

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



**AGENDA
ORANGE COUNTY PLANNING BOARD**

**WHITTED MEETING FACILITY
300 WEST TRYON STREET, SECOND FLOOR
HILLSBOROUGH, NORTH CAROLINA 27278**

Wednesday, February 4, 2026

**Ordinance Review Committee
~ 8:00 p.m. (immediately following the 7:00 Regular meeting)**

Note: This Ordinance Review Committee (ORC) meeting is for Planning Board members who would like to attend. Attendance is not mandatory and a quorum is not necessary for the ORC meeting.

<u>No.</u>	<u>Page(s)</u>	<u>Agenda Item</u>
1.		CALL TO ORDER
2.	2 - 99	UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT – SUBDIVISION REGULATIONS - To review Planning Director-initiated amendments to the UDO pertaining to subdivision review processes and classifications. Presenter: Cy Stober, Planning Director
3		ADJOURNMENT

**ORANGE COUNTY
PLANNING BOARD
ORDINANCE REVIEW COMMITTEE
ACTION AGENDA ITEM ABSTRACT**
Meeting Date: February 4, 2026

**Action Agenda
Item No. 2**

SUBJECT: Unified Development Ordinance (UDO) Text Amendment – Subdivision Administration

DEPARTMENT: Planning and Inspections

ATTACHMENT(S):

1. Proposed Amendments (96 pages)

INFORMATION CONTACT:

Cy Stober, Planning Director
(919) 245-2595

PURPOSE: To review and comment upon a proposed government-initiated Unified Development Ordinance (UDO) text amendment to the administrative requirements and review processes for subdivisions.

BACKGROUND: The Orange County Planning Department has initiated an amendment to UDO Sections 2.1, 2.9, 2.13, 2.14, 2.15, 3.4, 3.5, 3.7, 7.1 – 7.6, 7.12, 7.13, and relevant definitions in Article 10. The proposed amendments are multi-faceted in purpose and serve two primary purposes: 1) clarify the subdivision classifications of the UDO and the review processes associated with each; and 2) in response to direction from the Board of County Commissioners, make all by-right subdivision reviews administrative in nature, rather than requiring actions by the Planning Board and BOCC.

Presently, the UDO language for Exempt, Minor Expedited, Minor Regulated, and Major Subdivisions is inconsistent – though compatible – with NC General Statutes. The language defining these classifications of subdivision also needs clarification and currently contains what are effectively regulatory penalties for property owners of parcels 2.01 – 4.99 acres in area. Associated administrative requirements (e.g. Performance Guarantees) also would benefit from clarification and focus on the elements of subdivision strictly within Orange County’s regulatory purview.

The current Major Subdivision administrative process requires applicants to present a Concept Plan, Preliminary Plat, and Final Plat to the Planning Board for review, and both plats to the BOCC for approval. State law requires the county to approve submitted plats that meet all local criteria: they are “by-right”. Feedback from applicants and the public is that this burdensome administrative process is a deterrent to major subdivisions in Orange County and thereby in conflict with multiple elements of both the adopted Strategic Plan and the 2030 Comprehensive Plan as they relate to Housing and Economic Development. The Minor Subdivision administrative process is similarly cumbersome for no apparent purpose, and adds unnecessary costs to the by-right subdivision of property to provide more housing options to Orange County residents, future and present. Clarity on the roles of staff, the applicant, and the public is also needed for all subdivision processes.

In compliance with the [Orange County-Chapel Hill-Carrboro Joint Planning Land Use Plan and Agreement](#), the proposed amendments were sent to both towns for comment on December 19, 2025. Proposed text amendment language can be found in [Attachment 1](#) within a “track changes” format.

FINANCIAL IMPACT: Consideration and approval will not create the need for additional funding for the provision of County services. Existing staff, included in the Departmental staffing budget, will accomplish the work required to process this amendment.

RECOMMENDATION(S): Planning staff recommends the Ordinance Review Committee review and comment upon the proposed amendments to the UDO.

ARTICLE 2: PROCEDURES

SECTION 2.1: REVIEW AND DECISION MAKING AUTHORITY – SUMMARY TABLE

The following table provides a brief synopsis of the review and decision-making processes for development applications.

TABLE 2.1: REVIEW AND DECISION MAKING AUTHORITIES						
R=REVIEW DM=DECISION MAKER PH=PUBLIC HEARING EH=EVIDENTIARY HEARING						
ZONING/DEVELOPMENT REVIEW RELATED PROCEDURES	PLANNING DIRECTOR	EROSION CONTROL OFFICER	DEVELOPMENT ADVISORY COMMITTEE (DAC)	BOARD OF ADJUSTMENT	PLANNING BOARD	BOCC
Zoning Compliance Permits	R and DM	R	R			
Erosion and Sedimentation Control Plans		R and DM				
Stormwater Management Plans (SMPs)		R and DM				
UDO Text Amendments	R		R		R [1]	DM and PH
Zoning Atlas Amendments	R		R		R [1]	DM and PH
Special Use Permits	R	R	R	DM and EH		
Zoning Variances	R		R	DM and EH		
Appeals/Interpretations	R		R	DM and EH		
Comprehensive Plan Amendments	R				R [1]	DM and PH
Subdivision Related Procedures						
Exempt	R and DM					
Minor	R and DM	R	R			
Major	R and DM	R	R		R and DM [2]	R and DM
Conditional District	R	R	R		R [1]	R, DM, and PH
Appeal	R			DM and EH		
NOTES						
[1] The Planning Board reviews applications and makes a recommendation prior to the public hearing held by the Board of County Commissioners. The Board of County Commissioners may choose to refer an application back to the Planning Board at the conclusion of the public hearing.						
[2] The Planning Board approves the Concept Plan for a Major Subdivision and then makes a recommendation on the Preliminary Plat to the BOCC.						

SECTION 2.2: APPLICATIONS

2.2.1 Authority to File Applications

- (A) Applications submitted under this Ordinance shall be submitted by the landowner, as identified by the records of the Orange County Tax Office, or their authorized agent.
- (B) If the applicant is not the owner, or sole owner, of the land, a notarized letter signed by the owner(s) consenting to the submission of the application shall be submitted along with all required application information and materials.

Within the Efland Interstate Overlay District, no construction activity shall begin nor shall any excavation, soil removal, filling, grading or disturbance of vegetation, including trees, be commenced, nor any sign erected for any use subject to the requirements of the overlay district until such time as a site plan has been approved and a permit issued by the Planning Director in accordance with this Section and Section 2.4 of this Ordinance.

(C) Efland Village Overlay District

(1) Approval Requirements

Within the Efland Village Overlay District, no construction activity shall begin nor shall any excavation, soil removal, filling, grading or disturbance of vegetation, including trees, be commenced, nor any sign erected for any use subject to the requirements of the overlay district until such time as a site plan has been approved and a permit issued by the Planning Director in accordance with this Section and Section 2.4 of this Ordinance.

(D) Major Transportation Corridor Overlay District

(1) Approval Requirements

Within the Major Transportation Corridor District, no construction activity shall begin nor shall any excavation, soil removal, filling, grading or disturbance of vegetation, including trees, be commenced, nor any sign erected until such time as a site plan has been approved and a permit issued by the Planning Director in accordance with this Section and Section 2.4 of this Ordinance.

2.5.8 Additional Requirements for Economic Development Districts

(A) Prior to submission of an application for site plan approval, applicants shall meet with representatives of the Planning and Inspections, and Economic Development Departments to identify policies, procedures, regulations, and fees applicable to development proposals.

~~**(B)** Any proposed subdivision in an Economic Development District shall follow the approval procedures as specified in Section 2.16.~~

~~**(C)**~~**(B)** In addition to the submittal requirements contained in this Section, a complete application shall also include:

- (1)** Building elevation drawings for each proposed structure; and
- (2)** A minimum of two drawings of sections through the site illustrating existing and proposed grades, as well as the relationship of different site features.

SECTION 2.6: FLOODPLAIN DEVELOPMENT APPLICATION PERMIT AND CERTIFICATE REQUIREMENTS

2.6.1 Requirements for Special Flood Hazard Area

(A) All projects proposing the development of property located within a Special Flood Hazard Area (SFPA) shall be required, regardless of the proposed land use, to submit a site plan prepared by a registered engineer, landscape architect, or land surveyor in accordance with the provisions of Section 2.5.

(B) Flood damage prevention regulations contained herein shall apply to all Special Flood Hazard Areas within the jurisdiction of Orange County, including properties located within the Extra-Territorial Jurisdictions (ETJs) of local municipalities used for bona fide farm purposes in accordance with Sections 160D-201 and 160D-202 of the North Carolina General Statutes.

- (c) All other matters the County may find appropriate or the petitioner may propose.
- (4) Conditions of approval may include dedication to the County or State, as appropriate, of any rights-of-way or easements for streets, water, sewer, or other public utilities necessary to serve the proposed development.
- (5) The applicant shall have a reasonable opportunity to consider and respond to any requirements/conditions requested by the County prior to final action by the Board of County Commissioners on the disposition of the application. The applicant shall agree in writing to any conditions prior to a final decision on the application.

(G) Effect of Approval

- (1) Approval of a Conditional District is binding on the property and the development and use of the subject property shall be governed by the Ordinance requirements applicable to the specific Conditional District and all approved conditions.
- (2) The applicant shall comply with all requirements established in the Conditional District approval Ordinance. Only those uses and structures included in the Conditional District approval Ordinance and approved site plan shall be allowed on the subject property.
- (3) If the Conditional District includes the subdivision of the subject property, that subdivision shall proceed in accordance with the final plat requirements of Section 7.13.
 - (a) Phased subdivisions shall be permitted to be platted according to phases, with Performance Guarantees provided according to the elements featured in each phase.
 - ~~(2)~~(i) Sub-phasing may be permitted at the Planning Director's discretion, but may not allow for proportional or partial provision of Performance Guarantees.¹

(H) Zoning Atlas Designation

Following approval of the Conditional District by the Board of County Commissioners, the subject property shall be identified on the Zoning Atlas by the appropriate district designation.

(I) Alterations to an Approved Conditional District

- (1) Except as provided in Section 6.7.2 for MPD-CD projects, changes to approved plans and conditions of development shall be treated as changes to the zoning atlas and shall be processed as an amendment to such as contained in this Article.
- (2) The Planning Director may approve minor changes without going through the amendment process. The Planning Director, at his/her discretion, may elect not to allow any proposal as a minor change and will forward the detailed application for changes to the Planning Board and Board of County Commissioners for consideration in accordance with the procedures outlined herein.
- (3) A minor change is one that will not:

¹ Clarifies that the phasing of by-right subdivisions and those approved through zoning is essentially the same. Currently, there is a higher burden of commitment on phasing for conditional zoning projects.

- (a) Alter the basic relationship of the proposed development to adjacent property;~~1,7~~
- (b) Alter the approved land uses;~~1,7~~
- (c) Increase the density or intensity of development;~~1,7~~ ~~and/or~~
- (d) Decrease the off-street parking ratio or reduce the buffer yards provided at the boundary of the site; ~~and/or-~~
- ~~(d)~~(e) Alter/modify the sequence of an approved phasing plan.²

2.9.2 Public Hearing and Notification Requirements

The requirement for a public hearing shall follow the procedures for a Zoning Atlas Amendment in Section 2.8.6. Notice of the public hearing shall follow the procedures in Section 2.8.7.

SECTION 2.10: VARIANCES

2.10.1 Purpose

The procedures of this section authorize the Board of Adjustment to modify or vary regulations of this Ordinance when strict compliance with the regulation or standard would result in unnecessary hardships upon the subject property.

2.10.2 Application Requirements

- (A) Applications for a Variance shall be submitted on forms provided by the Planning Department in accordance with Section 2.2 of this Ordinance. Ten copies of the application and supporting documentation shall be submitted.
- (B) Applications shall include:
 - (1) The section reference, and copy of the existing regulatory language, that is the subject of the application,
 - (2) A description of the specific modification sought by the applicant. For example, if the request is for a modification of a corner lot setback requirement, the applicant shall provide the exact reduction of the established corner lot setback requested as part of the application,
 - (3) A plot plan, site plan, or other similar document(s) denoting the physical impact of the proposed request on the parcel,
 - (4) A narrative outlining the answers to the five required findings detailed within Section 2.10.4 of the Ordinance justifying the issuance of the variance, and
 - (5) Copies of any additional information deemed essential by the applicant justifying the approval of the request.

2.10.3 Burden of Proof

Applicants shall have the burden of establishing by competent material and substantial evidence, in the form of testimony, exhibits, documents, models, plans, and other materials, that the application meets the requirements for approval of a Variance

2.10.4 Authorized Variances

A variance may be approved by the Board of Adjustment in cases where unnecessary hardships would result from carrying out the strict letter of the Ordinance, when substantial evidence in the official record of the application supports all of the following findings:

² The intent is to allow for sub-phasing (e.g. 1A & 1B) but NOT to allow for making a subsequent phase earlier (e.g. Phase 5 is now Phase 2), without re-review.

SECTION 2.13: EXEMPT SUBDIVISIONS

2.13.1 Generally

- ~~(A)~~ — Persons proposing divisions of land that do not constitute a subdivision must request a determination of an exempt subdivision status with the Planning Director. Activities that do not constitute a subdivision are found in Section 7.2.1.³
- ~~(B)~~(A) One electronic copy of the plat and one copy of the final mylar plat and for recordation⁴ ~~three paper copies of the plat~~ shall be submitted with the request for a determination for an exempt subdivision.
- ~~(C)~~(B) Consistent with State law, Exempt subdivisions shall comply with all applicable ~~non-plat~~ Zoning and Building permit requirements of this Ordinance.

2.13.2 Review and Action

- ~~(A)~~ — Following receipt of a request for a determination of an exempt subdivision status, the Planning Director shall make a determination of the land division's exempt or nonexempt status.
- ~~(B)~~(A) If the Planning ~~Director~~Director determines that the proposed land division is exempt from does not constitute a subdivision regulation, as reflected in Section 7.1, the Planning ~~Director~~Department shall certify the proposed land division as exempt and by include the necessary statement on signing the final plat certifying same.
- ~~(C)~~(B) If the Planning Director determines that the proposed land division constitutes a regulated subdivision, as reflected in Section 7.1, the applicant shall be informed of such in writing and shall be required to submit the appropriate Subdivision application.⁵

SECTION 2.14: MINOR SUBDIVISIONS

2.14.1 Expedited Review

(A) Application Requirements

- (1) Subdivisions qualifying for Expedited Review under Section 7.2.2 of this Ordinance, as determined by the Planning Director, shall require only:
- (a) An application;
- (b) An electronic copy of the plat; and
- (c) A mylar of the plat for recordation.

(B) Review and Action

- (1) The Planning Director shall make a final determination on the approval or denial of the application within ten business days from the submittal of the application.⁶

³ This language should focus on administrative processes. The classifications of subdivisions are clarified in Article 7 and that should be the primary reference.

⁴ Update for contemporary needs.

⁵ Rewritten for clarity.

⁶ DAC is not functionally a part of review. Such subdivisions cannot be approved without Emergency Services and Environmental Health approvals.

- (a) If the submitted plat meets the Expedited Review criteria of Article 7.2, the plat shall be approved and signed. The Planning Director shall notify the applicant of final plat approval or denial in writing.⁷
- (b) If the application is denied, the Planning Director shall provide written notification to the applicant detailing the reasons for denial as an expedited subdivision.⁸

2.14.2 Regulated Review

(A) Preliminary Plat

(1) Application Requirements

- (a) Subdivisions qualifying for **Regulated** Review under Section 7.2.2 of this Ordinance, as determined by the Planning Director, shall require
 - (i) Applications submitted in accordance with this Ordinance, notably Sections 2.2 and 7.13; and
 - (ii) An electronic copy of the Preliminary Plat.

(2) Preliminary Plat Review and Action

- (a) Upon receipt of a complete Preliminary Plat application, the Planning Director shall submit copies of the application materials to the Development Advisory Committee (DAC) with ten **business** days for review and comment.
- (b) The DAC shall review the plat and associated materials for compliance with this Ordinance in addition to applicable local and State regulations.
- (c) A Neighborhood Information Meeting (NIM) NIM report and recording shall be provided to the Planning Director, as required by Section (B).
- (d) Upon receipt of the comments and recommendations from reviewers, the Planning Director shall take action on the Preliminary Plat to approve or deny it, with written notification regarding any reasons that are the basis of a denial.
 - (i) The applicant shall respond with revisions within 60 calendar days of receiving comment or request an extension.

(3) Neighborhood Information Meeting for Minor Subdivisions

- (a) A minor subdivision application shall require a Neighborhood Information Meeting (NIM) if it proposes more than five lots, excluding open space.
- (b) As a component of a Preliminary Plat application, the applicant shall schedule a NIM and shall obtain property owner mailing address information from Orange County.
- (c) The applicant shall mail notices of the meeting to each property owner within one thousand feet of the property proposed to be subdivided. Notices of the NIM shall be mailed by first class mail at least 14 calendar days prior to the date of the meeting.
- (d) The applicant shall place a sign on the affected property, including 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 14 calendar days prior to the NIM. The NIM shall be held a prior to Final Plat Application submittal.

⁷ All subdivision approval/denial language should be consistent in UDO.

⁸ Addresses clarity and concision needs.

- (e) The purpose of the NIM is for the applicant to present the proposed Preliminary Plat to persons in attendance, to answer questions about the proposed subdivision, and to receive comments from neighboring property owners for the purpose of improving the proposed subdivision design.
- (f) The applicant shall submit a recording, audio or audio/video, along with a written report of the NIM to the Planning Department.
 - (i) The written report of the meeting shall include a list of those persons and organizations contacted about the meeting and the manner and date of contact; the time, date, and location of the meeting; a roster of the persons in attendance at the meeting; a summary of issues discussed at the meeting; and a description of any changes to the application made by the applicant as a result of the meeting.
- (g) The NIM report and associated materials shall be submitted prior to preliminary plat approval.

(B) Final Plat

(1) Application Requirements

- (a) Applications shall be submitted in accordance with this Ordinance, notably Sections 2.2 and 7.13.
- (b) Applications shall include:
 - (i) One electronic copy of the Final Plat;
 - (ii) Required plans per Article 6, including, but not limited to, a Landscaping Plan and Stormwater Management Plan; and
 - (iii) Required ancillary documents prepared in accordance with Article 7 of this Ordinance.⁹

(2) Review and Action

- (a) The Planning Department shall determine if the plat and application conform with all applicable regulations, as reflected in the DAC review comments.
- (b) The Planning Director may submit copies of the Final Plat application and accompanying material to other officials and agencies, including DAC representatives, for review and comment.
- (c) If the submitted plat meets the subdivision criteria of Article 7 and applicable development standards, the plat shall be approved.
 - (i) If the application is denied, the Planning Director shall write to the applicant detailing the reasons for denial as a regulated minor subdivision.¹⁰
- (d) Performance Guarantees shall be reviewed in accordance with the provisions of Section 2.27 of this Ordinance.

(3) Action Subsequent to Approval

- (a) The applicant shall submit a mylar original of the Final Plat to the Planning Director for signature within one year of Final Plat approval.
 - (i) The Planning Director may grant an extension of this time limit by one year from the original date of expiration if the applicant

⁹ Updated to reflect contemporary standards and expectations

¹⁰ Approval/denial language to be consistent throughout processes.

files an extension request.¹¹

(b) The approved plat and any associated documents must be recorded within 90 calendar days after the Planning Director's signature, or the approval shall be determined to be void and all materials will be required to be resubmitted.

(i) The Planning Director may extend the recordation deadline upon request by the applicant that they are unable to meet the deadline for reasons beyond their control.

2.14.1 Review and Decision Processes and Flow Charts

¹¹ Provide consistency throughout UDO

Review and approval of Minor Subdivision applications shall adhere to the process detailed herein. The applicant shall demonstrate compliance with the development standards contained in Article 7 of this Ordinance.¹²

2.14.2 Types of Review

(A) Traditional Review

Minor subdivisions that do not qualify for Expedited Review under Section 7.2.2 of this Ordinance, shall adhere to the traditional review process comprised of a Concept Plan and Final Plat Application.

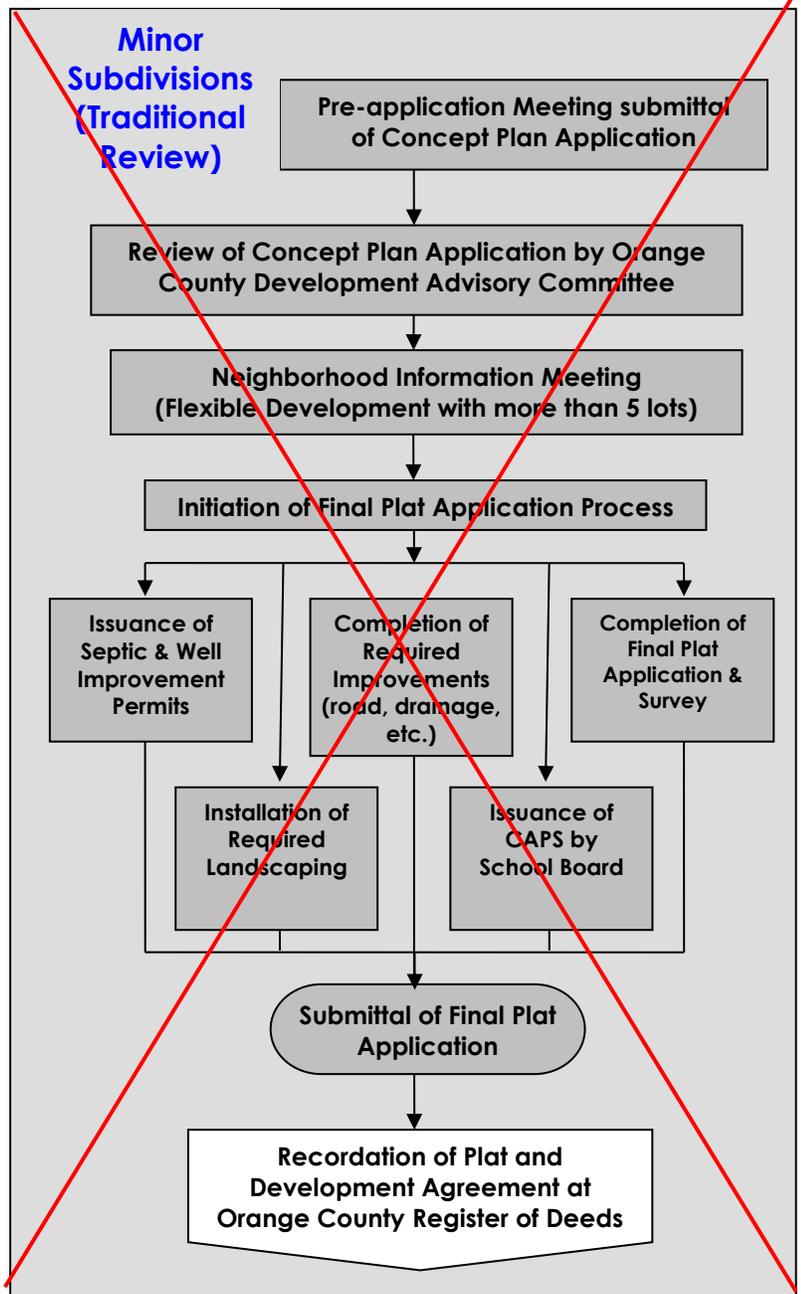
(B) Expedited Review

Subdivisions qualifying for Expedited Review under Section 7.2.2 of this Ordinance shall require only an application and plat for recordation.

2.14.3 Expedited Review

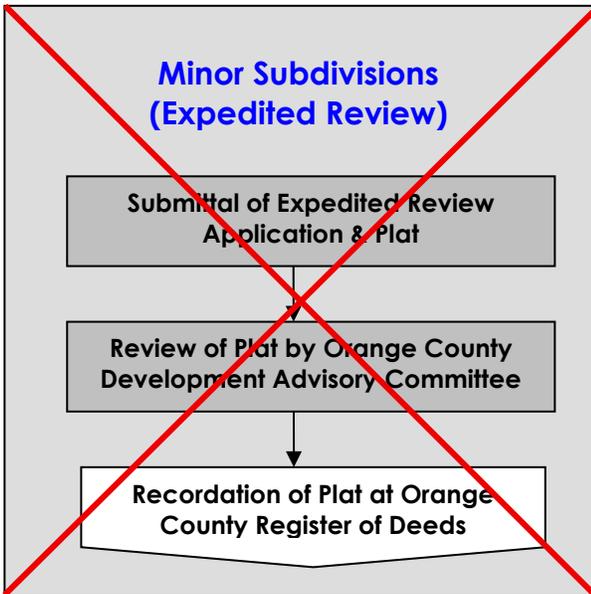
(A) Review and Action

- (1) The Planning Director shall determine if the plat and application conform with the requirements of Section 7.2.2 of this Ordinance.
- (2) A completed application shall be entered into the permit record.
- (3) The Planning Director shall make a final determination on the approval or denial of the application within five business days from the submittal of the application.
- (4) If the application is approved, the Planning Director shall notify the applicant.
- (5) If the application is denied, the Planning Director shall issue a letter to the applicant detailing the reasons for denial and identifying modifications necessary for potential approval.¹³



¹² Diagrams/flow charts are useful guidance documents and should not be placed in a regulatory document.

¹³ Expedited subdivisions are mandated by State law and this language unnecessarily complicates a statutory review.



(B) — Action Subsequent to Approval

~~(1) — The Planning Director shall sign the plat and accompany the applicant to the Office of the Register of Deeds for recording.~~

~~2.14.4 — Concept Plan¹⁴~~

~~The applicant shall prepare a sketch plan of the proposed subdivision and schedule an appointment with the Planning Department for initial review and consultation. During this initial meeting the Planning Department shall advise the subdivider or his/her authorized agent of the regulations pertaining to the proposed subdivision, of any obvious changes required in order to comply with the provisions of this Ordinance, and the procedures to be followed in the preparation and submission of the Concept Plan.~~

(A) — 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) — Two copies of the scaled Concept Plan, drawn to the specifications outlined in Section 7.14.1.~~
- ~~(b) — A vicinity map showing the location of the subdivision in relation to the existing street or highway system.~~
- ~~(c) — A soils classification map for the property.~~
- ~~(d) — A topography map of the property.~~
- ~~(e) — A map showing any environmentally sensitive areas on the property (i.e. streams, wetlands, special flood hazard areas, zoning overlay districts, conservation easements, etc.).~~
- ~~(f) — For Minor Subdivisions utilizing the Flexible Development Option, a Plan illustrating proposed lots for residential use and Common Open Space (Primary and Secondary) as well as the treatment of passive and active open space areas (e.g., natural/undisturbed areas, trails, recreational amenities).~~

~~(B) — Neighborhood Information Meeting for Minor Subdivisions utilizing the Flexible Development Option~~

- ~~(1) — A minor subdivision application using the Flexible Development Option shall require a Neighborhood Information Meeting (NIM) if it proposes more than five lots, excluding open space.~~
- ~~(2) — As a component of a Concept Plan application, the applicant shall schedule a Neighborhood Information Meeting (NIM) and shall obtain property owner mailing address information from Orange County Land Records data and mail notices of the meeting to each owner of property within one thousand feet of the property proposed to be subdivided.~~

¹⁴ The Concept Plan has been ineffective as a Planning tool – applicants are either unprepared for the Concept Plan’s requirements or they have assembled the data to immediately proceed with preliminary platting.

- ~~(3) Notices of the NIM shall be mailed by first class mail at least 14 days prior to the date of the meeting.~~
- ~~(4) The applicant 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 14 days prior to the NIM. The NIM shall be held a prior to Final Plat Application submittal.~~
- ~~(5) The purpose of the NIM is for the applicant to present the proposed Concept Plan to persons in attendance, to answer questions about the proposed subdivision, and to receive comments from neighboring property owners for the purpose of improving the proposed subdivision design.~~
- ~~(6) The applicant shall submit a recording, audio or audio/video, along with a written report of the Neighborhood Information Meeting to the Planning Department at least 14 days before submitting a Final Plat application for the subdivision.
 - ~~(a) The written report of the meeting shall include a list of those persons and organizations contacted about the meeting and the manner and date of contact; the time, date, and location of the meeting; a roster of the persons in attendance at the meeting; a summary of issues discussed at the meeting; and a description of any changes to the application made by the applicant as a result of the meeting.~~~~

~~(C) Review and Action~~

- ~~(1) The Planning Department shall review the Concept Plan for general compliance with the requirements of this Ordinance.~~
- ~~(2) A completed Concept Plan application shall be entered into the permit record and placed on the agenda of the next available meeting of the Development Advisory Committee (DAC).~~
- ~~(3) The DAC shall review the Concept Plan for general compliance with established Subdivision development standards detailed in Article 7 of this Ordinance as well as compliance with other applicable local and State regulations.
 - ~~(a) The review shall include determining the presence of any sites identified in "An Inventory of Sites of Cultural, Historic, Recreational, Biological and Geological Significance in the Unincorporated Portions of Orange County" and "Inventory of the Natural Areas and Wildlife Habitats of Orange County, North Carolina".~~~~
- ~~(4) The DAC shall make a recommendation to the Planning Director regarding the application no later than five business days after the DAC meeting.~~
- ~~(5) The Planning Director shall make a final determination on the approval or denial of the application within five business days from the submittal of the DAC recommendation.~~
- ~~(6) If the application is approved, the Planning Director shall issue a letter of approval authorizing the applicant to begin the process of developing the Final Plat application package. The Concept Plan shall for valid for one year from the date of approval.~~
- ~~(7) If the application is denied, the Planning Director shall issue a letter to the applicant detailing the reasons for denial and identifying modifications necessary for potential approval.~~

2.14.5 Final Plat

~~Upon approval of the Concept Plan by the Planning Director, the subdivider may proceed with the preparation of the Final Plat.~~

(A) — 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) — Ten copies of the Final Plat prepared in accordance with Section 7.14.1(B) of this Ordinance;~~
 - ~~(b) — A copy of the Final Plat indicating Health Department approval/denial for each lot shown thereon;~~
 - ~~(c) — Auxiliary documents prepared in accordance with Article 7 of this Ordinance which ensure completion and/or maintenance of required improvements. Such documents may include, but not be limited to, a private road maintenance agreement; any necessary Performance Guarantees for required improvements; and guarantee of installation of any required road signs;~~
 - ~~(d) — A copy of the Final Plat indicating approval of the plan to control sedimentation and erosion during construction of improvements. Where an Erosion and Sedimentation Control Plan is required, it shall comply with the provisions of Section 6.15 of this Ordinance. If an Erosion and Sedimentation Control Plan is not required, the copy of the Final Plat must be signed by the Erosion Control Officer certifying that a plan waiver has been approved or the amount of land disturbance on the site is not subject to the provisions of Section 6.15 of this Ordinance; and~~
 - ~~(e) — A statement describing the methods proposed to protect environmental resources identified in "An Inventory of Sites of Cultural, Historic, Recreational, Biological and Geological Significance in the Unincorporated Portions of Orange County" and/or "Inventory of the Natural Areas and Wildlife Habitats of Orange County, North Carolina".¹⁵~~~~

(B) — Review and Action

- ~~(1) — The Planning Director shall determine if the plat and application conform with all applicable regulations.~~
- ~~(2) — Auxiliary documents required by Article 7 shall be submitted by the Planning Director to the County Attorney for review and recommendation.~~
- ~~(3) — The Planning Director may submit copies of the Final Plat application and accompanying material to other officials and agencies for review and comment. Other potential reviewers include, but are not limited to:
 - ~~(a) — NC DOT,~~
 - ~~(b) — Orange County Schools,~~
 - ~~(c) — Orange County Land Records,~~
 - ~~(d) — County Attorney,~~
 - ~~(e) — Orange County Environmental Health,~~
 - ~~(f) — Orange County Erosion Control,~~
 - ~~(g) — Orange County Engineering,~~
 - ~~(h) — Public Utility Companies, and~~~~

¹⁵ Updated to reflect both contemporary standards and platting requirements already detailed in Article 7 that do not need to be reiterated

- (i) ~~Orange County Department of Environment, Agriculture, Parks and Recreation (DEAPR).¹⁶~~
- (4) ~~Reviewers shall provide a certification to the Planning Director of the suitability, provisional suitability, or unsuitability of the proposal. Recommendations of the reviewers may be incorporated as conditions of approval of the subdivision.~~
- (5) ~~The Planning Director shall take action on an application solely on his/her findings as to compliance with applicable regulations and conditions and shall either:~~
- (a) ~~Approve the application; or~~
- (b) ~~Approve the application with conditions;¹⁷ or~~
- (c) ~~Deny the application.~~
- (6) ~~Performance Guarantees shall be reviewed in accordance with the provisions of Section 2.27 of this Ordinance.~~
- (7) ~~The Planning Director shall notify the applicant of the action in writing.~~
- (C) Action Subsequent to Approval**
- (1) ~~The applicant shall submit a reproducible mylar original of the Final Plat to the Planning Director for endorsement within one year of Final Plat approval.~~
- (2) ~~The Planning Director may grant an extension of this time limit to one year from the original date of expiration if the applicant files an extension application in accordance with Section 2.2.~~
- (3) ~~The Planning Director shall obtain all required certification signatures and shall endorse approval of the approved Final Plat on a reproducible mylar original after all other certification signatures have been obtained. The Planning Director shall prepare the Declaration of Restrictions.~~
- (4) ~~The Planning Director shall notify the applicant when all required certification signatures have been obtained and County Attorney review is complete. The applicant shall then make an appointment with the Planning Director to have the approved plat and any associated documents necessary to ensure conformance with regulations recorded in the Office of the Register of Deeds. The approved plat and any associated documents must be recorded within 90 days after the Planning Director's endorsement of approval.~~
- (5) ~~The Planning Director shall accompany the applicant to the Register of Deeds Office to ensure the approved plat and any required documents are recorded in the correct order and to fill in the book and page references, where applicable. Documents shall be numbered in the order they are to be recorded. The order is as follows:~~
- (a) ~~Approved plat~~
- (b) ~~Road Maintenance Agreement, if required~~
- (c) ~~Declaration of Restrictions~~
- (d) ~~Homeowners/Property Owners' Association documents, if required~~
- (6) ~~If the approved plat is not recorded within the specified time period, the plat is void.~~

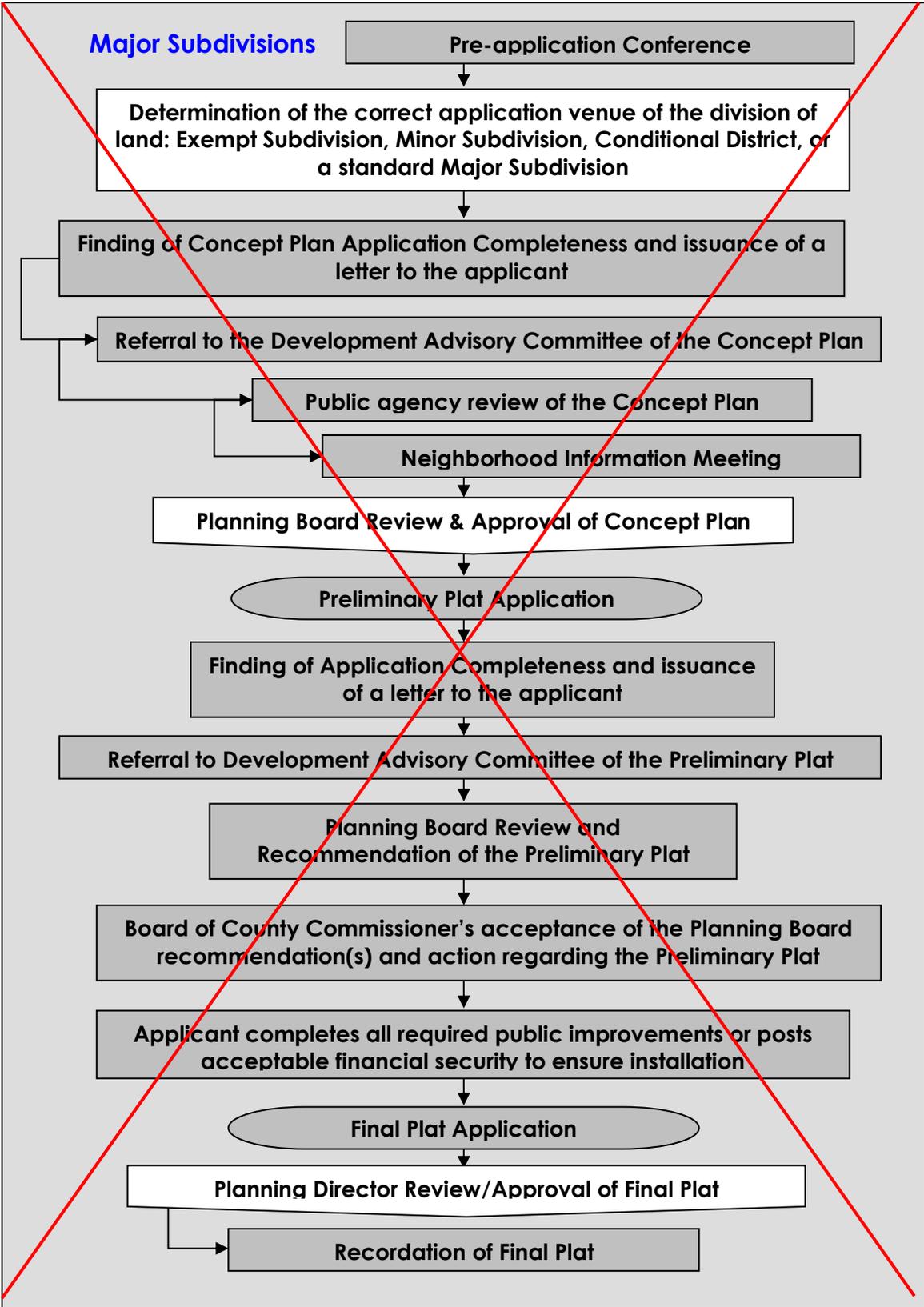
¹⁶ Language revised for clarity – DAC and its duties clarified in Article 1.

¹⁷ There are no grounds to impose conditions on a by-right subdivision.

- ~~(7) The Planning Director may extend the deadline for recordation provided the applicant can demonstrate a good faith effort to comply with the deadline, but for reasons beyond his/her control, fails to meet the requirements for recordation within the specified period.~~
- ~~(8) All final plats shall conform to drawing specifications and certification requirements for Final Plats contained in Section 7.14.3 of this Ordinance.~~
- ~~(9) Recordation of the approved final plat, and any required auxiliary documentation shall be with the advice and consent of the Planning Director.~~

SECTION 2.15: MAJOR SUBDIVISIONS

¹⁸ Diagram s/flow charts are useful guide and documents should not be placed in a regulatory document.



2.15.1 Preliminary Plat

(A) Application Requirements

- (1)** Applications shall be submitted in accordance with this Ordinance, notably Sections 2.2 and 7.13. For Conditional Districts, applications shall also meet standards contained in Section 5.21.
- (2)** One electronic copy of the Preliminary Plat;
- (3)** Auxiliary draft documents including, but not limited to: private Road Maintenance Agreement, Declarations of Development Restrictions with elements such as Open Space provisions and protections, Homeowner’s Association articles of incorporation, and Homeowner’s Association restrictive covenants.
- (4)** The applicant shall hold and document a Neighborhood Information Meeting as required by Subection C below.

(B) ¹⁹Planning Director Review and Approval Procedures²⁰

¹⁹ Highly redundant requirement, as this is required by FEMA, NCDPS, and Orange County, per Article 6.

²⁰ Redundant and unnecessary language

- (1) Upon receipt of a complete Preliminary Plat application, the Planning Director shall submit copies of the application materials to the Development Advisory Committee (DAC) with ten business days for review and comment.
 - (a) The applicant shall respond with revisions within 60 calendar days of receiving comment or request an extension.
- (2) The DAC shall review the plat and associated materials for compliance with this Ordinance in addition to applicable local, State, and federal regulations.
- (3) Upon receipt of the comments and recommendations from reviewers, the Planning Director shall take action on the Preliminary Plat to approve or deny it, with written explanation regarding any reasons that are the basis of a denial.

(C) Neighborhood Information Meeting

- (1) The applicant shall schedule a Neighborhood Information Meeting (NIM) and shall obtain property owner mailing address information from Orange County.
- (2) The applicant shall mail notices of the meeting to each property owner within one thousand feet of the property proposed to be subdivided. Notices of the NIM shall be mailed by first class mail at least 14 calendar days prior to the date of the meeting.
- (3) The applicant shall place a sign on the affected property including 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 14 calendar days prior to the NIM.
- (4) The purpose of the NIM is for the applicant to present the Preliminary Plat to persons in attendance, 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 applicant shall submit a recording, audio or audio/video, along with a written report of the NIM to the Planning Director.
 - (a) The written report of the meeting shall include a list of those persons and organizations contacted about the meeting and the manner and date of contact; the time, date, and location of the meeting; a roster of the persons in attendance at the meeting; a summary of issues discussed at the meeting; and a description of any changes to the application made by the applicant as a result of the meeting.
 - (b) The NIM report and associated materials shall be submitted prior to preliminary plat approval.

(D) Actions Subsequent to Preliminary Plat Approval

- (1) The Planning Director may issue relevant development permits approved as part of the Preliminary Plat approval.
- (2) If the applicant proposes to amend or modify the approved Preliminary Plat such that is not a minor change, the Planning Director shall require a new preliminary plat application.²¹
 - (a) A change may be considered a minor change if it does not involve any of the following:
 - (i) Any substantive change in a condition of approval;
 - (ii) An increase in the number of building lots proposed;

²¹ It seems nearly impossible to qualify for a "minor change." Otherwise, we need to quantify what "substantive" means.

- (iii) Any 5% change to the location of or any decrease in the amount of open space, buffers, or area reserved for recreation use;
 - (iv) Any change in pedestrian and/or vehicular access networks that will alter traffic circulation patterns and/or road classifications;
 - (v) Any change in the provision of services such as water supply and wastewater disposal; and/or
 - (vi) Any substantial change in the location of utilities or other easements.
- (3) No building permits shall be issued to develop any lot or parcel shown on the approved Preliminary Plat until a Final Plat showing such lot or parcel is approved and recorded in compliance with this Ordinance.
- (4) The approval of a Preliminary Plat shall be effective for one year from the date of approval by the Planning Director. By the end of said time period the Final Plat application, or, in the case of phased projects, the Final Plat for Phase 1, must be submitted to the county for review.
- (a) If a phasing plan for construction of the subdivision is approved, as permitted by Subsection F, the expiration date of the subdivision's Preliminary Plat shall be governed by the time period(s) approved as part of the phasing plan and any vested rights established for a Conditional Zoning or Special Use approval.

(E) Preliminary Plat Re-Approval

- (1) Should a Preliminary Plat expire, the Planning Director may re-approve that Preliminary Plat, or portions thereof, provided any changes to the original design are considered minor, as established in Section 2.15.1(D)(2), no more than two years from the original approval date.
- (2) The re-approved Preliminary Plat must be reviewed by the DAC.
- (3) Only one administrative re-approval may be approved for any subdivision. A re-approved Preliminary Plat expires after one year, upon which a new application for a Preliminary Plat is required.²²

(F) Phasing Plan

- (1) A development Phasing Plan consistent with Section 7.3 may be approved as part of the Preliminary Plat (hereafter "the phasing plan").
- (2) A Phasing Plan may be amended upon application by the subdivider and at the Planning Director's discretion.
- (a) An applicant's request to amend a Phasing Plan shall provide a rationale for why the amendment is justified and consistent with the previous approval(s) for development.

2.15.2 Final Plat

(A) Development Improvement Requirements for Final Plat²³

- (1) Prior to approval of a Final Plat, the subdivider shall have installed associated improvements required by this Ordinance or Board approval, including but not limited to: landscaping, roads, stormwater infrastructure, lighting.
- (2) A subdivider may submit a Performance Guarantee to ensure installation of required elements for final platting, as provided in Section 2.27 of this Ordinance.

²² The statutory vested rights render this power moot, should anyone seek an initial extension.

²³ Make it clear that all improvements must be provided or bonded prior to final plat approval, and providing references to requirements on how to do so.

and pending approval by Orange County.

- (3) If a Performance Guarantee is to be submitted to Orange County, it must be submitted for consideration and review accompanied by a Professional Engineering estimate or similar professional assessment of the cost and completion of the improvement for review by the Planning Director.

(B) Application Requirements

- (1) Applications shall be submitted in accordance with this Ordinance, notably Sections 2.2 and 7.13.
- (2) One electronic copy of the Final Plat;
- (3) Required plans per Article 6, including, but not limited to, a Landscaping Plan and Stormwater Management Plan; and
- (4) Required auxiliary documents prepared in accordance with Article 7 of this Ordinance.
- (5) Any necessary Performance Guarantees, as determined by Orange County.

(C) Review and Approval Procedures

- (1) The Planning Director shall determine if the plat and application is complete, including if there are any actions that must be taken by the Board of County Commissioners to finalize the subdivision's realization, including, but not limited to, right-of-way dedication, acceptance of public amenities, or receipt of payments in lieu of provision of recreation amenities.²⁴
- (2) Ancillary documents as required by Article 7 shall be submitted by the Planning Director to the County Attorney for legal sufficiency review.
- (3) Upon review and, as appropriate, approval of all submitted application materials, the Planning Director shall approve or deny the final plat, with written explanation regarding any reasons that are the basis of a denial.
- (a) Final plats that include elements requiring Board of County Commissioner approval shall be referred to the Board with a Planning Director recommendation of action.

(D) Actions Subsequent to Approval

- (1) The applicant shall submit a mylar original of the Final Plat to the Planning Director for signature within one year of Final Plat approval.
- (a) The approved plat and any associated documents must be recorded within 90 calendar days after the Planning Director's signature, or the approval shall be determined to be void and all materials will be required to be resubmitted.
- (b) The Planning Director may extend the recordation deadline by one year from the original date of expiration upon a request by the applicant that they are unable to meet the deadline for reasons beyond the applicant's control.
- (2) If the applicant proposes to amend or modify the approved Preliminary Plat such that is not a minor change, the Planning Director shall determine if the change is minor, as defined herein, and requires only a Final Plat revision, or is major and requires a new preliminary plat application.²⁵

²⁴ Clarifies that the County Commissioners do retain power of approval for any dedications associated with a subdivision, but that it is – and has been – an administrative matter.

²⁵ It seems nearly impossible to qualify for a "minor change." Otherwise, we need to quantify what "substantive" means.

- (a) A change may be considered a minor change if it does not involve any of the following:
 - (i) Any substantive change in a condition of approval;
 - (ii) An increase in the number of building lots proposed;
 - (iii) Any 5% change to the location of or any decrease in the amount of open space, buffers, or area reserved for recreation use;
 - (iv) Any change in pedestrian and/or vehicular access networks that will alter traffic circulation patterns and/or road classifications;
 - (v) Any change in the provision of services such as water supply and wastewater disposal; and/or
 - (vi) Any substantial change in the location of utilities or other easements.

2.15.1 Review and Decision Process Flow Chart

The review and approval process for a Major Subdivision is shown in the procedure's flowchart.

2.15.2 Concept Plan²⁶

(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 Visit²⁷

- (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 Open Space 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 7.13.2(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.

²⁶ The Concept Plan has been ineffective as a Planning tool – applicants are either unprepared for the Concept Plan's requirements or they have assembled the data to immediately proceed with preliminary platting.

²⁷ The on-site visit is intended to identify most valuable areas of a property for conservation. This is not what occurs on these visits. These data are best generated by computers and provided to staff.

- ~~(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 7.13.2(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 7.13.2(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 7.12.4(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 7.12.8(B).~~
- ~~(6) Number 10 (business) sized envelopes with first class postage affixed addressed to each owner of property within 1,000 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) As a component of a Concept Plan application, the applicant shall schedule a Neighborhood Information Meeting (NIM) and shall obtain property owner mailing address information from Orange County Land Records data and mail notices of the meeting to each owner of property within one thousand feet of the property proposed to be subdivided.~~
- ~~(2) Notices of the NIM shall be mailed by first class mail at least 14 days prior to the date of the meeting.~~
- ~~(3) The applicant 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 14 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) The purpose of the NIM is for the applicant to present the Concept Plan to persons in attendance, 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 applicant shall submit a recording, audio or audio/video, along with a written report of the Neighborhood Information Meeting to the Planning Department at least 14 days before submitting the Preliminary Plat.
 - ~~(a) The written report of the meeting shall include a list of those persons and organizations contacted about the meeting and the manner and date of contact; the time, date, and location of the meeting; a roster of the persons in attendance at the meeting; a summary of issues discussed at the meeting; and a description of any changes to the application made by the applicant as a result of the meeting.~~~~

~~(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.~~
 - ~~(b) — If the Planning Board vote is other than one approving the Development Plan Option recommended by the Planning Director, the application shall be forwarded to the Board of County Commissioners for a decision on whether the development shall proceed as a Conventional Development Option or as a Flexible Development Option.~~~~
- ~~(4) — If the Planning Board approves a Development Option subject to conditions, such conditions shall be reasonable and shall seek to ensure compliance with applicable regulations.~~
- ~~(5) — If the Planning Board denies both Development Options, the reasons for the denial shall be stated in writing to the applicant and entered into the minutes of the meeting at which such action was taken.~~
- ~~(6) — If the Planning Board fails to take action within two regularly scheduled meetings, or extension thereof to a date certain, if such extension is agreed to by the applicant, the application shall be forwarded to the Board of County Commissioners with the Planning Board minutes and the Planning Director's recommendation.~~

~~(G) — Actions Subsequent to Approval~~

- ~~(1) If a Concept Plan Development Option is approved or approved with conditions, the Planning Board Chair shall endorse the approval on three copies of the approved Development Option. Two copies of the approved Development Option shall be retained by the Planning Department, and one copy shall be returned to the subdivider or his/her authorized agent. One copy of the unapproved Development Option shall be retained by the Planning Department for its files. The unapproved Development Option shall be stamped "NOT APPROVED".~~
- ~~(2) Upon approval of a Concept Plan Development Option by the Planning Board, the subdivider may then proceed with the preparation of a Preliminary Plat that is consistent with the approved Concept Plan.~~
- ~~(3) The applicant shall have two years from the date of approval of the Concept Plan Development Option by the Planning Board to prepare and file an application for Preliminary Plat approval. If a Preliminary Plat for subdivision has not been submitted within the specified time limit, the Concept Plan Development Option shall become null and void.~~

2.15.3 Preliminary Plat

(A) Generally

- ~~(1) Application and approval procedures specified in this sub-section apply to all Preliminary Plats except and to the extent that applicable Unified Development Ordinance application and approval procedures pertain.~~
- ~~(2) The applicant of a major subdivision may choose to vest the Preliminary Plat for a longer time period than is otherwise provided by this Section. If the applicant wishes to exercise this option, the application approval procedures in Section 2.5.5 shall apply.~~

(B) Application Requirements²⁸

~~For every subdivision within the territorial jurisdiction established by Article 1 of this Ordinance, and which does not qualify for exempt or minor subdivision approval procedures, the subdivider shall submit a Preliminary Plat which shall be reviewed by the Planning Board and approved by the Board of Commissioners before any site disturbance, construction or installation of improvements may begin.~~

- ~~(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) Major subdivision checklist form as prescribed by the Planning Department;~~
 - ~~(b) 25 copies of the Preliminary Plat of the proposed subdivision prepared in accordance with Section 7.14.2(B) of this Ordinance;~~
 - ~~(c) An Orange County Tax Map showing the location of the parcel to be subdivided;~~
 - ~~(d) A copy of the Preliminary Plat indicating the Health Department's soils analysis approval/denial for each lot shown thereon;~~
 - ~~(e) A written statement by the applicant or his/her authorized representative which sets forth the justification for a private road, if applicable;~~~~

²⁸ Nearly all of these requirements are detailed elsewhere and identified as necessary elements of an application. Or they are additional and unenforceable desired application features that are problematic and not currently required by staff, as such.

- ~~(f) Auxiliary documents, in draft form, prepared in accordance with Article 7 of this Ordinance which ensure completion and/or maintenance of improvements required by this Ordinance, including, but not limited to: private road maintenance agreement, homeowner's association articles of incorporation, and homeowner's association restrictive covenants;~~
- ~~(g) A statement describing the methods proposed to protect environmental resources identified in "An Inventory of Sites of Cultural, Historic, Recreational, Biological and Geological Significance in the Unincorporated Portions of Orange County" and "Inventory of the Natural Areas and Wildlife Habitats of Orange County, North Carolina"; and~~
- ~~(h) An Orange County Floodplain Development Permit, if applicable.~~

~~(C) Planning Director Review Procedures~~

- ~~(1) Upon acceptance of a preliminary plat application, the Planning Director shall determine if the plat and application conform with all applicable regulations, including any applicable conditions of an approved Special Use Permit.~~
- ~~(2) Any required auxiliary documents, including Performance Guarantees detailed in Section 2.27 of this Ordinance, shall be submitted by the Planning Director to the County Attorney for review and recommendation.~~
- ~~(3) Upon receipt of a complete Preliminary Plat application, the Planning Director shall submit copies of the Preliminary Plat and any accompanying material to the following officials and agencies for review and comment:
 - ~~(a) The District Engineer of the N.C. Department of Transportation to review proposed public streets, highways and drainage systems;~~
 - ~~(b) The Orange County Health Department to review proposed on site water supply and sewage disposal systems;~~
 - ~~(c) The Board of Education of the appropriate school district to review the reservation of proposed school sites and the impact of the proposed subdivision on school enrollment capacities;~~
 - ~~(d) The Orange County Erosion Control Officer to review the Erosion and Sedimentation Control Plan and Stormwater Management Plan;~~
 - ~~(e) The Orange County Department of Environment, Parks and Recreation to review the location, suitability and facilities proposed for required recreation areas and to review any historic and/or cultural resources;~~
 - ~~(f) The Orange County Floodplain Administrator to review compliance with Special Flood Hazard Area regulations;~~
 - ~~(g) The Planning Department and/or Planning Board of the appropriate municipality where a courtesy review procedure has been established by agreement between the County and the municipality;~~
 - ~~(h) The appropriate utility provider where public or community water and/or sanitary sewerage systems are proposed to serve the subdivision;~~
 - ~~(i) The Orange Soil and Water Conservation District to review a general soils description and interpretation; and~~
 - ~~(j) The County Attorney to review the format and appropriateness of proposed restrictive covenants, homeowners association agreements, road maintenance agreements, Performance Guarantees and other similar documents.~~~~
- ~~(4) The reviewers designated in (3) shall review the Preliminary Plat and shall provide a report to the Planning Director on the basis of the suitability, provisional suitability, or unsuitability of the proposal.~~

- ~~(5) — Where it is determined that alternative measures are required in order for the proposal to be classified as "suitable," a certification of "provisionally suitable" shall be provided. If reviewer approval is withheld on this basis, the reviewer shall identify the reasons for such classification and recommend measures through which the proposal may be made suitable. The Planning Board may recommend, and the Board of County Commissioners may approve, identified measures as conditions of approval of the Preliminary Plat; provided, however, the recommending reviewer has the authority to enforce such measures.~~
 - ~~(6) — Where no alternatives are available to address the concerns of the reviewer, a classification of "unsuitable" shall be provided. The reviewer shall provide a list of the reasons which resulted in such designation.~~
 - ~~(7) — Upon receipt of the comments and recommendations from reviewers, the Planning Director shall submit to the Planning Board a written analysis of the application and his/her recommendation.~~
 - ~~(8) — 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.~~
- ~~(D) — **Planning Board Review and Approval Procedures**²⁹~~
- ~~(1) — The Planning Board shall review the application and the Planning Director's report at a regularly scheduled meeting and shall prepare a written recommendation to the Board of County Commissioners.~~
 - ~~(2) — All interested persons shall be given the opportunity to speak and ask questions regarding the application at the meeting. The Planning Board may place reasonable and fair limitations on comments, arguments and questions to avoid undue delay.~~
 - ~~(3) — The Planning Board shall take action on the application solely on its findings of compliance with applicable regulations and conditions and shall recommend:
 - ~~(a) — approval of the application;~~
 - ~~(b) — approval with conditions; or~~
 - ~~(c) — denial of the application.~~~~
 - ~~(4) — If the Planning Board fails to take action within two regularly scheduled meetings, or extension thereof, if agreed to by the applicant, the application shall be forwarded to the Board of County Commissioners with the Planning Board minutes, and the Planning Director's recommendation, and any conditions.~~
 - ~~(5) — If the Planning Board approves the application with conditions, such conditions shall be reasonable and shall seek to ensure compliance with applicable regulations and the provision of utilities and/or other facilities needed to serve the proposed development.~~

²⁹ A major subdivision either fulfills the county's requirements or not. The County has no legal position to impose conditions on such an approval. Introducing the Planning Board and BOCC in a discretionary capacity is unnecessary and problematic.

- ~~(6) If the Planning Board recommends approval with conditions, the applicant may amend his/her application to conform to all or some of the conditions, provided the Planning Director reviews the amended application for compliance with applicable regulations and certifies that the amendments conform to the conditions of the Planning Board recommendation. In such cases, the Planning Director may amend his/her report to conform to any or all of the Planning Board's recommendations. The Planning Director shall then forward his/her report and the Planning Board's recommendation to the Board of County Commissioners for consideration at its next available business meeting.~~
- ~~(7) The Planning Board shall also make a recommendation regarding a Resolution of Approval. The Resolution of Approval shall contain items on which clarity and direction to the applicant and/or developer may be necessary. These items include, but are not limited to:~~
- ~~(a) Sewage disposal issues;~~
 - ~~(b) Roads and access issues;~~
 - ~~(c) Land use buffers and landscaping issues;~~
 - ~~(d) Drainage issues;~~
 - ~~(e) Parkland and recreation issues; and~~
 - ~~(f) Other environmental issues.~~

~~(E) Board of County Commissioners Review and Approval Procedures³⁰~~

- ~~(1) The Board of County Commissioners shall receive the Planning Director's report and the Planning Board's recommendation.~~
- ~~(2) Preliminary Plat applications shall be placed on a Board of County Commissioners business meeting agenda within 90 days of the Planning Board recommendation. The Board of County Commissioners shall act upon the application within a reasonable amount of time. During deliberations and consideration of the application the Board of County Commissioners may include the reasons for the need for additional analysis and review.~~
- ~~(3) All interested persons shall be given the opportunity to speak and ask questions regarding the application at a business meeting. The Board of County Commissioners may place reasonable and fair limitations on comments, arguments and questions to avoid undue delay. The Board of Commissioners shall base its action on its findings of conformity with all applicable regulations and shall:~~
- ~~(a) Approve the application;~~
 - ~~(b) Approve the application with conditions; or~~
 - ~~(c) Deny the application.~~
- ~~(4) If the Board of County Commissioners approves the application with conditions, such conditions shall be reasonable and shall seek to ensure compliance with applicable regulations and the provision of utilities and/or other facilities needed to serve the proposed development.~~
- ~~(5) If the Board of County Commissioners approves the application with conditions or denies the application, the reasons for such decision shall be stated in writing to the applicant and entered into the minutes of the meeting at which such action was taken.~~

³⁰ A major subdivision either fulfills the county's requirements or not. The County has no legal position to impose conditions on such an approval. Introducing the Planning Board and BOCC in a discretionary capacity is unnecessary and problematic.

~~(6) The Board of County Commissioners shall also take action on the Resolution of Approval.~~

~~(F) Actions Subsequent to Approval~~

~~(1) Upon approval of the Preliminary Plat by the Board of County Commissioners, the subdivider may proceed with the preparation of the Final Plat, and the installation of or arrangement for required improvements in accordance with the approved Preliminary Plat and the requirements of this Ordinance.~~

~~(2) If the application is approved or approved with conditions, the Planning Director may issue applicable development permits required to construct, install, and use improvements approved as part of the Preliminary Plat approval.~~

~~(3) No building permits shall be issued to develop any lot or parcel shown on the approved Preliminary Plat until a Final Plat showing such lot or parcel is approved and recorded in compliance with Section 2.15.4.~~

~~(4) If the applicant proposes to substantially amend or modify his/her application Preliminary Plat after the Board of County Commissioners have has approved the Preliminary Plat, the applicant shall submit an amended application for review as a new application.~~

~~(5) The approval of a Preliminary Plat shall be effective for a period of one year from the date of approval by the Board of County Commissioners. By the end of said time period, approval of the Final Plat must have been obtained from the Planning Director, although the plat need not have been recorded in the Office of the Register of Deeds.~~

~~(6) Any plat or portion thereof not receiving final plat approval within the time period set forth in (5) above shall be null and void except under the following conditions:~~

~~(a) The subdivision is built in sections or phases, and a phasing plan was approved as part of the Preliminary Plat;~~

~~(b) The period between the approval date of the Preliminary Plat and the approval date of the Final Plat for the first phase does not exceed one year; and~~

~~(c) The period between the approval date of the Final Plat of the first phase and the approval date(s) of the Final Plat(s) of any subsequent phase(s) does not exceed the time limits specified in the phasing plan of the Preliminary Plat. If no phasing plan is indicated, then the period between Final Plat approvals shall not exceed six months.~~

~~(7) If a phasing plan for construction of the subdivision is approved, the expiration date of the Preliminary Plat shall be governed by the time period(s) approved as part of the phasing plan.~~

~~(G) Administrative Re-Approval~~

~~(1) The Planning Director may, within one year of the expiration of a Preliminary Plat, re-approve the expired Preliminary Plat or portions thereof, as long as the subdivision design and conditions of approval are in compliance with subdivision and zoning regulations (where applicable) in effect at the time of application for re-approval, and any changes to the original design or conditions of approval are considered minor.~~

~~(2) A change may be considered a minor change if it does NOT involve any of the following:~~

~~(a) Any substantive change in a condition of approval;~~

~~(b) An increase in the number of building lots proposed;~~

- ~~(c) Any substantial change in the location of or any decrease in the amount of open space, buffers, or area reserved for recreation use;~~
- ~~(d) Any substantial change in pedestrian and/or vehicular access or circulation including road classification;~~
- ~~(e) Any change in the provision of services such as water supply and wastewater disposal; and/or~~
- ~~(f) Any substantial change in the location of utilities or other easements.~~
- ~~(3) The subdivision shall be subject to review by all applicable review agencies as is required for original preliminary plat approval.~~
- ~~(4) If all changes from the original approval are considered minor changes, the Planning Director may re-approve the preliminary plat. The re-approval shall be stated in a format which substantially conforms to the Resolution of Approval adopted by the Board of County Commissioners when approving a preliminary plat.~~
- ~~(5) Only one administrative re-approval may be approved for any subdivision. If a re-approved Preliminary Plat expires, the subdivider shall be required to resubmit a new Preliminary Plat for the tract or portion thereof for which approval has expired. The new plat shall be subject to all applicable regulations in existence at the time of resubmittal.~~

~~(H) Amended Phasing Plan~~

- ~~(1) The development phasing plan approved as part of the Preliminary Plat (hereafter "the phasing plan") may be amended by the Board of County Commissioners upon application by the subdivider.~~
- ~~(2) In determining whether to approve an amended phasing plan, the Board of County Commissioners shall consider:
 - ~~(a) Whether approval of other diligently pursued regulatory requirements can be obtained before the expiration of the time periods established in the phasing plan;~~
 - ~~(b) The quality of and length of time of the experience of the subdivider in managing development projects;~~
 - ~~(c) Whether factors other than market conditions and beyond the control of the subdivider caused a delay in meeting the phasing plan;~~
 - ~~(d) Whether the development project, if completed consistent with the approved Preliminary Plat, will aid or meet an important public policy goal established by the Board of County Commissioners;~~
 - ~~(e) Whether the application for an amended phasing plan was submitted before the previously approved time limit(s) lapsed;~~
 - ~~(f) The possibility of and practicality of the subdivider and/or developer completing the development project consistent with Orange County regulations applicable if the phasing plan amendment is not granted; and~~
 - ~~(g) Whether the time by which improvements must be completed or installed would be extended by the revised phasing plan.~~~~
- ~~(3) After consideration of the evidence submitted by the applicant concerning each of the factors listed above, the Board of County Commissioners may, in its discretion and for good cause shown, grant the amendment to the phasing plan unless it concludes that to do so would not maintain or promote, in some specific manner, the public's general health, safety and welfare.~~

- ~~(4) If the Board of County Commissioners approves an amendment to the phasing plan, it may require reasonable additional conditions of approval of the unapproved final plat(s).~~

2.15.4 Final Plat

- ~~(A) Prior to approval of a Final Plat, the subdivider shall have installed the improvements specified in this Ordinance or guaranteed their installation as provided in Section 2.27 of this Ordinance.~~
- ~~(B) No Final Plat will be accepted for review by the Planning Director unless accompanied by written documentation acknowledging compliance with the improvement and Performance Guarantee standards of Section 2.27 of this Ordinance.~~
- ~~(C) The Final Plat shall constitute only that portion of the Preliminary Plat which the subdivider proposes to record and develop at that time. Such portion shall conform to all requirements of this Ordinance.~~
- (D) 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) Five copies of the Final Plat prepared in accordance with Section 7.14.3 of this Ordinance; and~~
- ~~(b) Auxiliary documents, in final form, prepared in accordance with Article 7 of this Ordinance which ensure completion and/or maintenance of improvements required by this Ordinance, including but not limited to: private road maintenance agreement, property owner's association articles of incorporation, and property owner's association restrictive covenants, and any required Performance Guarantees.~~
- ~~(3) The Final Plat of the subdivision or any portion thereof shall be submitted not more than one year after the date on which the Preliminary Plat was approved unless the subdivision is being developed in accordance with an approved phasing plan under Section 7.3.~~
- ~~(4) If a Final Plat is not submitted within the time period specified in (3), the Preliminary Plat approval shall be null and void. The subdivider shall be required to resubmit a new Preliminary Plat application for the tract or portion thereof for review as a new application.~~
- (E) Review and Approval Procedures**
- ~~(1) Upon acceptance of a Final Plat application, the Planning Director shall determine if the plat and application conform with all applicable regulations, including any applicable conditions of an approved Conditional District.~~
- ~~(2) Auxiliary documents as required by Article 7 shall be submitted by the Planning Director to the County Attorney for review and recommendation.~~
- ~~(3) Upon receipt of the recommendation of the County Attorney, the Planning Director shall take action on an application solely on findings of conformity with all applicable regulations and shall:~~
- ~~(a) Approve the application;~~
- ~~(b) Approve the application with conditions; or~~
- ~~(c) Deny the application.~~

- ~~(4) If the Planning Director approves the application with conditions, such conditions shall be reasonable and shall seek to ensure compliance with applicable regulations.~~
- ~~(5) If the Planning Director approves the application with conditions or denies the application, the reasons for such decision shall be stated in writing to the applicant.~~

~~(F) Actions Subsequent to Approval~~

- ~~(1) If the application is approved or approved with conditions, the applicant shall submit a reproducible mylar original of the Final Plat to the Planning Director for endorsement within one year of Final Plat approval.~~
- ~~(2) The Planning Director shall obtain all required certification signatures and shall endorse approval of the approved Final Plat on the reproducible mylar original after all other certification signatures have been obtained. The Planning Director shall prepare the Declaration of Restrictions.~~
- ~~(3) The Planning Director shall notify the applicant when all required certification signatures have been obtained and County Attorney review is complete. The applicant shall then make an appointment with the Planning Director to have the approved plat and any associated documents necessary to ensure conformance with regulations recorded in the Office of the Register of Deeds. The approved plat and any associated documents must be recorded within 90 days after the Planning Director's endorsement of approval.~~
- ~~(4) The Planning Director shall accompany the applicant to the Register of Deeds Office to ensure the approved plat and any required documents are recorded in the correct order and to fill in the book and page references, where applicable. Documents shall be numbered in the order they are to be recorded. The order is as follows:
 - ~~(a) Approved plat,~~
 - ~~(b) Road Maintenance Agreement, if required,~~
 - ~~(c) Declaration of Restrictions,~~
 - ~~(d) Homeowners/Property Owners' Association documents, if required, and~~
 - ~~(e) Any other associated documents.~~~~
- ~~(5) If the Final Plat is not recorded within the specified time period, the Final Plat is void.~~
- ~~(6) The Planning Director may extend the deadline for recordation, provided the applicant can demonstrate a good faith effort to comply with the deadline, but for reasons beyond his/her control, fails to meet the requirements for recordation within the specified period.~~
- ~~(7) All Final Plats shall conform to drawing specifications and certification requirements for Final Plats contained in Section 7.14.3 of this Ordinance.~~
- ~~(8) Recordation of the approved final plat, and any required auxiliary documentation shall be with the advice and consent of the Planning Director.~~

2.15.52.15.3 Certificate of Adequacy of Public School Facilities

No approval of a major subdivision preliminary plat or a minor subdivision final plat for a residential development shall become effective unless and until a Certificate of Adequacy of Public School Facilities (CAPS) for the project has been issued by the relevant School District.

See Section 6.19 for standards related to CAPS.

SECTION 2.16: ~~SUBDIVISIONS IN THE ECONOMIC DEVELOPMENT, COMMERCIAL, AND/OR COMMERCIAL-INDUSTRIAL NODES RESERVED~~³¹

- ~~(A) — All subdivisions in the Economic Development, Commercial and/or Commercial-Industrial Nodes, as identified in the Comprehensive Plan, shall submit an application in accordance with the requirements specified in Section 2.15.3(B).~~
- ~~(B) — Initial review of all subdivisions in the Economic Development, Commercial and/or Commercial-Industrial Nodes shall be performed by the Planning Department.~~
- ~~(C) — Following review by the Planning Department all subdivisions shall follow the major subdivision preliminary plat approval procedures specified in Section 2.15.3.~~
- ~~(D) — All roads in the Nodes identified in (A) above are required to be public and constructed to North Carolina Department of Transportation standards.~~
- ~~(E) — Final plat approvals shall follow the final plat approval procedures in Section 2.15.4.~~
- ~~(F) — Additional Requirements for Hillsborough Economic Development District:~~
- ~~(1) — When a Conditional District rezoning petition is approved, and the tract that is subject of said rezoning is proposed to be subdivided, all provisions of Article 7 shall be satisfied:~~
- ~~(a) — The applicant may obtain approval of the subdivision simultaneously with the approval of the rezoning if sufficient information (i.e. lot lines, lot size, etc) is shown on the site plan or at a later time.~~
- ~~(b) — The subdivision shall be consistent with the terms of the approved Conditional District petition.~~
- ~~(c) — If the approved Conditional District rezoning petition establishes density, floor area, impervious surface, or similar limitations on the tract that is rezoned or any portion thereof, the subdivision final plat that creates lots out of any portion of the tract so encumbered shall indicate on the face of the plat with respect to each lot such limitations or restrictions as are necessary to ensure compliance with the Conditional District rezoning approval.~~
- ~~(i) — For example, if the Master Plan or Site Plan associated with a Conditional District approval shows a ten-acre portion of the tract approved for retail development with a maximum floor area of 100,000 square feet, then if that ten-acre area is subdivided, each lot so created shall show on the face of the plat the maximum building area that can be constructed on that lot.~~

SECTION 2.17: VACATION OF RECORDED PLATS AND ROAD ABANDONMENT

2.17.1 Generally

(A) Lots Unsold

The owner of a parcel subject to an approved plat may vacate the plat at any time before any lot in the plat is sold. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat.

³¹ This section has never been used and is already addressed in the Subdivision and Zoning sections. Maintenance of the section as “Reserved” will avoid internal cross-reference concerns for latter sections in Article 2, and has been identified as a useful location for a pending amendment staff is considering.

- (2) The Board of County Commissioners shall have final approval authority, and, where applicable, all Final Plats shall contain information and/or conditions approved by the Commissioners.
- (3) The Board of County Commissioners in all such appeals shall make findings of fact in support of its decision. The subdivider shall be notified, in writing, of the Board's decision.

(C) Minor Subdivisions

- (1) The decision of the Planning Director regarding a minor subdivision application may be appealed to the Board of County Commissioners.
- (2) The Board of County Commissioners shall have final approval authority, and, where applicable, all Final Plats shall contain information and/or conditions approved by the Commissioners.
- (3) The Board of County Commissioners in all such appeals shall make findings of fact in support of its decision. The subdivider shall be notified, in writing, of the Board's decision.

(D) Major Subdivisions – Final Plat

- (1) The decision of the Planning Director regarding a Major Subdivision Final Plat application may be appealed to the Board of Commissioners.
- (2) The Board of Commissioners shall have final approval authority, and where applicable, all Final Plats shall contain information and/or conditions approved by the Board of Commissioners.
- (3) The Board of Commissioners in all such appeals shall make findings of fact in support of its decision.
- (4) The applicant shall be notified, in writing, of the Board of Commissioners' decision.

2.26.3 Planning Board Decisions

~~2.26.3(A) RESERVED~~

~~(A) Major Subdivisions – Concept Plan~~

- ~~(1) The decision of the Planning Board regarding Concept Plan Development Options may be appealed to the Board of Commissioners.~~
- ~~(2) Any notice of appeal shall be filed, in writing, with the Planning Director within 15 days after the date of the Planning Board's decision.~~
- ~~(3) If the appeal involves a plan/map approval, 16 copies of the plan/map shall be submitted along with the written appeal.~~
- ~~(4) The Board of Commissioners shall have final approval authority, and, where applicable, all Concept Plan Development Options shall contain information and/or conditions approved by the Board of Commissioners.~~
- ~~(5) The Board of Commissioners in all such appeals shall make findings of fact in support of its decision. The applicant shall be notified, in writing, of the Board of Commissioners' decision within ten days after said decision is made.~~

2.26.4 Board of Adjustment Decisions

- (A) Every decision of the Board shall be subject to review at the request of any person who has standing as detailed within NCGS 160D-1401(c) by the Superior Court by proceedings in the nature of certiorari. The appeal to Superior Court must be filed within 30 days of the availability of the notice of decision (2.12.5(A)).

SECTION 3.4: CONVENTIONAL COMMERCIAL DISTRICTS

<h1 style="margin: 0;">LC-1</h1> <h2 style="margin: 0;">LOCAL COMMERCIAL</h2>	DIMENSIONAL AND RATIO STANDARDS		
PURPOSE	Lot Size, min. (square feet)	None [1]	
<p>The purpose of the Local Commercial-1(LC-1) District is to provide appropriately located and sized sites for limited commercial uses designed to serve a population at the neighborhood and rural level with convenience goods and personal services. Performance standards will be used to ensure the absence of adverse impacts beyond the immediate space occupied by the building.</p>	Lot Width, min. (feet)	75	
	Front Setback from ROW, min. (feet)	15	
	Side Setback, min. (feet)	15 [2]	
APPLICABILITY	Rear Setback, min. (feet)	15 [2]	
<p>This district will usually be applied where the following conditions exist:</p> <ol style="list-style-type: none"> 1. Site is located within areas designated by the adopted Comprehensive Plan as either a Commercial Transition Activity Node (CTAN), a Commercial-Industrial Transition Activity Node (CITAN), a Rural Community Activity Node or a Rural Neighborhood Activity Node. 2. Uses would serve a market area population confined to the immediate area and would generally not serve commuters or persons outside the surrounding neighborhood. 	Height, max. (feet), if located <u>outside</u> of a CTAN or CITAN	25 [3]	
	Height, max. (feet), if located <u>within</u> a CTAN or CITAN	35 [3]	
	Floor Area Ratio, max., if located <u>outside</u> of a CTAN or CITAN	NR [4]	.100
	Floor Area Ratio, max., if located <u>within</u> a CTAN or CITAN	NR	.40
<p>DIMENSIONAL STANDARDS NOTES:</p> <p>[1] Lot size for individual uses shall be appropriate to the method of water supply and sewage disposal.</p> <p>[2] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district.</p> <p>[3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.</p> <p>[4] R = residential, NR = non-residential</p>	Required Open Space Ratio, min., if located <u>outside</u> of a CTAN or CITAN	NR	.80
	Required Open Space Ratio, min., if located <u>within</u> a CTAN or CITAN	.55	
	Required Recreation Space Ratio, min.	R	.074
	Required Pedestrian/Landscape Ratio, min. , if located <u>outside</u> of a CTAN or CITAN	NR	.20
	Required Pedestrian/Landscape Ratio, min. , if located <u>within</u> a CTAN or CITAN	NR	.05
	LC-1 DISTRICT SPECIFIC DEVELOPMENT STANDARDS		
<p>1. Uses shall be restricted to those indicated for the LC-1 District in Section 5.2, unless a Conditional District is approved (see Section 3.8). Additionally, non-residential uses are restricted based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.3 for land use restrictions.</p>			

2. Development within the zoning district shall be subject to all applicable use standards detailed in Article 5 and all applicable development standards detailed in Article 6 of this Ordinance. See Sections 6.2.5 and 6.2.6 if more than one principal use or principal structure is proposed on a non-residential zoning lot.
3. The residential density permitted on a given parcel is based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.4 for a breakdown of the allowable density (i.e., the number of individual dwellings that can be developed on a parcel of property).
4. Allowable impervious surface area is based on the Watershed Protection Overlay District in which the property is located. Refer to Sections 4.2.5 and 4.2.6 for a breakdown of the allowable impervious surface area. Additionally, Section 4.2.6 may require a larger lot size for non-residential uses than is contained in the Dimensional and Ratio Standards Table.
5. For lots outside of a Watershed Protection Overlay District (see Section 4.2), the minimum usable lot area for lots that utilize ground absorption wastewater systems shall be 30,000 square feet for parcels between 40,000 square feet and 1.99 acres in size; zoning lots two acres and greater in size shall have a minimum usable lot area of at least 40,000 square feet.
6. Proposed subdivisions are subject to all applicable subdivision standards detailed in Article 7. Note that Article 7 provides for different dimensional requirements than those shown in the Dimensional and Ratio Standards table depending upon the type of subdivision proposed and the percentage of open space provided.
7. Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
8. ~~Subdivisions in the Economic Development, Commercial and/or Industrial Nodes are subject to the procedure outlined in Section 2.16.~~
9. The maximum amount of land zoned LC-1 within Rural Community Activity Nodes shall be limited to ten acres with a five-acre limitation imposed within other Nodes, specifically Rural Neighborhood and Rural Industrial Nodes, as defined within the Orange County Comprehensive Plan. In situations where a Node has reached capacity, additional rezoning may be possible through the submittal, processing, and approval of a Conditional District in accordance with the provisions of this Ordinance. Acreage limitations shall not apply to property zoned Existing Commercial-5 (EC-5) or as a Conditional District.
10. All sites designated LC-1 shall have direct access to a street classified either as an arterial or collector as designated by the adopted Comprehensive Plan.

NC-2 NEIGHBORHOOD COMMERCIAL	DIMENSIONAL AND RATIO STANDARDS		
	Lot Size, min. (square feet)	2,000 [1]	
PURPOSE	Lot Width, min. (feet)	20	
The purpose of the Neighborhood Commercial-2 (NC-2) District is to provide appropriately located and sized sites for limited commercial uses designed to serve a population at the neighborhood and rural level with convenience goods and personal services. Performance standards will be used to ensure the absence of adverse impacts beyond the lot boundaries of the use.	Front Setback from ROW, min. (feet)	50	
	Side Setback, min. (feet)	None [2]	
APPLICABILITY	Rear Setback, min. (feet)	None [2]	
This district will usually be applied where the following conditions exist: 1. Located within areas designated by the adopted Comprehensive Plan as either a Commercial Transition Activity Node (CTAN), Commercial-Industrial Transition Activity Node (CITAN), Rural Neighborhood Activity Node, or Rural Community Activity Node. 2. Uses would serve a market area population confined to the immediate area and would generally not serve commuters or persons outside the surrounding neighborhood.	Height, max. (feet)	35 [3]	
	Floor Area Ratio, max., if located <u>outside</u> of a CTAN or CITAN	NR [4]	.200
DIMENSIONAL STANDARDS NOTES: [1] Lot size for individual uses shall be appropriate to the method of water supply and sewage disposal. [2] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district. [3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks. [4] R = residential, NR = non-residential	Floor Area Ratio, max., if located <u>within</u> a CTAN or CITAN	NR	.40
	Required Open Space Ratio, min., if located <u>outside</u> of a CTAN or CITAN	NR	.76
	Required Open Space Ratio, min., if located <u>within</u> a CTAN or CITAN	.55	
	Required Recreation Space Ratio, min.	R	.111
	Required Pedestrian/Landscape Ratio, min., if located <u>outside</u> of a CTAN or CITAN	NR	.19
	Required Pedestrian/Landscape Ratio, min., if located <u>within</u> a CTAN or CITAN	NR	.05
	NC-2 DISTRICT SPECIFIC DEVELOPMENT STANDARDS		
1. Uses shall be restricted to those indicated for the NC-2 District in Section 5.2, unless a Conditional District is approved (see Section 3.8). Additionally, non-residential uses are restricted based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.3 for land use restrictions.			

2. Development within the zoning district shall be subject to all applicable use standards detailed in Article 5 and all applicable development standards detailed in Article 6 of this Ordinance. See Sections 6.2.5 and 6.2.6 if more than one principal use or principal structure is proposed on a non-residential zoning lot.
3. The residential density permitted on a given parcel is based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.4 for a breakdown of the allowable density (i.e., the number of individual dwellings that can be developed on a parcel of property).
4. Allowable impervious surface area is based on the Watershed Protection Overlay District in which the property is located. Refer to Sections 4.2.5 and 4.2.6 for a breakdown of the allowable impervious surface area. Additionally, Section 4.2.6 may require a larger lot size for non-residential uses than is contained in the Dimensional and Ratio Standards Table.
5. For lots outside of a Watershed Protection Overlay District (see Section 4.2), the minimum usable lot area for lots that utilize ground absorption wastewater systems shall be 30,000 square feet for parcels between 40,000 square feet and 1.99 acres in size; zoning lots two acres and greater in size shall have a minimum usable lot area of at least 40,000 square feet.
6. Proposed subdivisions are subject to all applicable subdivision standards detailed in Article 7. Note that Article 7 provides for different dimensional requirements than those shown in the Dimensional and Ratio Standards table depending upon the type of subdivision proposed and the percentage of open space provided.
7. Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
- ~~8. Subdivisions in the Economic Development, Commercial and/or Industrial Nodes are subject to the procedure outlined in Section 2.16.~~
9. The maximum amount of land zoned NC-2 within Rural Community Activity Nodes shall be limited to ten acres with a five acre limitation imposed within other Nodes, specifically Rural Neighborhood and Rural Industrial Nodes, as defined within the Orange County Comprehensive Plan. In situations where a Node has reached capacity, additional rezoning may be possible through the submittal, processing, and approval of a Conditional District in accordance with the provisions of this Ordinance. Acreage limitations shall not apply to property zoned Existing Commercial-5 (EC-5) or as a Conditional District.
10. All sites designated NC-2 shall have direct access to a street classified either as an arterial or collector as designated by the adopted Comprehensive Plan.

CC-3 COMMUNITY COMMERCIAL	DIMENSIONAL AND RATIO STANDARDS		
	Lot Size, min. (square feet)	2,000 [1]	
PURPOSE	Lot Width, min. (feet)	20	
The purpose of the Community Commercial-3 (CC 3) District is to provide suitably located and sized sites for commercial, office and service uses designed to serve a county-level market area. Performance standards will be used to ensure the absence of adverse impacts beyond the zoning district boundaries of the use.	Front Setback from ROW, min. (feet)	50	
	Side Setback, min. (feet)	None [2]	
APPLICABILITY	Rear Setback, min. (feet)	None [2]	
This district will usually be applied where the following conditions exist: 1. Existing community commercial type developments on sites that are within areas designated by the adopted Comprehensive Plan as a Commercial Transition Activity Node (CTAN) or Commercial-Industrial Transition Activity Node (CITAN). 2. In the Chapel Hill Joint Planning Transition area, new developments of a CC-3 nature should be approved as an appropriate Conditional District. 3. Use would serve a market area population extending to major segments of the county and its municipalities. 4. Generally, for property designated Transition in the adopted Comprehensive Plan urban services such as water supply and sewerage would exist or be made available as part of the development process. For property located in other areas, the water supply and sewerage disposal shall be appropriate to the uses proposed and the site conditions.	Height, max. (feet)	45 [3]	
	Floor Area Ratio, max., if located <u>outside</u> of a CTAN or CITAN	NR [4]	.400
	Floor Area Ratio, max., if located <u>within</u> a CTAN or CITAN	NR	.60
	Required Open Space Ratio, min., if located <u>outside</u> of a CTAN or CITAN	NR	.72
	Required Open Space Ratio, min., if located <u>within</u> a CTAN or CITAN	.45	
	Required Recreation Space Ratio, min.	R	.197
DIMENSIONAL STANDARDS NOTES: [1] Lot size for individual uses shall be appropriate to the method of water supply and sewerage disposal. [2] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district. [3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks. [4] R = residential, NR = non-residential	Required Pedestrian/Landscape Ratio, min., if located <u>outside</u> of a CTAN or CITAN	NR	.18
	Required Pedestrian/Landscape Ratio, min., if located <u>within</u> a CTAN or CITAN	NR	.05
	CC-3 DISTRICT SPECIFIC DEVELOPMENT STANDARDS		
1. Uses shall be restricted to those indicated for the CC-3 District in Section 5.2, unless a Conditional District is approved (see Section 3.8). Additionally, non-residential uses are restricted based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.3 for land use restrictions.			

2. Development within the zoning district shall be subject to all applicable use standards detailed in Article 5 and all applicable development standards detailed in Article 6 of this Ordinance. See Sections 6.2.5 and 6.2.6 if more than one principal use or principal structure is proposed on a non-residential zoning lot.
3. The residential density permitted on a given parcel is based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.4 for a breakdown of the allowable density (i.e., the number of individual dwellings that can be developed on a parcel of property).
4. Allowable impervious surface area is based on the Watershed Protection Overlay District in which the property is located. Refer to Sections 4.2.5 and 4.2.6 for a breakdown of the allowable impervious surface area. Additionally, Section 4.2.6 may require a larger lot size for non-residential uses than is contained in the Dimensional and Ratio Standards Table.
5. For lots outside of a Watershed Protection Overlay District (see Section 4.2), the minimum usable lot area for lots that utilize ground absorption wastewater systems shall be 30,000 square feet for parcels between 40,000 square feet and 1.99 acres in size; zoning lots two acres and greater in size shall have a minimum usable lot area of at least 40,000 square feet.
6. Proposed subdivisions are subject to all applicable subdivision standards detailed in Article 7. Note that Article 7 provides for different dimensional requirements than those shown in the Dimensional and Ratio Standards table depending upon the type of subdivision proposed and the percentage of open space provided.
7. Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
- ~~8. Subdivisions in the Economic Development, Commercial and/or Industrial Nodes are subject to the procedure outlined in Section 2.16.~~
- ~~9.8.~~ Normally, the maximum amount of land zoned CC-3 at any node shall not exceed 29 acres, but 15 acres shall apply in rural areas where population density is lower and distributed more widely than in the Transition Areas. Acreage limitations shall not apply to property zoned Existing Commercial-5 (EC-5) or as a Conditional District.
- ~~10.9.~~ All property to be designated for new development under this classification shall have direct access to major collector streets as designated by the adopted Comprehensive Plan.

GC-4 GENERAL COMMERCIAL	DIMENSIONAL AND RATIO STANDARDS	
	Lot Size, min. (square feet)	40,000 [1]
PURPOSE	Lot Width, min. (feet)	75
The purpose of the General Commercial-4 (GC 4) District is to provide suitable situated and sized sites that allow a broad range of commercial, office and service uses. Performance standards will be used to ensure the absence of adverse impacts beyond the zoning district boundary.	Front Setback from ROW, min. (feet)	35
	Side Setback, min. (feet)	None [2]
APPLICABILITY	Rear Setback, min. (feet)	None [2]
This district will usually be applied where the following conditions exist: 1. The site is within an area designated by the adopted Comprehensive Plan as either a Commercial Transition Activity Node (CTAN), or Commercial-Industrial Transition Activity Node (CITAN). 2. Water and sewer mains exist at the site or are to be made available as part of the development process or the lot size for individual uses are appropriate to the method of water supply and sewage disposal.	Height, max. (feet) ., if located <u>outside</u> of a CTAN or CITAN	45 [3]
	Height, max. (feet) ., if located <u>within</u> a CTAN or CITAN	60 [3]
	Floor Area Ratio, max., if located <u>outside</u> of a CTAN or CITAN	NR [4] .492
	Floor Area Ratio, max., if located <u>within</u> a CTAN or CITAN	.75
DIMENSIONAL STANDARDS NOTES: [1] Lot size for individual uses shall be appropriate to the method of water supply and sewage disposal. [2] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district. [3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks. [4] R = residential, NR = non-residential	Required Open Space Ratio, min., if located <u>outside</u> of a CTAN or CITAN	.71
	Required Open Space Ratio, min., if located <u>within</u> a CTAN or CITAN	.40
	Required Pedestrian/Landscape Ratio, min., if located <u>outside</u> of a CTAN or CITAN	.178
	Required Pedestrian/Landscape Ratio, min., if located <u>within</u> a CTAN or CITAN	.05
	GC-4 DISTRICT SPECIFIC DEVELOPMENT STANDARDS	
<ol style="list-style-type: none"> Uses shall be restricted to those indicated for the GC-4 District in Section 5.2, unless a Conditional District is approved (see Section 3.8). Additionally, non-residential uses are restricted based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.3 for land use restrictions. Development within the zoning district shall be subject to all applicable use standards detailed in Article 5 and all applicable development standards detailed in Article 6 of this Ordinance. See Sections 6.2.5 and 6.2.6 if more than one principal use or principal structure is proposed on a non-residential zoning lot. The residential density permitted on a given parcel is based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.4 for a breakdown of the allowable density (i.e., the number of individual dwellings that can be developed on a parcel of property). 		

4. Allowable impervious surface area is based on the Watershed Protection Overlay District in which the property is located. Refer to Sections 4.2.5 and 4.2.6 for a breakdown of the allowable impervious surface area. Additionally, Section 4.2.6 may require a larger lot size for non-residential uses than is contained in the Dimensional and Ratio Standards Table.
5. For lots outside of a Watershed Protection Overlay District (see Section 4.2), the minimum usable lot area for lots that utilize ground absorption wastewater systems shall be 30,000 square feet for parcels between 40,000 square feet and 1.99 acres in size; zoning lots two acres and greater in size shall have a minimum usable lot area of at least 40,000 square feet.
6. Proposed subdivisions are subject to all applicable subdivision standards detailed in Article 7. Note that Article 7 provides for different dimensional requirements than those shown in the Dimensional and Ratio Standards table depending upon the type of subdivision proposed and the percentage of open space provided.
7. Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
- ~~8. Subdivisions in the Economic Development, Commercial and/or Industrial Nodes are subject to the procedure outlined in Section 2.16.~~
9. All property to be designated for new development under this classification shall have direct access to major collector streets, as designated by the adopted Comprehensive Plan.

EC-5 EXISTING COMMERCIAL	DIMENSIONAL AND RATIO STANDARDS		
	PURPOSE	Lot Size, min. (square feet)	40,000 [1]
<p>The purpose of the Existing Commercial-5 (EC 5) District is to provide a district to be used only during the application of zoning to previously unzoned townships to accommodate existing commercial uses or in zoned townships to previously zoned commercial property which is not located in areas designated as Activity Nodes by the adopted Comprehensive Plan.</p>	Lot Width, min. (feet)	R [1]	180
		NR	75
	Front Setback from ROW, min. (feet)	R	40
		NR	35
	Side Setback, min. (feet)	R	20
NR		None [2]	
<p>This district shall be applied to:</p> <ol style="list-style-type: none"> Existing commercial uses in previously unzoned townships. Previously zoned commercial property located in areas not designated as Activity Nodes in the adopted Comprehensive Plan. <p>This designation shall only be applied to property used for existing commercial at the time of application of this Ordinance.</p>	Rear Setback, min. (feet)	R	20
		NR	None [2]
	Height, max. (feet)	R	25 [3]
		NR	45 [3]
<p>DIMENSIONAL STANDARDS NOTES: [1] R = residential, NR = non-residential. [2] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district. [3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.</p>	Floor Area Ratio, max.	NR	.492
	Required Open Space Ratio, min.	NR	.71
	Required Pedestrian/Landscape Ratio, min.	NR	.178
EC-5 DISTRICT SPECIFIC DEVELOPMENT STANDARDS			
<ol style="list-style-type: none"> Uses shall be restricted to those indicated for the EC-5 District in Section 5.2, unless a Conditional District is approved (see Section 3.8). Additionally, non-residential uses are restricted based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.3 for land use restrictions. Development within the zoning district shall be subject to all applicable use standards detailed in Article 5 and all applicable development standards detailed in Article 6 of this Ordinance. See Sections 6.2.5 and 6.2.6 if more than one principal use or principal structure is proposed on a non-residential zoning lot. The residential density permitted on a given parcel is based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.4 for a breakdown of the allowable density (i.e., the number of individual dwellings that can be developed on a parcel of property). Allowable impervious surface area is based on the Watershed Protection Overlay District in which the property is located. Refer to Sections 4.2.5 and 4.2.6 for a breakdown of the allowable impervious surface area. Additionally, Section 4.2.6 may require a larger lot size for non-residential uses than is contained in the Dimensional and Ratio Standards Table. For lots outside of a Watershed Protection Overlay District (see Section 4.2), the minimum usable lot area for lots that utilize ground absorption wastewater systems shall be 30,000 square feet for parcels between 40,000 square feet and 1.99 acres in size; zoning lots two acres and greater in size shall have a minimum usable lot area of at least 40,000 square feet. Proposed subdivisions are subject to all applicable subdivision standards detailed in Article 7. Note that Article 7 provides for different dimensional requirements than those shown in the Dimensional and Ratio Standards table depending upon the type of subdivision proposed and the percentage of open space provided. 			

7. Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
- ~~8. Subdivisions in the Economic Development, Commercial and/or Industrial Nodes are subject to the procedure outlined in Section 2.16.~~
9. An Existing Commercial-5 (EC-5) District eliminated or reduced to a non-functional zoning lot as a result of a public-entity condemnation or partial taking may be amended by Board of County Commissioner's legislative action provided the following criterion are met:
 - a. Rezoning Process:
 - i. The amended district acreage shall not be increased in size by more than 10% of the existing parcel(s). The use shall be the same primary use as listed in the Existing Commercial - 5 (EC-5) inventory when the district was originally created.
 - ii. The new district shall be contiguous to the existing district.
 - iii. Land not rezoned or not included within the new petitioned district shall be petitioned, by the owner(s), to be returned to the zoning classification of the surrounding land. In the event there is more than one adjacent zoning district, the tract shall be returned to the lowest use category of the surrounding adjacent property provided a non-conforming situation is not created on the subject or adjacent parcels.
 - iv. Additional property added to an existing parcel shall be recombined by deed into one zoning lot prior to issuance of zoning or building permits.
 - v. Conformance with the Comprehensive Plan shall not be mandatory when considering a rezoning/relocation of an EC-5 District, but shall be evaluated.
 - vi. If a condemnation results in less than or equal amount of property being taken for public right-of-way than is specified in the Orange County Comprehensive Plan (Transportation Element) for typical right of way dedication, then these criteria shall not be used.
 - b. Building Permit Process
 - i. All watershed impervious surface limitations shall be met.
 - ii. A 20 foot wide landscaped buffer shall be established along the new right-of-way. Design criteria shall meet commercial standards, as required in Section 6.8.
 - iii. Economic Development District standards shall be used, where applicable. See Article 6.
 - iv. Access points shall be limited to two locations with a maximum width of 26 feet each and a maximum radius of 30-degrees. A driveway permit application shall be submitted along with zoning permit request.
 - v. Freestanding monument signs shall be limited to six feet in height and 50 square feet maximum. In the case of gas station uses, only the portion of a sign for fuel pricing may be internally illuminated.
 - vi. All current Environmental Health regulations shall be met.
 - vii. All other applicable development criteria such as parking, lighting, loading/unloading areas, buffers, etc. shall apply. See Article 6.

<h1 style="margin: 0;">O/RM</h1> <h2 style="margin: 0;">OFFICE / RESEARCH AND MANUFACTURING</h2>	DIMENSIONAL AND RATIO STANDARDS		
	Lot Size, min. (square feet)	R [1] NR	None 5,000
PURPOSE	Lot Width, min. (feet)	R NR	None 50
<p>The purpose of the Office/Research and Manufacturing (O/RM) District is to provide locations for medium and high intensity office, service, research, and light manufacturing land uses in areas where urban services are available or are to be made available as part of the development process. This district is intended to provide for employment centers near transportation routes.</p>	Front Setback from ROW, min. (feet)	R NR	None 25
APPLICABILITY	Side Setback, min. (feet)	R NR	None 10 [2]
	Rear Setback, min. (feet)	R NR	None 10 [2]
<p>This district will usually be applied where the following conditions exist:</p> <ol style="list-style-type: none"> 1. Site is located in areas designated by the adopted Comprehensive Plan as Commercial Transition Activity Node or Commercial-Industrial Transition Activity Nodes. 2. Water and sewer mains are existing at the site or are to be made available during the development process. 	Height, max. (feet)	35 [3]	
<p>DIMENSIONAL STANDARDS NOTES:</p> <p>[1] R = residential, NR = non-residential [2] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district. [3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.</p>	Floor Area Ratio, max.	NR	.40
	Required Open Space Ratio, min.	.55	
	Required Recreation Space Ratio, min.	R	.111
	Required Pedestrian/Landscape Ratio, min.	NR	.05
O/RM DISTRICT SPECIFIC DEVELOPMENT STANDARDS			
<ol style="list-style-type: none"> 1. Uses shall be restricted to those indicated for the O/RM District in Section 5.2, unless a Conditional District is approved (see Section 3.8). Additionally, non-residential uses are restricted based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.3 for land use restrictions. 2. Development within the zoning district shall be subject to all applicable use standards detailed in Article 5 and all applicable development standards detailed in Article 6 of this Ordinance. See Sections 6.2.5 and 6.2.6 if more than one principal use or principal structure is proposed on a non-residential zoning lot. 3. The residential density permitted on a given parcel is based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.4 for a breakdown of the allowable density (i.e., the number of individual dwellings that can be developed on a parcel of property). 4. Allowable impervious surface area is based on the Watershed Protection Overlay District in which the property is located. Refer to Sections 4.2.5 and 4.2.6 for a breakdown of the allowable impervious surface area. Additionally, Section 4.2.6 may require a larger lot size for non-residential uses than is contained in the Dimensional and Ratio Standards Table. 5. For lots outside of a Watershed Protection Overlay District (see Section 4.2), the minimum usable lot area for lots that utilize ground absorption wastewater systems shall be 30,000 square feet for parcels between 40,000 square feet and 1.99 acres in size; zoning lots two acres and greater in size shall have a minimum usable lot area of at least 40,000 square feet. 			

6. Proposed subdivisions are subject to all applicable subdivision standards detailed in Article 7. Note that Article 7 provides for different dimensional requirements than those shown in the Dimensional and Ratio Standards table depending upon the type of subdivision proposed and the percentage of open space provided.
7. Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
- ~~8. Subdivisions in the Economic Development, Commercial and/or Industrial Nodes are subject to the procedure outlined in Section 2.16.~~
9. The site shall be located near major transportation corridors and have access to adequate public roadway network.

AS AGRICULTURAL SERVICE	DIMENSIONAL AND RATIO STANDARDS	
	Lot Size, min., per use (square feet)	40,000 [1]
PURPOSE	Lot Width, min. (feet)	200
The purpose of the Agricultural Service (AS) District is to provide sites in the rural portion of the County for rural non-farm, non-residential uses which support the horticultural, silvicultural, and agricultural uses of the AR districts.	Front Setback from ROW, min. (feet)	50
	Side Setback, min. (feet)	20 [2]
	Rear Setback, min. (feet)	20 [2]
APPLICABILITY	Height, max. (feet)	45 [3]
This district will usually be applied where the following conditions exist: 1. Site is within areas designated by the adopted Comprehensive Plan as Agricultural Residential.	Floor Area Ratio, max.	None
DIMENSIONAL STANDARDS NOTES: [1] Lot size for individual uses shall be appropriate to the method of water supply and sewage disposal. [2] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district. [3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.	Required Open Space Ratio, min.	.83
	Required Pedestrian/Landscape Ratio, min.	.208
AS DISTRICT SPECIFIC DEVELOPMENT STANDARDS		
1. Uses shall be restricted to those indicated for the AS District in Section 5.2, unless a Conditional District is approved (see Section 3.8). Additionally, non-residential uses are restricted based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.3 for land use restrictions. 2. Development within the zoning district shall be subject to all applicable use standards detailed in Article 5 and all applicable development standards detailed in Article 6 of this Ordinance. See Sections 6.2.5 and 6.2.6 if more than one principal use or principal structure is proposed on a non-residential zoning lot. 3. Residential uses are not permitted in this district. 4. Allowable impervious surface area is based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.6 for a breakdown of the allowable impervious surface area. Additionally, Section 4.2.6 may require a larger lot size for non-residential uses than is contained in the Dimensional and Ratio Standards Table. 5. For lots outside of a Watershed Protection Overlay District (see Section 4.2), the minimum usable lot area for lots that utilize ground absorption wastewater systems shall be 30,000 square feet for parcels between 40,000 square feet and 1.99 acres in size; zoning lots two acres and greater in size shall have a minimum usable lot area of at least 40,000 square feet. 6. Proposed subdivisions are subject to all applicable subdivision standards detailed in Article 7. Note that Article 7 provides for different dimensional requirements than those shown in the Dimensional and Ratio Standards table depending upon the type of subdivision proposed and the percentage of open space provided. 7. Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards. 8. Normally, the maximum amount of land zoned AS at any location shall not exceed ten acres.		

SECTION 3.5: INDUSTRIAL DISTRICTS

<h1 style="font-size: 2em; margin: 0;">I-1</h1> <h2 style="font-size: 1.5em; margin: 0;">LIGHT INDUSTRIAL</h2>	DIMENSIONAL AND RATIO STANDARDS			
	Lot Size, min., per use (square feet), if <u>outside</u> of a CITAN	80,000 [1]		
Lot Size, min., per use (square feet), if <u>within</u> a CITAN	20,000 [1]			
PURPOSE	Lot Width, min. (feet)	NR [2]	200	
The purpose of the Light Industrial-1 (I-1) District is to provide appropriately located and sized sites for limited industrial uses engaged in manufacturing, processing, creating and assembling of goods, merchandise or equipment. Performance standards will be used to ensure the absence of adverse impacts beyond the immediate space occupied by the building.	Front Setback from ROW, min. (feet)	NR	50	
	Side Setback, min. (feet)	NR	50	
	APPLICABILITY	Rear Setback, min. (feet)	NR	50
This district will usually be applied where the following conditions exist: 1. Site is located within areas designated in the adopted Comprehensive Plan as either a Commercial-Industrial Transition Activity Node (CITAN) or a Rural Industrial Activity Node.	Height, max. (feet)	45 [3]		
	DIMENSIONAL STANDARDS NOTES: [1] Lot size for individual uses shall be appropriate to the method of water supply and sewage disposal. [2] R = residential, NR = non-residential [3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.	Floor Area Ratio, max., if located <u>outside</u> of a CITAN	.200	
Floor Area Ratio, max., if located <u>within</u> a CITAN		.60		
Required Open Space Ratio, min. , if located <u>outside</u> of a CITAN		NR	.80	
Required Open Space Ratio, min. , if located <u>within</u> a CITAN		.45		
Required Pedestrian/Landscape Ratio, min. , if located <u>outside</u> of a CITAN		NR	.20	
Required Pedestrian/Landscape Ratio, min. , if located <u>within</u> a CITAN		.05		
I-1 DISTRICT SPECIFIC DEVELOPMENT STANDARDS				
1. Uses shall be restricted to those indicated for the I-1 District in Section 5.2, unless a Conditional District is approved (see Section 3.8). Additionally, non-residential uses are restricted based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.3 for land use restrictions. 2. Development within the zoning district shall be subject to all applicable use standards detailed in Article 5 and all applicable development standards detailed in Article 6 of this Ordinance. See Sections 6.2.5 and 6.2.6 if more than one principal use or principal structure is proposed on a non-residential zoning lot. 3. Residential uses are not permitted in this district. 4. Allowable impervious surface area is based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.6 for a breakdown of the allowable impervious surface area.				

Additionally, Section 4.2.6 may require a larger lot size for non-residential uses than is contained in the Dimensional and Ratio Standards Table.

5. For lots outside of a Watershed Protection Overlay District (see Section 4.2), the minimum usable lot area for lots that utilize ground absorption wastewater systems shall be 30,000 square feet for parcels between 40,000 square feet and 1.99 acres in size; zoning lots two acres and greater in size shall have a minimum usable lot area of at least 40,000 square feet.
6. Access shall consist of direct vehicular access to streets designated either arterial or collector by the adopted Comprehensive Plan. Access to rail service is desirable but not required.
7. Proposed subdivisions are subject to all applicable subdivision standards detailed in Article 7. Note that Article 7 provides for different dimensional requirements than those shown in the Dimensional and Ratio Standards table depending upon the type of subdivision proposed and the percentage of open space provided.
8. Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
- ~~9. Subdivisions in the Economic Development, Commercial and/or Industrial Nodes are subject to the procedure outlined in Section 2.16.~~

<h1 style="margin: 0;">I-2</h1> <h2 style="margin: 0;">MEDIUM INDUSTRIAL</h2>	DIMENSIONAL AND RATIO STANDARDS	
	Lot Size, min., per use (square feet)	20,000
PURPOSE	Lot Width, min. (feet)	NR [1] 100
<p>The purpose of the Medium Industrial-2 (I-2) District is to provide locations for enterprises engaged in manufacturing, processing, creating, repairing, renovating, painting, cleaning, and assembling of goods, merchandise or equipment. Performance standards will be used to ensure the absence of adverse impact beyond the lot boundaries of the use.</p>	Front Setback from ROW, min. (feet)	NR 50
	Side Setback, min. (feet)	None [2]
APPLICABILITY	Rear Setback, min. (feet)	None [2]
<p>This district will usually be applied where the following conditions exist:</p> <ol style="list-style-type: none"> 1. Site is located within areas designated by the adopted Comprehensive Plan as a Commercial-Industrial Transition Activity Node. 2. Water and sewer mains exist at the site or be made available as part of the development process. 	Height, max. (feet)	45 [3]
	Floor Area Ratio, max.	.65
<p>DIMENSIONAL STANDARDS NOTES: [1] R = residential, NR = non-residential [2] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district. [3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.</p>	Required Open Space Ratio, min.	.40
	Required Pedestrian/Landscape Ratio, min.	.05
I-2 DISTRICT SPECIFIC DEVELOPMENT STANDARDS		
<ol style="list-style-type: none"> 1. Uses shall be restricted to those indicated for the I-2 District in Section 5.2, unless a Conditional District is approved (see Section 3.8). Additionally, non-residential uses are restricted based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.3 for land use restrictions. 2. Development within the zoning district shall be subject to all applicable use standards detailed in Article 5 and all applicable development standards detailed in Article 6 of this Ordinance. See Sections 6.2.5 and 6.2.6 if more than one principal use or principal structure is proposed on a non-residential zoning lot. 3. Residential uses are not permitted in this district. 4. Allowable impervious surface area is based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.6 for a breakdown of the allowable impervious surface area. Additionally, Section 4.2.6 may require a larger lot size for non-residential uses than is contained in the Dimensional and Ratio Standards Table. 5. For lots outside of a Watershed Protection Overlay District (see Section 4.2), the minimum usable lot area for lots that utilize ground absorption wastewater systems shall be 30,000 square feet for parcels between 40,000 square feet and 1.99 acres in size; zoning lots two acres and greater in size shall have a minimum usable lot area of at least 40,000 square feet. 6. Access shall consist of direct vehicular access to streets designated either arterial or collector by the adopted Comprehensive Plan. Access to rail service is desirable but not required. 7. Proposed subdivisions are subject to all applicable subdivision standards detailed in Article 7. Note that Article 7 provides for different dimensional requirements than those shown in the Dimensional and Ratio Standards table depending upon the type of subdivision proposed and the percentage of open space provided. 		

8. Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
- ~~9. Subdivisions in the Economic Development, Commercial and/or Industrial Nodes are subject to the procedure outlined in Section 2.16.~~

<h1 style="margin: 0;">I-3</h1> <h2 style="margin: 0;">HEAVY INDUSTRIAL</h2>	DIMENSIONAL AND RATIO STANDARDS		
	Lot Size, min., per use (square feet)	20,000	
PURPOSE	Lot Width, min. (feet)	NR	100
The purpose of the Heavy Industrial-3 (I-3) District is to provide locations for enterprises engaged in a broad range of manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise or equipment. Performance standards will be used to ensure the absences of adverse impacts beyond the zoning district boundary.	Front Setback from ROW, min. (feet)	NR	50
	Side Setback, min. (feet)	None [2]	
APPLICABILITY	Rear Setback, min. (feet)	None [2]	
This district will usually be applied where the following conditions exist: 1. Site is located within areas designated by the adopted Comprehensive Plan as a Commercial-Industrial Transition Activity Node. 2. Water and sewer mains exist at the site or be made available as part of the development process.	Height, max. (feet)	45 [3]	
	Floor Area Ratio, max.	.70	
DIMENSIONAL STANDARDS NOTES: [1] R = residential, NR = non-residential [2] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district. [3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.	Required Open Space Ratio, min.	.40	
	Required Pedestrian/Landscape Ratio, min.	.05	
I-3 DISTRICT SPECIFIC DEVELOPMENT STANDARDS			
1. Uses shall be restricted to those indicated for the I-3 District in Section 5.2, unless a Conditional District is approved (see Section 3.8). Additionally, non-residential uses are restricted based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.3 for land use restrictions. 2. Development within the zoning district shall be subject to all applicable use standards detailed in Article 5 and all applicable development standards detailed in Article 6 of this Ordinance. See Sections 6.2.5 and 6.2.6 if more than one principal use or principal structure is proposed on a non-residential zoning lot. 3. Residential uses are not permitted in this district. 4. Allowable impervious surface area is based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.6 for a breakdown of the allowable impervious surface area. Additionally, Section 4.2.6 may require a larger lot size for non-residential uses than is contained in the Dimensional and Ratio Standards Table. 5. For lots outside of a Watershed Protection Overlay District (see Section 4.2), the minimum usable lot area for lots that utilize ground absorption wastewater systems shall be 30,000 square feet for parcels between 40,000 square feet and 1.99 acres in size; zoning lots two acres and greater in size shall have a minimum usable lot area of at least 40,000 square feet. 6. Access shall consist of direct vehicular access to streets designated either arterial or collector by the adopted Comprehensive Plan. Access to rail service is desirable but not required. 7. Proposed subdivisions are subject to all applicable subdivision standards detailed in Article 7. Note that Article 7 provides for different dimensional requirements than those shown in the Dimensional and Ratio Standards table depending upon the type of subdivision proposed and the percentage of open space provided. 8. Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.			

~~9. Subdivisions in the Economic Development, Commercial and/or Industrial Nodes are subject to the procedure outlined in Section 2.16.~~

EI EXISTING INDUSTRIAL	DIMENSIONAL AND RATIO STANDARDS	
	Lot Size, min., per use (square feet)	80,000
PURPOSE	Lot Width, min. (feet)	200
The purpose of the Existing Industrial (EI) district is to provide a district to be used only during the application of zoning, to previously unzoned townships to accommodate existing industrial uses not located in areas designated as Industrial Transition Activity Node or Rural Industrial Activity Node by the adopted Comprehensive Plan.	Front Setback from ROW, min. (feet)	50
	Side Setback, min. (feet)	50 [1]
APPLICABILITY	Rear Setback, min. (feet)	50 [1]
This district shall only be applied to accommodate existing (at the time of the application of the Zoning Ordinance to previously unzoned Townships) industrial uses located in areas not designated Commercial-Industrial Transition Activity Node or Rural Industrial Activity Node in the adopted Comprehensive Plan. It is further intended that this district shall not be applied to any use that has adverse impacts beyond the immediate space occupied by the building.	Height, max. (feet)	45 [2]
	Floor Area Ratio, max.	.200
DIMENSIONAL STANDARDS NOTES: [1] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district. [2] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.	Required Open Space Ratio, min.	.80
	Required Pedestrian/Landscape Ratio, min.	.20
E-I DISTRICT SPECIFIC DEVELOPMENT STANDARDS		
1. Uses shall be restricted to those indicated for the EI District in Section 5.2, unless a Conditional District is approved (see Section 3.8). Additionally, non-residential uses are restricted based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.3 for land use restrictions. 2. Development within the zoning district shall be subject to all applicable use standards detailed in Article 5 and all applicable development standards detailed in Article 6 of this Ordinance. See Sections 6.2.5 and 6.2.6 if more than one principal use or principal structure is proposed on a non-residential zoning lot. 3. Residential uses are not permitted in this district. 4. Allowable impervious surface area is based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.6 for a breakdown of the allowable impervious surface area. Additionally, Section 4.2.6 may require a larger lot size for non-residential uses than is contained in the Dimensional and Ratio Standards Table. 5. For lots outside of a Watershed Protection Overlay District (see Section 4.2), the minimum usable lot area for lots that utilize ground absorption wastewater systems shall be 30,000 square feet for parcels between 40,000 square feet and 1.99 acres in size; zoning lots two acres and greater in size shall have a minimum usable lot area of at least 40,000 square feet. 6. Proposed subdivisions are subject to all applicable subdivision standards detailed in Article 7. Note that Article 7 provides for different dimensional requirements than those shown in the Dimensional and Ratio Standards table depending upon the type of subdivision proposed and the percentage of open space provided. 7. Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards. 8. Subdivisions in the Economic Development, Commercial and/or Industrial Nodes are subject to the procedure outlined in Section 2.16.		

<h1 style="margin: 0;">EDB-1</h1> <h2 style="margin: 0;">ECONOMIC DEVELOPMENT BUCKHORN LOWER INTENSITY</h2>	DIMENSIONAL STANDARDS			
	Lot size, min., per use (square feet)	No requirement [1]		
		Lot Width, min. (feet)	No requirement [1]	
PURPOSE				
<p>The purpose of the Economic Development Buckhorn Lower Intensity (EDB-1) District is to provide locations for a range of lower intensity non-residential uses in the designated Buckhorn Economic Development District.</p>		Front Setback from ROW, min. (feet)	Buildings/ Structures	25
			Vehicle Use Areas, Storage Areas, Signs	10
		Side Setback, min. (feet)	Buildings/ Structures	25 [2]
			Vehicle Use Areas, Storage Areas, Signs	10 [2]
		Rear Setback, min. (feet)	Buildings/ Structures	25 [2]
APPLICABILITY				
<p>This district will usually be applied where the following conditions exist:</p> <ol style="list-style-type: none"> 1. Site is located within the designated Buckhorn Economic Development District. 2. Urban services, such as water and sewer mains, are highly desirable, but not required if acceptable alternatives are available. Any proposed use having reasonable access to water or sewer systems shall be required to connect to the systems regardless of the availability of acceptable alternatives. 		Driveway Setback from Property lines, min. (feet)	10	
		Setbacks between Buildings, min. (feet)	20	
		Height, max. (feet)	60 [3]	
		<p>DIMENSIONAL STANDARDS NOTES: [1] Evaluated as part of the Site Plan review process. [2] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district. [3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks. [4] R = residential, NR = non-residential</p>		Floor Area Ratio, max.
		Required Open Space Ratio, min.	.45	
		Gross Land Area min./max. (square feet)	None	
		Required Pedestrian/Landscape Ratio, min.	NR	.05
EDB-1 DISTRICT SPECIFIC DEVELOPMENT STANDARDS				
<ol style="list-style-type: none"> 1. Uses shall be restricted to those indicated for the EDB-1 District in Section 5.2, unless a Conditional District is approved (see Section 3.8). Additionally, non-residential uses are restricted based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.3 for land use restrictions. Uses Permitted by Right require the approval of a Site Plan as outlined in Section 2.5. 2. Development projects unable to meet all Standards required for Site Plan approval may be submitted as an appropriate Conditional District (see Section 3.8). 3. The impervious surface limit in this district is 70% if detention ponds are provided. Other requirements for impervious surface are located in Sections 4.2.5 and 4.2.6. 4. For lots outside of a Watershed Protection Overlay District (see Section 4.2), the minimum usable lot area for lots that utilize ground absorption wastewater systems shall be 30,000 square feet for parcels between 40,000 square 				

feet and 1.99 acres in size; zoning lots two acres and greater in size shall have a minimum usable lot area of at least 40,000 square feet.

5. Stormwater control for multiple sites may be provided in a combined fashion. Detention basins for individual sites are also allowed.
6. Development within the zoning district shall be subject to all applicable use standards detailed in Article 5 and all applicable development standards detailed in Article 6 of this Ordinance. See Sections 6.2.5 and 6.2.6 if more than one principal use or principal structure is proposed on a non-residential zoning lot.
7. The residential density permitted on a given parcel is based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.4 for a breakdown of the allowable density (i.e., the number of individual dwellings that can be developed on a parcel of property).
8. Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
- ~~9. Subdivisions in the Economic Development, Commercial and/or Industrial Nodes are subject to the procedure outlined in Section 2.16.~~

<h1 style="margin: 0;">EDB-2</h1> <h2 style="margin: 0;">ECONOMIC DEVELOPMENT BUCKHORN HIGHER INTENSITY</h2>	DIMENSIONAL STANDARDS		
	Lot size, min., per use (square feet)	No requirement [1]	
	Lot Width, min. (feet)	No requirement [1]	
PURPOSE			
<p>The purpose of the Economic Development Buckhorn Higher Intensity (EDB-2) District is to provide locations for a range of light industrial, distribution, retail, office, and services uses in the designated Buckhorn Economic Development District.</p>	Front Setback from ROW, min. (feet)	Buildings/ Structures	25
		Vehicle Use Areas, Storage Areas, Signs	10
	Side Setback, min. (feet)	Buildings/ Structures	25 [2]
		Vehicle Use Areas, Storage Areas, Signs	10 [2]
APPLICABILITY			
<p>This district will usually be applied where the following conditions exist:</p> <ol style="list-style-type: none"> 1. Site is located within the designated Buckhorn Economic Development District. 2. Urban services, such as water and sewer mains, are highly desirable, but not required if acceptable alternatives are available. Any proposed use having reasonable access to water or sewer systems shall be required to connect to the systems regardless of the availability of acceptable alternatives. 	Rear Setback, min. (feet)	Buildings/ Structures	25 [2]
	Driveway Setback from Property lines, min. (feet)	10	
	Setbacks between Buildings, min. (feet)	20	
	Height, max. (feet)	60 [3]	
<p>DIMENSIONAL STANDARDS NOTES: [1] Evaluated as part of the Site Plan review process. [2] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district. [3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks. [4] R = residential, NR = non-residential</p>	Floor Area Ratio, max.	NR [4]	.65
	Required Open Space Ratio, min.	.40	
	Gross Land Area, min./max. (square feet)	none	
	Required Pedestrian/ Landscape Ratio, min.	NR	.05
EDB-2 DISTRICT SPECIFIC DEVELOPMENT STANDARDS			
<ol style="list-style-type: none"> 1. Uses shall be restricted to those indicated for the EDB-2 District in Section 5.2, unless a Conditional District is approved (see Section 3.8). Additionally, non-residential uses are restricted based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.3 for land use restrictions. Uses Permitted by Right require the approval of a Site Plan as outlined in Section 2.5. 2. Development projects unable to meet all Standards required for Site Plan approval may be submitted as an appropriate Conditional District (see Section 3.8). 3. The impervious surface limit in this district is 70% if detention ponds are provided. Other requirements for impervious surface are located in Sections 4.2.5 and 4.2.6. 			

4. For lots outside of a Watershed Protection Overlay District (see Section 4.2), the minimum usable lot area for lots that utilize ground absorption wastewater systems shall be 30,000 square feet for parcels between 40,000 square feet and 1.99 acres in size; zoning lots two acres and greater in size shall have a minimum usable lot area of at least 40,000 square feet.
5. Stormwater control for multiple sites may be provided in a combined fashion. Detention basins for individual sites are also allowed.
6. Development within the zoning district shall be subject to all applicable use standards detailed in Article 5 and all applicable development standards detailed in Article 6 of this Ordinance. See Sections 6.2.5 and 6.2.6 if more than one principal use or principal structure is proposed on a non-residential zoning lot.
7. Residential uses in this district are restricted to temporary mobile homes for custodial care and require a Special Use Permit. The residential density permitted on a given parcel is based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.4 for a breakdown of the allowable density (i.e., the number of individual dwellings that can be developed on a parcel of property).
8. Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
- ~~9. Subdivisions in the Economic Development, Commercial and/or Industrial Nodes are subject to the procedure outlined in Section 2.16.~~

<h1 style="margin: 0;">EDE-1</h1> <h2 style="margin: 0;">ECONOMIC DEVELOPMENT ENO LOWER INTENSITY</h2>	DIMENSIONAL STANDARDS			
	Lot size, min., per use (square feet)	No requirement [1]		
Lot Width, min. (feet)	No requirement [1]			
PURPOSE	<p>The purpose of the Economic Development Eno Lower Intensity (EDE-1) District is to provide locations for a range of lower intensity non-residential uses in the designated Eno Economic Development District.</p>	Front Setback from ROW, min. (feet)	Buildings/ Structures	25
APPLICABILITY		Side Setback, min. (feet)	Vehicle Use Areas, Storage Areas, Signs	10
<p>This district will usually be applied where the following conditions exist:</p> <ol style="list-style-type: none"> Site is located within the designated Eno Economic Development District. Urban services, such as water and sewer mains, are highly desirable, but not required if acceptable alternatives are available. Any proposed use having reasonable access to water or sewer systems shall be required to connect to the systems regardless of the availability of acceptable alternatives. 		Rear Setback, min. (feet)	Buildings/ Structures	25 [2]
		Driveway Setback from Property lines, min. (feet)	10	
		Setbacks between Buildings, min. (feet)	20	
<p>DIMENSIONAL STANDARDS NOTES: [1] Evaluated as part of the Site Plan review process. [2] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district. [3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks. [4] R = residential, NR = non-residential</p>	Height, max. (feet)	60 [3]		
	Floor Area Ratio, max.	NR [4]	.60	
	Required Open Space Ratio, min.	.45		
	Gross Land Area, min./max. (square feet)	none		
	Required Pedestrian/ Landscape Ratio, min.	NR	.05	
EDE-1 DISTRICT SPECIFIC DEVELOPMENT STANDARDS				
<ol style="list-style-type: none"> Uses shall be restricted to those indicated for the EDE-1 District in Section 5.2, unless a Conditional District is approved (see Section 3.8). Additionally, non-residential uses are restricted based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.3 for land use restrictions. Uses Permitted by Right require the approval of a Site Plan as outlined in Section 2.5. Development projects unable to meet all Standards required for Site Plan approval may be submitted as an appropriate Conditional District (see Section 3.8). The impervious surface limit in this district is 70% if detention ponds are provided. Other requirements for impervious surface are located in Sections 4.2.5 and 4.2.6. For lots outside of a Watershed Protection Overlay District (see Section 4.2), the minimum usable lot area for lots that utilize ground absorption wastewater systems shall be 30,000 square feet for parcels between 40,000 square feet and 1.99 acres in size; zoning lots two acres and greater in size shall have a minimum usable lot area of at least 40,000 square feet. 				

5. Development within the zoning district shall be subject to all applicable use standards detailed in Article 5 and all applicable development standards detailed in Article 6 of this Ordinance. See Sections 6.2.5 and 6.2.6 if more than one principal use or principal structure is proposed on a non-residential zoning lot.
6. The residential density permitted on a given parcel is based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.4 for a breakdown of the allowable density (i.e., the number of individual dwellings that can be developed on a parcel of property).
7. Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
- ~~8. Subdivisions in the Economic Development, Commercial and/or Industrial Nodes are subject to the procedure outlined in Section 2.16.~~

<h1 style="margin: 0;">EDE-2</h1> <h2 style="margin: 0;">ECONOMIC DEVELOPMENT ENO HIGHER INTENSITY</h2>	DIMENSIONAL STANDARDS		
	Lot size, min., per use (square feet)	No requirement [1]	
Lot Width, min. (feet)	No requirement [1]		
PURPOSE		Buildings/ Structures	25
<p>The purpose of the Economic Development Eno Higher Intensity (EDE-2) District is to provide locations for a range of light industrial, distribution, retail, office, and services uses in the designated Eno Economic Development District.</p>	Front Setback from ROW, min. (feet)	Vehicle Use Areas, Storage Areas, Signs	10
	Side Setback, min. (feet)	Buildings/ Structures	25 [2]
		Vehicle Use Areas, Storage Areas, Signs	10 [2]
APPLICABILITY	Rear Setback, min. (feet)	Buildings/ Structures	25 [2]
		Vehicle Use Areas, Storage Areas, Signs	10 [2]
<p>This district will usually be applied where the following conditions exist:</p> <ol style="list-style-type: none"> 1. Site is located within the designated Eno Economic Development District. 2. Urban services, such as water and sewer mains, are highly desirable, but not required if acceptable alternatives are available. Any proposed use having reasonable access to water or sewer systems shall be required to connect to the systems regardless of the availability of acceptable alternatives. 	Driveway Setback from Property lines, min. (feet)	10	
	Setbacks between Buildings, min. (feet)	20	
	Height, max. (feet)	60 [3]	
<p>DIMENSIONAL STANDARDS NOTES: [1] Evaluated as part of the Site Plan review process. [2] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district. [3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks. [4] R = residential, NR = non-residential</p>	Floor Area Ratio, max.	NR [4]	.65
	Required Open Space Ratio, min.	.40	
	Gross Land Area, min./max. (square feet)	none	
	Required Pedestrian/Landscape Ratio, min.	NR	.05
EDE-2 DISTRICT SPECIFIC DEVELOPMENT STANDARDS			
<ol style="list-style-type: none"> 1. Uses shall be restricted to those indicated for the EDE-2 District in Section 5.2, unless a Conditional District is approved (see Section 3.8). Additionally, non-residential uses are restricted based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.3 for land use restrictions. Uses Permitted by Right require the approval of a Site Plan as outlined in Section 2.5. 2. Development projects unable to meet all Standards required for Site Plan approval may be submitted as an appropriate Conditional District (see Section 3.8). 3. The impervious surface limit in this district is 70% if detention ponds are provided. Other requirements for impervious surface are located in Sections 4.2.5 and 4.2.6. 4. For lots outside of a Watershed Protection Overlay District (see Section 4.2), the minimum usable lot area for lots that utilize ground absorption wastewater systems shall be 30,000 square feet for parcels between 40,000 square 			

feet and 1.99 acres in size; zoning lots two acres and greater in size shall have a minimum usable lot area of at least 40,000 square feet.

5. Development within the zoning district shall be subject to all applicable use standards detailed in Article 5 and all applicable development standards detailed in Article 6 of this Ordinance. See Sections 6.2.5 and 6.2.6 if more than one principal use or principal structure is proposed on a non-residential zoning lot.
6. Residential uses in this district are restricted to temporary mobile homes for custodial care (see Section 5.5.11 for use standards) and require a Special Use Permit. The residential density permitted on a given parcel is based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.4 for a breakdown of the allowable density (i.e., the number of individual dwellings that can be developed on a parcel of property).
7. Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
- ~~8. Subdivisions in the Economic Development, Commercial and/or Industrial Nodes are subject to the procedure outlined in Section 2.16.~~

<h1 style="margin: 0;">EDH-1</h1> <h2 style="margin: 0;">ECONOMIC DEVELOPMENT HILLSBOROUGH LINEAR OFFICE</h2>	DIMENSIONAL STANDARDS		
	Lot size, min., (square feet)	20,000	
	Lot Width, min. (feet)	100	
PURPOSE	Front Setback from ROW, min. (feet)	50	
<p>The purpose of the Economic Development Hillsborough Linear Office (EDH-1) District is to provide locations for low to moderately intense medical, professional, administrative and government office on small to mid-sized sites in the designated Hillsborough Economic Development District.</p> <p>The district is intended to be located on the periphery of established residential areas and along major and minor thoroughfares. The district is established to provide convenient locations for offices, the size and operating characteristics of which require limited parking and which generate little traffic.</p> <p>Standards are designed so that this district may serve as a transitional land use between residential districts and higher, more intense land uses.</p>	Side Setback, min. (feet)	15 [1]	
	Corner Setback, min. (feet)	40 [1] [2]	
	Rear Setback, min. (feet)	50 [1]	
APPLICABILITY	Height, max. (feet)	30 [3]	
<p>This district will usually be applied where the following conditions exist:</p> <ol style="list-style-type: none"> This district will be applied in the Hillsborough Economic Development District. This district shall only be applied where water and sewer are available at the site or are to be made available to the site as part of the development approval process. 	Floor Area Ratio, max.	NR [4]	.45
	Required Open Space Ratio, min.	.55	
	Gross Land Area, min./max. (square feet)	none	
<p>DIMENSIONAL STANDARDS NOTES:</p> <p>[1] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district.</p> <p>[2] Any corner lot having an abutting interior lot on its side street shall observe a front yard setback from both streets provided, however, that this requirement does not reduce the width suitable for a building on said lot to less than 25 feet. (See graphic in Section 6.2.7).</p> <p>[3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.</p> <p>[4] R = residential, NR = non-residential</p>	Required Pedestrian/Landscape Ratio, min.	NR	.05
EDH-1 DISTRICT SPECIFIC DEVELOPMENT STANDARDS			
<p>1. Uses shall be restricted to those indicated for the EDH-1 District in Section 5.2, unless a Conditional District is approved (see Section 3.8). Additionally, non-residential uses are restricted based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.3 for land use restrictions. Uses Permitted by Right require the approval of a Site Plan as outlined in Section 2.5.</p>			

2. Development projects unable to meet all Standards required for Site Plan approval may be submitted as an appropriate Conditional District (see Section 3.8).
3. The impervious surface limit in this district is 50%. Other requirements for impervious surface are located in Sections 4.2.5 and 4.2.6.
4. For lots outside of a Watershed Protection Overlay District (see Section 4.2), the minimum usable lot area for lots that utilize ground absorption wastewater systems shall be 30,000 square feet for parcels between 40,000 square feet and 1.99 acres in size; zoning lots two acres and greater in size shall have a minimum usable lot area of at least 40,000 square feet.
5. Development within the zoning district shall be subject to all applicable use standards detailed in Article 5 and all applicable development standards detailed in Article 6 of this Ordinance. See Sections 6.2.5 and 6.2.6 if more than one principal use or principal structure is proposed on a non-residential zoning lot.
6. Residential uses are not permitted in this district.
7. A justification for any deviation to development standards must state a public benefit or purpose.
8. Structures in this district shall not exceed 5,000 square feet in gross floor area.
9. If the hours of operation are to be outside of the hours of 6:00 a.m. until 11:00 p.m., the proposed project must be approved as an appropriate Conditional District.
10. When a site within this district adjoins the exterior boundary of the Hillsborough Economic Development District, the perimeter buffer width along the exterior boundary line may be reduced to 50 feet. Landscaping in accordance with Section 6.8.11 shall be installed.
11. All parcels shall provide for interconnectivity between parking areas if determined necessary by Planning staff.
12. Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
- ~~13. Proposed subdivisions shall follow the procedures outlined in Section 2.16.~~
- 14.13. See Section 5.21.2 for standards for uses requiring approval as a Conditional District within the Hillsborough Economic Development District.

<h1 style="margin: 0;">EDH-2</h1> <h2 style="margin: 0;">ECONOMIC DEVELOPMENT HILLSBOROUGH LIMITED OFFICE</h2>	DIMENSIONAL STANDARDS	
	Lot size, min, (square feet)	30,000
	Lot Width, min. (feet)	200
PURPOSE	Front Setback, from ROW, min. (feet)	50
<p>The purpose of the Economic Development Hillsborough Limited Office (EDH-2) District is to provide locations for low intensity office uses and supporting services in the designated Hillsborough Economic Development District. The district may contain limited commercial uses within employment centers or where vehicular access is provided internally to the development.</p>	Side Setback, min. (feet)	20 [1]
	Corner Setback, min. (feet)	50 [1] [2]
APPLICABILITY	Rear Setback, min. (feet)	40 [1]
<p>This district will usually be applied where the following conditions exist:</p> <ol style="list-style-type: none"> This district will be applied in the Hillsborough Economic Development District. This district shall only be applied where water and sewer are available at the site or are to be made available to the site as part of the development approval process. 	Height, max. (feet)	60 [3]
	Floor Area Ratio, max.	NR [4] .45
	Required Open Space Ratio, min.	.55
<p>DIMENSIONAL STANDARDS NOTES: [1] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district. [2] Any corner lot having an abutting interior lot on its side street shall observe a front yard setback from both streets provided, however, that this requirement does not reduce the width suitable for a building on said lot to less than 25 feet. (See graphic in Section 6.2.7). [3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks. [4] R = residential, NR = non-residential</p>	Gross Land Area, min./max (square feet)	none
	Required Pedestrian/Landscape Ratio, min.	NR .05
EDH-2 DISTRICT SPECIFIC DEVELOPMENT STANDARDS		
<ol style="list-style-type: none"> Uses shall be restricted to those indicated for the EDH-2 District in Section 5.2, unless a Conditional District is approved (see Section 3.8). Additionally, non-residential uses are restricted based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.3 for land use restrictions. Uses Permitted by Right require the approval of a Site Plan as outlined in Section 2.5. Development projects unable to meet all Standards required for Site Plan approval may be submitted as an appropriate Conditional District (see Section 3.8). The impervious surface limit in this district is 50%. Other requirements for impervious surface are located in Sections 4.2.5 and 4.2.6. For lots outside of a Watershed Protection Overlay District (see Section 4.2), the minimum usable lot area for lots that utilize ground absorption wastewater systems shall be 30,000 square feet for parcels between 40,000 square feet and 1.99 acres in size; zoning lots two acres and greater in size shall have a minimum usable lot area of at least 40,000 square feet. Development within the zoning district shall be subject to all applicable use standards detailed in Article 5 and all applicable development standards detailed in Article 6 of this Ordinance. See Sections 6.2.5 and 6.2.6 if more than one principal use or principal structure is proposed on a non-residential zoning lot. 		

6. Residential uses are not permitted in this district.
7. Any nonresidential use within two hundred feet of a lot smaller than 2 acres in size with an existing dwelling unit shall be submitted as an appropriate Conditional District.
8. Direct driveway access to an arterial or major collector shall be limited to shared driveways, limited access streets, or marginal access streets except where such a driveway and/or street would a) cross a stream and require a no-rise certification from the NC Department of Public Safety National Flood Insurance Program, b) be located on a slope greater than 15%, or c) disturb natural areas as identified in the Inventory of Natural Areas and Wildlife Habitats of Orange County, NC.
9. A justification for any deviation to development standards must state a public benefit or purpose.
10. All parcels shall provide for interconnectivity between parking areas if determined necessary by Planning staff.
11. Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
- ~~12. Proposed subdivisions shall follow the procedures outlined in Section 2.16.~~
- 13.12. See Section 5.21.2 for standards for uses requiring approval as a Conditional District within the Hillsborough Economic Development District.

<h1 style="margin: 0;">EDH-3</h1> <h2 style="margin: 0;">ECONOMIC DEVELOPMENT HILLSBOROUGH OFFICE</h2>	DIMENSIONAL STANDARDS			
	Lot size, min. (acres)	1		
Lot Width, min. (feet)	200			
PURPOSE	Front Setback, from ROW, min. (feet)	50		
The purpose of the Economic Development Hillsborough Office (EDH-3) District is to provide locations for low to moderate intensity office uses and supporting services in the designated Hillsborough Economic Development District. The district may contain multi-family residential uses (6-12 units per acre).	Side Setback, min. (feet)	20 [1]		
APPLICABILITY	Corner Setback, min. (feet)	50 [1] [2]		
<p>This district will usually be applied where the following conditions exist:</p> <ol style="list-style-type: none"> This district will be applied in the Hillsborough Economic Development District. This district shall only be applied where water and sewer are available at the site or are to be made available to the site as part of the development approval process. 	Rear Setback, min. (feet)	40 [1]		
	Height, max. (feet)	R [3]	35 [4] [5]	
		NR	60 [4]	
	Floor Area Ratio, max.	NR	.60	
<p>DIMENSIONAL STANDARDS NOTES:</p> <p>[1] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district.</p> <p>[2] Any corner lot having an abutting interior lot on its side street shall observe a front yard setback from both streets provided, however, that this requirement does not reduce the width suitable for a building on said lot to less than 25 feet. (See graphic in Section 6.2.7).</p> <p>[3] R = Residential uses; NR = Non-residential uses.</p> <p>[4] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.</p> <p>[5] Multi-family structures shall be limited to a three-story maximum.</p>	Required Open Space Ratio, min.	.50		
	Gross Land Area, min./max. (square feet)	none		
	Required Pedestrian/Landscape Ratio, min.	NR	.05	
EDH-3 DISTRICT SPECIFIC DEVELOPMENT STANDARDS				
<ol style="list-style-type: none"> Uses shall be restricted to those indicated for the EDH-3 District in Section 5.2, unless a Conditional District is approved (see Section 3.8). Additionally, non-residential uses are restricted based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.3 for land use restrictions. Uses Permitted by Right require the approval of a Site Plan as outlined in Section 2.5. Development projects unable to meet all Standards required for Site Plan approval may be submitted as an appropriate Conditional District (see Section 3.8). The impervious surface limit in this district is 50%. Other requirements for impervious surface are located in Sections 4.2.5 and 4.2.6. For lots outside of a Watershed Protection Overlay District (see Section 4.2), the minimum usable lot area for lots that utilize ground absorption wastewater systems shall be 30,000 square feet for parcels between 40,000 square feet and 1.99 acres in size; zoning lots two acres and greater in size shall have a minimum usable lot area of at least 40,000 square feet. Development within the zoning district shall be subject to all applicable use standards detailed in Article 5 and all applicable development standards detailed in Article 6 of this Ordinance. See Sections 6.2.5 and 6.2.6 if more than one principal use or principal structure is proposed on a non-residential zoning lot. 				

6. The residential density permitted on a given parcel is based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.4 for a breakdown of the allowable density (i.e., the number of individual dwellings that can be developed on a parcel of property).
7. Any nonresidential use within two hundred feet of a property line of an existing dwelling unit located on a lot smaller than 2 acres in size shall be submitted as an appropriate Conditional District.
8. Direct driveway access to an arterial or major collector shall be limited to shared driveways, limited access streets, or marginal access streets except where such a driveway and/or street would a) cross a stream and require a no rise certification from the NC Department of Public Safety National Flood Insurance Program, b) be located on a slope greater than 15%, or c) disturb natural areas as identified in the Inventory of Natural Areas and Wildlife Habitats of Orange County, NC.
9. A justification for any deviation to development standards must state a public benefit or purpose.
10. All parcels shall provide for interconnectivity between parking areas if determined necessary by Planning staff.
11. Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
- ~~12. Proposed subdivisions shall follow the procedures outlined in Section 2.16.~~
- ~~13.~~12. See Section 5.21.2 for standards for uses requiring approval as a Conditional District within the Hillsborough Economic Development District.

<h1 style="margin: 0;">EDH-4</h1> <h2 style="margin: 0;">ECONOMIC DEVELOPMENT HILLSBOROUGH OFFICE / RETAIL</h2>	DIMENSIONAL STANDARDS	
	Lot size, min., (acres)	1
	Lot Width, min. (feet)	200
PURPOSE	Front Setback, from ROW, min. (feet)	50
<p>The purpose of the Economic Development Hillsborough Office / Retail (EDH-4) District is to provide locations for high intensity office uses and supporting retail and service uses in the designated Hillsborough Economic Development District.</p> <p>The district is intended to be located on large areas as part of a cohesive development plan and may contain commercial uses within employment centers.</p>	Side Setback, min. (feet)	20 [1]
	Corner Setback, min. (feet)	50 [1] [2]
APPLICABILITY	Rear Setback, min. (feet)	40 [1]
<p>This district will usually be applied where the following conditions exist:</p> <ol style="list-style-type: none"> This district will be applied in the Hillsborough Economic Development District. This district shall only be applied where water and sewer are available at the site or are to be made available to the site as part of the development approval process. 	Height, max. (feet)	60 [3]
	Floor Area Ratio, max.	NR [4] .65
	Required Open Space Ratio, min.	.40
<p>DIMENSIONAL STANDARDS NOTES:</p> <p>[1] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district.</p> <p>[2] Any corner lot having an abutting interior lot on its side street shall observe a front yard setback from both streets provided, however, that this requirement does not reduce the width suitable for a building on said lot to less than 25 feet. (See graphic in Section 6.2.7).</p> <p>[3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.</p> <p>[4] R = residential, NR = non-residential</p>	Gross Land Area, min./max. (square feet)	none
	Required Pedestrian/ Landscape Ratio, min.	NR .05
EDH-4 DISTRICT SPECIFIC DEVELOPMENT STANDARDS		
<ol style="list-style-type: none"> Uses shall be restricted to those indicated for the EDH-4 District in Section 5.2, unless a Conditional District is approved (see Section 3.8). Additionally, non-residential uses are restricted based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.3 for land use restrictions. Uses Permitted by Right require the approval of a Site Plan as outlined in Section 2.5. Development projects unable to meet all Standards required for Site Plan approval may be submitted as an appropriate Conditional District (see Section 3.8). The impervious surface limit in this district is 50%. Other requirements for impervious surface are located in Sections 4.2.5 and 4.2.6. For lots outside of a Watershed Protection Overlay District (see Section 4.2), the minimum usable lot area for lots that utilize ground absorption wastewater systems shall be 30,000 square feet for parcels between 40,000 square feet and 1.99 acres in size; zoning lots two acres and greater in size shall have a minimum usable lot area of at least 40,000 square feet. 		

5. Development within the zoning district shall be subject to all applicable use standards detailed in Article 5 and all applicable development standards detailed in Article 6 of this Ordinance. See Sections 6.2.5 and 6.2.6 if more than one principal use or principal structure is proposed on a non-residential zoning lot.
6. All outparcels within this district shall have internal access to the development.
7. Direct driveway access to an arterial or major collector shall be limited to shared driveways, limited access streets, or marginal access streets except where such a driveway and/or street would a) cross a stream and require a no rise certification from the NC Department of Public Safety National Flood Insurance Program, b) be located on a slope greater than 15%, or c) disturb natural areas as identified in the Inventory of Natural Areas and Wildlife Habitats of Orange County, NC.
8. A justification for any deviation to development standards must state a public benefit or purpose.
9. All parcels shall provide for interconnectivity between parking areas if determined necessary by Planning staff.
10. Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
- ~~11. Proposed subdivisions shall follow the procedures outlined in Section 2.16.~~
- ~~12-11.~~ See Section 5.21.2 for standards for uses requiring approval as a Conditional District within the Hillsborough Economic Development District.

<h1 style="margin: 0;">EDH-5</h1> <h2 style="margin: 0;">ECONOMIC DEVELOPMENT HILLSBOROUGH RESEARCH AND MANUFACTURING</h2>	DIMENSIONAL STANDARDS	
	Lot size, min., (acres)	2
Lot Width, min. (feet)	200	
PURPOSE	Front Setback, from ROW, min. (feet)	50
<p>The purpose of the Economic Development Hillsborough Research and Manufacturing (EDH-5) District is to provide locations for a wide range of research, assembling, fabricating and light manufacturing activities, and such ancillary industrial activities as warehousing and distribution in the designated Hillsborough Economic Development District.</p> <p>Some commercial services are also permitted if they are part of a cohesive development plan that is predominantly comprised of permitted non-residential uses and provided all access is provided internally. The district is established to provide locations for research and industrial development which have little or no impact on adjoining properties.</p>	Side Setback, min. (feet)	20 [1]
	Corner Setback, min. (feet)	50 [1] [2]
	Rear Setback, min. (feet)	40 [1]
APPLICABILITY	Height, max. (feet)	40 [3]
<p>This district will usually be applied where the following conditions exist:</p> <ol style="list-style-type: none"> This district will be applied in the Hillsborough Economic Development District. This district shall only be applied where water and sewer are available at the site or are to be made available to the site as part of the development approval process. 	Floor Area Ratio, max.	NR [4] .65
	Required Open Space Ratio, min.	.40
	Gross Land Area, min./max. (square feet)	none
<p>DIMENSIONAL STANDARDS NOTES:</p> <p>[1] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district.</p> <p>[2] Any corner lot having an abutting interior lot on its side street shall observe a front yard setback from both streets provided, however, that this requirement does not reduce the width suitable for a building on said lot to less than 25 feet. (See graphic in Section 6.2.7).</p> <p>[3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks.</p> <p>[4] R = residential, NR = non-residential</p>	Required Pedestrian/Landscape Ratio, min.	NR .05
EDH-5 DISTRICT SPECIFIC DEVELOPMENT STANDARDS		
<ol style="list-style-type: none"> Uses shall be restricted to those indicated for the EDH-5 District in Section 5.2, unless a Conditional District is approved (see Section 3.8). Additionally, non-residential uses are restricted based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.3 for land use restrictions. Uses Permitted by Right require the approval of a Site Plan as outlined in Section 2.5. 		

2. Development projects unable to meet all Standards required for Site Plan approval may be submitted as an appropriate Conditional District (see Section 3.8).
3. The impervious surface limit in this district is 50%. Other requirements for impervious surface are located in Sections 4.2.5 and 4.2.6.
4. For lots outside of a Watershed Protection Overlay District (see Section 4.2), the minimum usable lot area for lots that utilize ground absorption wastewater systems shall be 30,000 square feet for parcels between 40,000 square feet and 1.99 acres in size; zoning lots two acres and greater in size shall have a minimum usable lot area of at least 40,000 square feet.
5. Development within the zoning district shall be subject to all applicable use standards detailed in Article 5 and all applicable development standards detailed in Article 6 of this Ordinance. See Sections 6.2.5 and 6.2.6 if more than one principal use or principal structure is proposed on a non-residential zoning lot.
6. Residential uses are not permitted in this district.
7. Direct driveway access to an arterial or major collector shall be limited to shared driveways, limited access streets, or marginal access streets except where such a driveway and/or street would a) cross a stream and require a no rise certification from the NC Department of Public Safety National Flood Insurance Program, b) be located on a slope greater than 15%, or c) disturb natural areas as identified in the Inventory of Natural Areas and Wildlife Habitats of Orange County, NC.
8. A justification for any deviation to development standards must state a public benefit or purpose.
9. All parcels shall provide for interconnectivity between parking areas if determined necessary by Planning staff.
10. Subdivisions proposing private roads are subject to larger setbacks and minimum lot sizes than those listed in the Dimensional and Ratio Standards. Refer to Section 7.8.4 for additional requirements. Refer to Section 7.8.5 for private road standards.
- ~~11. Proposed subdivisions shall follow the procedures outlined in Section 2.16.~~
12. See Section 5.21.2 for standards for uses requiring approval as a Conditional District within the Hillsborough Economic Development District..

ARTICLE 7: SUBDIVISIONS

SECTION 7.1: GENERAL PROVISIONS

7.1.1 Purpose

- (A) The purpose of this Article is to guide and regulate the subdivision of land within Orange County, for sale or building development, in order to:³²
- (1) Ensure the public health, safety, and welfare;
 - (2) Provide for the sound use of land;
 - (3) Ensure adequate planning of street systems;
 - ~~(4) Avoid overcrowding of land;~~
 - ~~(5)(4)~~ Prevent fire, panic, and other dangers;
 - ~~(6)(5)~~ Ensure that water and sewage systems are safe and adequate;
 - ~~(7)(6)~~ Prevent flood damage;
 - ~~(8)(7)~~ Facilitate an orderly use of land;
 - ~~(9)(8)~~ Ensure the proper legal description and monumenting of subdivided land; ~~and~~
 - ~~(9)~~ Encourage the proper management of Orange County's natural resources;~~-~~
 - ~~(10)~~ Optimize protection of contiguous Open Space networks and agricultural lands.
- (B) It is the expressed purpose of this Article to provide for, in addition to the above, the protection of water resources in Orange County, through the use, alone or in combination, of buffer zones, varying lot sizes, slope restrictions, vegetation, ~~or~~ and other equally effective techniques. Innovative techniques on the part of the developer are encouraged where these techniques can be shown to be as effective as the specific requirements of the Article.

7.1.2 Jurisdiction and Applicability

- (A) In accordance with the North Carolina General Statutes, no person may subdivide their land within the planning jurisdiction of Orange County except in accordance with the provisions of this Ordinance.
- (B) No subdivision shall be recognized by the Planning Department until a final plat of the subdivision has been approved and signed by the Planning Director and recorded ~~in~~ at the Orange County Register of Deeds Office, including the recordation of any additional documentation required by this Ordinance.
- (C) As provided in the North Carolina General Statutes, the Orange County Review Officer shall not certify a plat of any subdivision within the County's subdivision jurisdiction unless the plat has been approved in accordance with the provisions of this Ordinance or determined to be exempt, as provided by NCGS 160D and Section 7.2.1 of this Ordinance.³³

7.1.3 Compliance with Plans and Other Applicable Regulations³⁴

All subdivisions shall comply with applicable ~~general provisions,~~ standards, and policies outlined within this Ordinance and the Orange County Comprehensive Plan, as well as with any special

³² Brings language into alignment with 160D and/or Comp Plan

³³ Brings language into alignment with 160D

³⁴ Brings language into alignment with 160D

planning studies, small area plans, and/or corridor plans ~~, or special planning studies approved or adopted by the Board of County Commissioners.~~

SECTION 7.2: CLASSIFICATION OF SUBDIVISIONS

Subdivisions shall be classified as Exempt, Minor, or Major, in accordance with the provisions of this Section. Review procedures for all subdivisions are contained in Article 2.

7.2.1 Exempt Subdivisions³⁵

- (A) In accordance with the North Carolina General Statutes, ~~the~~ the following activities do not constitute a subdivision of land and are expressly thereby exempt from the established review and approval processes of this Ordinance, ~~provided that the property's exempt status is confirmed in accordance with the procedures detailed in Article 2:~~
- (1) The combination or recombination of portions of previously subdivided and recorded lots ~~if where~~ the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the County, ~~including private road justification standards,~~ as detailed within this Ordinance.
 - (2) The division of land into parcels greater than ten acres ~~if where~~ no street right-of-way dedication is involved.
 - (3) The public acquisition by purchase of strips of land for widening or opening streets ~~or for public transportation corridors.~~
 - (4) The division of a tract in single ownership, ~~of~~ the entire area of which is no greater than two acres, into not more than three lots, ~~if where~~ no street right-of-way dedication is involved and ~~if where~~ the resultant lots are equal to or exceed the standards of the County as detailed within this Ordinance.
 - (5) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.
- (B) Exempt subdivisions shall be required to meet all applicable zoning and building permit requirements, pursuant to the procedures detailed in Article 2 ~~for the granting of zoning and building permits.~~

7.2.2 Minor Subdivisions

- ~~(A) — A subdivision shall be classified as “minor” if it does not:~~
- ~~(1) — Create more than:~~
 - ~~(a) — Five lots, including the residual acreage, following the Conventional subdivision design model; or~~
 - ~~(b) — Twelve lots, including the residual acreage, following the Flexible Development subdivision design model, from any one tract of land in any ten-year period;~~
 - ~~(2) — Dedicate or improve any new public street other than widening an existing public street;~~
 - ~~(3) — Extend public water and/or sanitary sewerage systems other than laterals to serve individual lots; and~~
 - ~~(4) — Necessitate the installation of drainage improvements which would require easements through one or more lots to serve other lots.~~

³⁵ Brings language into alignment with 160D

(A) Expedited Minor Subdivisions

~~(B)~~ A plat for recordation for the subdivision of a tract or parcel of land shall be classified as “expedited minor” if the tract or parcel of land is in single ownership and fulfills all of the following: ~~A subdivision shall be classified as “expedited” for divisions of a tract or parcel of land in single ownership meeting all of the following criteria:~~³⁶

- (1) The tract or parcel to be divided is not exempt under the provisions of the Ordinance,
- (2) No part of the tract or parcel to be divided has been divided via the expedited minor subdivision process within the past 10 years ~~from the date of application submittal prior to plat recordation,~~
- (3) The entire area of the tract or parcel to be divided is greater than five-two acres,³⁷
- (4) ~~The subdivision creates~~ No more than 3-three lots ~~result from the division, and~~
- (5) All resultant lots comply with the following:
 - (a) ~~Applicable~~ Lot dimension and size requirements of this Ordinance; applicable land use regulations,
 - (b) ~~Applicable land use requirements of this Ordinance~~ The use of the lot(s) is in conformity with applicable zoning requirements, and
 - (c) A permanent means of ingress and egress is recorded for each lot.

(B) Regulated Minor Subdivisions³⁸

A subdivision shall be classified as “regulated minor” if it is neither Exempt nor Expedited Minor, and is a subdivision of a single property that creates:

- (1) Five lots or less, following the Conventional Subdivision design option; or
- ~~(e)~~(2) Twelve lots or less, following the Flexible Development design, as defined in Section 7.12.

7.2.3 Major Subdivisions³⁹

~~(A)~~ A major subdivision ~~Major Subdivision~~ is any subdivision of land that ~~is not an Exempt or Minor subdivision, as classified in subsections 7.2.1 and 7.2.2. Major subdivisions are further classified as follows:~~

- (1) Creates fewer than 21 lots but more than:
 - (a) Five lots, if following the Conventional Subdivision design option;
 - (b) Twelve lots, if following the Flexible Development design option, as defined by Section 7.12; or
- (2) Dedicates right of way for a new, named public street, and excluding the widening of an existing public street;
- (3) Extends public water and/or sanitary sewage systems to multiple lots represented on a plat; and/or

³⁶ Brings language into alignment with 160D

³⁷ Proposed language differs from 160D by closing a regulatory gap. Presently, 2.01 – 4.99-ac lots are regulated minor subdivisions while 2- and 5-ac lots qualify for expedited subdivision status. This is arbitrary and does not serve a clear regulatory or environmental purpose.

³⁸ Simplified for clarity and to ensure that regulations are affirmative rather than negative (A Minor Subdivisions IS this...)

³⁹ Simplified for clarity and to ensure that regulations are affirmative rather than negative (A Minor Subdivisions IS this...)

- ~~(4) Necessitates the installation of drainage improvements which would require easements through one or more lots to serve other lots.~~
- ~~(B) A tract of land that is proposed for a subdivision into 21 or more lots shall follow the Zoning Atlas Amendment – Conditional District process detailed in Section 2.9.~~
- ~~(1) — Standard Major Subdivision~~
~~All subdivisions not classified as an Exempt Subdivision; Minor Subdivision; or Major Subdivision, Conditional District (R-CD or NR-CD).~~
- ~~(2) — Major Subdivision, Conditional District (R-CD or NR-CD)~~
~~A tract of land that is proposed for a subdivision into 21 or more lots.~~
- ~~(B) — For the purpose of determining whether a subdivision is a Standard Major Subdivision or a Major Subdivision, Conditional District, the number of lots created shall be determined by counting the cumulative number of lots created, through subdivisions, on a tract or parcel of land as the boundaries of said tract or parcel of land existed in the Land Records of Orange County as of November 5, 2003.~~

SECTION 7.3: PHASING OF SUBDIVISIONS

7.3.1 Phasing of Subdivisions⁴⁰

A ~~major~~ subdivision may be developed in phases, provided that:

- ~~(A) Each phase contains at least five lots, unless is depicted on a phasing plan approved by the Board of County Commissioners as part of the a Preliminary preliminary subdivision plat Plat with the express determination that the proposed phasing makes it unlikely that a subdivider would willingly abandon a final phase that contains a required extension of a road or other infrastructure;~~
- ~~(B) The degree and extent of road, water supply, sewage disposal, stormwater management, erosion and sedimentation control, and other required improvements in the phase and previously approved phases is are sufficient to serve or handle all development within the phase;~~
- ~~(C) The number of lots and amount of required open space or amenities in the phase and any previously approved phases is proportional; and~~
- ~~(C)(D) Any improvements correlated with the phase are either realized prior to approval or the Final Plat or ensured with a Performance Guarantee, as allowed by Sections 2.27 and 7.4.~~
- ~~(D) — A phasing plan showing the phases of development and the requirements of this Ordinance that will be satisfied in each phase is approved by the Board of County Commissioners as part of the preliminary plat.~~

~~A minor subdivision utilizing the Flexible Development Option may be developed in phases, provided that:~~

- ~~(A) — The degree and extent of road, water supply, sewage disposal, stormwater management, erosion and sedimentation control, and other required improvements in the phase and previously approved phases is sufficient to serve or handle all development within the phase;~~
- ~~(B) — The number of lots and amount of required open space in the phase and any previously approved phases is proportional; and~~
- ~~(C) — A phasing plan showing the phases of development and the requirements of this Ordinance that will be satisfied in each phase is approved by the Planning Director as part of the preliminary plat.~~

⁴⁰ Provide for clarity and direct language.

SECTION 7.4: IMPROVEMENTS AND PERFORMANCE GUARANTEES

7.4.1 Generally⁴¹

- (A) In accordance with Section 2.25 of this Ordinance, a Performance Guarantee shall be required for the purpose of ensuring that subdividers properly install all required subdivision improvements in a timely manner, in accordance with approved plats and construction plans.
- ~~(A) Improvements proposed by the subdivider or required by this Ordinance, shall be constructed in accordance with the standards and requirements provided in this Ordinance.~~
- (B) In those instances where said improvements are required to be constructed provided subsequent to and as a condition of the approval of the Final Plat, plans and specifications for said improvements shall be approved by the appropriate agency and reference to said improvements shall be made part of prior to the Final Plat approval.

7.4.2 Improvements Required

- (A) Subdividers are responsible for the construction, installation, and maintenance of required improvements in accordance with the standards in this Ordinance in addition to any applicable federal, state, or county standards to include, but not be limited to, the following:
- (1) All roads within the subdivision and improvements to existing roads required for safe and adequate access to the subdivision;
 - (2) Road signs;
 - (3) Water supply and wastewater systems, other than individual wells and septic tanks;
 - ~~(4)~~ (4) Drainage facilities and easements;
 - ~~(5)~~(4) Stormwater easements and stormwater management devices;
 - ~~(6)~~(5) Erosion and sedimentation control devices;
 - ~~(7)~~(6) Low impact (passive) and active rRecreation amenities, spaces, and trails;
 - ~~(8)~~(7) Fire suppression management facilities;
 - ~~(9)~~(8) Common Open Space, Recreation or and Landscape management improvements, areas, and facilities; and
 - ~~(10)~~(9) Any other on- or off-site improvements required by this Ordinance or required at the time of preliminary plat approval, including those required by other regulatory agencies.
- (B) If the subdivider records a plat for only a phase or portion of the subdivision for which a preliminary plat was approved, the improvements required to be constructed, installed, and maintained in accordance with said recorded plat shall be those improvements that the Planning Director deems necessary sufficient and proportional to serve the lots shown on the recorded plat.

7.4.3 Completion of Improvements

- (A) The Planning Director shall not approve a final plat presented for recordation until:
- (1) All required improvements have been completed.

⁴¹ Updated for clarity

- (2) All legal documents shall be submitted, reviewed and approved by the Orange County Attorney, or
 - (3) A Performance Guarantee has been provided in accordance with the provisions detailed herein.
- (B) An improvement shall be deemed completed only after the appropriate public agency has certified that the improvement(s) has been installed in accordance with the approved preliminary plat, the approved construction plan, and in accordance with applicable federal, state, and county regulations.
- (C) ~~As authorized by the North Carolina General Statutes, i~~n lieu of certification from a public agency, the Planning Director is authorized to accept certification from the applicant's licensed professional engineer or licensed professional surveyor or other professional ~~as authorized by the North Carolina General Statutes~~ that the improvements have been installed in accordance with all applicable standards.

7.4.4 ~~Performance Guarantees Reserved~~

- ~~(A) In accordance with Section 2.27 of this Ordinance, a Performance Guarantee shall be required for the purpose of ensuring that subdividers properly install all required subdivision improvements in a timely manner, in accordance with approved plats and construction plans.⁴²~~

7.4.5 Maintenance of Required Improvements

Improvements installed as a requirement of subdivision approval shall be maintained by the subdivider until they are accepted for maintenance by ~~the appropriate party, as represented in either the Subdivision Declarations or the Subdivision Agreement;~~

- ~~(A) the North Carolina Department of Transportation; utility provider; individual homeowner; Homeowners' or Property Owners' association.~~

7.4.6 Property Owners' Association

- (A) Where a ~~neighborhood,~~ property owners', or homeowner's association or similar legal entity is to be responsible for the maintenance and control of any improvements required as part of subdivision approval, the subdivider shall file ~~;~~ with the Planning Department, and record with the final plat, a declaration of covenants and restrictions, articles of incorporation ~~,~~ where required, and/or by-laws ~~as approved by the County Attorney~~ that will govern the maintenance and control of such improvements. Provisions shall include but not be limited to the following:
- (1) ~~Establishment of T~~he association shall be established before ~~the sale of any homes are sold~~ and/or ~~any occupation of any building occupied;~~
 - (2) ~~Mandatory m~~embership shall be mandatory for each home buyer and all successive buyers;
 - (3) The association shall be responsible for liability insurance, local taxes and maintenance of recreation, Common Open Space areas, and other facilities, including streets and utility lines;
 - ~~(4) The homeowners must pay their pro-rated share of the costs, and any sums levied by the association that remain unpaid shall become a lien on the individual homeowner's property which shall be subordinate only to tax and mortgage liens;~~
 - ~~(5)~~(4) If all or any portion of the property held by the association is being disposed of, or if the association is dissolved, adequate recreation space shall be deeded to Orange County or the appropriate unit of local government to satisfy the public recreation space required by this Ordinance;

⁴² ~~Redundant and unnecessary~~

~~(6)(5)~~ The lot owner of each dwelling unit or lot shall have voting rights in the association; and ⁴³

~~(7)(6)~~ The homeowners association shall be able to adjust any assessments to meet changed needs.

- (B) When articles of incorporation are required, they shall be submitted in the form in which they will be filed with the North Carolina Secretary of State and, upon filing, a copy of the articles of incorporation shall be provided to the Planning Department.

7.4.7 Assumption of Maintenance Responsibilities by Property Owner's Association

In those instances where a property owner's association, as detailed within subsection 7.4.56, is to assume maintenance responsibility for undelivered improvements within ~~the a~~ subdivision, ~~the following process shall be adhered to:~~

~~(A)~~ ~~_____~~ The subdivider shall be required to submit to the Planning Department, in writing, notification that he or she intends to transfer maintenance responsibilities to an established property owner's association.

~~(B)~~ ~~_____~~ The subdivider shall coordinate and schedule a joint meeting with Planning Department staff and property owner's association members and officers to review the status of all required improvements and outline the association's perpetual maintenance responsibility. The meeting shall take place at the Planning Department's office during normal business hours.

~~(C)~~ ~~_____~~ The ~~the~~ subdivider shall prepare a document, to be approved in both form and content by ~~the Planning Department and Orange County Attorney~~, outlining detailing the current conforming status of all required improvements and providing documentation that the improvements ~~have were~~ recently ~~been~~ inspected and certified as being compliant with federal, state, and ~~/or~~ local regulations, or otherwise ensured by an approved Performance Guarantee.

~~(D)~~ ~~_____~~ Officers of the property owner's association shall review and sign the said document confirming the association's obligation in the perpetual maintenance of all improvements and facilities for which responsibility is being assumed.

~~(E)~~ ~~_____~~ Said document shall, upon execution, be recorded with the Orange County Register of Deeds, at the expense of the subdivider, as formal recognition that maintenance responsibilities have been assumed by the property owner's association.

~~The Planning Department Orange County~~ shall not release the subdivider of maintenance responsibilities, or authorize the release of Performance Guarantees, until this process is completed.⁴⁴

~~(F)(1)~~ All outstanding Performance Guarantees held by a subdivider must be effectively transferred to the Property Owners Association (POA) and/or Homeowner's Association before Orange County will release such a Performance Guarantee to the subdivider.

7.4.8 Maintenance Guarantees – Public Roads

- (A) Maintenance guarantees shall be required for the purpose of ensuring that roads that are to be dedicated to the public are properly maintained, free from defects, between the time of construction and the time of formal acceptance for maintenance by the North Carolina Department of Transportation.
- (B) A maintenance guarantee shall be in place before any required Performance Guarantee is released or before any building permits are issued for subdivisions containing public road improvements.
- (C) Maintenance guarantees for public road facilities shall stipulate that the subdivider will maintain all required public road improvements, drainage improvements, and

⁴³ These are private matters outside the County's purview.

⁴⁴ These are generally private civil matter that do not need to involve the county.

sedimentation and erosion control improvements to the standards of this Ordinance until the public road improvements are added to the state-maintained road system. The guarantee shall also state that the subdivider will be responsible for correcting any defects that may arise during the maintenance period and shall remove temporary sedimentation and erosion control measures.

- (D) Maintenance guarantees shall be in the form of a Performance Guarantee meeting the requirements of Section 2.27 of this Ordinance.
- (E) The subdivider 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 AGREEMENTS⁴⁵

- (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, including specifically dedicated areas,
 - (8) Maintenance requirements for all roadways as well as references to the project's road maintenance agreement, if required, and
 - (9) Maintenance requirements for all designated Common Open Space areas.

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.

⁴⁵ Updated for clarity and enforceability

- (B) Any lot which provides an easement for individual septic disposal for use by a separate lot or deed shall conform with NC DHHS DPH Innovative Waste Water System Approval IWWS 2016-01.

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 ensure 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~~ by the NC State Health Code, 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 runoff 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 (SMP) shall be required as part of the application submittal.
- (F) **Resource Protection**

- (3) If the residential lots are proposed to be served by septic systems, the "Yield" plan shall show soil suitability for individual septic tanks by a preliminary soil suitability analysis performed in the field on at least 50% of the proposed lots with all of the proposed lots located on a map showing the location of soil types suited for septic systems based on the Orange County, N.C. Soil Survey. The soil suitability analysis and map shall be prepared by a Soil Scientist in consultation with the Soil Scientist of the Environmental Health Division of the Orange County Health Department.
- (4) The number of lots achieved through the preparation of a Conventional Subdivision or "Yield" Plan is the number of lots which must be used in preparing the Flexible Development Plan. The number of lots may not be increased through the proposed use of an alternative or community sewage disposal system. Increases are permitted, however, at the Preliminary Plan stage where a more detailed soils analysis clearly demonstrates that a greater number of lots is achievable than ~~shown on an approved Concept Plan~~ previously calculated.

(B) Design Process

Flexible Development subdivisions shall be designed around both the Primary and Secondary Open Space Areas, which together constitute the total required open space. The design process should therefore commence with the delineation of all potential open space, after which potential house sites are located. Following that, access road alignments are identified, with lot lines being drawn in as the final step.

This "four-step" design process is further described as follows:

(1) Open Space Designation

- (a) All potential Open Space Areas, both Primary and Secondary, shall be identified using a site analysis map as described in Section 7.13.2(A)(3).
- (b) Primary Open Space Areas shall consist of those features described in Section 7.12.4.
- (c) Secondary Open Space Areas shall comprise at least half of the remaining land and shall include the most sensitive and noteworthy natural, scenic, and cultural resources as described in Section 7.12.4.
- (d) Guidance as to which parts of the remaining land to classify Secondary Open Space Areas shall be based upon on-site visits and the criteria contained in Section 7.12.4.

(2) House Site Location

- (a) Potential house sites shall be tentatively located.
- (b) The proposed location of houses within each lot represents a significant decision with potential impacts on the ability of the development to meet the criteria contained in Section 7.12.4.
- (c) Generally, house sites should be located no closer than 100 feet from Primary Open Space Areas.
- (d) House sites may be situated 50 feet from Secondary Open Space Areas to permit the enjoyment of scenic views without negatively impacting Primary Open Space Areas.

(3) Street and Lot Layout

- (a) Proposed streets shall be aligned to provide vehicular access to each house in the most reasonable and economical manner.
- (b) When lots and access streets are laid out, they shall be located in such a way that avoids or at least minimizes impacts on both Primary and Secondary Open Space Areas.

- (B) A precise description of the extent to which the proposed modifications depart from the standard requirements of the applicable zoning district and the reasons for such departures.
- (C) The location, type, and area of the Common Open Space, as well as the amount and function of the Common Open Space in terms of densities and dwelling types proposed.
- (D) Written site analysis accompanied by an illustrative site map, which identifies the following:
 - (1) Slopes 7½ - 15%,
 - (2) Slopes 15% and greater,
 - (3) Existing vegetation,
 - (4) Significant stands of trees,
 - (5) Significant examples of a particular species of tree occurring in a native stand and specimen trees,
 - (6) Drainage and waterways,
 - (7) Special flood hazard areas,
 - (8) Significant rock outcroppings,
 - (9) Significant scenic vistas,
 - (10) Soils with limitations for on-site wastewater systems and building development,
 - (11) The manner in which the plan makes adequate provision for water and wastewater treatment, and
 - (12) The relationship of the plan to the physical environment, the neighborhood in which it is proposed to be established, and the intent of the provisions providing for the establishment of a cluster subdivision.

SECTION 7.13: SPECIFICATIONS FOR PLAT DRAWINGS

The requirements of this Section shall apply to the format of drawings.

7.13.1 Minor Subdivisions

(A) ~~Concept Plan~~Preliminary Plat

The required ~~Concept Plan~~Preliminary Plat for Minor Subdivisions consists of:

- (1) A scaled copy of a current Orange County GIS Map for the property denoting its current orientation and layout. This map may be obtained from the Planning Department for a fee in accordance with the adopted fee schedule and shall contain at a minimum the following information:
 - (a) Contour lines,
 - (b) Soils,
 - (c) Water features, and
 - (d) Any known easements.
- (2) A scaled drawing in black ink or pencil detailing the proposed division of property including, but not limited to, the following:
 - (a) The scale of the drawing,
 - (b) A north arrow,
 - (c) The date of preparation,

- (d) The Parcel Identification Number (PIN) number(s) of the lot(s) subject to the application,
- (e) The proposed property lines for each lot,
- (f) Common Open Space lots, including type and acreage,
- (g) A Site Analysis Map as outlined in UDO 7.13.2 (A)(3) below,
- (h) The delineation of any known and required stream buffers on the proposed lot(s),
- (i) The proposed method for ingress and egress including a description of how each lot will be afforded access,
- (j) A narrative detailing the development of all proposed roadways,
- (k) A private road justification, if required under Section 7.8, and
- (l) Any other reasonable relevant information.

(B) Final Plat

Final plats shall adhere to the specifications contained in Section 7.13.3.

7.13.2 Major Subdivisions

~~(A) Concept Plan~~

~~(1) In General~~

~~(a) The required Concept Plan for Major Subdivisions consists of three parts:~~

~~(i) A Site Analysis Map;~~

~~(ii) A Conventional Subdivision Option; and~~

~~(iii) A Flexible Development Option.~~

~~(b) The Concept Plan shall be prepared according to the "four-step" process for designing Flexible Development subdivisions, as described herein.~~

~~(c) The Concept Plan shall be drawn in black ink or pencil to a scale of not less than 200 feet to the inch. The scale chosen shall be large enough to show all required detail clearly and legibly.~~

~~(2) Required General Information~~

~~Each Site Analysis Map and Development Option shall contain the following general information:~~

~~(a) A sketch vicinity map showing the location of the subdivision in relation to the existing street or highway system;~~

~~(b) The plotted boundaries of the tract from deeds or maps of record and the portion of the tract to be subdivided;~~

~~(c) The total acreage to be subdivided, including tax map, block and lot number reference;~~

~~(d) The name, address and telephone number of the subdivider or owner and the person responsible for the subdivision design;~~

~~(e) Scale, approximate north arrow and date of plat preparation; and~~

~~(f) Name of subdivision.~~

~~(3) Site Analysis Map~~

~~As determined from readily identifiable on-site inventories, aerial photographs, maps of record, State/Federal resource maps, and local planning documents and inventories, the Site Analysis Map shall contain the following information:~~

~~(a) — Primary Open Space Areas~~

~~Identification of physical resources associated with the site which restrict its development potential or contain significant natural and/or cultural resources, including:~~

- ~~(i) — Topographic contours at ten-foot intervals, showing rock outcrops and slopes of 7 ½% to 15%, and more than 15%.~~
- ~~(ii) — Soil type locations and characteristics relating to seasonal high water table and depth to bedrock.~~
- ~~(iii) — Hydrologic characteristics of the site, including drainage tributaries, surface water bodies, floodplains, and wetlands.~~
- ~~(iv) — Natural areas, and wildlife habitats and corridors.~~
- ~~(v) — Historic and archaeological sites listed on the National Register of Historic Places or included on the State's National Register study list, designated as a local historic landmark, located in a local historic district, and/or identified as having a high potential for archaeological remains.~~

~~(b) — Secondary Open Space Areas~~

~~Identification of significant site elements on buildable portions of the site, including:~~

- ~~(i) — Vegetation of the site, defining approximate location and boundaries of woodland areas, and, wherever possible, vegetative association in terms of species and size. Information from aerial photographs shall be acceptable at the Concept Plan stage.~~
- ~~(ii) — Current land use and land cover (cultivated areas, pastures, etc.), existing buildings and structures, and burial grounds.~~
- ~~(iii) — Scenic views onto the site from surrounding roads as well as views of scenic features from within the site as determined by field survey.~~
- ~~(iv) — Other historic and archaeological sites and structures.~~

~~(c) — Transportation and Utility Systems~~

~~Identification of facilities associated with the movement of people and goods, or the provision of public services, including:~~

- ~~(i) — Railroad and street rights-of-way.~~
- ~~(ii) — Easements for vehicular access, electric and gas transmission lines, and similar uses.~~
- ~~(iii) — Public and private water and sewer lines and storm drainage facilities.~~

~~(4) — Conventional Subdivision Option~~

~~The Conventional Subdivision Option shall contain the following information:~~

- ~~(a) — The proposed street layout within the subdivision, including travelway and right of way widths, and connection to existing streets;~~
- ~~(b) — The location of soils suitable for individual septic systems as determined by:~~

- ~~(i) Preliminary soil suitability analyses of 10% to 15% of the proposed lots; or~~
- ~~(ii) Provision of a map showing the location of soil types suited for septic systems as based on the Orange County, N.C. Soil Survey. The map shall be prepared in consultation with the Soil Scientist of the Environmental Health Division of the Health Department.~~
- ~~(iii) The proposed arrangement of lots within the subdivision, including size and number, as based on soil suitability analysis.~~

~~(5) Flexible Development Option~~

~~The Flexible Development Option shall contain the following information:~~

- ~~(a) The proposed arrangement of lots within the subdivision, including size and number.~~
- ~~(b) The proposed street layout within the subdivision, including travelway and right-of-way widths, and connection to existing streets.~~
- ~~(c) The location, type, and area of the open space proposed in the subdivision, including open space to be preserved:
 - ~~(i) In a separate lot or lots under the ownership of a homeowner's association.~~
 - ~~(ii) As part of individually owned lots through a conservation easement applicable to multiple lots.~~
 - ~~(iii) As part of individually owned estate lots through designation of buildable areas and the use of restrictive covenants.~~
 - ~~(iv) In a separate lot or lots through dedication for public use, such as a park site, to a unit of local government, state government or a private land conservancy.~~~~
- ~~(d) The location of proposed water supply and sewage disposal facilities, including:
 - ~~(i) Well sites for individual and community water systems.~~
 - ~~(ii) Nitrification fields and land application areas for community sewage disposal systems employing subsurface disposal and spray irrigation, respectively.~~
 - ~~(iii) Nitrification fields and land application areas for individual on- and off-lot sewage disposal systems employing subsurface disposal and spray irrigation, respectively.~~
 - ~~(iv) Public water and sewer lines, where such facilities are available or capable of being extended.~~~~
- ~~(e) Where the applicant is seeking approval only of a Flexible Development Plan, he/she shall submit information showing the location of soils suitable for individual septic systems as required in subsection 4(b) above.~~

~~(B)(A)~~ Preliminary Plat

(1) In General

- (a) The Preliminary Plat shall be prepared by a North Carolina registered land surveyor, professional engineer or registered architect or landscape architect.

- (b) The Preliminary Plat shall be drawn in black ink or pencil at a scale of not less than 200 feet to the inch nor more than 20 feet to the inch. The scale chosen shall be large enough to show all required detail clearly and legibly.
- (c) Approximate dimensions and locations are acceptable provided that on the Final Plat all information shall be based on an actual field survey.
- (d) The sheets shall be numbered in sequence if more than one sheet is used.

(2) Title Block

The title block shall contain the following information:

- (a) The proposed name of the subdivision, preceded by the words "Preliminary Plat of _____", which shall not duplicate nor closely approximate, phonetically or in spelling, the name of any other subdivision in Orange County;
- (b) The scale, approximate north arrow, date of preparation and any other pertinent legend data;
- (c) County and township location; Parent Parcel Identification Number, tax map, block and lot number of the parcel; and deed book and page citations for the property to be subdivided; and
- (d) The name and address of the owner(s) of the land to be subdivided, the name and address of the subdivider if other than the owner, and the name, address, registration number and seal of the registered land surveyor, professional engineer or registered architect or landscape architect responsible for preparation of the plat.

(3) Vicinity Map

- (a) A vicinity map showing the general location of the subdivision in relation to the surrounding area shall be placed on the plat.
- (b) The vicinity map shall be shown at a sufficient size to show the relationship of the tract to the existing street or highway system and readily recognized Orange County landmarks.
- (c) Streets and roads shall be identified by State road number and name.

(4) Existing Site Data

Information on existing conditions shall be shown as noted below.

- (a) Boundary Lines
 - (i) The approximate or survey location, including distances and bearings for boundary lines of the subject tract.
 - (ii) The location, width and purpose of all recorded easements and any readily visible and apparent easements.
 - (iii) The approximate location of boundary lines which abut the tract shall be shown as dashed lines. The boundary lines of the tract shall be shown by a heavy line which provides quick and easy distinction between the property to be subdivided and adjacent properties.
 - (iv) The approximate location of corporate limit lines, township boundaries, and county lines.
 - (v) The names of owners of adjacent unsubdivided land.

- (vi) For adjacent subdivided land, the subdivision plat name, plat book and page number, and perimeter lot numbers abutting the tract to be subdivided.
- (b) Streets and Transportation Systems
 - (i) The location, name and right of way width of streets, roads and railroads abutting the tract
 - (ii) Surface material and width of travelways.
 - (iii) The location of any existing curbs, gutters and culverts. These features shall also be shown in cross section.
 - (iv) The location and width of alleys, sidewalks, bike lanes, transit systems, and bus stops.
- (c) Utility Systems
 - (i) The location and size (if appropriate) of all:
 - a. Above ground installations of major electric, CATV and telephone transmission lines,
 - b. Underground gas transmission mains,
 - c. Underground water mains and sanitary sewer lines, and
 - d. Important storm sewer systems on or abutting the tract shall be shown.
 - (ii) Information about underground installations of the utilities listed above shall be based on information obtained from the respective utility provider.
- (d) Contour Information
 - (i) Existing contours on the tract shall be shown at vertical intervals of not more than ten feet.
 - (ii) Contours shall be referenced to mean sea level datum as obtained from the latest applicable U.S. Geological Survey topographic map or other geodetic bench-mark.
 - (iii) Where a field topographic survey of the tract has been performed, contours shall be referenced to a permanent identifiable bench-mark.
- ~~(e)~~ (e) Primary Open Space Areas
Identification of physical resources associated with the site which restrict its development potential or contain significant natural and/or cultural resources, as identified in Section 7.12.
- ~~(f)~~ (f) Secondary Open Space Areas
Identification of significant site elements on buildable portions of the site, as identified in Section 7.12.
- ~~(g)~~ (g) Other Conditions
 - ~~(i)~~ Streams and rivers, ponds or lakes, swamps or marshes, and natural areas identified in "An Inventory of Sites of Cultural, Historic, Recreational, Biological and Geological Significance in the Unincorporated Portion of Orange County" or "Inventory of the Natural Areas and Wildlife Habitats of Orange County, North Carolina".

~~(ii)~~(i) Manmade features including houses, barns, and known or identified cemeteries shall be shown in their approximate location.

~~(iii)~~(ii) The zoning of the subject tract and adjacent properties shall be noted.

(5) Subdivision Layout Data

Information on the proposed development shall be shown as noted below.

(a) Site Calculations

Site calculations shall be shown as follows and may be approximate, provided that the Final Plat shows all calculations based on an actual field survey:

- (i) Acreage in tract to be subdivided;
- (ii) Lineal feet of road centerlines and approximate acreage within new street rights of ways;
- (iii) Acreage in dedicated open spaces, recreational areas and other non-residential uses; and

~~(iv)~~ Total number of lots or parcels created;-

~~(iv)a.~~ If a Flexible Development Option is being used, calculate the number of potential lots that could be realized as a Conventional Subdivision, as specified in 7.12.8.

(b) Lot Arrangement

- (i) Proposed lot lines, lot and block numbers and the approximate dimensions and area of each proposed lot shall be shown on the plat.
- (ii) Lot areas exclusive of road right of way shall be shown.
- (iii) Blocks shall be consecutively numbered or lettered in alphabetical order and all lots in each block shall be consecutively numbered.
- (iv) Required building setback lines shall be shown for each lot or noted on the plat.

(c) Dedications, Reservations, and Easements

- (i) The location and approximate dimensions of all property to be set aside for recreational use or other public or private dedications, reservations or easements shall be shown.
- (ii) The purpose and conditions of the dedication, reservation or easements shall be noted.
- (iii) For recreation areas with improvements, a separate sheet shall be provided showing the proposed site dimension and improvements drawn at a scale of not less than 50 feet to the inch, or at a different scale if approved by the Planning Director.

(d) Streets and Transportation Systems

- (i) The location, dimensions and classification (public or private) of all proposed streets, easements, alleys and other right of ways shall be shown on the plat.
- (ii) The location and dimensions of proposed pedestrian paths and sidewalks, bike lanes or paths, and bus stops shall also be shown.

- (iii) Proposed streets, pavement or travelway widths shall be denoted as well as typical roadway cross sections. The approximate centerline radius shall be shown on all proposed streets.
- (iv) Proposed street names shall be indicated on the plat. Such names shall not duplicate or approximate the name of any other street in Orange County except where a proposed street is the continuation or extension of an existing street.

(6) Utility and Drainage Data

- (a) Proposed utility systems shall be shown on the plat, including but not limited to:
 - (i) Public or private community water supply systems, including proposed well locations,
 - (ii) Public or private community sewage disposal systems, including proposed septic drainage fields, and
 - (iii) Storm drainage facilities, including existing and proposed drainageways and channels.
- (b) Any easements associated with such utility systems shall also be denoted and the purpose for the easements designated on the plat.

(7) Landscaping and Buffer Data

The following information shall be denoted on the Preliminary Plat to demonstrate compliance with the provisions of Section 6.8 of this Ordinance:

- (a) Existing trees and/or vegetation to be preserved and proposed trees and/or landscape materials to be installed.
- (b) Required buffers.

(8) Special Flood Hazard Area (SFHA) Standards

- (a) The boundary of the SFHA shall be designated and labeled on the plat as required by this Ordinance.
- (b) For subdivisions located within a Watershed Protection Overlay District, as identified on the Orange County Zoning Atlas, the following information shall be designated and labeled on the plat:
 - (i) Impervious surface data as required by Section 4.2 of this Ordinance;
 - (ii) Stream buffers as required by Section 6.13 of this Ordinance; and
 - (iii) Stormwater detention and/or retention sites and undisturbed areas for infiltration purposes as required by the Section 6.14 of this Ordinance.

7.13.3 Final Plat Specifications

(A) Plat Preparation

- (1) The Final Plat shall be drawn in accordance with the requirements of G.S. 47-30 as amended and to the specifications of this Section. The plat shall be prepared by a Professional Land Surveyor at a scale of not less than 100 feet to the inch nor more than 20 feet to the inch.
- (2) All Final Plats shall be prepared in accordance with the Manual of Practice for Land Surveying in North Carolina as prepared by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors.

(B) Title Block

A title block shall be placed on the plat, which shall contain the following information:

- (1) The name of the subdivision, preceded by the words "Final Plat of _____", which shall not duplicate nor closely approximate, phonetically or in spelling, the name of any other subdivision in Orange County, and, where the plat at hand is only part of a larger subdivision bearing the same name, the unit or section number of other necessary identification;
- (2) The graphic scale in feet per inch in words or figures and bar graph; a north arrow accurately positioned and designated as magnetic north, true north, North Carolina State Plane Coordinate Grid System North or north referenced to a recorded instrument with the recording reference shown; the date or dates the survey was conducted; and any other pertinent legend data;
- (3) State, county and township location; tax map, Parent PIN, block and lot number references; and deed book and page number citations for the property being subdivided; and
- (4) The name and address of the owner(s) of the land being subdivided; the name and address of the subdivider if other than the owner; and the name and address, registration number and seal of the land surveyor responsible for preparation of the plat.

(C) Vicinity Map

- (1) A vicinity map showing the general location of the subdivision in relation to the surrounding area shall be placed on the plat.
- (2) The vicinity map shall be drawn at a sufficient size to show the relationship of the tract to the existing street or highway system and readily recognized Orange County landmarks.
- (3) The vicinity map shall show the street names in addition to the State Road (S.R.) designations.

(D) Existing Site Data

Information on existing conditions shall be shown as noted below.

(1) Boundary Lines

- (a) The location, distance and bearings for the boundary line of the tract to be subdivided.
- (b) Areas not designated as lots that will be under common ownership such as a conservancy, public agency or similar entity or a homeowners' association's ownership shall be appropriately labeled as tracts.
- (c) Locations of corporate limits or Extraterritorial Zoning Jurisdiction (ETJ) lines, township boundaries, and county lines.
- (d) The names of owners and Parcel Identification Numbers (PIN) of adjacent land.
- (e) For adjacent land that is platted, the subdivision plat name, plat book and page number abutting the tract to be subdivided shall also be shown.

(2) Other Conditions

- (a) If any portion of the final plat includes land referenced in the "Inventory of the Natural Areas and Wildlife Habitats of Orange County, North Carolina" it shall be shown on the plat.
- (b) Constructed features including houses, barns, sheds, railroads and overhead utility lines.

- (c) Cemeteries if designated either by a previously recorded instrument or if disclosed to or found by the surveyor during the course of the survey.
- (d) All street rights-of-way, which adjoin the boundaries of the tract being subdivided, shall be shown with dashed lines and shall denote the right-of-way location and width.

(E) Subdivision Layout Data

The lot design plan shall be drawn and shall show the following information:

(1) Lot Arrangement and Development Potential

- (a) The lot lines, Parent Parcel Identification Number, and lot and block numbers of each lot shall be shown on the plat.
- (b) Blocks shall be consecutively numbered or lettered in alphabetical order and, all lots in each block shall be consecutively numbered.
- (c) Lot and block numbers provided shall be in substantial compliance with those shown on the approved Preliminary Plat.
- (d) The location and dimensions of all lot lines, all new easements and any existing easements which are recorded or easements which are visible and apparent reservations, and areas dedicated to public or private use with notes stating their purposes shall be shown on the Final Plat.
- (e) Lots shown on the Final Plat shall be substantially the same as those shown on the approved Preliminary Plat.
- (f) Front, rear, and side yard setbacks ~~that are greater than the minimum setback requirements of the district in which the parcel is located~~ shall be designated with dashed lines on the individual lots and labeled as 'Minimum Setback'.
- (g) All lots which are of restricted development potential shall be noted on the Final Plat with reference to a separate recorded instrument which describes the restricted lot(s) by metes and bounds and designates the lot as "Of restricted development potential because of (specify condition), pursuant to Section 7.6.3 of the Orange County Unified Development Ordinance".

(2) Streets and Transportation Systems

- (a) The location, dimensions and classification (public or private) of all streets, new easements or any existing easements which are recorded or which are visible and apparent uses, alleys and other public or private ways shall be shown on the Final Plat, including pedestrian and non-motorized vehicle easements.
- (b) All streets intended for future extension either within or beyond the boundaries of the subdivision shall clearly be indicated on the Final Plat by the words, "Subject to future extension".
- (c) A No Vehicular Access Easement (NVA) (aka Negative Access Easement) 10 feet in width shall be designated, with a dashed line, along the right-of-way of all lots and tracts where direct vehicular access to a roadway is not approved.
- (d) Street names, including State road numbers if applicable, shall be indicated on the Final Plat and shall not duplicate or approximate the name of any other street in Orange County, or an adjacent County if a similar street name is in use in the vicinity, except where a street is the continuation or extension of an existing street.

- (e) All street names shall be approved through the Orange County Land Records office.

(3) Utility and Drainage Data

- (a) Construction plans shall be submitted to proper authorities, as required, to document any new:
 - (i) Public or private community water supply system,
 - (ii) Public or private community sewage disposal system, and/or
 - (iii) Storm drainage facilities.
- (b) Written approval of the reviewing authorities and a set of approved construction plans shall be submitted to the Planning Department prior to approval of the Final Plat.
- (c) The location and purpose of all new easements for utility systems shall be shown on the Final Plat, including, but not limited to:
 - (i) Sanitary sewers,
 - (ii) Septic tanks and nitrification fields,
 - (iii) Storm sewer lines,
 - (iv) Water mains,
 - (v) Gas, transmission mains,
 - (vi) Overhead electric, telephone and CATV transmission mains, and
 - (vii) Any other above or below ground utility systems which are contained within a designated easement.
- (d) It is understood that utility distribution systems to individual lots for gas, electric, telephone, and TV cable service are customarily covered by “blanket easements” or “general easements”. If these easements have been recorded, the recording data shall be shown on the plat. Otherwise, these easements need not be denoted on the plat.

(4) Landscaping and Buffer Data

Buffers widths and locations as required by Section 6.8 of this Ordinance shall be shown on the Final Plat and specified in a separate document to be recorded concurrently with the Final Plat. The Deed Book and Page reference shall be noted on the Final Plat.

(5) ~~Special Flood Hazard Area (SFHA) Standards~~ Regulated Water Features⁴⁶

- (a) The boundary of the Special Flood Hazard Area (SFHA) shall be designated and labeled on the plat as required by this Ordinance.
- (b) For subdivisions located within a water supply watershed of regional and/or local importance, the following information shall be shown on the Final Plat:
 - (i) The maximum impervious surface data as required by Section 4.2- of this Ordinance shall be shown for each lot.
 - (ii) Stream buffers as required by Section 6.13 of this Ordinance shall be delineated with widths noted on the Final Plat.

⁴⁶ Broadening language to reflect the actual plat requirements of this subsection.

- (iii) Development restrictions within the stream buffer shall be specified in a separate document to be recorded concurrently with the Final Plat. The Deed Book and Page reference shall be noted on the Final Plat.
- (iv) Storm-water detention and/or retention sites and undisturbed areas for infiltration purposes as required by Section 4.2 and 6.13 of this Ordinance shall be delineated and labeled on the Final Plat.
- (v) Any restrictions or requirements associated with the detention/retention sites shall be specified in a separate document to be recorded concurrently with the Final Plat. The Deed Book and Page reference shall be noted on the Final Plat.

(6) Open Space and Natural and Cultural Resource Areas

- (a) Any areas identified in the “Inventory of the Natural Areas and Wildlife Habitats of Orange County, North Carolina” shall be shown on the Final Plat.
- (b) A description of the resource, and the conditions of subdivision approval, which ensure its protection shall be included in a document of describing development restriction to be recorded concurrently with the plat.
- (c) Common Open Space areas to be dedicated through the subdivision process, indicating the type (e.g., Primary/Secondary), the use (e.g., passive trails), the land area, the fee simple owner of the land, and/or the holder of the easement.

(F) Certificates and Endorsements

(1) General

The Final Plat shall be made by or prepared under the supervision of a Professional Land Surveyor licensed to practice in the State of North Carolina and shall contain a certificate as required by Section 47-30 of the General Statutes and prepared in substantially the following form and acknowledged by a notary public:

“I, _____, certify that this plat was drawn under my supervision from (an actual survey made under my supervision) (deed description recorded in Book _____, Page _____, etc.) (other); that the ratio of precision is 1: _____; that the boundaries not surveyed are shown as broken lines plotted from information found in Book _____, Page _____; that this map was prepared in accordance with G.S. 47-30 as amended. Witness my hand and seal this _____ day of _____, A.D., 20____.”

Seal or Stamp

Surveyor Registration Number

(The surveyor shall also certify on the plat as required by G.S. 47-30 (f) (11) as amended.)

(2) Certificates of Dedication and Maintenance

- (a) The following certificate shall be printed on the Final Plat and shall be followed by the signature of the owner(s) of the property being subdivided acknowledged by a notary public.

“The undersigned owner hereby certifies that the land shown hereon is located within the subdivision-regulation jurisdiction of Orange County and hereby freely dedicates all rights-of- way, easements, streets, recreation areas, open spaces, common areas, utilities and other improvements to public or private common use as noted on this plat, and

Street, Minor

A street used or designed primarily to provide access to abutting properties. It serves or is designed to serve not more than nine dwelling units and is expected to or does handle up to 75 trips per day.

Street, Private

A vehicular way, built to the private street standards of Orange County, not intended for public use or public dedication and which serves a limited number of lots. It is maintained by private property owners and intended for use by those private property owners.

Street, Public

A street which has been accepted for permanent maintenance by the State of North Carolina.

Street, Subcollector

A street used or designed to provide access to abutting properties, but is also designed to be used or is used to connect minor or local streets with collector or arterial streets. Including residences indirectly served through connecting street, it serves or is designed to serve at least 26 but not more than 100 dwelling units and is expected to or does handle between 200 and 800 trips per day.

Structure

Any building used or intended for supporting or sheltering any use or occupancy.

Studio (Arts and Crafts)

See School – Performing Arts, Sports and Recreation.

Study Area, Traffic Impact

The area in which a traffic impact analysis will be made and extending approximately one half mile along roadways adjacent to a development project and in both directions from all access points or to a major intersection along these roadways.

Subdivider

Any person or persons, firm or corporation subdividing land within the jurisdiction of this Ordinance.

Subdivision

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.

Subdivision, Exempt

- a) ~~The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the County, as detailed within this Ordinance.~~ The combination or recombination of portions of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the County, including private road justification standards, as detailed within this Ordinance.
- b) ~~The division of land into parcels greater than ten acres where no street right-of-way dedication is involved.~~ The division of land into parcels greater than 10 acres if no street right-of-way dedication is involved.
- c) ~~The public acquisition by purchase of strips of land for widening or opening streets or for public transportation corridors.~~ The public acquisition by purchase of strips of land for widening or opening streets.
- d) ~~The division of a tract in single ownership, the entire area of which is no greater than two acres, into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the County as detailed within this Ordinance.~~ The division of a tract in single ownership of the entire area of which is no greater than two acres into not more than three lots, if no street right-of-way dedication is involved and if the resultant lots are equal to or exceed the standards of the County as shown by its subdivision regulations.

- ~~d)e)~~ The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the North Carolina General Statutes.

Subdivision, Expedited Minor

The subdivision of a tract or parcel of land in single ownership that fulfills all of the following criteria:

- a) The tract or parcel to be divided is not exempt under the provisions of the Ordinance;
- b) No part of the tract or parcel to be divided has been divided via the expedited minor subdivision process within the past 10 years prior to plat recordation;
- c) The entire area of the tract or parcel to be divided is greater than two acres;
- d) The subdivision creates no more than three lots; and
- e) All resultant lots comply with the following:
 - 1. Applicable lot dimension and size requirements of this Ordinance;
 - 2. Applicable land use requirements of this Ordinance;
 - 3. A permanent means of ingress and egress is recorded for each lot.

Subdivision, Major

Any division of land that is not classified as an Exempt or Minor subdivision.

Subdivision, Minor

A division of a tract of land that does not:

~~C~~ create more than:

- ~~a) Five lots for the conventional design options, or~~
- ~~a) more than 12 lots for the flexible development option, including the residual acreage, from any one tract of land in any 24-month period;~~
- ~~b)~~
- ~~a) A subdivision meeting the qualifications of an Expedited Minor Subdivisions shall be subject to the applicable allowances provided by by NC General Statutes 160D-802. Dedicate or improve any new public street other than widening an existing public street;~~
- ~~b) Extend public water and/or sanitary sewerage systems other than laterals to serve individual lots;~~
- ~~c) Necessitate the installation of drainage improvements which would require easements through one or more lots to serve other lots; and~~
- ~~d) At the option of the applicant, involve vesting of the subdivision for a period greater than one year.~~

Substantial damage

Damage of any origin sustained by a structure during any one year period whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred. See definition of "substantial improvement." Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25% of the market value of the structure before the damage occurred.

Substantial improvement

Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one year period whereby the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures, which have incurred substantial damage, regardless of the actual repair work performed.

The term does not, however, include either:

- a) Any correction of existing violations of State or Orange County health, sanitary, or safety code specifications which have been identified by the Orange County code enforcement official and which are the minimum necessary to assure safe living conditions, or
- b) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by a variance issued pursuant to this Ordinance.

Support System