

Present Zoning Ordinance to UDO - Comparison Tables

Prologue

Attached are two charts comparing existing provisions of the Orange County Zoning Ordinance to zoning constructs proposed in the UDO.

The 'Comparison of Planned Development and Conditional Use District' shows that there are only limited differences between the proposed Conditional Use District system and the existing Planned Development construct. The changes proposed within the UDO were done largely to conform to North Carolina General Statutes and to clear up a number of ambiguities in the current Zoning Ordinance with regard to Planned Development.

The second chart compares the proposed Master Plan Development Conditional Zoning District (MPD-CZ) with the existing Planned Development-Mixed Use (PD-MU) district within the current Orange County Zoning Ordinance. MPD-CZ is one of three Conditional Zoning Districts proposed within the UDO. Again, the proposed terminology and construct is consistent with current North Carolina General Statutes. This conditional zoning district draws from many of the existing components of the Planned Development construct, largely the PD-MU program. A big difference between the proposed MPD-CZ and the existing PD-MU construct is that approval of the MPD-CZ is a legislative approval only. Changes to General Statutes in 2005 permitted the use of Conditional Zoning Districts and the approval of conditions with specific rezoning requests.

Overall, comparisons show the many similarities between the existing Planned Development provisions of the current Orange County Zoning Ordinance and the conditional use district and conditional zoning district constructs proposed within the UDO. The key differences between the existing provisions and the proposed constructs are based largely on changes to General Statutes instituted in 2005.

**Comparison of Planned Development and Conditional Use District
Orange County, North Carolina**

	Planned Development	Conditional Use District
Status	Current regulations; Orange County Zoning Ordinance	Proposed for inclusion in Unified Development Ordinance
Where Permitted	County-wide	County-wide
Relationship to Comprehensive Plan & JPA Land Use Plan	Yes.	Yes.
Linked to a General Use Zoning District (i.e. CC3, I-1, R-5)?	Yes. Subject to all standards of general use zoning district, including setbacks, height limits, and uses permitted.	Yes. Subject to all standards of general use zoning district, including setbacks, height limits, and uses permitted.
Uses Permitted	Use(s) requested limited to those uses permitted in linked general use zoning district.	Use(s) requested limited to those uses permitted in linked general use zoning district. Some Exclusions.
Specific Use(s) Approved?	Yes. Only those uses specifically approved with PD shall be permitted.	Yes. Only those uses specifically approved with CU District shall be permitted.
Waivers	Waivers to development standards (not uses) must be specifically approved by the BOCC.	Waivers to development standards (not uses) must be specifically approved by the BOCC.
Who Approves Application	BOCC	BOCC
Approvals Required	Rezoning (Legislative) AND Class A SUP (Quasi-Judicial); concurrent	Rezoning (Legislative) AND Class A SUP (Quasi-Judicial); concurrent
Conditions of Approval	Allowable if agreed to by County AND applicant	Allowable if agreed to by County AND applicant
Required Plan Submittal	1. PD requires submittal of "concept plan" 2. SUP required for all Planned Developments	Site plan approved by BOCC with rezoning & SUP
Planning Board Review and Recommendation?	Yes.	Yes.
Time Frame	Construction to begin within 12 months of date of approval	Construction to begin within 12 months of date of approval
Specified in State Statute	No.	Yes.

**Comparison of Planned Development - Mixed Use (PD-MU) and Master Plan Development - Conditional Zoning District (MPD-CZ)
Orange County, North Carolina**

	Planned Development - Mixed Use PD - MU	Master Plan Development - Conditional Zoning District MPD - CZ
Status	Current regulations; Orange County Zoning Ordinance	Proposed for inclusion in Unified Development Ordinance
Where Permitted	County-wide	County-wide
Relationship to Comprehensive Plan & JPA Land Use Plan	Yes.	Yes.
Linked to a General Use Zoning District (i.e. CC3, I-1, R-5)?	Yes. Subject to all standards of general use zoning district, including setbacks, height limits, and uses permitted.	No. Separate zoning district listed on the Table of Permitted Uses.
Uses Permitted	Use(s) requested limited to those uses permitted in linked general use residential zoning district and the Community Commercial (CC-3) zoning district.	Use(s) requested limited to those uses listed for MPD-CZ on the Table of Permitted Uses.
Specific Use(s) Approved?	Yes. Only those uses specifically approved with PD shall be permitted.	Yes. Only those uses specifically approved with the MPD-CZ shall be permitted.
Waivers	Waivers to development standards (not uses) must be specifically approved by the BOCC.	1. Specific standards approved with the MPD-CZ Master Plan by the BOCC. 2. Limited changes may be approved by the Planning Director; parameters for administrative modifications clearly articulated in proposed UDO.
Who Approves Application	BOCC	BOCC
Approvals Required	Rezoning (Legislative) AND Class A SUP (Quasi-Judicial) for conditions; concurrent	Rezoning (Legislative) with overall project conditions
Conditions of Approval	Allowable if agreed to by County AND applicant (Overall Project)	Allowable if agreed to by County AND applicant (Overall Project)
Required Plan Submittal	1. PD requires submittal of "concept plan" 2. SUP required for all Planned Developments	1. Master Plan approved by BOCC with rezoning 2. Site plans for each "pod" shown on the Master Plan shall be approved administratively and must be consistent with BOCC approved Master Plan. 3. Deviations from approved Master Plan require amendment to Master Plan and must be approved by the BOCC.
Planning Board Review and Recommendation?	Yes.	Yes.
Time Frame	Construction to begin within 12 months of date of approval	Established with approval of Master Plan
Specified in State Statute	No.	Yes.