used again makes it extremely unlikely it will ever be used.

*Staff Response: The proposed amendment has been revised to address these concerns. The amendment removes the relative or legal guardian requirement and allows for a unit to stay on the property for up to 180 days after the*

*temporary unit is no longer needed.*

- BOCC Member Comment: The proposed text amendment is too restrictive as presented. Additional uses should be explored and discussed to allow more options for residents to accommodate mentally or physically impaired individuals on their property.

*Staff Response: The proposed amendment is based on regulations contained in the North Carolina State Legislature's Session Law 2014-94. In order for the Unified Development Ordinance (UDO) to be consistent and meet regulations of the Session Law, the amendment is being proposed as presented. Though standards may appear limiting, the addition of temporary health care structure regulations by the State Legislature does help to provide residents with another option to address caregiving needs of mentally or physically impaired individuals.*

*In addition to these standards relating to temporary health care structures, other options are currently provided in the UDO that may be viewed as less restrictive. Existing standards contained in the UDO allow for additional options in caring for mentally or physically impaired individuals on a temporary or permanent basis. One option includes efficiency apartments, also known as accessory dwelling units, which may be constructed as an additional dwelling unit, accessory to a single family residence. The UDO also allows for temporary mobile homes for custodial care purposes to be placed as an accessory dwelling unit to an existing single family residence. Both of these options would allow individuals to provide onsite care to impaired relatives. Standards outlined in the UDO provide for the creation of Family Care Homes and Group Care Facilities. The amendment is also proposing to allow up to five unrelated persons to live together in a dwelling unit. This would allow residents wanting to provide care to impaired individuals who are unrelated to do so.*

*Existing options for residential caregiving and proposed standards related to temporary custodial care units can be reviewed in the summary chart on the next page.*

Standards	Existing Options for Residential Caregiving					Proposed
	Single Family Dwelling	Temporary Mobile Home – Custodial Care	Efficiency Apartment (ADU)	Family Care Facility	Group Care Facility	Temporary Custodial Care Unit <sup>1</sup>
Status	Existing	Existing	Existing	Existing	Existing	Proposed
Permitting Process	Zoning Compliance Permit	Class B SUP	Zoning Compliance Permit	Zoning Compliance Permit	Class B SUP	Zoning Compliance Permit
Size Regulations	No	No <sup>2</sup>	Shall not exceed 800 square feet	No <sup>2</sup>	No <sup>2</sup>	Shall not exceed 1,000 square feet
Primary or Accessory Structure	Primary	Accessory	Accessory	Primary	Primary	Accessory
Primary Structure Required	N/A	Yes	Yes	N/A	N/A	Yes
Temporary or Permanent Structure	Permanent	Temporary	Permanent	Permeant	Permeant	Temporary
Attached or Detached	N/A	Detached	Attached or Detached	N/A	N/A	Detached
Built Onsite or Offsite	Onsite or offsite <sup>3</sup>	Offsite	Onsite or offsite <sup>3</sup>	Onsite or offsite <sup>3</sup>	Onsite or offsite <sup>3</sup>	Offsite
Must Meet UDO Standards	Yes	Yes	Yes	Yes	Yes	Yes
Must Meet NC State Building Code Standards	Yes	No <sup>4</sup>	Yes	Yes	Yes	Yes <sup>4</sup>
Environmental Health Approval	Yes	Yes	Yes	Yes	Yes	Yes
Occupant Requirement	Up to 3 unrelated people	No	No	Up to 6 unrelated people	7 to 15 unrelated people	2 people
Relative Requirement	No	Yes	No	No	No	No
Medical License Requirement	No	Certificate from licensed physician	No	Licensed by state agency	Licensed by state agency	Certificate from licensed physician
Annual Renewal Requirement	No	Yes	No	No	No	Yes

<sup>1</sup> The proposed temporary custodial care unit shall allow for temporary health care structures and temporary mobile homes.

<sup>2</sup> No specific size regulations are contained in the UDO. However, the size of residential structures may be determined and/or limited by lot size, zoning district, zoning regulations, and environmental health standards.

<sup>3</sup> Onsite includes stick built construction (i.e. individual lumber). Offsite includes modular construction and manufactured homes.

<sup>4</sup> Manufactured homes are built to the standards of the Department of Housing and Urban Development (HUD). A HUD Certificate is required by Orange County prior to placement in the county.

September 1, 2015 – This item was presented to the BOCC for adoption consideration. The BOCC voted to reopen the public hearing and refer the item back to the Planning Board and Planning staff to modify the proposed amendment to include comments received at the May 26 Quarterly Public Hearing and the September 1 BOCC meeting. The following comments were made:

- BOCC Member Comment: Shocked to discover that Orange County only allows up to three unrelated people to live together in a single family dwelling unit. Request for this to be reviewed by staff and modified.

*Staff Response: The proposed amendment will address this comment and*

*allow up to five unrelated people to reside together in a single family dwelling unit. The maximum of five people is based on the 2012 North Carolina Residential Code. Once there are more than five unrelated people residing together the dwelling unit must be classified and reviewed under the 2012 North Carolina State Building Code as a rooming or boarding house. A rooming or boarding house is reviewed and permitted differently in the North Carolina State Building Code and UDO compared to a single family dwelling unit.*

- BOCC Member Comment: Concern with the requirement that the occupant of the temporary health care structure must be a North Carolina resident. As a result of this requirement, an Orange County resident would not be able to care for an elderly parent or sick relative from out of state.

*Staff Response: The proposed amendment will address this comment by removing the standard requiring the mentally or physically impaired individual be a North Carolina resident.*

- BOCC Member Comment: Recommendation that staff provides information regarding Session Law 2014-94 on the county website for the public to access.

*Staff Response: A link to Session Law 2014-94 has been added to the Orange County Planning and Inspections webpage.*

- BOCC Member Comment: As the county moves forward with modifications to the proposed amendment it is recommended that staff solicit comments from the Towns of Chapel Hill, Carrboro, and Hillsborough.

*Staff Response: The proposed amendment was provided to the Towns of Chapel Hill, Carrboro, and Hillsborough for review and comment on December 22, 2015.*

d. Other

## 2. **PUBLIC INVOLVEMENT PROGRAM**

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

a. Planning Board Review:

December 3, 2014 – Ordinance Review Committee

This item was presented at the December 3, 2014 Ordinance Review Committee meeting for Planning Board review and comment. Following this meeting, staff made one minor revision to the text amendment regarding signage pertaining to the advertisement of a temporary health care structure.

June 3, 2015 – Recommendation to the BOCC. This item was reviewed and the following comments were made:

- Planning Board Member Comment: Why is this amendment being proposed?

*Staff Response: Due to the adoption of Session Law 2014-94 in August 2014, all cities and counties within the state must recognize and allow for temporary health care structures. As a result, Planning staff began the process to amend the UDO in November 2014 in order to recognize the new land use, provide information and access regarding permitting regulations to Orange County residents, and to be consistent with State Law.*

- Planning Board Member Comment: Only a small percent of residents will be able to utilize a temporary health care structure due to the proposed standards and financial costs.

*Staff Response: Due to proposed standards (based on Session Law 2014-94), environmental health regulations, and potential cost, many residents may have a limited opportunity to have a temporary health care structure be placed on their property. However, the proposed amendment for temporary health care structures is not the only option available, but is instead providing an additional option to Orange County residents. These standards and financial costs can also limit the opportunity for residents to build an efficiency apartment, construct an addition to an existing residential structure, or place a temporary mobile home. The purpose of all these residential uses, including temporary health care structures, is to provide temporary or permanent, more affordable, higher quality, and accessible housing options for those in need.*

*The initial cost of a temporary health care structure can be alarming. A temporary health care structure can include a onetime cost up to \$125,000 or a lease cost up to \$2,000 a month, both costs depend on added medical and/or technology features. When compared to the median monthly and yearly cost of a nursing home or assisted living facility in the state of North Carolina and the Chapel Hill-Durham area, it can be viewed as a less expensive option for Orange County residents.*

Median Cost of Assisted Living or Nursing Home Room Compared to a Temporary Health Care Structure					
	North Carolina		Chapel Hill – Durham Area		Temporary Health Care Structure
	Nursing Home	Assisted Living	Nursing Home	Assisted Living	
Monthly Cost	\$5,977	\$2,900	\$6,388	\$3,500	\$2,000
Yearly Cost	\$71,723	\$34,800	\$76,650	\$42,000	\$24,000

*Source: North Carolina State Specific Data from the Genworth Cost of Care Survey*

November 4, 2015 – Ordinance Review Committee

January 6, 2016 – Recommendation to the BOCC

b. Advisory Boards:

_____	_____
_____	_____
_____	_____

c. Local Government Review:  
The revised amendment package was submitted to the JPA Partners and the Town of Hillsborough for review and comment on December 22, 2015. No comments have been received.

d. Notice Requirements  
 Consistent with NC State Statutes – legal ad prior to public hearing

e. Outreach:

General Public: \_\_\_\_\_

Small Area Plan Workgroup: \_\_\_\_\_

Other: Materials were distributed to other County Departments and/or Divisions that may be interested or affected, including Building Inspections, Aging, Health, Environmental Health, Social Services, Emergency Services, and Tax/Land Records.

**FISCAL IMPACT**

Consideration and approval will not create the need for additional funding for the provision of County services. Costs for the required legal advertisement were paid from FY2014-15 and FY2015-16 Departmental funds budgeted for this purpose. Existing Planning staff included in the Departmental staffing budget will accomplish the work required to process this amendment.

**D. AMENDMENT IMPLICATIONS**

Proposed language within the Unified Development Ordinance will be consistent with modification to State Law. The amendment will create an entirely new land use, temporary custodial care units, which combines temporary health care structure standards outlined in Session Law 2014-94 and existing standards related to temporary mobile home units (custodial care) contained in Section 5.4.4. This option would allow for temporary health care structures and temporary mobile homes up to 1,000 square feet in size to be placed as an accessory use to a single family dwelling unit, subject to the standards proposed. Additionally, comments made at the May 26 Quarterly Public Hearing, June 3 Planning Board meeting, and September 1 BOCC meeting have been incorporated. These include issues identified with the relationship requirement between the occupant of the temporary health care structure and the occupant of the single family dwelling unit, North Carolina state residency standards, and the regulation requiring removal of the unit within 60 days.

**E. SPECIFIC AMENDMENT LANGUAGE**

See Attachment 3.

**Primary Staff Contact:**  
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 Planning Department  
 919-245-2589  
 amoncado@orangecountync.gov

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

SESSION LAW 2014-94  
HOUSE BILL 625

AN ACT RELATING TO ZONING PROVISIONS FOR TEMPORARY HEALTH CARE STRUCTURES.

The General Assembly of North Carolina enacts:

**SECTION 1.** Part 3 of Article 18 of Chapter 153A of the General Statutes is amended by adding a new section to read:

**"§ 153A-341.3. Zoning of temporary health care structures.**

A county exercising powers under this Article shall comply with G.S. 160A-383.5."

**SECTION 2.** Part 3 of Article 19 of Chapter 160A of the General Statutes is amended by adding a new section to read:

**"§ 160A-383.5. Zoning of temporary health care structures.**

(a) The following definitions apply in this section:

- (1) Activities of daily living. – Bathing, dressing, personal hygiene, ambulation or locomotion, transferring, toileting, and eating.
- (2) Caregiver. – An individual 18 years of age or older who (i) provides care for a mentally or physically impaired person and (ii) is a first or second degree relative of the mentally or physically impaired person for whom the individual is caring.
- (3) First or second degree relative. – A spouse, lineal ascendant, lineal descendant, sibling, uncle, aunt, nephew, or niece and includes half, step, and in-law relationships.
- (4) Mentally or physically impaired person. – A person who is a resident of this State and who requires assistance with two or more activities of daily living as certified in writing by a physician licensed to practice in this State.
- (5) Temporary family health care structure. – A transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the State Building Code and G.S. 143-139.1(b). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.

(b) A city shall consider a temporary family health care structure used by a caregiver in providing care for a mentally or physically impaired person on property owned or occupied by the caregiver as the caregiver's residence as a permitted accessory use in any single-family residential zoning district on lots zoned for single-family detached dwellings.

(c) A city shall consider a temporary family health care structure used by an individual who is the named legal guardian of the mentally or physically impaired person a permitted accessory use in any single-family residential zoning district on lots zoned for single-family detached dwellings in accordance with this section if the temporary family health care structure is placed on the property of the residence of the individual and is used to provide care for the mentally or physically impaired person.

(d) Only one temporary family health care structure shall be allowed on a lot or parcel of land. The temporary family health care structures under subsections (b) and (c) of this section shall not require a special use permit or be subjected to any other local zoning requirements beyond those imposed upon other authorized accessory use structures, except as



otherwise provided in this section. Such temporary family health care structures shall comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure.

(e) Any person proposing to install a temporary family health care structure shall first obtain a permit from the city. The city may charge a fee of up to one hundred dollars (\$100.00) for the initial permit and an annual renewal fee of up to fifty dollars (\$50.00). The city may not withhold a permit if the applicant provides sufficient proof of compliance with this section. The city may require that the applicant provide evidence of compliance with this section on an annual basis as long as the temporary family health care structure remains on the property. The evidence may involve the inspection by the city of the temporary family health care structure at reasonable times convenient to the caregiver, not limited to any annual compliance confirmation, and annual renewal of the doctor's certification.

(f) Notwithstanding subsection (i) of this section, any temporary family health care structure installed under this section may be required to connect to any water, sewer, and electric utilities serving the property and shall comply with all applicable State law, local ordinances, and other requirements, including Part 5 of this Article, as if the temporary family health care structure were permanent real property.

(g) No signage advertising or otherwise promoting the existence of the temporary health care structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.

(h) Any temporary family health care structure installed pursuant to this section shall be removed within 60 days in which the mentally or physically impaired person is no longer receiving or is no longer in need of the assistance provided for in this section. If the temporary family health care structure is needed for another mentally or physically impaired person, the temporary family health care structure may continue to be used, or may be reinstated on the property within 60 days of its removal, as applicable.

(i) The city may revoke the permit granted pursuant to subsection (e) of this section if the permit holder violates any provision of this section or G.S. 160A-202. The city may seek injunctive relief or other appropriate actions or proceedings to ensure compliance with this section or G.S. 160A-202.

(j) Temporary family health care structures shall be treated as tangible personal property for purposes of taxation."

**SECTION 3.** G.S. 130A-250 is amended by adding a new subdivision to read:

"(14) Temporary family health care structures under G.S. 153A-341.3 or G.S. 160A-383.5."

**SECTION 4.** G.S. 131D-2.1(10) reads as rewritten:

"(10) Multiunit assisted housing with services. – An assisted living residence in which hands-on personal care services and nursing services which are arranged by housing management are provided by a licensed home care or hospice agency through an individualized written care plan. The housing management has a financial interest or financial affiliation or formal written agreement which makes personal care services accessible and available through at least one licensed home care or hospice agency. The resident has a choice of any provider, and the housing management may not combine charges for housing and personal care services. All residents, or their compensatory agents, must be capable, through informed consent, of entering into a contract and must not be in need of 24-hour supervision. Assistance with self-administration of medications may be provided by appropriately trained staff when delegated by a licensed nurse according to the home care agency's established plan of care. Multiunit assisted housing with services programs are required to register annually with the Division of Health Service Regulation. Multiunit assisted housing with services programs are required to provide a disclosure statement to the Division of Health Service Regulation. The disclosure statement is required to be a part of the annual rental contract that includes a description of the following requirements:

- a. Emergency response system;
- b. Charges for services offered;
- c. Limitations of tenancy;

**STATEMENT OF CONSISTENCY  
OF A PROPOSED UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT  
WITH THE ADOPTED ORANGE COUNTY 2030 COMPREHENSIVE PLAN**

Orange County has initiated an amendment to the Unified Development Ordinance (UDO) to allow temporary custodial care units, 1,000 square feet or less, to be permitted as an accessory use in any single family residential zoning district on lots zoned for single family detached dwellings.

The Planning Board finds:

- a. The requirements of Section 2.8 of the UDO have been deemed complete; and,
- b. Pursuant to Sections 1.1.5, and 1.1.7 of the UDO and to Section 153A-341 of the North Carolina General Statutes, the Board finds sufficient documentation within the record denoting that the amendment **is consistent** with the adopted 2030 Comprehensive Plan.
- c. The amendment is consistent with applicable plans because it:
  - 1. *Supports the following 2030 Comprehensive Plan goals and objectives:*  
Chapter 4 – Housing Element – Section 4.6 Goals  
 Housing Overarching Goal: Opportunity for all citizens of Orange County to rent or purchase safe, decent, accessible, and affordable housing.  
 Housing Goal 2: Housing that is useable by as many people as possible regardless of age, ability or circumstance.
- d. The amendment is reasonable and in the public interest because it:
  - 1. Provides a temporary, affordable, higher quality, and accessible housing option for those in need.
  - 2. Allows residents with mental or physical impairments to reside with caregivers in order to receive the care they need.

The Planning Board of Orange County hereby recommends that the Board of County Commissioners consider adoption of the proposed UDO text amendment.

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Date

**AN ORDINANCE AMENDING  
THE UNIFIED DEVELOPMENT ORDINANCE OF ORANGE COUNTY**

**Whereas**, recent changes in State Law, specifically Session Law 2014-94 signed into law on August 1, 2014, adopted new regulations for the permitting of temporary health care structures in the state, and

**Whereas**, the County determined new language needed to be added to the UDO to ensure consistency with these changes, and

**Whereas**, the County determined existing language needed to be modified in the UDO to expand custodial care options for Orange County residents, and

**Whereas**, the requirements of Section 2.8 of the Unified Development Ordinance have been deemed complete, and

**Whereas**, the County has held the required public hearing and has found the proposed text amendment is consistent with the goals and policies of the adopted Comprehensive Plan.

**Be it ordained** by the Board of Commissioners of Orange County that the Unified Development Ordinance of Orange County is hereby amended as depicted in the attached pages.

**Be it further ordained** that this ordinance be placed in the book of published ordinances and that this ordinance is effective on February 18, 2016.

Upon motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, the foregoing ordinance was adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

I, Donna S. Baker, Clerk to the Board of Commissioners for Orange County, DO  
HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a meeting held on \_\_\_\_\_, 2016 as relates in any way to the adoption of the foregoing and that said proceedings are recorded in the minutes of the said Board.

WITNESS my hand and the seal of said County, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

SEAL

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Clerk to the Board of Commissioners

### UDO AMENDMENT PACKET NOTES:

The following packet details the proposed text amendment to incorporate recent changes in State Law with respect to temporary health care structures. The amendment package will modify Sections 5.4, 5.5 and 10.1 of the UDO to accommodate the new standards.

As the number of affected pages/sections of the existing UDO are being modified with this proposal, staff has divided the proposed amendments into the following color coded classifications:

- **Red Text:** Denotes new, proposed text, that staff is suggesting be added to the UDO based on Session Law 2014-94 and comments received at the May 26 Quarterly Public Hearing and September 1 BOCC meeting.
- **Black Strikethrough Text:** Denotes existing text that staff is proposing to delete

Only those pages of the UDO impacted by the proposed modification(s) have been included within this packet. Some text on the following pages has a large "X" through it to denote that these sections are not part of the amendments under consideration. The text is shown only because in the full UDO it is on the same page as text proposed for amendment or footnotes from previous sections 'spill over' onto the included page. Text with a large "X" is not proposed for modification.

**Please note that the page numbers in this amendment packet may or may not necessarily correspond to the page numbers in the adopted UDO because adding text may shift all of the text/sections downward.**

Users are reminded that these excerpts are part of a much larger document (the UDO) that regulates land use and development in Orange County. The full UDO is available online at: <http://orangecountync.gov/planning/Ordinances.asp>

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	I1	I2	I3	PID
~ Use may not be permitted as a Conditional Use District; See Section 5.1.4(E) ^ Allowed as more than one principal use if located on a bona fide farm (see Section 6.2.5)																					
Recreational Facilities (Non-Profit)	B	B	B	B	B	B	B	B	B	B	B	B	B		B			B	B	B	
Recreational Facilities (Profit)												*	*					*			
Golf Course	A	A	A	A	A	A	A	A	A	A	A	A	A		A			A	A	A	
<b>RESIDENTIAL USES</b>																					
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						*	*	*	*						*						
<b>TELECOMMUNICATIONS</b>																					
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
<b>TEMPORARY USES</b>																					
Buildings, Portable	B	B	B	B	B	B	B	B	B		B	B	B	B	B						
Temporary Mobile Home (Custodial Care) <sup>+</sup>	B	B	B	B	B	B	B	B	B						B						

<sup>1</sup> The temporary mobile home (custodial care) use is proposed to be removed from the table of permitted uses. This existing use will be incorporated into the new temporary custodial care unit use and permitted as an accessory use to an existing single family dwelling unit.

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)									
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 custodial care)		B	B	B					
Temporary mobile home (For occupancy during construction of permanent residential unit and for 30 days after issuance of Certificate of Occupancy)			*				*		
<b>RETAIL</b>									
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#		*					

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				
Telecommunication Towers (greater than 150 in height)	*	*		
<b>TEMPORARY USES</b>				
Buildings, Portable	*			
Temporary Mobile Home (Custodial Care)	*			
Temporary Mobile Home (Use during construction/installation of permanent residential unit and for 30 days following issuance of Certificate of Occupancy)	*			
<b>TRANSPORTATION</b>				
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		*		*
<b>UTILITIES</b>				
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	*	*		

- (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.

##### (B) Standards for Class B Special Use Permit<sup>2</sup>

###### (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) One of the following types of relationships shall exist between the occupants of mobile home and the existing single family dwelling.
  - (i) Blood relationship.
  - (ii) Relationship by marriage.
  - (iii) Legal guardian relationship designated by Court of Law.
- (b) A certificate in writing, from a licensed physician (MD) stating the necessity of direct custodial care because of age or poor health.
- (c) Floor plan of the existing single family unit showing that there is no reasonable alternative based on the utilization of the existing floor plan.

<sup>2</sup> Based on the proposed amendment, Section 5.4.4(B) will be modified and moved to Section 5.5.9.

- (d) Site plan showing the location of the existing single family unit; the proposed mobile home, driveway, parking area, sewage disposal facilities.
- (e) A statement for setting forth the length of time for which the request is made. Approval shall not exceed one year.

**(2) Standards of Evaluation**

- (a) The relationship between the occupants of the single family unit and the mobile home is established.
- (b) There is a certificate from a licensed physician (MD) stating the necessity of direct care.
- (c) The floor plan of the existing single family unit shows there is no reasonable alternative to the mobile home.
- (d) The proposed site plan shows the location and setbacks of the existing single family unit, the mobile home, and driveways and parking areas. The setbacks for all structures meet or exceed the requirements of the district in which the lot is located.
- (e) There shall be adequate lot area for each unit, according to the minimum requirements of the zoning district in which the lot is located.
- (f) Approval of the Orange County Health Department for water and sewerage disposal facilities, or the approval of the appropriate agency from which sanitary sewer and water will be supplied.
- (g) Approval of the application shall not exceed one year. Renewal shall constitute a new application.

**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**

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<sup>3</sup>**

**(A) General Standards**

**(1) Submittal Requirements<sup>4</sup>**

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.

**(2) 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.

<sup>3</sup> A temporary custodial care unit use is being proposed in order to address comments received at the May 26 Quarterly Public Hearing and September 1 BOCC meeting. The new use combines the temporary health care structure standards outlined in Session Law 2014-94 and existing standards related to temporary mobile home units (custodial care) contained in Section 5.4.4. This option which would allow for temporary health care structures and temporary mobile homes up to 1,000 square feet in size to be placed as an accessory use to an existing single family dwelling unit, remove the required Special Use Permit for temporary mobile homes currently contained in the UDO, and address items of concern identified by the BOCC at the May and September meetings.

<sup>4</sup> Based on comments received at the May 26 Quarterly Public Hearing and September 1 BOCC meeting, the proposed amendment will not require documentation identifying the relationship between the occupant of the temporary health care structure and the occupant of the existing family dwelling unit. In addition, the amendment will not require the occupant of the temporary health care structure to be a North Carolina resident.

- (c) The temporary custodial care unit must meet setback standards where located and shall not be located in any required front yard open space.<sup>5</sup>
- (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.<sup>6</sup>
- (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

<sup>5</sup> It should be noted the required front yard space is not necessarily synonymous with all the space between a dwelling and the road right-of-way. Many dwelling units in rural areas are located further from the road right-of-way than the required front setback. Therefore, a temporary custodial care unit could potentially be located in front of an existing dwelling unit.

<sup>6</sup> Based on comments received at the May 26 Quarterly Public Hearing and September 1 BOCC meeting, the proposed amendment will allow a temporary custodial care unit to remain on the property for up to 180 days after a mentally or physically impaired person is no longer receiving care or is in need of assistance.

### 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 ~~of~~ <sup>or</sup><sup>7</sup> two or more persons related by blood, marriage or adoption, living together in a dwelling unit; or a group of not more than <sup>five</sup><sup>8</sup> 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;

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<sup>7</sup> Staff is suggesting this typographical error be corrected as part of this UDO amendment.

<sup>8</sup> Based on comments received at the September 1 BOCC meeting, revisions to the definition of family will increase the number of unrelated persons allowed to live together in a dwelling unit from three to five. The maximum of five people is based on the 2012 North Carolina Residential Code. Once there are more than five unrelated people the dwelling unit must be classified and reviewed under the 2012 North Carolina State Building Code as a rooming or boarding house. A rooming or boarding house is reviewed and permitted differently in the North Carolina State Building Code and UDO compared to a single family dwelling unit.

### **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 devices. 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. It 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 ~~for~~ ~~custodial care under a Class B Special Use Permit or 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.

APPROVED 9/1/2015

**MINUTES**  
**ORANGE COUNTY BOARD OF COMMISSIONERS**  
**QUARTERLY PUBLIC HEARING**  
**May 26, 2015**  
**7:00 P.M.**

The Orange County Board of Commissioners met with the Orange County Planning Board for a Quarterly Public Hearing on May 26, 2015 at 7:00 p.m. at the Whitted Building, in Hillsborough, N.C.

**COUNTY COMMISSIONERS PRESENT:** Chair Earl McKee and Commissioners Mia Burroughs, Mark Dorosin, Bernadette Pelissier, Renee Price and Penny Rich

**COUNTY COMMISSIONERS ABSENT:** Barry Jacobs

**COUNTY ATTORNEY PRESENT:** James Bryan (Staff Attorney)

**COUNTY STAFF PRESENT:** County Manager Bonnie Hammersley and Clerk to the Board Donna Baker (All other staff members will be identified appropriately below)

**PLANNING BOARD MEMBERS PRESENT:** Chair Pete Hallenbeck and Planning Board members Lisa Stuckey, Herman Staats, Paul Guthrie, Tony Blake, Laura Nicholson, and Lydia Wegman, Andrea Rohrbacher, Maxecine Mitchell, H.T. "Buddy" Hartley

**PLANNING BOARD MEMBERS ABSENT:** James Lea and Bryant Warren

Chair McKee called the meeting to order at 7:05 p.m.

Chair McKee said that Commissioner Jacobs would be unable to attend the meeting tonight.

Chair McKee noted the following items at their places:

- White sheets: PowerPoint slides for Items C1-5
- Notebook for Item C-3- Request for Special Use Permit - solar array/public utility station

Chair McKee said staff requested that the Board of County Commissioners (BOCC) consider moving Item 5 - Unified Development Ordinance (UDO) Text Amendment – forward to the beginning of the agenda, as it is a short presentation.

A motion was made by Commissioner Rich, seconded by Commissioner Pelissier to move Item 5 - Unified Development Ordinance (UDO) Text Amendment - forward on the agenda to the beginning of the agenda.

**VOTE: UNANIMOUS**

**A. OPENING REMARKS FROM THE CHAIR-Chair McKee and PB Chair Pete Hallenbeck**

**B. PUBLIC CHARGE**

*Chair McKee dispensed with the reading of the Public Charge*

**C. PUBLIC HEARING ITEMS**

- 5. Unified Development Ordinance (UDO) Text Amendment** - To review government-initiated amendments to the text of the UDO to incorporate recent changes in State law with respect to the review and permitting of temporary health care structures.

Ashley Moncado, Orange County Planning Inspections, presented the following PowerPoint slides:

**Unified Development Ordinance**  
**Text Amendment**  
**Temporary Health Care Structures**  
**Quarterly Public Hearing**  
**May 26, 2015**  
**Item C5**

**Purpose**

To hold a public hearing on a Planning Director initiated Unified Development Ordinance (UDO) text amendment regarding proposed standards for temporary health care structures to be added into Sections 5.5 *Standards for Residential Uses* and 10.1 *Definitions* of the UDO.

**Background**

**What is a Temporary Health Care Structure (THCS)?**

- General Definition
  - A mobile, modular unit, which may include health care amenities, designed to be temporarily placed on a caregiver's property for rehabilitation and extended care of an impaired relative.
- Purpose
  - Provide a temporary, affordable, higher quality, and accessible housing option for those in need, and for families in place of a nursing home facility.
- Similar to a state of the art hospital room
- Also known as:
  - MEDCottages
  - Granny Pods

**Session Law 2014-94**

- **Background**
  - Concerns with existing zoning regulations limiting temporary health care structures
  - Adopted (August 1, 2014) to accommodate use and limit permitting obstacles statewide
  - Modeled after 2010 Virginia State Legislation
- **Purpose**
  - Allow people with mental or physical impairments to live and reside with their families in order to receive the care they need.
- **Outlined Definition and Regulations**

**Proposed Amendments**

- Proposed Revisions to:
  - Section 5.5, *Standards for Residential Uses*
  - Article 10, *Definitions*
- Packet includes the proposed amendments in “track changes” format
- Renumbering and reformatting of identified Sections

**Proposed Amendments**

**Definition**

- A transportable residential structure facilitating a caregiver's provision of care for a mentally or physically impaired person that is primarily assembled offsite, is limited to one occupant, has no more than 300 gross square feet, and complies with applicable standards of the North Carolina State Building Code. Temporary health care structures shall not be installed on a permanent foundation. Temporary health care structures are classified as an accessory use to single family detached dwellings.

**Proposed Amendments****Submittal Requirements**

- Must meet Section 2.4, Zoning Compliance Permits
- Documentation identifying the relationship of the occupant of the THCS and occupant of the single family dwelling
- Physician's certification

**Proposed Amendments****Standards of Evaluation**

- Existing single family residential dwelling unit must be located on the same parcel as the THCS
- No more than one THCS per lot
- Must meet setback standards contained in Section 5.5.1, Accessory Structures and Uses
- Occupancy shall be limited to one mentally or physically impaired individual
- No signage or advertisement promoting the THCS shall be permitted
- Shall be required to connect to water, wastewater, and electric utilities serving the principal structure
- All applicable state and local approvals and permits shall be acquired

**Proposed Amendments****Standards of Evaluation**

- Approval of the application shall not exceed one year and require annual renewal
- Must be removed 60 days after the mentally or physically impaired person is no longer receiving care or is in a need of assistance
- Caregiver shall allow inspections of the property by the County

**Public Notification**

- Completed in accordance with Section 2.8.7 of the UDO
  - Newspaper legal ads for two successive weeks

**Joint Planning Area Partners**

- Proposed amendments provided on January 14, 2015
  - No comments have been received

**Recommendation****The Planning Director recommends the Board:**

- Receive the proposed amendments to the UDO as detailed in this abstract and attachments.

- Conduct the public hearing and accept public, BOCC, and Planning Board comment on the proposed amendments.
- Refer the matter to the Planning Board with a request that a recommendation be returned to the BOCC in time for the **September 1, 2015** BOCC regular meeting.
- Adjourn the public hearing until **September 1, 2015** in order to receive and accept the Planning Board's recommendation and any submitted written comments.

Commissioner Dorosin asked if the building of a THCS is permissible, only if the recipient of the care is related to the landowner.

Ashley Moncado said that is correct.

Commissioner Dorosin asked if the THCS must be removed from the property, once the relative improves or moves on to a different living situation.

Ashley Moncado said currently only one company makes this type of THCS, and they are built to be temporary. She said the THCS are built out of Virginia, where there are almost the same state regulations as North Carolina. She said the TCHS cost about \$100,000, and there is no restriction on the word "temporary," so it could be on a property long term.

Commissioner Rich asked if the TCHS remains on a property for many years, must it always be inhabited by the ailing relative.

Ashley Moncado said yes.

Commissioner Rich asked if there appears to be a need for the TCHS in Orange County.

Ashley Moncado she said no one has gone through the process to be permitted, but there have been inquiries.

Commissioner Price asked if a domestic partner would fall under the category of relative, and be able to reside in a TCHS.

Ashley said that would apply for the family relationship.

Commissioner Price asked for clarification regarding how water and sewer would work.

Ashley said the applicant would have to go through Environmental Health to make sure that their present system has the capacity to accommodate this usage.

Commissioner Price asked if this would also pertain to the Rural Buffer, and would Orange Water and Sewer Authority (OWASA) be involved.

Ashley said yes, but properties in the rural buffer on mostly well and septic systems.

A motion was made by Commissioner Rich, seconded by Commissioner Pelissier for the Board: To refer the matter to the Planning Board, with a request that a recommendation be returned to the BOCC in time for the **September 1, 2015** BOCC regular meeting.

**VOTE: Ayes, 5; Nays, 1 (Commissioner Dorosin)**

**Motion Passes**

Commissioner Dorosin said he likes the idea of the THCS, but he would like for the Board to consider amending the UDO, making such structures more accessible and the regulations less onerous.

Commissioner Pelissier said the BOCC could direct the Planning Board to deliberate on this issue, and to consider other options before returning to the Board of County Commissioners with their recommendation.

A motion was made by Commissioner Price seconded by Commissioner Pelissier to adjourn the public hearing until **September 1, 2015** in order to receive and accept the Planning Board's recommendation and any submitted written comments.

APPROVED 10/6/2015

**MINUTES  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
September 1, 2015  
7:00 p.m.**

The Orange County Board of Commissioners met in regular session on Tuesday, September 1, 2015 at 7:00 p.m. at the Whitted Building in Hillsborough, N.C.

**COUNTY COMMISSIONERS PRESENT:** Chair McKee and Commissioners Mia Burroughs, Mark Dorosin, Barry Jacobs, Bernadette Pelissier, Renee Price and Penny Rich

**COUNTY COMMISSIONERS ABSENT:**

**COUNTY ATTORNEYS PRESENT:** John Roberts

**COUNTY STAFF PRESENT:** County Manager Bonnie Hammersley, Deputy County Manager Travis Myren and Clerk to the Board Donna Baker (All other staff members will be identified appropriately below)

Chair McKee called the meeting to order at 7:04 p.m.

**1. Additions or Changes to the Agenda**

Chair McKee said the discussion of a potential bond referendum will take place at the Board's work session on September 10<sup>th</sup>, and with the school boards on September 29<sup>th</sup>, returning as a decision item on October 6<sup>th</sup>.

He noted the following items at the Commissioners' places:

- Blue sheet – Copy of the Board of County Commissioners' (BOCC) Adopted Social Justice Goals from 2010
- Green – Revised Script for Item 5-b – Class A Special Use Permit (SUP) – Solar Array off White Cross Road. John Roberts noted a linguistic change on page 63 of the abstract where there are 4 instances when a Board Member can make a "motion to affirm or reject". He said when the meeting reaches this point, the Board should use the word adopt rather than affirm.
- PowerPoint slides for item 7a-Jail Alternatives Work Group Report
- Monthly Planning Department Report

**PUBLIC CHARGE**

*Chair McKee dispensed with the reading of the Public Charge*

**2. Public Comments**

**a. Matters not on the Printed Agenda**

None

**b. Matters on the Printed Agenda**

None

**3. Announcements and Petitions by Board Members**

VOTE: UNANIMOUS

**5. Public Hearings**

**a. Unified Development Ordinance Text Amendment Related to Temporary Health Care Structures – Public Hearing Closure and Action (No Additional Comments Accepted)**

The Board considered receiving the Planning Board recommendation, closing the public hearing, and deciding accordingly and/or adopting the Statement of Consistency and the Ordinance amending the Unified Development Ordinance (UDO) regarding temporary health care structures as recommended by the Planning Board and staff.

Ashley Moncado, Orange County Planning and Inspections, said this item was presented at the May Quarterly Public Hearing (QPH). She said no modifications were made after the QPH. She said the amendment was presented at the June Planning Board Meeting, and the Planning Board voted 10-2 to recommend approval of the Statement of Consistency; and 9-3 to recommend approval of the proposed amendment. She said all comments from the Planning Board meeting can be found on page 8 within attachment 2.

Commissioner Price asked if there had been any collaboration with the municipalities.

Ashley Moncado said the Town of Hillsborough is pursuing an amendment to implement the session law, and there have been no comments from the other jurisdictions despite notification of the proposed amendment being sent to them.

A motion was made by Commissioner Price, seconded by Commissioner Burroughs to close the public hearing.

VOTE: UNANIMOUS

Commissioner Dorosin said he will vote against it. He said he knows it is a directive from the State, but he finds it a poor way to do policy.

Commissioner Dorosin said at the last BOCC meeting, the Commissioners had discussed about developing something specific to Orange County with broader parameters, and he encouraged the Board to pursue this.

Commissioner Dorosin said the Board needs to re-visit the policy that no more than 3 unrelated persons can live together as this could be a violation of civil rights, and asked if staff could revise this.

Ashley Moncado said staff is interested in pursuing these changes as well, but needed to get this text amendment done first and then review changes to it.

Commissioner Dorosin asked what would happen if the Board rejected this law.

Ashley Moncado said the State law would trump County law. She said she spoke with the County Attorney's office regarding modifying the language, and changes will be pursued.

Commissioner Dorosin said it does not matter if the Board passes this amendment.

Ashley Moncado said that is correct. She said the State law would trump the County's refusal to pass it, but potential future changes could make the amendment more flexible and accommodating.

Commissioner Price said she has concerns with the residency requirement. She asked if there is a definition of, or process, to determine who is a resident.

Ashley Moncado said this was a concern with the planning board members as well, and staff knows that this needs to be explored more thoroughly.

John Roberts said this has been the law for more than a year now, and he has to recommend that the County adopt it, as it is a State law.

Commissioner Rich said she too is not supportive of this, and feels it is not well thought out by State. She said if Orange County can make this better, it should do so.

Commissioner Jacobs asked if since many of the Board members do not feel that this amendment is adequate, would it be possible to table the amendment and refer back to staff with some suggested changes the Board would like to see, so that it is more tailored to what the Board believes to be appropriate.

John Roberts said this is new ground for him. He said the public hearing would need to be re-opened and the item referred back to the Planning Board.

Chair McKee asked if the Board could open the same public hearing that was just closed.

John Roberts said he thinks so, but would research this now.

Commissioner Burroughs asked how long the process would take, if the Board passes this amendment now and re-visits it through the UDO.

Ashley Moncado said probably the February QPH would be the earliest timeframe.

Commissioner Pelissier said the other reason that she would vote for it is because it would make the rules more transparent to the public. She asked if someone wanted to create a temporary health care structure, and the County does not have it in their UDO, can a person still proceed through State law.

Commissioner Pelissier said she does not like what the State is doing.

Ashley Moncado said this amendment is not in Orange County's UDO, and that is the main concern of the planning staff.

Commissioner Pelissier asked if the Board could approve the amendment, with the contingency that it would come back in February 2016.

John Roberts said a motion to approve contingent on other things for an ordinance, is not an approval.

John Roberts said section 2.8 of the UDO does say that the Board can reopen the public hearing, as the Board is still present, and refer it back to staff and the Planning Board with any direction the Board deems appropriate.

Commissioner Price said the Board has expressed their concerns of wanting something less restrictive. She asked if Orange County created a less restrictive policy, would the State policy trump that of the County.

John Roberts said there is nothing in the state's language that implies it would preempt the county's wish. He said the State is setting a standard and he believes the County can tailor it to local needs.

Chair McKee asked if anyone has applied to make a temporary health care structure.

Ashley Moncado said no, but there have been inquires.

Commissioner Rich asked if there is a process to determine if three people living in one structure are unrelated.

Ashley Moncado said most of the County's code enforcement is complaint driven.

A motion was made by Commissioner Jacobs, seconded by Commissioner Price to reopen the public hearing.

VOTE: UNANIMOUS

A motion was made by Commissioner Jacobs, seconded by Commissioner Price for the Board to refer this item back to the Planning Board and staff and solicit comments from Board

of County Commissioners and to come back at the February 2016 QPH and to post the current law on the planning website.

Commissioner Rich made a friendly amendment to solicit remarks from Carrboro and Chapel Hill.

Commissioner Jacobs and Commissioner Price accepted.

Commissioner Dorosin clarified that this motion reflects the concerns that were mentioned tonight: how many unrelated people can live in a structure, relationships, residency requirement, and to look at past comments from previous meetings.

Commissioner Jacobs said he meant it to include all comments including those from the May 2015 QPH.

VOTE: UNANIMOUS

**b. Class A Special Use Permit – Solar Array off White Cross Road in Bingham Township (Receipt of Planning Board Recommendation – No Additional Public Comment or Testimony Allowed)**

The Board considered receiving the Planning Board recommendation, closing the public hearing, and making a decision on a Class A Special Use Permit (hereafter 'SUP') application submitted by White Cross Solar LLC and the property owners, Mr. and Mrs. William and Carol Byron, proposing the development of a solar array in accordance with Section 2.7 *Special Use Permits* and Section 5.9.6 (C) *Solar Array-Public Utility* of the Orange County Unified Development Ordinance (UDO), approve the recommended Findings of Fact as detailed within Attachment 5, and make a motion approving the SUP.

Pat Mallet, Orange County Current Planning, reviewed this item and all the materials in the abstract. He said page 49, Attachment 5, shows all the findings of fact, and conditions of approval. He said page 50 reviews all the application components and shows that all the requirements set forth in the UDO were certified as met. He said page 51 shows that all notification requirements were met. He said pages 52-57 show requirements for special use permits and solar arrays, noting all findings were in the affirmative. He said page 58 shows the recommendation of the Planning Board, which is consistent with staff's recommendation, noting that all findings of fact have been met.

Pat reminded the Board that the applicant has had extensive conversations with the neighboring properties, and at the time of the May Quarterly Public Hearing there were still two neighbors with concerns about the buffer. He said Item 1 (Attachment 6) speaks to the buffer treatment, which is above and beyond what the code requires.

Chair McKee said this is a SUP, and no additional comment or testimony would be allowed.

**ITEM: 5-b- Attachment 7**

A motion was made by Commissioner Price, seconded by Commissioner Burroughs to enter Attachments 1-6, and revised Attachment 7 into the minutes.

VOTE: UNANIMOUS

Michael Harvey presented this portion:

DRAFT

MINUTES  
PLANNING BOARD  
JANUARY 6, 2016  
REGULAR MEETING

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**MEMBERS PRESENT:** Lydia Wegman (Vice Chair), At-Large Chapel Hill Township; James Lea, Cedar Grove Township Representative; Paul Guthrie, At-Large Chapel Hill Township; Andrea Rohrbacher, At-Large Chapel Hill Township; Maxecine Mitchell, At-Large Bingham Township; Patricia Roberts, Cheeks Township Representative; Laura Nicholson, Eno Township Representative; Herman Staats, At-Large; Lisa Stuckey, Chapel Hill Township Representative; Tony Blake, Bingham Township Representative

**MEMBERS ABSENT:** Buddy Hartley, Little River Township Representative

**STAFF PRESENT:** Craig Benedict, Planning Director; Michael Harvey, Current Planning Supervisor, Perdita Holtz, Special Projects Coordinator, Meredith Pucci, Administrative Assistant II; Ashley Moncado, Special Projects Planner

\*\*\*\*\*

**AGENDA ITEM 9: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT** - To make a recommendation to the BOCC on government-initiated amendments to the text of the UDO regarding temporary healthcare structures and other custodial care housing options. This item is scheduled for the February 18, 2016 quarterly public hearing.

**PRESENTER:** Ashley Moncado, Special Projects Planner

*Ashley Moncado reviewed abstract*

Patricia Roberts: I was having kind of a hard time visualizing what this would look like. Does anybody have an example?

Ashley Moncado: At one point we did have a little flyer, unfortunately it's not included in your packet tonight. It's a mobile unit, so if you can picture a single wide manufactured home, even smaller than that. A temporary health care structure originally is only about 300 square feet. It's a mobile unit so it's basically a room with a bathroom. It can go on any lot where an existing single family home would be permitted. Your only issue with neighborhoods, they are permitted at the county level, but if there's covenants or restrictions then they trump the Session Law.

Patricia Roberts: I see 1,000 square feet everywhere here except for the table, on the table it said it can't exceed 300 square feet.

Ashley Moncado: I think that is just referencing a temporary health care structure, which this is something from a previous meeting where they wanted to know what other options there are out there for providing care to family members, neighbors, friends. So this table was created to show all the different options that are currently available in the County.

Patricia Roberts: 1,000 square feet is huge.

Ashley Moncado: Yes, and there was concerns shared from this Board as well as the BOCC regarding the original proposed size. Originally, it was only 300 square feet and there were concerns that was too small. So, we increased it to 1,000 square feet.

Patricia Roberts: And what's temporary? How long is temporary?

**DRAFT**

53 Ashley Moncado: Temporary is not defined by state statute so it could be a week, a year. It's not allowed to be  
54 placed on a permanent foundation, it is to remain on its trailer so it can be pulled back out.

55  
56 Patricia Roberts: What about hooking up the septic?

57  
58 Ashley Moncado: You'd have to go through environmental health approval so they would be reviewed by Orange  
59 County Environmental Health. If they don't have the capacity to add that, because it's considered an extra bedroom,  
60 they will have to address that.

61  
62 Patricia Roberts: So there's not that many places in the County where you can put one of these.

63  
64 Tony Blake: Well, if you have a 5-acre lot.

65  
66 Laura Nicholson: I noticed that you changed a lot of the things, but I still see the one person as the occupant  
67 requirement. Was there any wiggle room there to allow? I'm just looking at the table and still seeing one.

68  
69 Ashley Moncado: Yes, the table is only referencing temporary health care structure standards. But, if you look at the  
70 actual amendments, we are allowing up to five unrelated to live in a single family dwelling unit and up to two people  
71 to live with a temporary custodial care unit.

72  
73 Paul Guthrie: How are you defining family?

74  
75 Ashley Moncado: Well, we have to actual definition on page 47 of your packets and it's exactly as we've had it  
76 previously, the only thing that we're changing is a minor grammar error as well as increasing it from three to five.

77  
78 Paul Guthrie: The reason I ask the question is, the definition of a family has changed radically. And the only time  
79 when the question comes up is when somebody's unhappy about it being permitted and one of the things you would  
80 certify is that it meets this definition; and how do you prove a family? What are the standards of a family?

81  
82 Ashley Moncado: I think it's outlined pretty well in the definition of what we're defining a family as and that's  
83 something that as it's brought to our attention.

84  
85 Paul Guthrie: Well, let me give you an example, two individuals live together and each individual, one has two  
86 children and one has three children. There is no, in my mind, legal definition, of that being a family under the law. Are  
87 they able to have a unit brought in for mom when she comes in from one of the mothers from one of the partners?

88  
89 Ashley Moncado: Are you talking about the actual family definition of what we're talking about five unrelated people  
90 or are you talking about the temporary health care structure-because there's no relationship requirement with that  
91 anymore.

92  
93 Paul Guthrie: I'm talking about that in the context of this whole.

94  
95 Ashley Moncado: So the temporary custodial care unit, there's no relationship requirement .

96  
97 Paul Guthrie: So the original house does not have to related to the individual at all?

98  
99 Ashley Moncado: No, that's been removed.

100  
101 Paul Guthrie: Okay. So, why are we defining a family as five?

102  
103 Ashley Moncado: Because we have other issues regarding how many people are living within one single family  
104 home, or a unit. Which this, the family definition is being changed because that was an issue that was brought by the  
105 commissioners. They didn't like that it was limited to three, they wanted to see it increased. So, to me, it sounds like

**DRAFT**

106 these are two different things. So, the family definition, we're addressing that in conjunction with this just because it's  
107 something that's been discussed previously that we just needed to address. We wanted to address it this time as part  
108 of this amendment package. But, there's no family relationship requirement related to the temporary custodial care  
109 units anymore.

110  
111 Lydia Wegman: So maybe Paul is raising a good point as far as the family that should be considered independently,  
112 from the temporary custodial unit because it is true that now the term family doesn't mean blood, marriage or  
113 adoption. People do choose to live together.

114  
115 Ashley Moncade: There's a possibility you could have a lot of people living in a house without having some sort of  
116 standard and structures to it. I understand that there's a lot of people that have families that they have children,  
117 they're not married or they're blended families. But, if you're looking at a family of that situation, I mean you could  
118 look at potentially having twenty people living in a house. And we have no way that you have to put some sort of limit  
119 on it to avoid that situation because then you could be looking at environmental health concerns where they have  
120 twenty people living in a house with four bedrooms.

121  
122 Paul Guthrie: And you have adequate definitions in other parts of planning laws and regulations that limits the  
123 occupancy of a house?

124  
125 Ashley Moncade: Well our family definition is also reflective of the North Carolina State Building Code. Which the five  
126 is derived directly from. There's our standard but there's another state standard that they have to adhere by.

127  
128 Patricia Roberts: Well perhaps if they're under 18 they don't count.

129  
130 Ashley Moncade: We can't do that. The state building code doesn't look at age.

131  
132 Tony Blake: Chapel Hill is even more restrictive than this to reduce the number of students and people parking on the  
133 lawn and all that stuff. That was directly to address...

134  
135 Patricia Roberts: It's four, right?

136  
137 Tony Blake: Yeah, it's one less.

138  
139 Lisa Stuckey: If the parents were not married, it would still be allowed?

140  
141 Craig Benedict: Yes, as it's unrelated by blood.

142  
143 Maxecine Mitchell: My understanding of it is, definitely people who are unrelated. So you can have a bunch of people  
144 sharing a house less than six people and one of them wants to bring their parents on the property and put this  
145 portable unit up, my question would be then that wouldn't be allowed because you have too many unrelated people  
146 there. Am I understanding that right?

147  
148 Ashley Moncade: They would still be able to. You have six people, unrelated, living in the house. Yes, they would still  
149 be able to bring that temporary custodial care unit on the property because we're looking at something separate from  
150 the temporary custodial care unit.

151  
152 Maxecine Mitchell: I just got confused because I thought that was a point to be a determined fact of whether you  
153 could put that portable unit for a parent or parents. But the family relationship has nothing to do with it?

154  
155 Ashley Moncade: For bringing the temporary custodial care unit on the property, no.

156  
157 Tony Blake: I have one question related to the fire departments. I see this footnote of manufactured homes are built  
158 to the standards of the department of housing urban development, HUD certificate, is required by Orange County

**DRAFT**

159 prior to the placement in the County. Now, before a certain age there are trailers that are extreme fire hazards, built  
 160 before a certain year. On page 34, at the bottom of the table, there's a footnote and I'm wondering, does Orange  
 161 County have an ordinance that is to age out some of these older mobile homes and stuff?

162  
 163 Michael Harvey: No.

164  
 165 Patricia Roberts: Doesn't the state?

166  
 167 Tony Blake: It's a problem in the fire department. A lot of people bring in mobile homes from other parts of the state  
 168 where they're not allowed and they set them up and they're extreme fire hazards. They have aluminum wiring,  
 169 they've just reached the end of their duty cycles and they're a fire trap, they going up like a matchstick and it's just  
 170 something to consider, that struck me when I read that because I think these are actually HUD certified. But, that  
 171 doesn't necessarily mean much.

172  
 173 James Lea: I guess what's interesting Tony is how would you get a manufactured home built to the standards to the  
 174 department of housing?

175  
 176 Tony Blake: Well these all existed before HUD and I think they're pre-existing and as I said it's been a concern where  
 177 these things are actually being imported from county to county where the regulations lack. That contributes to North  
 178 Carolina being in the burn belt.

179  
 180 Craig Benedict: I'll check with the division.

181  
 182 Tony Blake: I think it is '76. I thought it was as late as '85 or something.

183  
 184 Perdita Holtz: It is '76; I know this unequivocally.

185  
 186 Tony Blake: Okay. Because there are some in Orange County.

187  
 188 Perdita Holtz: Technically, they're mobile homes before that and '76 and later are manufactured homes.

189  
 190 Tony Blake: Okay, so you know the rule better than I do. It just kind of set off a little alarm bell to me because it might  
 191 encourage people to bring these things in and park them close.

192  
 193 Lydia Wegman: Are there comment, questions?

194  
 195 **MOTION** made by Laura Nicholson to approve the statement of consistency and the amendment. Tony Blake  
 196 seconded.

197 **VOTE:** Unanimous.

198 \*\*\*\*\*

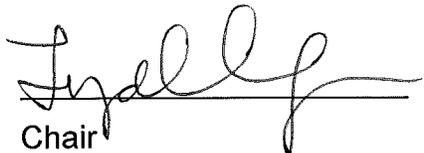
**STATEMENT OF CONSISTENCY  
OF A PROPOSED UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT  
WITH THE ADOPTED ORANGE COUNTY 2030 COMPREHENSIVE PLAN**

Orange County has initiated an amendment to the Unified Development Ordinance (UDO) to allow temporary custodial care units, 1,000 square feet or less, to be permitted as an accessory use in any single family residential zoning district on lots zoned for single family detached dwellings.

The Planning Board finds:

- a. The requirements of Section 2.8 of the UDO have been deemed complete; and,
- b. Pursuant to Sections 1.1.5, and 1.1.7 of the UDO and to Section 153A-341 of the North Carolina General Statutes, the Board finds sufficient documentation within the record denoting that the amendment **is consistent** with the adopted 2030 Comprehensive Plan.
- c. The amendment is consistent with applicable plans because it:
  1. *Supports the following 2030 Comprehensive Plan goals and objectives:*  
Chapter 4 – Housing Element – Section 4.6 Goals  
 Housing Overarching Goal: Opportunity for all citizens of Orange County to rent or purchase safe, decent, accessible, and affordable housing.  
 Housing Goal 2: Housing that is useable by as many people as possible regardless of age, ability or circumstance.
- d. The amendment is reasonable and in the public interest because it:
  1. Provides a temporary, affordable, higher quality, and accessible housing option for those in need.
  2. Allows residents with mental or physical impairments to reside with caregivers in order to receive the care they need.

The Planning Board of Orange County hereby recommends that the Board of County Commissioners consider adoption of the proposed UDO text amendment.

  
Chair

*Lydia N. Wegman*

1/6/16  
Date

**ORANGE COUNTY  
BOARD OF COMMISSIONERS  
ACTION AGENDA ITEM ABSTRACT  
Meeting Date: February 18, 2016**

**Action Agenda  
Item No. E.1**

**SUBJECT:** Review of Minimum Lot Size and Density Allowances for Subdivisions

**DEPARTMENT:** Planning and Inspections

**PUBLIC HEARING: (Y/N)**

No

**ATTACHMENT(S):**

1. Tables Outlining Minimum Lot Sizes and Density Requirements for Parcels
2. Growth Management System Map
3. Water and Sewer Management, Planning, and Boundary Agreement (WASMPBA) Map

**INFORMATION CONTACT:**

Michael D. Harvey, Planner III (919) 245-2597  
Craig Benedict, Director (919) 245-2575

**PURPOSE:** To review and discuss the County's subdivision development and review processes, focusing primarily on minimum lot size and density limitations as they relate to the clustering of subdivision lots. This item was developed to address a petition submitted by Commissioner Pelissier to identify opportunities and constraints within current regulations associated with the clustering subdivision lots.

This represents one component of a larger discussion related to reducing development costs in an effort to promote affordable housing development.

**BACKGROUND:** A subdivision is defined within Article 10 *Definitions* of the Unified Development Ordinance (UDO) as:

*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.*

Regulations governing the development of a subdivision are contained within Article 7 of the UDO, a copy of which can be viewed at:

[http://www.orangecountync.gov/departments/planning\\_and\\_inspections/UDO MOST CURRENT updated 120915.pdf](http://www.orangecountync.gov/departments/planning_and_inspections/UDO_MOST_CURRENT_updated_120915.pdf).

Allowable lot sizes and density for a subdivision project are based on the general use zoning designation of the property as well as its location within a Watershed Protection Overlay Zoning District. Please refer to Attachment 1 for more information on these standards.

**Subdivision Classifications:** Section 7.2 of the UDO classifies subdivisions as:

- a. Exempt Subdivision: a division of land not recognized by State law as constituting a 'subdivision' of property and, therefore, not regulated including:

- i. The combination or recombination of previously subdivided property if the number of lots are not increased and other provisions of local regulations are adhered to (i.e. minimum lot area and width, etc.),
- ii. A division of land into parcels greater than 10 acres in area,
- iii. Public acquisition by purchase of strips of land for widening or opening streets,
- iv. Division of a tract of land in single ownership where the property is no greater than 2 acres in area into not more than 3 lots if no street right-of-way dedication is involved and resultant lots are equal to or exceed County regulations (i.e. minimum lot area and width, etc.).

Exempt subdivisions are reviewed by staff, who are responsible for determining if the proposal complies with applicable standards and can be classified as an 'exempt' subdivision. If it can be classified as such, staff signs a statement attesting to this fact and our review ends.

Lots created through the exempt subdivision process are still required to meet applicable development standards (i.e. minimum lot size, lot width, etc.) in order for a zoning compliance permit authorizing development to be issued.

- b. Minor Subdivision: a division of land proposing 1 to 5 individual parcels of property. Such projects are reviewed and acted upon by staff in accordance with Section 2.14 of the UDO. There is no board review (i.e. BOCC or Planning Board) required for a minor subdivision and such projects are required to adhere to applicable standards as detailed in Article 7 of the UDO.
- c. Major Subdivision: a division of land proposing 6 or more individual parcels of property. Such projects are reviewed in accordance with Section 2.15 of the UDO and are, ultimately, acted upon by the BOCC with a recommendation made by the Planning Board.

The required review process of major subdivision applications is directly related to the number of proposed lots as well the subject property's location as denoted on the Growth Management System Map<sup>1</sup> (Attachment 2). These review thresholds are broken down as follows:

- i. Standard Major Subdivision: The division of a parcel of property, regardless of its location proposing 6 to 20 individual lots.
- ii. Major Subdivision, Class A Special Use<sup>2</sup>, Rural Designated: The division of a parcel of property in a Rural Designated area of the County, as denoted on the Growth Management System map, proposing 21 to 40 individual lots.
- iii. Major Subdivision, Class A Special Use<sup>2</sup>, Urban Designated: The division of a parcel of property in an Urban Designated area of the County, as denoted on the Growth Management System map, proposing 21 to 79 individual lots.

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<sup>1</sup> The Growth Management System Map was adopted by the BOCC in 2003 as a means of providing additional clarification of required review/permitting processes for certain projects, including subdivisions. The Map was not intended to specifically identify and/or designate an area as being 'urban' or 'rural' in nature.

<sup>2</sup> Such projects are processed through the Special Use Permitting process as detailed in Section 2.7 of the UDO. Applicants are required to demonstrate compliance with applicable SUP standards/guidelines as well as the standards contained in Section 5.17.6 and Article 7 *Subdivisions* of the UDO.

- iv. Major Subdivision, Conditional Use<sup>3</sup>, Rural Designated: The division of a parcel of property in a Rural Designated area of the County, as denoted on the Growth Management System map, proposing 41 or more individual lots.
- v. Major Subdivision, Conditional Use<sup>3</sup>, Urban Designated: The division of a parcel of property in an Urban Designated area of the County, as denoted on the Growth Management System map, proposing 80 or more individual lots.

Subdivision Types: Current regulations categorize subdivision projects into 3 distinct types, namely:

- A. Standard Subdivision: Proposed lots comply with established minimum lot size and width for the general use zoning district in which the property is located as well as the standards detailed within Article 7 of the UDO. In this scenario lots are not clustered and there is no common open space provided;
- B. Cluster Subdivision: Required lot sizes, area, and setbacks can be reduced if at least 20% of the gross land area of the subject property is designated as common open space; and
- C. Flexible Development: Required lot sizes, area, and setbacks can be varied to accommodate on-site features, project design elements, and open space. There are 3 types of Flexible Development, namely:
  - i. Estate Lot: requires a minimum lot area of at least 4 acres with a building envelope limit of 50% of the total lot area meaning each lot within the development has a minimum of 2 acres of internal open space. Setbacks vary based on the location of the proposed parcel.
  - ii. Conservation-Cluster: requires a minimum of 33% of the gross land area of the subject property to be designated/reserved as common open space. Required minimum lot size can be reduced based on anticipated water/wastewater services.
  - iii. Village: allows for a myriad of different land uses ranging from civic (i.e. schools, churches, etc.), residential (i.e. single-family, townhome, etc.), and non-residential (i.e. general retail, shops, etc.) designed to accommodate: '*a range of socio-economic groups*'.

Section 7.13.4 (C) establishes the various development 'standards' for a Village Flexible Development Project. Please note the Village Flexible Development Option is expressly prohibited within the Rural Buffer (RB) general use zoning district.

Section(s) 7.12 *Cluster Developments* and 7.13 *Flexible Developments* of the UDO establish regulations allowing for the clustering of parcels through the subdivision process (i.e. minor or major). The reservation of open space area within a project does not impact the allowable overall density for a project.

---

<sup>3</sup> Such projects are processed through the Conditional Use process as detailed in Section 2.9.1 of the UDO. Such projects are required to be processed in accordance with the procedures for a Zoning Atlas Amendment (Section 2.8) and a Class A Special Use Permit (Section 2.7) as detailed within the UDO.

**ISSUE(S):** While current regulations encourage and promote clustering of subdivision lots, the following design limitations exist:

1. Section 7.12.3 of the UDO indicates lots within a typical Cluster Subdivision may be reduced to no less than 1 acre (43,560 sq.ft.) in area with the reservation of 20% open space.

As the required minimum lot size in the rural areas of the County (i.e. AR and R-1 general use zoning designations) is 40,000 sq.ft., the Cluster Development option has no application within the majority of the rural area of the County.

There is applicability for this type of subdivision within the Rural Buffer (RB) general use zoning district, which requires a 2 acre minimum lot size. Staff has found, however, there is more interest amongst both developers and staff to have subdivision projects adhere to the Conservation-cluster Flexible Development option requiring the reservation of a minimum 33% open space.

2. Section 7.13.4 (B) (6) of the UDO allows for lots within a Conservation-cluster Flexible Development Subdivision to be reduced by 65% of the typical required minimum lot size with the delineation/reservation of required open space.

As an example: a property proposed for subdivision is located within a general use zoning district requiring a minimum lot area of 40,000 sq.ft. Lots within the project could be reduced to 26,000 sq.ft. (40,000 x .65) as part of the Flexible Development design process with the reservation of a minimum of 33% of the property as open space.<sup>4</sup>

Parcels located within a Watershed Protection Overlay District, however, cannot be reduced below 40,000 sq.ft. in land area if said lot(s) are served by individual septic systems. As most of the rural areas of the County are served by individual well/septic systems, and have a required minimum lot area of 40,000 sq.ft., the ability to reduce lot sizes through this provision is limited.<sup>5</sup>

Please refer to Attachment 1 for map(s) denoting the various Watershed Protection Overlay Districts. Attachment 3 contains a map outlining the Water Sewer Boundary Map (WASMBA)

3. Section 4.2.9 *Water Supply/Sewage Disposal Facilities* of the UDO prohibits off-site well and septic systems for parcels located within the University Lake Protected and Critical Watershed Protection Overlay Districts. Wastewater treatment/disposal (i.e. septic) and wells providing potable water are required to be located on the parcel they serve.<sup>6</sup>
4. For a subdivision proposing a private road where '*private road justification*'<sup>7</sup> is required (i.e. for subdivisions proposing 4 to 12 lots served by a private roadway) per Section 7.8.4 (E) of the UDO the applicant is required to demonstrate compliance with 3 out of 7

---

<sup>4</sup> Lots within the Rural Buffer (RB) general use zoning district cannot be reduced below 1 acre (43,560 sq.ft.) of land area per the Joint Planning Land Use Plan and Land Use Plan agreement adopted by Orange County and the Towns of Chapel Hill and Carrboro.

<sup>5</sup> There has previously been concern over allowing the development of off-site septic or package treatment systems providing wastewater treatment/disposal due to ensuring proper maintenance of same. This concern is directly related to a failed package treatment system developed within a subdivision off of Mt. Sinai Road requiring sewer service to be extended from Durham County. The system was not properly maintained thereby causing it to fail.

<sup>6</sup> The prohibition may be moot given the density within the University Lake Protected/Critical Watershed Overlay District (1 unit for every 5 acres) and a required minimum lot size of 1 acre through the cluster subdivision process.

<sup>7</sup> Per Section 7.8.4 (D) there is no 'right' to develop a private roadway in the County where said subdivision contains more than 3 lots. Part of the subdivision process requires 'justifying' the creation of a private road with the voluntary imposition of several design features as detailed in Section 7.8.4 (E) of the UDO.

established design features, including compliance with a mandatory design feature requiring lot sizes and required setbacks be doubled.<sup>8</sup>

By demonstrating compliance with these design elements, the proposed roadway is deemed 'justified' and the project can move forward.

Existing regulations allow for a reduction in required lot size (i.e. the increased lot size required as part of the mandatory private road justification criteria) with the designation of open space within the project. The more open space designated the smaller the required lot, capped at a 60,000 sq.ft. required minimum lot size with the designation of 50% or more of the project's land area as open space.

Applicants typically have no interest in designating open space as the allowances for lot reduction are deemed to be too restrictive with most choosing to develop:

- i. A 3 lot minor subdivision (i.e. no private road justification required),
  - ii. A 5 lot minor subdivision without open space (i.e. private road justification is adhered to but lots are not clustered), or
  - iii. Create a public roadway to serve the project (i.e. meaning the subdivision is automatically classified a major subdivision per Section 7.2.2 of the UDO).
5. Section 7.13.9 of the UDO outlines options for density bonuses within the various Flexible Development subdivisions to encourage either development of affordable housing units or reservation of additional open space. A developer can apply for an increase in the number of building lots/dwelling units permitted within a development through 1 of these 2 options.

Unfortunately per Section 6.18 of the UDO additional density credits for affordable housing cannot be awarded for property located within Water Supply Watershed areas as designated on the Future Land Use Map (FLUM). The Watershed Protection Overlay Districts correspond to these Water Supply Watershed areas as denoted on the aforementioned map. Please refer to Attachment 1 for more information.

Per Section 7.13.9 (B) (4) density bonuses for projects providing additional open space are only applicable to property in or adjacent to Transition Areas as denoted on the FLUM. This 'density bonus' system does not have applicability within the majority of the County.

Staff has also received concerns from local developers and property owners interested in subdividing their property over existing review processes, summarized as follows:

- a. Development of roadways within subdivisions. Section 7.8 *Access and Roadways* of the UDO establishes the classification(s) of roadways required to serve projects of certain sizes, specifically:
  - i. A Class B Private Road (50 ft. right-of-way with a 12 ft. improved travel way) is required to serve a project proposing/serving 1 to 5 lots or dwelling units;
  - ii. A Class A Private Road (50 ft. right-of-way with an 18 ft. improved travel way) is required to serve a project proposing/serving 6 to 12 lots or dwelling units; and

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<sup>8</sup> For lots located within the RB general use zoning district the required minimum lot size increases from 2 to 3 acres through the private road justification process.

- iii. A road constructed to established NC Department of Transportation (NC DOT) public road standards is required for a project proposing/serving 13 or more lots or dwelling units.

Roadway development/maintenance issues have recently been discussed through the prism of emergency vehicle access and public safety concerns. Concerns range from roadway standards impacting development flexibility, increasing costs of the project, and long-term maintenance responsibilities for residents.

As part of this discussion we need to remember a suitable road network is essential to ensure access to proposed lots. This includes access by emergency vehicles.

- b. There is no opportunity to allow for greater density for parcels located within Watershed Protection Overlay Districts.<sup>9</sup>
- c. Large-scale subdivision projects are stymied by existing review processes. Concerns center on requiring both a rezoning and special use permit (i.e. Conditional Use permit review process) for a subdivision proposing more than 80 lots in an urban designated area.

The argument being made is current review processes limit opportunity for large-scale residential development thereby reducing available housing stock in a given area and limiting affordable housing options.

**OPTIONS:** In addressing these matters, staff is reviewing the following:

- a. Staff is completing a comprehensive re-assessment of our existing subdivision review and approval processes and is suggesting consideration of the following:
  - i. Eliminate the Cluster Development subdivision type, as currently contained in Section 7.12 of the UDO, and promote the Conservation-cluster Flexible Development subdivision option as contained in Section 7.13 of the UDO. Staff believes this would provide additional opportunities for open space designation and more flexibility with respect to subdivision design.
  - ii. Revise existing language within Section 7.13.4 (B) (6) of the UDO to include references to allowing the use of off-site septic for wastewater processing. This could, in turn, encourage and promote lot size reduction.<sup>10</sup>

As staff currently envisions this option, required septic area would become required open space area. Please note staff is not recommending this area be counted as part of the mandated 33% minimum open space area required for the Conservation-cluster Flexible Development subdivision option.

- iii. Revising existing review processes to give greater flexibility to projects proposing clustering of lots and dedication of open space through the Flexible Development design process.

---

<sup>9</sup> Section 6.18 *Affordable Housing* of the UDO allows for developers to increase allowable density for a given project if affordable housing is provided. This ‘allowance’ is not applicable in any property located within Water Supply Watershed areas designated on the Future Land Use Map of the Comprehensive Plan. Please note these areas correspond to the Watershed Protection Overlay Districts as detailed within Attachment 1 of this item.

<sup>10</sup> Please note this proposed modification, as envisioned, will not include allowances for off-site septic for property located within the University Lake Protected or Critical Watershed Protection Overlay Districts.

Under this scenario staff is envisioning classifying subdivisions into 2 categories: Standard and Flexible Development with classification of same as follows:

- a. Standard Subdivision: Minor and Major subdivision thresholds remain the same as detailed in Section 7.2 of the UDO.
- b. Flexible Development: Minor and Major thresholds modified as follows:
  1. Minor (i.e. staff review and approval) between 1 to 12 lots;
  2. Major (i.e. BOCC review and approval with Planning Board recommendation): 13 or more.
- iv. Staff suggests the Village Flexible Development, contained in Section 7.13.4 (C), become a Conditional Zoning district allowed within Transition Areas and Rural Neighborhood Nodes as denoted on the FLUM (Attachment 1).

We believe this will provide additional opportunities for such projects to be developed and allow for a process where the BOCC and the applicant have some flexibility to work on site specific development proposals.

- b. Staff is continuing to re-evaluate existing roadway development requirements as contained in Section 7.8.5 of the UDO. This review includes continued discussion amongst local volunteer fire departments and Orange County Emergency Services.

To date, staff has not made a determination as to the anticipated direction of our review and would appreciate any guidance from the BOCC.

- c. Staff is evaluating the development of a Rural Master Plan Development Conditional Zoning District (RMP-CZ) to afford the BOCC and applicants greater flexibility in addressing residential development in rural areas.

As currently envisioned the RMP-CZ would provide a mechanism where residential developments in the rural areas of the County could develop a project with greater flexibility with respect to minimum lot sizes and cluster options as a uniform project. The main difference between this envisioned district and the Village Flexible Development option is the RMP-CZ would not allow for non-residential land uses.

As with all Conditional Zoning districts the project would involve the negotiation of design elements between the BOCC and applicant to ensure the viability of the project.

The RMP-CZ would be reviewed as a rezoning request (i.e. legislative review only) and acted upon by the BOCC in accordance with Section 2.9.2 of the UDO.

Staff is not suggesting modification of existing density allotments, as contained in Section 4.2.4 of the UDO, unless specific direction is received to do so. Changing density allowances for RB zoned property will only be possible with the amendment of the Joint Planning Land Use Plan and Agreement.

Please also note none of the proposed modifications being investigated by staff will include impacts to the RB general use zoning district. In order to change density or minimum lot sizes for this area of the County the Joint Planning Land Use Plan and Agreement will have to be amended, requiring the approval of all participating entities (i.e. Orange County, Chapel Hill, and Carrboro) after a joint public hearing.

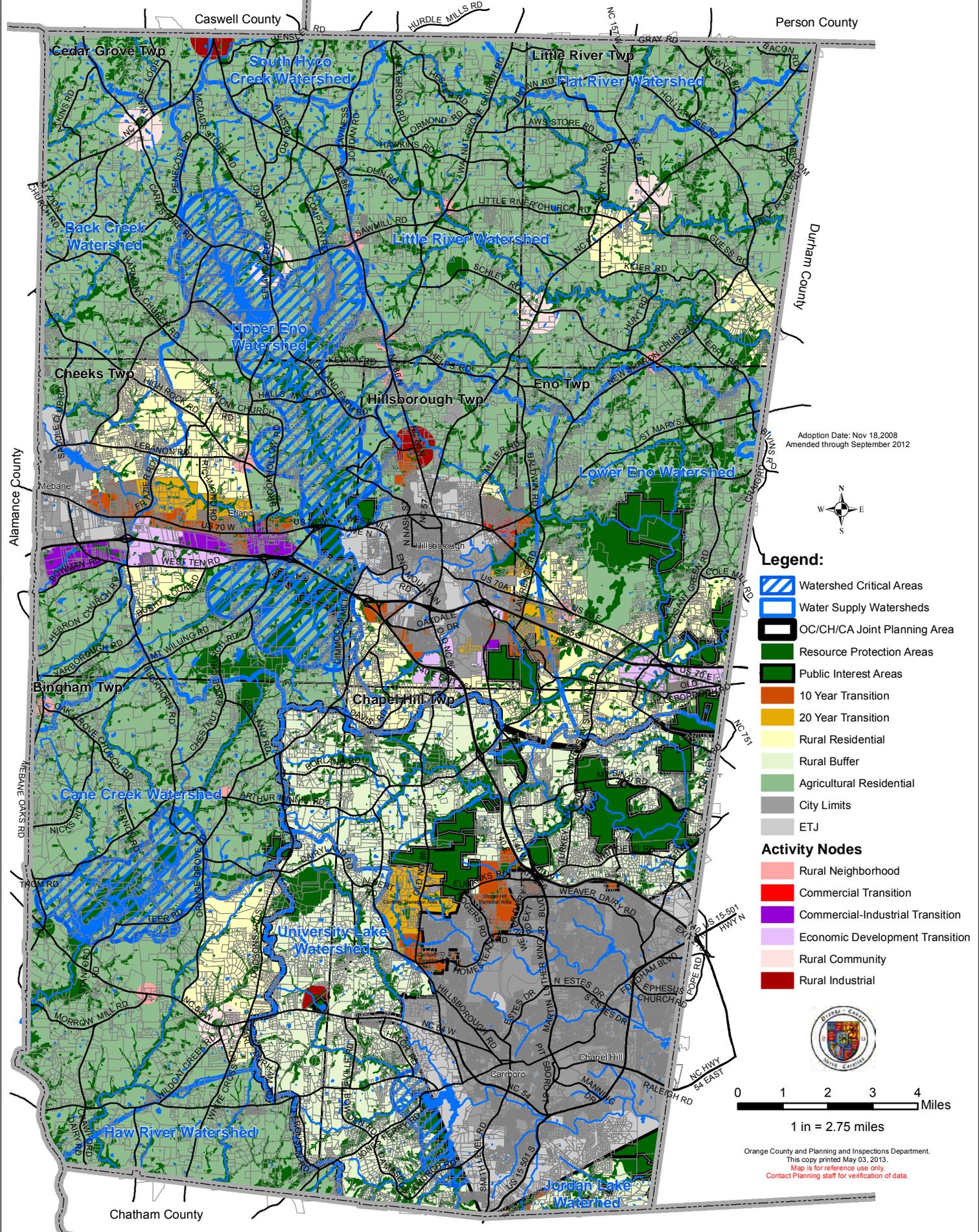
**FINANCIAL IMPACT:** Work on amendments will not create the need for additional funding for the provision of County services. Existing Planning staff included in the Departmental staffing budget will accomplish the work associated with processing proposed amendments.

**SOCIAL JUSTICE IMPACT:** The following Orange County Social Justice Goals are applicable to this agenda item:

- **GOAL: ENSURE ECONOMIC SELF-SUFFICIENCY**  
The creation and preservation of infrastructure, policies, programs and funding necessary for residents to provide shelter, food, clothing and medical care for themselves and their dependents.
- **GOAL: ESTABLISH SUSTAINABLE AND EQUITABLE LAND-USE AND ENVIRONMENTAL POLICIES**  
The fair treatment and meaningful involvement of people of all races, cultures, incomes and educational levels with respect to the development and enforcement of environmental laws, regulations, policies, and decisions. Fair treatment means that no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies.

**RECOMMENDATION(S):** The Manager recommends that the Board receive the information and provide comments/direction on potential subdivision amendment(s).

# Future Land Use Map of the Orange County Comprehensive Plan



Adoption Date: Nov 18, 2008  
Amended through September 2012



- Legend:**
- Watershed Critical Areas
  - Water Supply Watersheds
  - OC/CH/CA Joint Planning Area
  - Resource Protection Areas
  - Public Interest Areas
  - 10 Year Transition
  - 20 Year Transition
  - Rural Residential
  - Rural Buffer
  - Agricultural Residential
  - City Limits
  - ETJ
- Activity Nodes**
- Rural Neighborhood
  - Commercial Transition
  - Commercial-Industrial Transition
  - Economic Development Transition
  - Rural Community
  - Rural Industrial

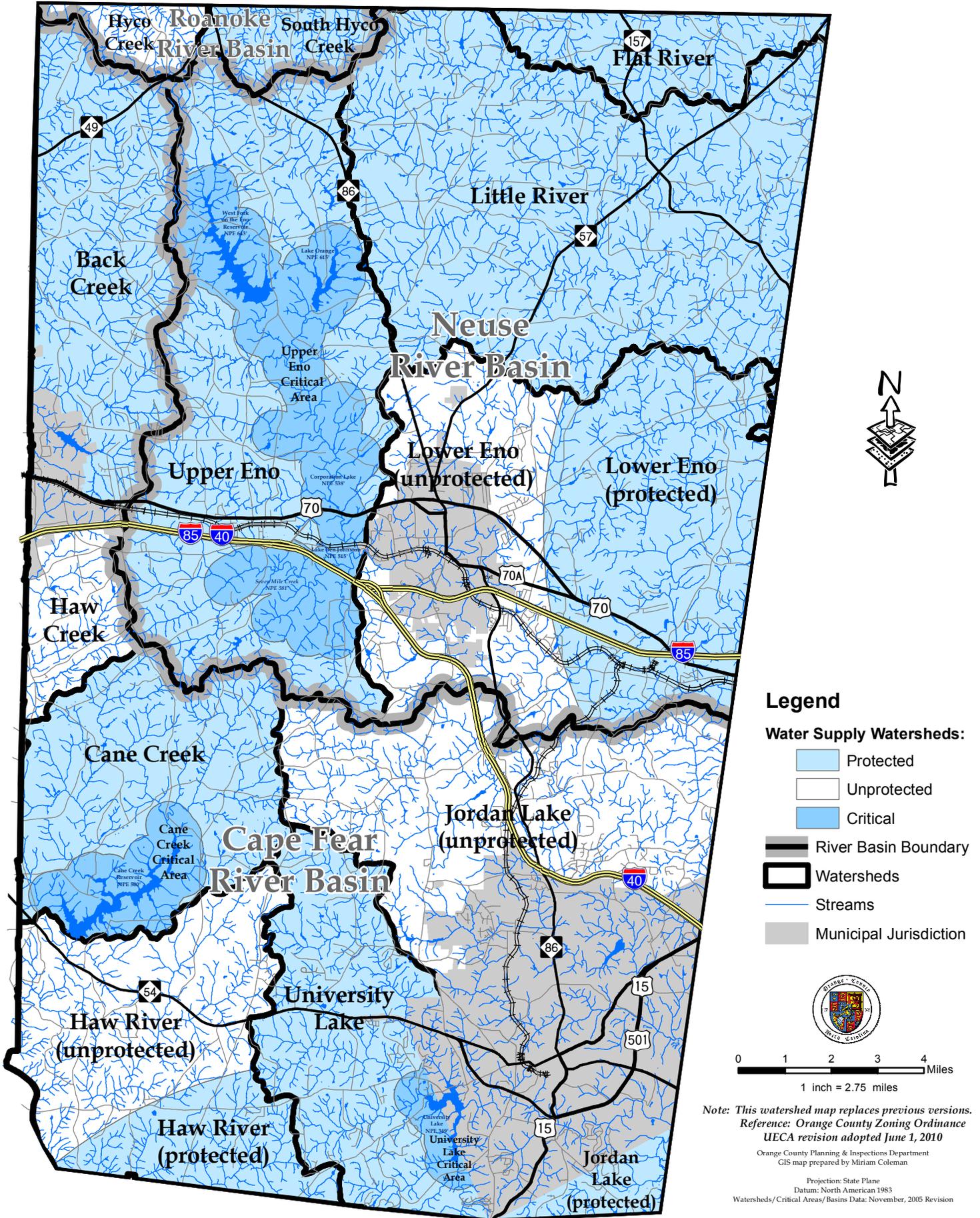


0 1 2 3 4 Miles  
1 in = 2.75 miles

Orange County and Planning and Inspections Department.  
This copy printed May 03, 2013.  
Map is for reference use only.  
Contact Planning staff for verification of data.

<b>General Use Zoning District</b>	<b>Land Use Caegory (Future Land Use Map-FLUM) Where District Allowed</b>	<b>Minimum Lot Size.</b>
Rural Buffer (RB)	Rural Buffer	87,120 sq.ft. (2 acres)
Agricultural Residential (AR)	Agricultural Residential	40,000 sq.ft. (0.92 acres)
Rural Residential (R-1)	Rural Residential ; 10 and 20 Year Transition	40,000 sq.ft. (0.92 acres) – Density is roughly 1 unit per acre.
Low Intensity Residential (R-2)	Rural Residential ; 10 and 20 Year Transition	20,000 sq.ft. – Density is roughly 2 units per acre.
Medium Intensity Residential (R-3)	Rural Residential ; 10 and 20 Year Transition	15,000 sq.ft. – Density is roughly 2.9 units per acre.
Medium Intensity Residential (R-4)	Rural Residential ; 10 and 20 Year Transition	10,000 sq.ft. – Density is roughly 4.3 units per acre.
High Intensity Residential (R-5)	Rural Residential ; 10 and 20 Year Transition	7,500 sq.ft. – Density is roughly 5.8 units per acre
High Intensity Residential (R-8)	Rural Residential ; 10 and 20 Year Transition	5,000 sq.ft. – Density is roughly 8.7 units per acre
High Intensity Residential (R-13)	Rural Residential ; 10 and 20 Year Transition	3,000 sq.ft. – Density is roughly 14.5 units per acre

# Orange County Watersheds



Watershed Overlay District	Orange County Density Limits – Residential	State Allowances
University Lake – Critical  (STATE Classified WS-II Watershed Area)	1 dwelling unit for every 5 acres of property. <sup>1</sup>  Certain parcels in existence prior to October 2, 1989 qualify for a density bonus of a maximum of 5 dwelling units for every 2 acres of property with any future development being held to the 1 unit for 5 acre density limit.	Low Density Option: 1 dwelling unit for every 2 acres of property. Minimum lot size for single-family residential development is 80,000 sq.ft. except in a cluster subdivision.  High Density Option <sup>2</sup> : Appears to be same density limit(s) with an allowance for more impervious surface area.
University Lake – Protected  (STATE Classified WS-II Balance of Watershed Area) <sup>3</sup>	SAME AS UNIVERSITY LAKE PROTECTED ABOVE	Low Density Option: 1 dwelling unit for every acre of property with an impervious surface limit of 12%.  High Density Option <sup>4</sup> : If new development exceeds low density option, engineered stormwater controls required with development limited to either 24% to 30% impervious surface area <sup>5</sup>  A maximum of 10% of the watershed outside of a Critical Area can be developed up to 70% impervious with a structural BMP.
Cane Creek – Critical  (STATE Classified WS-II Watershed Area)	1 dwelling unit for every 5 acres of property.  Certain parcels in existence prior to October 19, 1999 qualify for a density bonus of a maximum of 5 dwelling units for every 2 acres of property with any future development being held to the 1 unit for 5 acre density limit.	SAME AS UNIVERSITY LAKE CRITICAL ABOVE
Cane Creek – Protected  (STATE Classified WS-II Watershed Area)	SAME AS CANE CREEK PROTECTED ABOVE	SAME AS UNIVERSITY LAKE PROTECTED ABOVE

<sup>1</sup> Property within the University Lake Protected and Critical Watershed Protection Overlay Districts is also located within the Rural Buffer (RB) general use zoning district. Development within this area is subject to the Joint Planning Land Use Plan and Land Use Plan Agreement between the County and the Towns of Chapel Hill and Carrboro. This Plan/Agreement establishes the density limits currently enforced by the County as detailed within this chart. There was a conscious decision made by the participating entities to keep this area at the low density option.

<sup>2</sup> High Density option requires control of runoff from the first 1 inch of rainfall through the use of engineered stormwater controls. Local government must assume ultimate responsibility for operation and maintenance of said controls.

<sup>3</sup> 'Balance of watershed area' is a term contained within State regulations referring to the area located outside of the defined critical area.

<sup>4</sup> There was a conscious decision made as reflected in the Joint Planning Land Use Plan, Joint Planning Land Use Plan Agreement, and adopted 2030 Comprehensive Plan to keep the area within the RB zoning district at the low density development option.

<sup>5</sup> Critical areas, under high density, are limited to 24% while protected areas are limited to 30% impervious surface.

Watershed Overlay District	Orange County Density Limits – Residential	State Allowances
Upper Eno – Critical <sup>6</sup>  (STATE Classified WS-II Watershed Area)	1 dwelling unit for every 2 acres of property.	Low Density Option: 1 dwelling unit for every 2 acres of property. Minimum lot size for single-family residential development is 80,000 sq.ft. except in a cluster subdivision.  High Density Option: Appears to be same density limit(s) with an allowance for more impervious surface area.
Upper Eno – Protected <sup>7, 8</sup>  (STATE Classified WS-II Balance of Watershed Area)	Based on underlying zoning designation  Structural Best Management Practices (i.e. stormwater features) are required when density exceeds 1 dwelling unit per acre.	Low Density Option: 1 dwelling unit for every acre of property with an impervious surface limit of 12%.  High Density Option <sup>9</sup> : If new development exceeds low density option, engineered stormwater controls required with development limited to either 24% to 30% impervious surface area  A maximum of 10% of the watershed outside of a Critical Area can be developed up to 70% impervious with a structural BMP.
Little River – Protected  (STATE Classified WS-II Balance of Watershed Area)	1 dwelling unit for every 2 acres of property.	SAME AS UPPER ENO PROTECTED ABOVE
Back Creek – Protected  (STATE Classified WS-II Balance Watershed Area)	Based on underlying zoning designation	SAME AS UPPER ENO PROTECTED ABOVE
Flat River – Protected  (STATE Classified WS-III Watershed Area)	Based on underlying zoning designation	1 dwelling unit for every half acre of property.

<sup>6</sup> The Upper Eno Critical Watershed recognized by Orange County is larger than the State's defined critical area.

<sup>7</sup> Per Section 4.2.4 and 4.2.5 of the UDO a structural BMP is required in some cases where density exceeds 1 dwelling unit per acre.

<sup>8</sup> The County chose to institute the High Density Option within the Upper Eno Protected Watershed Protection Overlay District.

<sup>9</sup> There are portions of the Upper Eno Protected Watershed where the High Density Option, as detailed under State allowances, is utilized.

Watershed Overlay District	Orange County Density Limits – Residential	State Allowances
South Hyco Creek – Protected  (STATE Classified WS-III Watershed Area)	Based on underlying zoning designation	1 dwelling unit for every half acre of property.
Lower Eno – Protected  (STATE Classified WS-IV Watershed Area)	Density in this area is based on underlying general use zoning designation (underlying general use zoning district can allow for lot sizes smaller than 40,000 sq.ft.)	SAME AS ABOVE

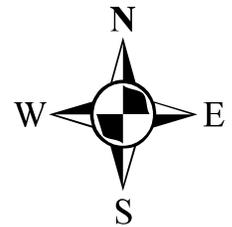
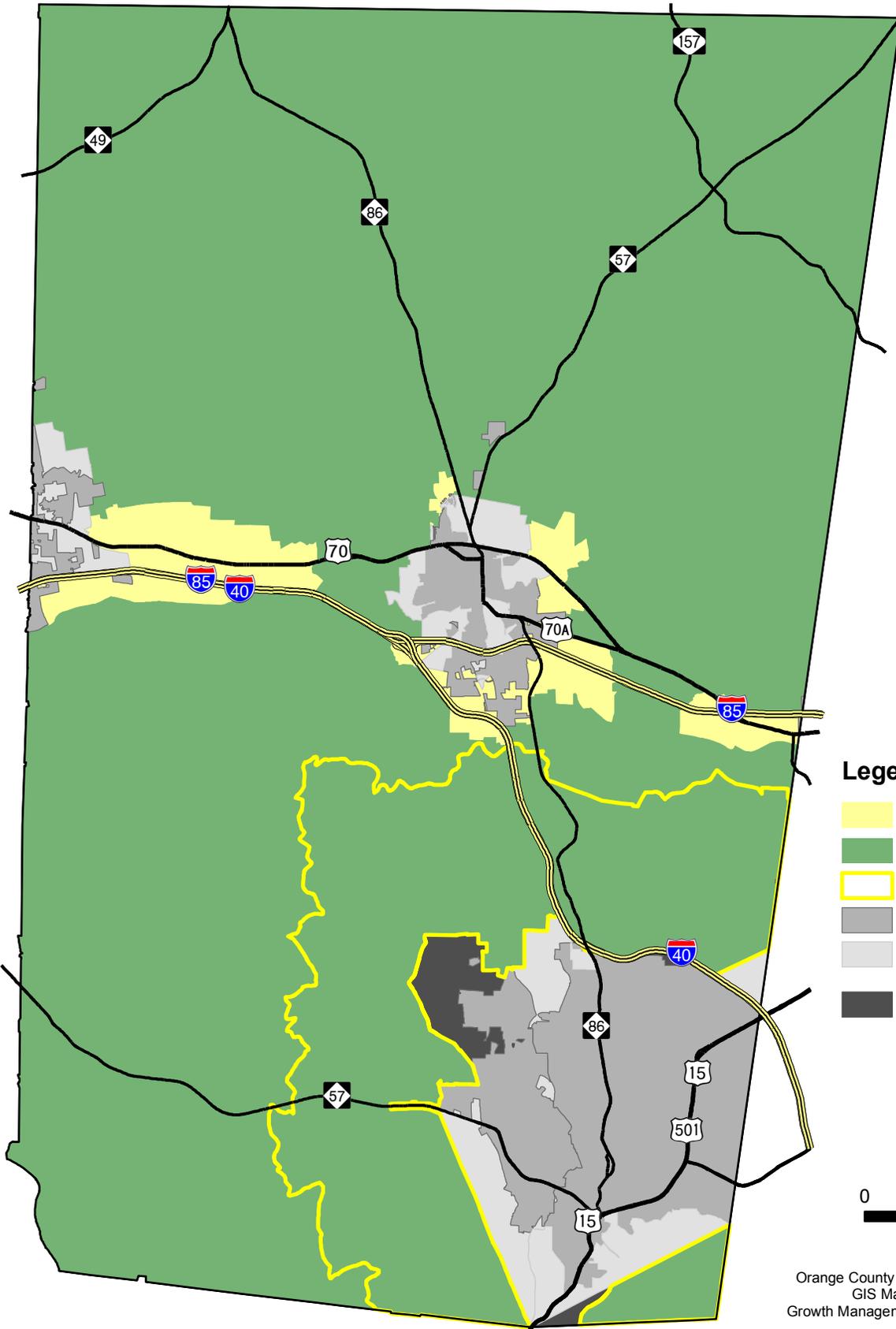
<p>Jordan Lake – Protected (STATE Classified WS-IV Watershed Area)</p>	<p>Density in this area is based on underlying general use zoning designation</p>		<p>SAME AS ABOVE 76</p>
<p>Haw River – Protected (STATE Classified WS-IV Watershed Area)</p>	<p>Density in this area is based on underlying general use zoning designation</p>		<p>SAME AS ABOVE</p>

# Growth Management System

## Urban and Rural Designated Areas

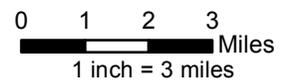
Urban Designated - Property located within Transition Areas as identified in the Land Use Plan.

Rural Designated - Property not located in Urban Designated areas



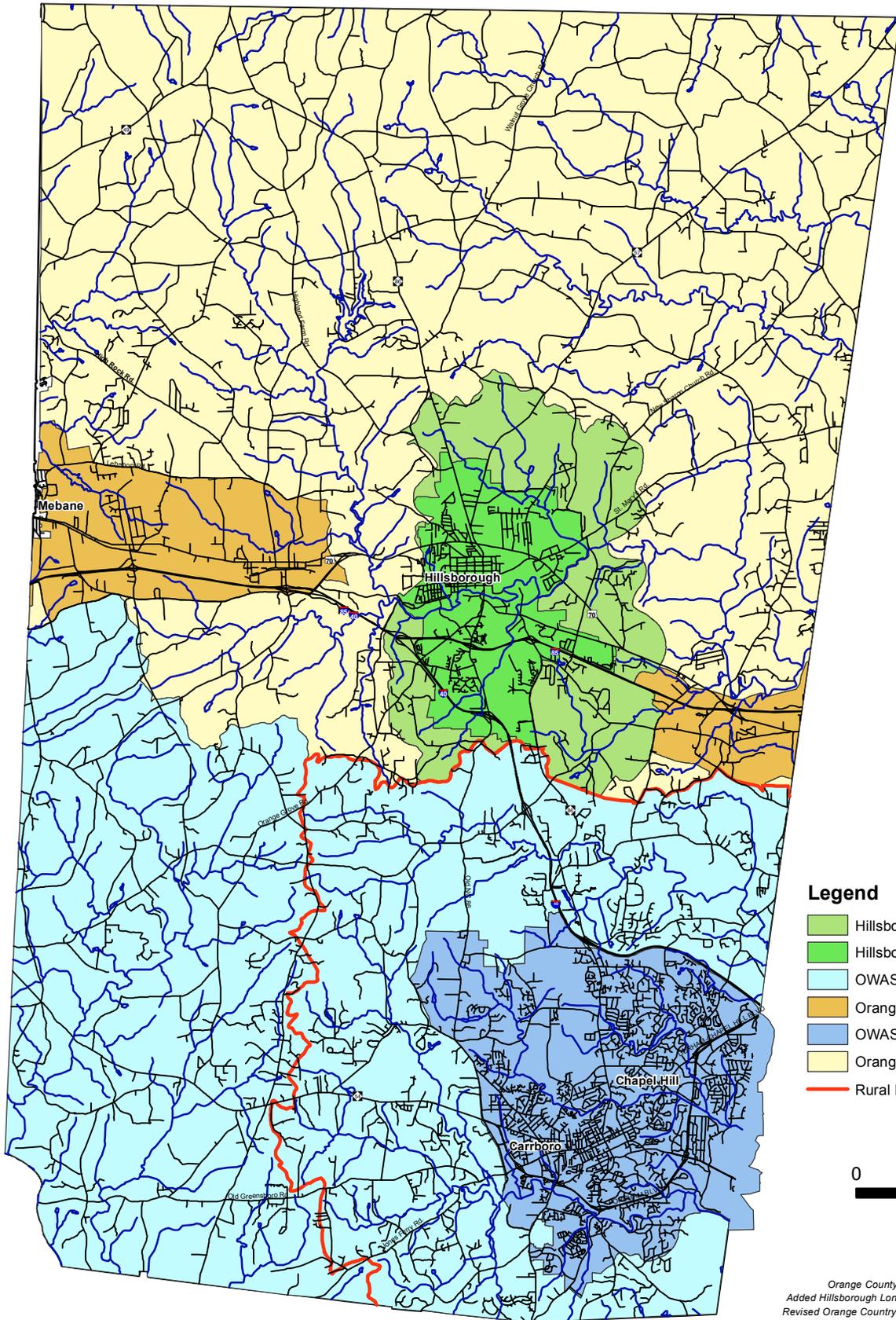
### Legend

- Urban Designated
- Rural Designated
- Rural Buffer
- City Limits
- Extra-Territorial Jurisdiction
- Chapel Hill/Carrboro Transition (Not part of Growth Management System)



Attachment 3

# Water and Sewer Management Planning and Boundary Agreement



### Legend

- Hillsborough Long-Term Service Area
- Hillsborough Primary Service Area
- OWASA Long-Term Interest Area
- Orange County Primary Service Area
- OWASA Primary Service Area
- Orange County Long-Term Interest Area
- Rural Buffer Boundary



1 inch = 3 miles

Orange County Planning and Inspections Department  
 Added Hillsborough Long-Term Service Area, Miriam Coleman, 10/5/10  
 Revised Orange County Primary Service Area, Miriam Coleman, 10/5/10  
 Updated Hillsborough Primary Service Area, Miriam Coleman, 10/22/08  
 Updated Streets, Miriam Coleman, 2002  
 Revised Map to show retracted Chapel Hill Urban Service Boundary, Carrie Whitehill, 11/14/01  
 Original Map Prepared by Beth McFarland, 04/17/97