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## CHAPTER FIFTY (50) – ORANGE COUNTY CODE OF ORDINANCES – UNIFIED DEVELOPMENT ORDINANCE (UDO):

**(RED highlighted text denotes new sections or proposed new text/regulations)**

### PART I – ADMINISTRATION:

#### **ARTICLE I: How to Use this Manual:**

Section 50-1: General Layout and Organization

Section 50-2: Frequently Asked Questions

Section(s) 50-3 through 50-9 RESERVED

*STAFF NOTE – Article One:* This will be a new section developed by staff to contain general information explaining the outline and setup of the UDO as well as provide answers to basic questions on the overall setup and use of the document. We currently envision this portion of the Ordinance to be a ‘how to’ manual that answers basic questions and provides the user an explanation on the organizational framework of the document.

#### **ARTICLE II: Comparative Table:**

*STAFF NOTE – Article Two:* This section is designed to outline where old regulations have been relocated within the revised format of the UDO document. Several Board members have requested a more detailed index outlining not only the location of various regulations but to provide the user with information on where regulations have been moved from the old to new format.

#### **ARTICLE III: General Provisions:**

Section 50-10: Title

Section 50-11: Authority

Section 50-12: General Purpose and Intent

Section 50-13: Applicability and Jurisdiction

Section 50-14: **Conformance with Adopted Plans**

Section 50-15: Regulation of Farming and Bona-fide farm activities

Section 50-16: **Relationship with Other Laws, Covenants, or Deed Restrictions**

Section 50-17: **Coordination with Other Regulations**

a. Generally

b. Zoning

c. Subdivision

d. Erosion Control/Stormwater Management

# DRAFT

## e. Rules of Construction

- Section 50-18: Official Zoning Map
- Section 50-19: **Transitional Provisions**
- Section 50-20: **Vested Rights**
- Section 50-21: **Rules of Construction**
- Section 50-22: **Development Approvals**
- Section 50-23: Severability

### **Section(s) 50-24 through 50-29 RESERVED**

**STAFF NOTE – Article Three:** This will ultimately take existing regulatory standards contained within Article(s) One, Twenty-one, and Twenty-four of the existing Zoning Ordinance. Staff is adding additional standards necessary to address the fact that we are collapsing several different regulatory standards into one (1) central document.

Staff is also adding a new section detailing our limitations on the interpretation and enforcement of ‘other’ regulations (i.e. covenants and deed restrictions). Staff is inundated with complaints from local property owners relating to the enforcement of neighborhood covenants and does not understand why the County has no authority to address their concerns. Staff is adding this new section to explain out limitations and address who, ultimately, is responsible for the enforcement of such regulations.

## **ARTICLE IV: Administration:**

- Section 50-30: Administrative and Decision-Making Bodies
- Section 50-31: Planning Director
- Section 50-32: Board of County Commissioners
- Section 50-33: Planning Board
- Section 50-34: Board of Adjustment
- Section 50-35: Development Advisory Committee

### **Section(s) 50-36 through 50-39 RESERVED**

**STAFF NOTE – Article Four:** Article Four shall be comprised of existing regulations and standard currently contained within Article(s) Two and Twenty-one of the existing Zoning Ordinance. Existing standards will be revised only in an effort to ensure that they are consistent with the provisions of State law.

## **ARTICLE V: Definitions:**

**STAFF NOTE - Definitions:** The definition section will incorporate definitions currently contained within Article Twenty-two (22) of the Zoning Ordinance, the

# DRAFT

Subdivision regulations, and take existing definitions spread throughout both documents and place them into one (1) central section.

For example, within Article Six there are several existing definitions relating to telecommunication towers. This information will be moved to the central definition sections of the UDO.

## **ARTICLE VI: Enforcement:**

- Section 50-40: In General
- Section 50-41: Responsibility for Enforcement
- Section 50-42: Responsibility for Violations
- Section 50-43: Compliance Required
- Section 50-44: Violations
- Section 50-45: Enforcement Procedures
- Section 50-46: Penalties, Remedies, and Enforcement Powers
- Section 50-47: Appeals

### **Section(s) 50-48 through 50-59 RESERVED**

**STAFF NOTE – Enforcement:** This section will take existing regulations contained within Article(s) 21 and 23 of the Zoning Ordinance, as well as provisions from the Subdivision regulations and our Erosion Control Ordinance and place them into one (1) central section of the UDO. Existing standards will be revised only in an effort to ensure that they are consistent with the provisions of State law.

## **PART II – SUBDIVISION DESIGN AND IMPROVEMENTS:** (Separate Ordinance being incorporated)

### **ARTICLE VII: Subdivisions:**

- Section 50-60: In General
  - a. Jurisdiction; Applicability
  - b. Activities that Constitute a Subdivision
  - c. Activities that Do Not Constitute a Subdivision; Exemptions
  - d. Compliance with Plans and Other Applicable Regulations
  - e. Phasing
  
- Section 50-61: Improvements
  - a. Improvements Required
  - b. Completion of Improvements
  - c. Performance Guarantees

# DRAFT

- d. Maintenance of Required Improvements
- e. Maintenance Guarantees
- f. Property Owners Associations

Section 50-62: Design Standards

- a. Natural and Historic/Cultural Resources
- b. Lots
- c. Roads
  - i. Private road standards
  - ii. Certification and Inspection
- d. Pedestrian, Bicycle and Trail
- e. Water and Wastewater Systems
- f. Fire Hydrants
- g. Stormwater Drainage
- h. Easements
- i. Recreation Area Land Contributions
- j. Subdivision Names
- k. Monuments
- l. Reserve Strips and Non-Access Reservations
- m. Lakes and Dams
- n. Special Requirements in Water Supply Watersheds

**Section(s) 50-63 through 50-79 RESERVED**

*STAFF NOTE – Subdivisions:* The review and approval procedures for subdivisions are being moved into a central section where all review/approval procedures are being located, specifically Part VI of the UDO.

**PART III – LAND USE AND DEVELOPMENT:** *STAFF NOTE:* The information proposed for this part of the UDO is currently detailed within Article(s) Three, Four and Five of the existing Zoning Ordinance. Staff will not be making major revisions except as detailed herein.

**ARTICLE VIII: Orange County Zoning Districts**

Section 50-80: Residential Districts

- a. Rural Buffer
- b. Agricultural Residential
- c. Rural Residential One
- d. Low and Medium Density Residential
- e. High Density Residential

Section 50-81: Commercial Districts

- a. Local Commercial One
- b. Neighborhood Commercial Two

# DRAFT

- c. Community Commercial Three
- d. General Commercial Four
- e. Existing Commercial Five

Section 50-82: Industrial Districts

- a. Light Industrial
- b. Medium Industrial
- c. Heavy Industrial
- d. Existing Industrial

Section 50-83: Economic Development Districts

- a. Buckhorn/I-85
- b. Hillsborough
- c. Eno

**STAFF NOTE – EDD Districts:** The description and intent/purpose sections for each individual district shall be incorporated from the EDD design manual into this Section. Development guidelines will be located within appropriate sections of the UDO.

Section 50-84: Overlay Districts

- a. Watershed Protection
- b. Special Flood Hazard Area
- c. Nodes
  - i. Rural Community Activity
  - ii. Rural Neighborhood
  - iii. Rural Industrial
- d. Major Transportation Corridor (MTC)
- e. Efland/Cheeks Overlay District (ECOD)
- f. Stoney Creek Basin
- g. Efland Mixed-Use Core Overlay District

**STAFF NOTE – Nodes:** There is currently a lack of description within the Zoning Ordinance relating to the various Nodes throughout the County. Staff will be seeking to remedy that oversight by including a detailed description within the UDO.

**STAFF NOTE – Efland Mixed-Use Core:** This section is being developed as an implementation tool to develop the Efland mixed use area as denoted within the Efland-Mebane Small Area Plan.

Section 50-85: Conditional Use Districts

- a. Agricultural Services

# DRAFT

- b. Rural Economic Development (REDA) – Highway 57 Small Area Plan
- c. Public Interest (Existing Zoning District)
- d. Planned Development (Article Seven)
- e. Transit Oriented Development (TOD)

**STAFF NOTE – Conditional Use:** As the Board may recall, staff has been working on the Conditional Use construct for sometime now. Staff will provide a detailed description of the process at your February 2010 regular meeting when we begin the discussion of permitted uses and the various review processes associated with them.

**STAFF NOTE – TRANSIT ORIENTED DEVELOPMENT:** Staff has added this placeholder at the request of the Planning Director as we begin to discuss the possibility of incorporating light rail into development projects.

## **Section(s) 50-86 through 50-89 RESERVED**

### **ARTICLE IX: Use Standards**

**STAFF NOTE:** The information proposed for this part of the UDO is currently detailed within Section 4.3 *Table of Permitted Uses* and Article Six (6) of the Zoning Ordinance.

Section 50-90: Permitted Use Table

- a. Explanation of Use Table
- b. Use Table

Section 50-91: Use Classification System

- a. Residential Use Group
- b. Commercial Use Group
- c. Industrial Use Group
- d. Other

Section 50-92: Accessory Uses and Structures

Section 50-93: Use Standards

## **Section(s) 50-94 through 50-99 RESERVED**

### **ARTICLE X: Lot and Building Standards**

# DRAFT

- Section 50-100: Residential Districts (Article Five – Zoning Ordinance)
  - Section 50-101: Commercial Districts (Article Five – Zoning Ordinance)
  - Section 50-102: Industrial Districts (Article Five – Zoning Ordinance)
  - Section 50-103: Economic Development Districts (EDD Design Manual)
  - Section 50-104: Overlay Districts (Section(s) 6.23, Article Six, etc – Zoning Ordinance. The various standards requiring minimum lot size, if any, for each overlay district shall be incorporated within this section.)
  - Section 50-104: Conditional Use Districts (New section to address various proposed Conditional Use Districts)
- Section(s) 50-105 through 50-109 RESERVED**

## ARTICLE XI – Development Standards

- Section 50-110: Lot/Road access requirements (New provision that will require lots to access roadways that comply with County road standards. Currently there is no such requirement)
- Section 50-111: Off-Street Parking and Loading (Article Ten – Zoning Ordinance)
- Section 50-112: Landscaping and Tree Protection Standards (Article Twelve – Zoning Ordinance)
- Section 50-113: Open Space Management (New provision that will require the denoting of open space areas on plats/site plans and that the areas are to be left in a natural state)
- Section 50-114: Fences and Walls (There are no established regulations relating to the erection of fences. There are only guidelines referenced within several definitions. Staff is proposing to establish formal standards governing the erection and maintenance of fences within the County.)
- Section 50-115: Outdoor Lighting (Section 6.31 – Zoning Ordinance)
- Section 50-116: Signage (Article Nine – Zoning Ordinance)
- Section 50-117: Traffic Impact Analysis (Article Thirteen – Zoning Ordinance)
- Section 50-118: Impervious Surface (Section 6.23 – Zoning Ordinance)
- Section 50-119: Community Form Standards
- Section 50-120: Commercial Design Standards
- Section 50-121: Multi-Family Design Standards

# DRAFT

**STAFF NOTE:** Within Article Six there are various community and multi-family design standards and there are references to commercial design standards within Article Twelve as well as the EDD Design Manual. These new sections will incorporate these various provisions into a central location.

**Section 50-122: Green Building Standards** (This would incorporate new regulations being devised by staff in coordination with the Inspections Division. Staff is unsure if these regulations ought to be placed in the UDO given the fact that they will be enforced by a building code enforcement official rather than the Zoning Officer. As of the writing of this draft table of contents staff has been directed to establish a placeholder for such regulations while staff continues to review the issue.)

**Section 50-123: School Adequate Public Facilities** (Article Fifteen – Zoning Ordinance)

**Section 50-124: Demonstrated compliance with Environmental Management standards** (New provision referencing the next part of the UDO)

**Section(s) 50-124 through 50-129 RESERVED**

## **PART IV – ENVIRONMENTAL MANAGEMENT:**

**Section 50-130: Stream Buffers** (Section 6.23.7 – Zoning Ordinance)

**Section 50-131: Watershed Protection** (Section 6.23 through 6.23.6 – Zoning Ordinance)

**Section 50-132: Erosion Control** (Separate Ordinance being incorporated)

- a. Jurisdiction
- b. Purpose and Scope
- c. Applicability
- d. Land Disturbing Activities
- e. Stormwater Outlet Protection
- f. Special Use and Cape Fear River Basin Regulations
- g. Maintenance

**Section 50-133: Stormwater Management** (Separate Ordinance being incorporated)

- a. Purpose and Scope
- b. Exemptions
- c. Maximum Curve and Number after Development
- d. Compliance with Neuse and Cape Fear River Basin Rules
- e. Stormwater Design Standards
- f. Party Responsible for Completion of Improvements
- g. Assurance that Improvements will be Completed
- h. Assurance that Improvements will be Maintained

# DRAFT

Section 50-134: Environmental Impact Ordinance (Separate Ordinance being incorporated)

Section 50-135: Crime Prevention Through Environmental Design (new section added at the request of the Planning Director)

**Section(s) 50-136 through 50-139 RESERVED**

## **PART V – NONCONFORMITIES: (Article Eleven – Zoning Ordinance)**

Section 50-140: Classification of Non-Conformities

Section 50-141: Intent Concerning Non-conformities Generally

Section 50-142: Intent Concerning Completion of Non-Conforming Projects

Section 50-143: Intent Concerning Non-Conforming Uses

Section 50-144: Intent Concerning Non-Conforming Signs

Section 50-145: Special Permit Uses not to be Considered Non-Conforming

Section 50-146: Non-Conforming Lots

Section 50-147: Non-Conforming Uses of Land Without Structures or with Minor Structures

Section 50-148: Non-Conforming Uses of Major Structures, or Structures and Premises in Combination

Section 50-149: Non-Conforming Structures, Other than Signs

Section 50-150: Signs

Section 50-151: Non-Conforming Characteristics of Use

Section 50-152: Repairs and Maintenance

Section 50-153: Non-Conforming Structures Unsafe for Reasons other than Lack of Maintenance

**Section(s) 50-153 through 50-159 RESERVED**

## **PART VI – APPROVALS:**

Section 50-160: Approval of projects - In General

- a. Pre-application Conference
- b. Form of Application and Filing Fees
- c. Application Completeness
- d. Withdrawal of Applications
- e. Timely Processing of Applications
- f. Burden of Proof

# DRAFT

## g. Review and Decision-making processes

**STAFF NOTE:** Some of these requirements are ‘hinted’ at within the Ordinance but is not explicitly required or are part of existing administrative policy implemented/enforced by staff. Staff is proposing to develop this new section to capture all of these various conditions to avoid confusion and make them more uniform for all projects.

Section 50-161: Zoning Related Procedures (Article(s) Seven, Eight, Twelve, Twenty – Zoning Ordinance)

- a. Unified Development Ordinance Text Amendments
- b. Zoning Map Amendments (Rezoning)
- c. Permitted Use Permit Review
- d. Special Use Permit Review
- e. Conditional Use
- f. Zoning Variances
- g. Interpretations/Appeals
- h. Exceptions

Section 50-162: Subdivision Related Procedures (Subdivision Regulations – Section

- a. Exempt Subdivisions
- b. Minor Subdivisions
  - i. Concept Plan
  - ii. Final Plat
  - iii. CAPS
  - iv. Approval of roadway construction
  - v. Approval of Development Restrictions
  - vi. Recordation
- c. Major Subdivisions
  - i. Concept Plan
  - ii. Neighborhood Information Meeting
  - iii. Approval of Concept Plan
  - iv. Preliminary Plat
  - v. Approval of Preliminary Plat – timeline for commencement of land disturbing activities
  - vi. CAPS
  - vii. Approval of roadway constriction
  - viii. Approval of Development Restrictions
  - ix. Recordation
- d. Modifications and Waivers of Subdivision Standards
- e. Appeals of Decisions on Subdivision Matters
- f. Vacating approved and/or recorded subdivision plat

# DRAFT

Section 50-163: Erosion Control Related Procedures

Section 50-164: Flood Hazard Management

Section 50-165: Other

**Section(s) 50-166 through 50-169 RESERVED**

**PART VII: APPENDICIES:** (While there will be some redundancy with Article Two – Comparative Table this section will serve as the appendices for the UDO.)