

- (D) Amendments initiated by Orange County shall not be subject to time limitations other than those specified by the Board of County Commissioners during the public hearing process.
- (E) Evidence not presented at the public hearing may be submitted in writing to the Planning Board for consideration prior to the Planning Board's recommendation to the Board of County Commissioners. The Planning Board may consider additional oral evidence only if it is for the purpose of presenting information also submitted in writing.

2.3.11 Action by Board of County Commissioners

- (A) The Board of County Commissioners shall not consider enactment of the proposed amendment until the Planning Board either makes its recommendation or takes no action on the application as prescribed in this section.
- (B) In making its decision, the Board of Commissioners shall consider all relevant evidence presented at the public hearing and any submitted written evidence that was considered by the Planning Board in making its recommendation.
- (C) The Board of Commissioners, upon receipt of a recommended Comprehensive Plan or portion thereof from the Planning Board, shall consider such recommendations and adopt them by resolution, either unchanged or with modifications.

SECTION 2.4: ZONING COMPLIANCE PERMITS

2.4.1 Applicability

- (A) As required by this Ordinance, a Zoning Compliance Permit must be issued before any new site development, building, structure, or vehicular use area may be erected, constructed or used.
- (B) Submittal and approval of a site plan (see Section 2.5) is required for issuance of a Zoning Compliance Permit except for:
 - (1) Single-family detached dwellings and duplexes, and accessory structures to those residential uses; ~~provided, however, when such uses are located in the located outside of the Upper Eno Critical, University Lake and Cane Creek Protected and Critical Watershed Protection Overlay Districts. In these instances a Plot Plan, as detailed within Section 2.4.3 of this Ordinance, shall be required., site plan approval shall be required.~~¹
 - (a) ~~Single family detached dwellings and duplexes outside of the University Lake Watershed Protection Overlay District and accessory structures to those residential uses shall be required to submit a Plot Plan (see Section 2.4.3 for Plot Plan specifications).~~
 - (2) Interior renovation or repair of an existing structure, provided the use of the lot and/or structure has not changed.

In those instances where the proposed level of land disturbance exceeds established thresholds detailed within Section 6.14.5 of the Ordinance a formal site plan, prepared in accordance with Section 2.5, shall be required for submittal and approval regardless of the proposed land use or Watershed Protection Overlay District designation.²

¹ The existing wording of the UDO has created confusion in the past over when a site plan is required. We have streamlined existing language in an attempt to eliminate confusion and specifically spell out when a plot plan versus a site plan is actually required. Staff is also proposing to add language requiring formal site plans in other Watershed Overlay Districts having similar characteristics to the University Lake Protected and Critical Watershed Overlay in order to establish greater uniformity within the Ordinance.

² There is an existing disconnect between permit submittal requirements for a Zoning Compliance Permit and a Stormwater plan. Staff of Current Planning and Erosion Control could, essentially, be looking at 2 different proposals as there is not an appropriate reference to the stormwater permitting requirement in this section of the

- (C) Issuance of a Zoning Compliance Permit is required prior to beginning the excavation for the construction, moving, alteration, or repair, except ordinary repairs, of any building or other structure, including an accessory structure. The Zoning Compliance Permit shall include a determination that plans, specifications and the intended use of the structure conforms to the provisions of this Ordinance.
- (D) Issuance of a Zoning Compliance Permit is required to change the type of use or type of occupancy of any building, or to expand any use on any lot on which there is a non-conforming use. The Zoning Compliance Permit shall include a determination that the proposed use conforms to the provisions of this Ordinance.

2.4.2 Requirements and Conditions

- (A) In cases where the development and/or commencement of a land use requires the issuance of a Special Use or a Conditional Use Permit, a Zoning Compliance Permit shall not be issued until the aforementioned permit has been issued by the responsible board in accordance with the review and approval procedures detailed herein.
- (B) Issuance of a Special Use or Conditional Use Permit does not negate the requirement for a Zoning Compliance Permit.
- (C) Issuance of a Zoning Compliance Permit does not establish a vested right to begin and complete construction or change the use/occupancy of a lot or building should regulations change subsequent to issuance of said permit.
- (D) Application for Zoning Compliance Permit shall specify the method of disposal of trees, limbs, stumps and construction debris associated with the permitted activity. Open burning of trees, limbs, stumps, and/or construction debris associated with the permitted activity is expressly prohibited.
- (E) No building, structure, or zoning lot for which a Zoning Compliance Permit has been issued shall be used or occupied until the Building Inspector has, after final inspection, issued a Certificate of Occupancy indicating compliance with all the provisions of this Ordinance.
- (F) No building, structure, or zoning lot for which a Zoning Compliance Permit has been issued shall be used or occupied until the Orange County Health Department has approved the water supply and sewage disposal systems serving that use.
- (G) Issuance of a Certificate of Occupancy by the Building Official or the approval of a water supply and sewage disposal system by the Health Department shall in no case be construed as waiving any provision of this Ordinance.
- (H) Zoning Compliance Permits shall become null and void after 18 months from the date of issuance if a building permit is not applied for or land disturbing activities are not commenced in accordance with the provisions of this Ordinance.

2.4.3 Plot Plan Specifications

- (A) For development types requiring a plot plan rather than a site plan, the plot plan shall contain the following:
 - (1) A scaled drawing denoting the length of all property lines,
 - (2) A north arrow denoting the orientation of the lot and all proposed structures,
 - (3) The location of the proposed structure(s) and distances from all property lines,

UDO. There is also a disconnect with respect to the required level of site plan detail (i.e. professionally prepared versus scaled plot plan) to obtain a land disturbing permit. Staff is proposing to add language requiring a formal site plan, completed by a land surveyor or engineer, in all instances where proposed land disturbance thresholds require the development of a formal stormwater plan. The hope here is we will avoid the necessary duplication of submittal information and ensure all County review agencies are utilizing and reviewing the same development proposal to avoid unnecessary confusion and error.

- (4) The location of the proposed driveway,
 - (5) The location of the proposed septic system and proposed drain lines on the property,
 - (6) The location of the proposed well, and
 - (7) The location of any protected features on the property (i.e. stream buffers, flood plain, wetlands, etc).
- (B) Base plot plans are available from the Planning Department and can be printed for a fee in accordance with the established fee schedule. Applicants may also use other sources of base plot plans provided the requirements of this Section are met.
- (1) Planning staff is available to discuss compliance matters but shall not complete plot plans.

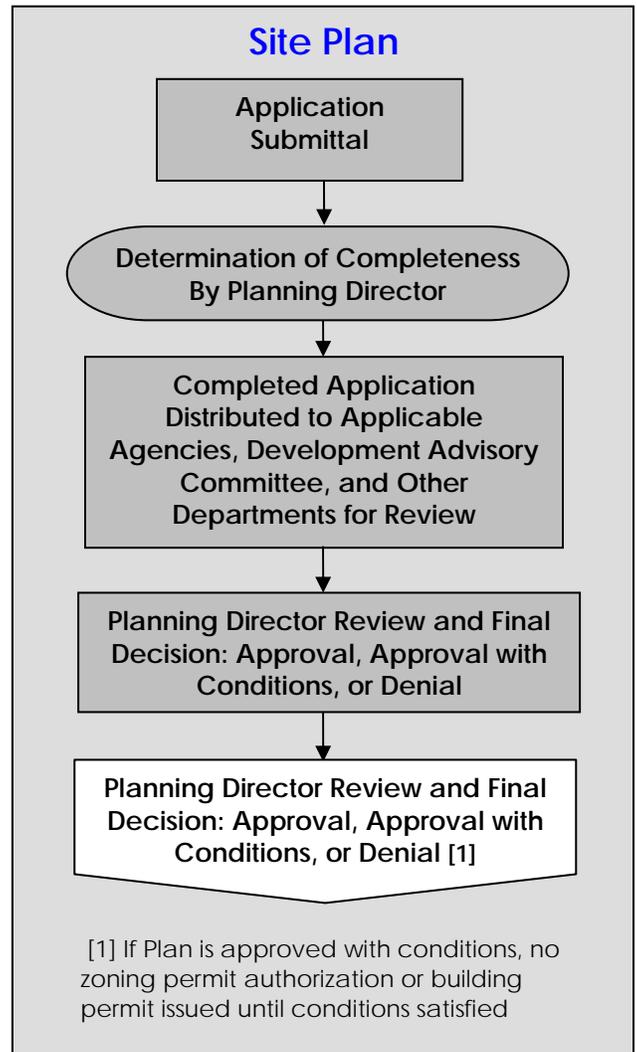
SECTION 2.5: SITE PLAN REVIEW

2.5.1 Review and Approval Flow Chart

The review and approval process for a Site Plan is shown in the procedure’s flowchart.

2.5.2 Application Requirements

- (A) Each site plan shall be prepared and sealed by an appropriately licensed professional with the following exceptions:
 - (1) Proposed additions to existing permitted non-residential structures where the use of the structure and lot has not changed and the floor area is not increased more than 25%.
 - (2) Accessory structures to existing permitted non-residential structures where vehicular use area is not extended and changes to existing grade are not more than one foot in elevation.
 - ~~(3) Single family detached dwellings and duplexes, and accessory structures to such uses.³~~
 - ~~(4)(3)~~ Large day care homes, as defined in Article 10, Definitions.
 - ~~(5)(4)~~ Rural Guest Establishments with three guestrooms or less - Bed & Breakfasts.
- (B) The applicant shall submit to the Planning and Inspections Department:



³ Staff is eliminating contradictory language within this section of the UDO.

- (1) Three copies of the site plan prepared in accordance with the provisions detailed in this Section. Additional copies may be required depending on the nature and location of the proposed development);
 - (2) The completed site plan application form;
 - (3) A copy of the Orange County tax map with the subject property identified;
 - (4) Legal documentation, to be approved by the County Attorney, establishing entities responsible for control over common areas and facilities.
 - (5) Three copies of the Environmental Assessment and/or Environmental Impact Statement, if required under Section 6.16 of this Ordinance.
 - (6) A statement regarding the method of disposal of trees, limbs, stumps and construction debris associated with the permitted activity. Open burning of trees, limbs, stumps, and/or construction debris associated with the permitted activity is expressly prohibited.
- (C) Other items which should be submitted simultaneously, but are not required as part of the site plan application are:
- ~~(1)~~ Erosion control and grading plans as necessary to be approved by the Erosion Control Officer for a grading permit,
 - ~~(4)~~~~(2)~~ Stormwater management plans as necessary to be approved by the Erosion Control Officer prior to the issuance of a Zoning Compliance Permit, and
 - ~~(2)~~~~(3)~~ Building construction plans to be approved by the Building Official prior to issuance of a building permit.

2.5.3 Plan Specifications

Each site plan shall be drawn at a scale adequate to show required detail and shall contain the following information:

- (A) The boundary of the lot(s) to be developed labeled with bearings and distances;
- (B) The name, address, and phone number of the applicant and the property owner;
- (C) Name of project, vicinity map, north arrow, scale, tax map reference number, date of plan preparation, and subsequent revision dates;
- (D) Zoning of the property to be developed and all adjacent zoning and existing adjacent land uses;
- (E) Adjacent right-of-way widths with road names and numbers;
- (F) A development summary including total acres, proposed use(s), total building square footage, required and proposed parking spaces.
- (G) Demonstrated compliance with all applicable performance standards contained in Articles 3, 4, 5, and 6 of this Ordinance;
- (H) Maximum and proposed impervious surface and required stream buffers as detailed in Sections 4.2 and 6.12 of this Ordinance;
- (I) Estimated traffic generated by the proposed development in trips per day. If the estimate exceeds 800 trips per day, a traffic impact study must be submitted in accordance with Section 6.17;
- (J) Front, side, and rear building setbacks as required by Articles 3 and 5 of this Ordinance;
- (K) Location of all proposed buildings and structures labeled with floor area, building height and function, and proposed finished floor elevation;

- (2) The estimated cost of the required improvements must be itemized and certified by the applicant's licensed professional engineer or licensed professional surveyor, if the surveyor was the original preparer of the plans for the subdivision.
 - (3) In the case of minor subdivisions, the subdivider's licensed professional engineer or licensed professional surveyor may provide the itemized cost estimate.
 - (4) Cost estimates must be based on industry norms within Orange County.
 - (5) The Planning Director or Planning Board may require a higher guarantee amount when deemed necessary to address higher potential correction costs due to the subdivision's size and site characteristics, but in no event may the amount exceed 25% of estimated construction costs.
- (E) The guarantee shall have a term of two years and shall provide an option for annual renewal if the subdivider/developer has:
- (1) Arranged for County inspection of the improvements,
 - (2) Submitted to the County an acceptable estimate of the costs necessary to correct any deterioration or defects discovered by the inspection, and
 - (3) Increased the amount of the security by the amount of said estimate.
- (F) The subdivider/developer shall pay a fee in accordance with the Fee Schedule adopted by the Board of County Commissioners at the time of the initial posting of the guarantee and for each subsequent renewal or extension to cover the County's administrative costs.

SECTION 7.5: SUBDIVISION AGREEMENTS

- (A) The subdivider of all minor and major subdivisions shall record a subdivision agreement outlining the limitations associated with the development of created lots at the Orange County Register of Deeds at the same time the Final Plat is recorded.
- (B) The purpose of the subdivision agreement is to provide detail on various development limitations that will regulate the overall development of property consistent with the approval of the subdivision.
- (C) This subdivision agreement shall, at a minimum, outline the following development criteria for property within the subdivision:
 - (1) Required development setbacks for lots within the project.
 - (2) Impervious surface limits for the lots within the development.
 - (3) The presence of identified environmental features (i.e. stream buffers, flood plain, wetlands, etc) and an explanation on how development of the lot(s) is impacted.
 - (4) The presence of identified cultural features listed by the North Carolina Heritage Program, or identified in "An Inventory of Sites of Cultural, Historic, Recreational, Biological, and Geological Significance in the Unincorporated Portions of Orange County" or "Inventory of the Natural Areas and Wildlife Habitats of Orange County, North Carolina".
 - (5) Identification of soil and septic limitations, if any, for each lot.
 - (6) Access restrictions for the project and individual lots.
 - (7) Limitations on land uses.
 - (8) Maintenance requirements for all roadways as well as references to the project's road maintenance agreement, if required.

SECTION 7.6: GENERAL DESIGN STANDARDS

The avoidance of congestion and overcrowding and the creation of conditions essential to public health, safety and the general welfare may be best accomplished through the application of design standards

providing for the distribution of population and traffic, safe and coordinated street systems, approved water supply and sewage disposal systems, usable lots and conformance to plans for Orange County as recommended by the Planning Board and adopted by the Board of Commissioners. The following general requirements and principles of land subdivision shall be observed:

7.6.1 Minimum Lot Size

- (A) All lots shall contain the minimum lot area required by Article 3 of this Ordinance and shall comply with all applicable development standards.
- (B) Any lot which provides an easement for individual septic disposal for use by a separate lot shall contain an additional 20,000 square feet to accommodate the septic easement.

7.6.2 Residential Density

The allowable density on a given parcel of property proposed for subdivision shall comply with the residential maximum density requirements in Section 4.2.4.

7.6.3 Land Suitability

- (A) In reviewing subdivision proposals, the Planning Department and Planning Board shall consider the overall design of the subdivision with the suitability of the land for development to insure that the platting and development of the subdivision will not create a danger to the health, safety, and welfare of Orange County residents.
- (B) Land suitability shall be determined by an investigation of conditions including but not limited to flood prone areas, soil drainage, drainage patterns, slope, historic sites, maximum anticipated levels of land disturbance for the project and all proposed individual lots, and unique natural areas. The investigations shall be carried out by the Planning Board, the Planning Department, or other agencies or individuals having the appropriate technical expertise.
- (C) Special Flood Hazard Areas shall be considered during the review process.
- (D) Soils shall be evaluated for suitability or provisional suitability for septic tanks according to guidelines established in the Laws and Rules for Ground Absorption Sewage Disposal Systems, incorporated herein by reference.
 - (1) Each lot that does not contain a suitable building site shall be designated on the plat as being of restricted development potential and by instrument recorded in the Orange County registry as specifically prescribed by Section 7.14.3(E)(1) of this Ordinance.
- (E) **Drainage**
 - (1) Soil suitability, including slope and drainage, shall also be evaluated according to soil characteristics indicated by the Orange County Soil Survey and topography indicated by the U.S. Geological Topographic Maps.
 - (2) Each lot shall contain a suitable building area safe from inundation and erosion.
 - (3) Sanitary sewer systems, septic tank drainfields, water systems, wells, and adjacent properties shall be protected from inundation by surface water.
 - (4) Roads, driveways and utilities shall be protected from damage caused by improper stormwater management.
 - (5) Mechanical devices, drainage easements, natural buffers, large lots, and/or other technical means may be used to achieve these drainage objectives. Natural drainageways are a preferred means of stormwater run-off removal. The characteristics (including capacity) of natural drainageways shall be protected.
 - (6) Runoff levels from the 25-year storm after the site is developed shall not be greater than the rate of runoff on the same site in its natural state.

(7) In cases where anticipated land disturbance for the subdivision and the proposed lots will cumulatively exceed established thresholds denoted within Section 6.14.5 of this Ordinance, a formal stormwater management plan shall be required as part of the application submittal.⁴

(F) Resource Protection

- (1)** Applications for subdivision shall be evaluated by the Planning Department and Planning Board for potential impairment of habitat of rare and endangered species or unique natural areas.
- (2)** A strategy shall be developed to protect resources listed by the North Carolina Heritage Program, or identified in "An Inventory of Sites of Cultural, Historic, Recreational, Biological, and Geological Significance in the Unincorporated Portions of Orange County" or "Inventory of the Natural Areas and Wildlife Habitats of Orange County, North Carolina".
 - (a)** The strategy shall provide protection of identified natural and cultural resources from impacts which could result from development of the subdivision, and shall include one or more of the following:
 - (i)** Dedication of conservation easements,
 - (ii)** Restrictive covenants prohibiting clearing or disturbance of the resource areas,
 - (iii)** Dedication of resource areas to Orange County,
 - (iv)** Clustering of lots to minimize land disturbance and preserve the special features of the property,
 - (v)** Other restrictions or development options which provide an adequate level of protection.
- (3)** The Planning Department shall review available documentation of the particular site and determine if the proposed strategy adequately protects the identified resources.
- (4)** Maps, studies, and reports which are relevant to this section shall be maintained by the Planning Department.

SECTION 7.7: LOTS

7.7.1 Generally

All lots shall conform to all of the requirements of this Ordinance for the zoning district and any overlay district in which they are located.

7.7.2 Shape and Orientation

- (A)** The shape and orientation of lots shall be appropriate to the location of the subdivision and the development intended.
- (B)** Interior lot lines extending from a street should be approximately perpendicular or radial to the street right of way line.
- (C)** Lot lines shall be located to permit efficient installation and maintenance of utility lines on utility easements, to maximize buildable area, and, where applicable, to provide a suitable area for septic systems.

⁴ Staff would prefer comprehensive stormwater management plans rather than multiple plans, multiple systems, on individual lots that all have to be inspected by Erosion Control on a semi annual basis and maintained by individual property owners. Through this process staff is hoping to encourage neighborhood wide stormwater management plans to avoid unnecessary development and maintenance costs on individual property owners and encourage a comprehensive approach to stormwater and nutrient management.