

**ORANGE COUNTY PLANNING DEPARTMENT
131 W. MARGARET LANE, SUITE 201
HILLSBOROUGH, NORTH CAROLINA 27278**



AGENDA

ORANGE COUNTY PLANNING BOARD

**ORANGE COUNTY WEST CAMPUS OFFICE BUILDING
131 WEST MARGARET LANE – LOWER LEVEL CONFERENCE ROOM (ROOM #004)
HILLSBOROUGH, NORTH CAROLINA 27278**

Wednesday, January 9, 2013

Ordinance Review Committee Meeting – 6:30 pm

Note: This is a meeting of the Ordinance Review Committee (ORC) for Planning Board members who would like to review and comment on the proposed amendments before the items are placed on the next Quarterly Public Hearing agenda. Attendance is not mandatory and a quorum is not necessary for meetings of the ORC.

<u>No.</u>	<u>Page(s)</u>	<u>Agenda Item</u>
1.		CALL TO ORDER
2.		UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS - STORMWATER To review and comment upon proposed revisions to the UDO to modify existing language requiring the submittal of formal stormwater plans as part of subdivision and development applications. Presenter: Michael Harvey, Current Planning Supervisor
3.		ADJOURNMENT

**ORANGE COUNTY
PLANNING BOARD ORDINANCE REVIEW COMMITTEE
ACTION AGENDA ITEM ABSTRACT
Meeting Date: January 9, 2013**

**Action Agenda
Item No. _____**

SUBJECT: Review of Proposed UDO Text Amendment – Site Plan Submittal for Projects Requiring Stormwater Review

DEPARTMENT: Planning and Inspections

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

INFORMATION CONTACT:

- | | | |
|---|--|----------------------|
| <ol style="list-style-type: none"> 1. Comprehensive Plan and Unified Development Ordinance Amendment Outline Form (Zoning 2012-016) 2. Proposed Text Amendments | Michael D. Harvey, Planner III
Craig Benedict, Director | 245-2597
245-2575 |
|---|--|----------------------|

PURPOSE: To review and comment upon Planning Director initiated UDO text amendment concerning submission of formal site plans for projects requiring stormwater plan approval.

Attachment 1 contains the approved Comprehensive Plan and Unified Development Ordinance Amendment Outline Form (Zoning 2012-016). Attachment 2 contains the proposed text amendment language.

BACKGROUND: On April 17, 2012 the BOCC approved a UDO amendment package incorporating recent stormwater management and nutrient reduction strategies implemented by the State. This included the establishment of land disturbance thresholds for both residential and non-residential projects requiring submittal of formal, engineered, stormwater plans.

Please refer to Section B.1 of Attachment 1 for additional information on these thresholds.

Problems arise in those instances where a project's proposed overall land disturbance requires the submission of a formal stormwater management plan. Staff does not want there to be conflicting information provided to the public as to when a formal site plan is required nor do we want the staff of Current Planning and Erosion Control to potentially be looking at 2 different sets of plans proposing the development of a given property.

The intent of this amendment is to incorporate established thresholds into existing language within the UDO requiring formal site plan preparation and submittal by an applicant when said thresholds are exceeded. By modifying existing language we hope to eliminate unnecessary cost for the applicant, with respect to the completion of multiple site plans required for each division, and provide sufficient detail to local residents and developers on when formal site plan preparation is necessary.

Staff is also proposing to include language requiring the development of formal stormwater plans, consistent with established land disturbance thresholds, for minor and major subdivisions. Both Current Planning and Erosion Control staff agree potential problems can be eliminated if there is a formal stormwater management plan approved during the subdivision (i.e. minor and major) review and approval process.

County staff peer review of the proposed amendments is on-going.

At its November 8, 2012 regular meeting, the BOCC voted unanimously to authorize staff to proceed with the proposed amendment. Per the BOCC staff will be making a presentation to the Commission for the Environment in January of 2013 seeking its input on the proposed amendment.

FINANCIAL IMPACT: While these proposed amendments are merely designed to incorporate necessary references with respect to complying with established thresholds, and requiring the submission of formal site plans in the event a stormwater management plan is required, staff had previously identified compliance with these new State required standards will impose additional costs for development projects and require additional staff resources.

Workload for Current Planning and Erosion Control staff to review and approve stormwater management plans required by the rules is expected to increase. Workload for staff with respect to the inspection of stormwater management features is also expected to increase. This may necessitate an increase in fees charged to developers.

As reported at the February 27, 2012 Quarterly Public Hearing, it is expected that enforcement of the new regulations will require, at a minimum, up to one additional full time employee for Erosion Control with an approximate cost of \$65,000. Staff is continuing to evaluate workload and needs as the process moves forward.

RECOMMENDATION: The Planning Staff recommends the Ordinance Review Committee review and comment upon the proposed amendments to the UDO.

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

UDO / Zoning-2012-016

Amendment(s) requiring submittal of formal site plans and stormwater management plans for residential and non-residential projects

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):

1. Section 2.4.1 <i>Zoning Compliance Permits – Applicability</i> 2. Section 2.5.3 <i>Plan Specifications</i> 3. Section 7.6.3 <i>Land Suitability</i>
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- 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 modify existing language requiring the submittal of formal stormwater plans as part of subdivision and development applications.

The State recently implemented stormwater management and nutrient reduction strategies. As part of these strategies, the County recently modified existing regulations mandating the preparation and submittal of formal, engineered, stormwater management plans as part of any development project where proposed land disturbance reached the following thresholds:

Watershed/River Basin	Stormwater – Non-residential	Stormwater – Residential
Cape Fear (includes the Back Creek, Haw River, Cane Creek, Jordan Lake, and University Lake protected and critical watershed overlay districts as well as those properties within the basin not located in a watershed overlay district)	Projects proposing over 21,780 square feet of disturbance are required to submit a stormwater management plan	Projects proposing over 43,560 square feet of disturbance are required to submit a stormwater management plan
Neuse (includes Flat River, Little River, Upper and Lower Eno protected and critical watershed overlay districts as well as those properties within the basin not located in a watershed overlay district)	Projects proposing over 12,000 square feet of disturbance are required to submit a stormwater management plan	Projects proposing over 21,780 square feet of disturbance are required to submit a stormwater management plan
Roanoke (includes South Hyco Creek protected watershed overlay district)	Projects proposing over 20,000 square feet of disturbance are required to submit a stormwater management plan	Projects proposing over 43,560 square feet of disturbance are required to submit a stormwater management plan

These changes were incorporated into the UDO on April 17, 2012.

This proposed amendment is designed to:

1. Require formally prepared site plans for those projects exceeding established stormwater disturbance thresholds for residential projects.
Submittal of formal site plans is already required for all non-residential projects regardless of the proposed land disturbance activity.
2. Incorporate references within various locations of the UDO identifying which land development projects need to comply with these standards in an effort to

eliminate confusion and provide definitive application submittal standards.

3. Analysis

As required under Section 2.8.5 of the Orange County Unified Development Ordinance, 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 required analysis will be completed before the public hearing and will be part of the quarterly public hearing materials.

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

This amendment is designed to provide additional references to existing development standards already contained within the UDO.

5. New Statutes and Rules

This amendment is designed to reference compliance with recently adopted modifications to the UDO related to stormwater management and nutrient reduction standards consistent with the following State regulations:

- 15A NCAC 2B. 0277 Falls Lake Stormwater New Development Rule
- 15A NCAC 2B. 0265 and Session Law 2009-484 Jordan Lake Stormwater New Development Rules

C. PROCESS

1. TIMEFRAME/MILESTONES/DEADLINES

a. BOCC Authorization to Proceed

November 8, 2012. The BOCC voted unanimously to authorize staff to proceed with the amendment. Board members also requested staff present the proposed amendment to the Commission for the Environment for its input. Staff is slated to present this item to the Commission at the January 14, 2013 regular meeting.

b. Quarterly Public Hearing

February 25, 2013

c. BOCC Updates/Checkpoints

January 9, 2013 - BOCC members receive materials to be reviewed by the Planning Board's Ordinance Advisory Committee (ORC) as part of the

Planning Board materials distributed to all BOCC members each month
February 5, 2013 – Approval of legal ad
May 7, 2013 - Receive Planning Board recommendation

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 9, 2013 – Ordinance Review Committee (ORC).
March 6, 2013 – April 3, 2013 (recommendation)

b. Advisory Boards:

Commission for the Environment –
January 14, 2013

c. Local Government Review:

Courtesy Review – Town(s) of Chapel Hill, Carrboro, Hillsborough, City of Mebane

d. Notice Requirements

Legal advertisement will be published on February 13 and 20, 2013.

e. Outreach:

General Public: _____
 Small Area Plan Workgroup: _____
 Other: _____

3. FISCAL IMPACT

While these proposed amendments are merely designed to incorporate necessary references with respect to complying with established thresholds, and requiring the submission of formal site plans in the event a stormwater management plan is required, staff had previously identified compliance with these new State required standards will impose additional costs for development projects and require additional staff resources.

Workload for Current Planning and Erosion Control staff to review and approve

stormwater management plans required by the rules is expected to increase. Workload for staff with respect to the inspection of stormwater management features is also expected to increase. This may necessitate an increase in fees charged to developers.

As reported at the February 27, 2012 Quarterly Public Hearing, it is expected that enforcement of the new regulations will require, at a minimum, up to one additional full time employee for Erosion Control with an approximate cost of \$65,000.

Staff is continuing to evaluate workload and needs as the process moves forward.

D. AMENDMENT IMPLICATIONS

The amendments are in response to recent modifications to the UDO relating to compliance with stormwater and nutrient management requirements and staff's desire to ensure proper reference for compliance with these aforementioned new standards.

As previously indicated by staff, compliance with these required standards is expected to increase the cost of development and increase staff workload.

E. SPECIFIC AMENDMENT LANGUAGE

Please refer to Attachment 2.

Primary Staff Contact:

Michael D. Harvey

Planning

(919) 245-2597

mharvey@orangecountync.gov

- (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 developed on property 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.~~
 - (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).~~

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 of the subject property.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 Protection Overlay Districts having similar characteristics to the University Lake Protected and Critical Watershed Protection Overlay Districts 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 management 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 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

No Changes on this page. it is included because footnote #2 from the previous page spills over.

- (2) Interior renovation or repair of an existing structure, provided the use of the lot and/or structure has not changed.
- (C) Issuance of a Zoning Compliance Permit is required prior to beginning the excavation for the construction, moving, alteration, or repair, except ordinary repairs, of any building or other structure, including an accessory structure. The Zoning Compliance Permit shall include a determination that plans, specifications and the intended use of the structure conforms to the provisions of this Ordinance.
- (D) Issuance of a Zoning Compliance Permit is required to change the type of use or type of occupancy of any building, or to expand any use on any lot on which there is a non-conforming use. The Zoning Compliance Permit shall include a determination that the proposed use conforms to the provisions of this Ordinance.

2.4.2 Requirements and Conditions

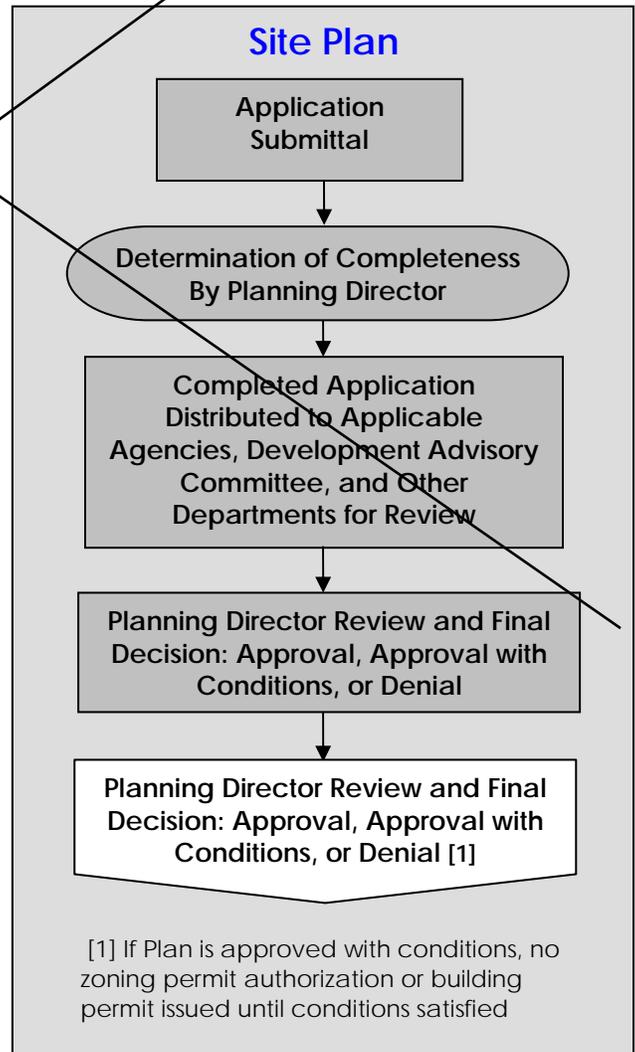
- (A) In cases where the development and/or commencement of a land use requires the issuance of a Special Use or a Conditional Use Permit, a Zoning Compliance Permit shall not be issued until the aforementioned permit has been issued by the responsible board in accordance with the review and approval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

2.4.3 Plot Plan Specifications

- (A) For development types requiring a plot plan rather than a site plan, the plot plan shall contain the following:
 - (1) A scaled drawing denoting the length of all property lines,

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 duplication of submittal information and ensure all County review agencies are utilizing and reviewing the same development proposal to avoid unnecessary confusion and error.

- (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,
 - (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;~~

No changes on this page. Staff included it for reference purposes only.

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.